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RUSSIA: Familiar twist in anti-Jehovah's Witness campaign

By Geraldine Fagan, Forum 18 (<https://www.forum18.org/>)

Russian officials are reviving old tactics in their long-running campaign against Jehovah's Witnesses, Forum 18 News Service has learned. A prosecutor in the Siberian city of Tobolsk opened a criminal case against local Jehovah's Witnesses alleging they "called upon citizens to refuse to perform their civic duties" and "motivated citizens to refuse vital medical treatment". The maximum punishment they might face if the case reaches court is four years' imprisonment. The prosecutor refused to discuss the case with Forum 18. Police and FSB security service officers raided six Jehovah's Witness homes in Tobolsk and that of another local resident, seizing religious literature and other items. In December 2012 a court in Kemerovo refused a prosecutor's request to ban the local Jehovah's Witness community on similar grounds. Officials have failed to respond to Forum 18's repeated attempts to find out why Jehovah's Witnesses and Muslims who read Islamic theologian Said Nursi's works are targeted.

In a variation of Russia's long-running campaign against Jehovah's Witnesses, Siberian prosecutors are seeking to punish them for reasons such as conscientious objection to military service instead of "extremism", Forum 18 News Service has learned.

In 2004 Moscow's Golovinsky District Court banned the Russian capital's Jehovah's Witness organisation for reasons including conscientious objection – while rejecting a charge of "extremism". In 2010 the European Court of Human Rights (ECtHR) in Strasbourg fully upheld the Jehovah's Witnesses' complaint against this ruling (see below).

First attempt

In the Siberian city of Tobolsk, Deputy Investigator Dmitry Skipin opened a case against undetermined persons on 16 November 2012 under Article 239, Part 1 of the Criminal Code ("creation of a non-commercial organisation infringing the personality and rights of citizens"). The maximum punishment for this offence is four years' imprisonment.

Seen by Forum 18, Skipin's order opening the case notes that Tobolsk's Jehovah's Witness association "called upon citizens to refuse to perform their civic duties" and "motivated citizens to refuse vital medical treatment". As evidence, it maintains that a number of members of the Jehovah's Witness association – "being under its influence" - refused military service between 2009 and 2011. Skipin further refers to a February 2010 declaration refusing blood transfusions signed by a local Jehovah's Witness whose life was endangered by a November 2011 road accident.

Reached by Forum 18 on 15 March, Skipin declined to discuss the case by telephone.

Mass raids

As part of the investigation, police and FSB security service officers searched seven homes in Tobolsk on the evening of 7 February and morning of 8 February. While six belonged to Jehovah's Witnesses, the seventh home-owner targeted is not a Jehovah's Witness but was identified as such by a relevant search warrant, Jehovah's Witnesses told Forum 18. Religious literature and personal items – in one case, a single photograph – were seized during the raids.

On 5 February police called at the home of a Jehovah's Witness in Tyumen, the nearby regional capital. They insisted he accompany them to a local counter-"extremism" police department to give evidence. The Jehovah's Witness was there asked about how his community's activity is organised in Tyumen and Tobolsk.

Law enforcement agents had also raided five Jehovah's Witness homes and their worship premises in Tobolsk on 21 November 2012, shortly after the case was opened, Jehovah's Witnesses told Forum 18. Deputy Investigator Skipin conducted a five-hour raid, during which religious literature, personal property, a computer hard-drive and a laptop were seized.

Second attempt

A thousand kilometres (650 miles) southeast of Tobolsk, Yurga Municipal Court has refused to comply with a Public Prosecutor request to ban the local Jehovah's Witness group for similar reasons. While a civil rather than criminal case, the charges in Yurga

(Kemerovo Region) centred upon accusations such as refusing civic duties and breaking up families, Jehovah's Witness spokesperson Grigory Martynov told Forum 18 on 15 March. They also included use of "extremist" literature in Bible study.

Local Russian courts continue to rule Jehovah's Witness literature "extremist" (see F18News 27 March 2013 http://www.forum18.org/Archive.php?article_id=1818).

Seen by Forum 18, a redacted related ruling by Kemerovo Regional Court on 21 November 2012 confirms the case is a civil case but does not specify the charges.

Breaking up families was another of the accusations that resulted in the 2004 ban on Moscow's Jehovah's Witness organisation (see below).

On 27 December 2012 Yurga Municipal Court rejected the charges against the Jehovah's Witness group, the Moscow-based SOVA Centre reported. The court cited both Russia's June 2011 Supreme Court instruction seeking to soften implementation of the 2002 Extremism Law and the view of Russia's Human Rights Ombudsman that prosecution of Jehovah's Witnesses violates the 1993 Constitution, domestic and international law.

So far lower courts have paid little attention to the June 2011 Supreme Court instruction (see Forum 18's Russia "Extremism" religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

Moscow ban

In March 2004 Moscow's Golovinsky District Court banned the Russian capital's Jehovah's Witness organisation. Among other grounds, the court determined that the Jehovah's Witnesses force families to disintegrate, encourage refusal of medical aid to the critically ill, and incite citizens to refuse to fulfil their obligations established by law – as is again being claimed by Siberian Public Prosecutors. On that occasion, however, the court found no evidence that the community had conducted "extremist" activity (see F18News 25 May 2004 http://www.forum18.org/Archive.php?article_id=327).

In June 2010 the ECtHR categorically rejected all the charges against the Moscow Jehovah's Witnesses. Noting that a religious way of life could assume "such extreme forms as monasticism", the Court argued that "as long as self-dedication to religious matters is the product of the believer's independent and free decision and however unhappy his or her family members may be about that decision, the ensuing estrangement cannot be taken to mean that the religion caused the break-up in the family."

On the refusal of medical aid, the ECtHR stated: "Many established jurisdictions have examined the cases of Jehovah's Witnesses who had refused a blood transfusion and found that, although the public interest in preserving the life or health of a patient was undoubtedly legitimate and very strong, it had to yield to the patient's stronger interest in directing the course of his or her own life."

On the charge of incitement of citizens to refuse their civic obligations, the ECtHR noted that "the religious admonishment to refuse military service was in full compliance with Russian laws" (see F18News 12 July 2010 http://www.forum18.org/Archive.php?article_id=1466).

Moscow officials have refused to register the community in the light of the ECtHR ruling, however (see F18News 1 March 2011 http://www.forum18.org/Archive.php?article_id=1548).

Familiar from the late 1990s, allegations that some Protestant churches damage people's health have also resurfaced in recent years. In 2012 Kurgan region's health departments warned that local Baptist leaders plan to practise mind control. In 2011 Khabarovsk's regional Public Prosecutor tried unsuccessfully to dissolve Grace Pentecostal Church as a "destructive organisation". Courts in Kirov, Kostroma and Magadan roundly rejected similar allegations against Pentecostal churches in 1999-2000 (see Forum 18's Russia religious freedom survey 19 July 2012 http://www.forum18.org/Archive.php?article_id=1722).

Hunt for "extremists"

Focusing on charges of "extremism", a nationwide campaign against Jehovah's Witnesses began in early 2009, when Public Prosecutors conducted over 500 inspection visits of local congregations throughout Russia in one month (see F18News 13 March 2009 http://www.forum18.org/Archive.php?article_id=1267).

Officials and individuals who oppose Jehovah's Witnesses as a "totalitarian sect" categorise many Baptists, Pentecostals, Hare Krishna devotees and the Church of Jesus Christ of Latter-day Saints (LDS Church, commonly known as the Mormons) in the same way. But efforts at restricting such faiths using the Extremism Law have so far centred on Jehovah's Witnesses. This is partly due to their public visibility but also their isolation from other religious communities, Forum 18 notes; a simultaneous attack against numerous disfavoured faiths would be likely to result in more protests against these religious freedom violations.

Since June 2008 law enforcement agents have detained, investigated or warned Baptists, Hare Krishna devotees, Lutherans and

Pentecostals in connection with "extremism", but such incidents are rare (see F18News 3 March 2010 http://www.forum18.org/Archive.php?article_id=1425).

The methods and scale of the counter-"extremism" campaign against readers of Islamic theologian Said Nursi are similar to the campaign against Jehovah's Witnesses. The state's motivation is quite different, however (see F18News 5 March 2013 http://www.forum18.org/Archive.php?article_id=1811).

Obscure reasons

Despite co-ordinating the anti-Jehovah's Witness campaign, federal Public Prosecutor and FSB representatives refuse to account for it. A press spokesperson at the General Prosecutor's Office insisted to Forum 18 on 5 March 2013 that questions be submitted by fax. Forum 18 earlier faxed questions to the Office's press service in July 2009, asking why moves were underway in various parts of Russia against Jehovah's Witnesses (see F18News 23 July 2009 http://www.forum18.org/Archive.php?article_id=1331). Forum 18 received no response.

Forum 18 has similarly received no response to written questions sent in June 2010 to Sergei Ignatchenko, spokesperson for the FSB security service in Moscow, as to why the campaign was launched, what role the FSB played in it, and what danger to the Russian Federation the FSB sees in Jehovah's Witness activity (see F18News 12 August 2010 http://www.forum18.org/Archive.php?article_id=1478).

Communities threatened

The main current attempt to shift the counter-"extremism" campaign beyond bans on Jehovah's Witness literature and onto prosecution of individual Jehovah's Witnesses continues in southwest Russia. The period for familiarisation with case material against 16 Jehovah's Witnesses in the Black Sea coast town of Taganrog ended on 7 March, Jehovah's Witness spokesperson Martynov told Forum 18. The case could go to court in as little as a few weeks, he added.

In mid-November 2012, the 16 were charged with organising and participating in the activity of a banned extremist organisation (Articles 282.1, Part 1 and Part 2 of the Criminal Code respectively). Several of the accused are second-, third- and even fourth-generation Jehovah's Witnesses.

The period for both sides to become familiarised with the case material followed the completion of the investigation in early December 2012. The senior police investigator, Ivan Bondarenko, has refused to discuss the case with Forum 18 (see F18News 2 January 2013 http://www.forum18.org/Archive.php?article_id=1786).

The local Jehovah's Witness organisation in Taganrog was ruled "extremist" together with 34 Jehovah's Witness publications in September 2009. Russia's Supreme Court upheld this decision in December 2009 (see F18News 8 December 2009 http://www.forum18.org/Archive.php?article_id=1385).

The Taganrog organisation was legally dissolved in January 2010. Early morning raids on Jehovah's Witness homes by police and FSB security service officers in August 2011 led to the current charges against the "Taganrog Sixteen" (see F18News 2 January 2013 http://www.forum18.org/Archive.php?article_id=1786).

Astrakhan trial

In Astrakhan Region, there has been no development in the only ongoing "extremism" trial against a Jehovah's Witness, Martynov told Forum 18.

The criminal trial of Yelena Grigoryeva resumed at Akhtubinsk District Court on 28 November 2012, but Judge Aleksandr Shalaev returned the case to the prosecutor on 11 December. Grigoryeva is charged with "incitement of hatred [nenavist] or enmity, as well as the humiliation of human dignity" (Criminal Code Article 282, Part 1). The Public Prosecutor has so far failed to prove that Jehovah's Witness material confiscated from her home in February 2011 is "extremist", however (see F18News 2 January 2013 http://www.forum18.org/Archive.php?article_id=1786).

Such efforts to convict Jehovah's Witnesses for criminal "extremism" have appeared to weaken in recent months (see F18News 2 January 2013 http://www.forum18.org/Archive.php?article_id=1786).

Belgorod victory

In a modest victory for Jehovah's Witnesses, October District Court in Belgorod has ruled that the city must pay one of their members 1,000 Roubles (190 Norwegian Kroner, 25 Euros or 30 US Dollars) in moral damages. It similarly ordered the organiser of an anti-Jehovah's Witness demonstration to pay 500 Roubles. According to the court's website report of 12 March, the city granted permission for the demonstration to take place outside a venue where a Jehovah's Witness congress was taking place on 30

September 2012.

A Jehovah's Witness attending the congress complained that his rights to freedom of religion or belief and peaceful assembly were violated because the demonstrators banged drums, chanted offensive slogans and were armed with clubs, while the city administration failed to stop this. Agreeing in part, October District Court acknowledged that a violation of religion or belief had taken place as the noise of the drums had drowned out speakers addressing the congress. (END)

For more background, see Forum 18's surveys of the general state of religious freedom in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

An analysis of the way that the Russian authorities have used the Pussy Riot case to intensify restrictions on freedom of religion or belief is at F18News 15 October 2012 http://www.forum18.org/Archive.php?article_id=1754.

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis <http://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation, is at F18News 19 July 2010 http://www.forum18.org/Archive.php?article_id=1468.

A personal commentary by Irina Budkina, Editor of the <http://www.samstar.ucoz.ru> Old Believer website, about continuing denial of equality to Russia's religious minorities, is at F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

More reports on freedom of thought, conscience and belief in Russia can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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