

10 July 2013

RUSSIA: Orthodox relics block Jehovah's Witness meeting

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

A written Russian official refusal to allow Jehovah's Witness to meet for worship in Nizhny Novgorod Region, made in consultation with a local Orthodox bishop, provides rare evidence that state opposition to Jehovah's Witnesses is fuelled by support for the Russian Orthodox Church (Moscow Patriarchate), Forum 18 News Service has found. "As the administration, we conduct all our activity in close contact with the [Moscow Patriarchate] Diocese," the official who drafted the refusal, Svetlana Zakharova, confirmed to Forum 18. "There's not a single question affecting the interests of one side or the other that we don't decide collegially." It is highly unusual for Russian officials to make such admissions, especially in writing, Forum 18 notes. Elsewhere, more Jehovah's Witness texts have been banned, and raids on and detentions and fines of Jehovah's Witnesses and Falun Gong practitioners continue. The government is also set to increase punishments for "extremist" activity under the Criminal Code.

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"As the administration, we conduct all our activity in close contact with the [Moscow Patriarchate] Diocese," the official who drafted the refusal, Svetlana Zakharova, confirmed to Forum 18 on 10 July. "There's not a single question affecting the interests of one side or the other that we don't decide collegially."

The refusal comes amid more government attempts to outlaw Jehovah's Witness texts in different Russian regions, as well as prosecutions of people distributing Jehovah's Witness works earlier ruled "extremist" (see below).

Local courts have also recently issued more "extremism" rulings against Muslim texts and people distributing them (see F18News 15 July 2013 http://www.forum18.org/archive.php?article_id=1858).

People following the Chinese spiritual practice of Falun Gong have similarly been targeted in Rostov-on-Don Region (see below).

Russia is also preparing to toughen the criminal "extremism" punishments increasingly used against freedom of religion or belief (see below).

Relics and pilgrims only

On 25 June, Gorodets District Administration refused to allow Jehovah's Witnesses to hold a worship service at a local sports stadium. Signed by District Administration Head Viktor Trufanov and seen by Forum 18, the written refusal explains: "Gorodets is the spiritual capital of the north of Nizhny Novgorod Region, where the relics of over 170 saints are kept and hundreds of Orthodox pilgrims travel every day. We therefore consider it inappropriate for a Jehovah's Witness worship service to be held in the manner described in your letter." Trufanov further admits that the Jehovah's Witnesses' request was "considered together with Orthodox Archbishop Avgustin (Anisimov)."

Avgustin is in fact the Moscow Patriarchate's Bishop, not Archbishop, of Gorodets and Vetluga, Forum 18 notes.

The official who drafted the letter, Svetlana Zakharova, is Gorodets District's Assistant Head dealing with social policy. Reached by Forum 18 on 10 July, she defended the Administration's consideration of the Jehovah's Witnesses' request in conjunction with the local Moscow Patriarchate bishop. The Orthodox Diocese, she maintained, "hasn't just appeared here - we have many religious objects linked with traditional Orthodoxy (..) We work together on all social programmes and projects (..) and so we had a consultation and voiced the opinion that we reached collegially."

Asked why the presence of Orthodox relics and pilgrims excluded the possibility of a meeting for public worship by a second religious organisation, Zakharova laughed. "That's what we decided. We have the right to do that on our own territory!"

It is highly unusual for Russian officials to make such admissions, especially in writing, Forum 18 notes. Jehovah's Witnesses and

other disfavoured religious communities often suggest that a bias in favour of the Moscow Patriarchate is the motivation for discrimination against them.

State support for Russian Orthodoxy is also rarely cited as grounds for banning Jehovah's Witness literature. In September 2009, however, Rostov-on-Don Region's landmark ruling outlawing 34 such texts did find their citation of renowned Russian author Leo Tolstoy's criticism of the Orthodox Church to be evidence of "extremism" (see 15 October 2012 http://www.forum18.org/archive.php?article_id=1754).

More Jehovah's Witness texts banned

On 19 June Uspenskoe District Court (Krasnodar Region) ruled "extremist" another Jehovah's Witness text - "Bearing Thorough Witness' About God's Kingdom", the Regional Public Prosecutor's Office reported. The Jehovah's Witnesses intend to appeal against this ruling, their spokesperson Grigory Martynov told Forum 18 on 8 July.

Seen by Forum 18, 30 April amendments to Uspenskoe District Public Prosecutor's suit to ban the text claims it could form in readers' minds "a negative image of traditional Christian clerics". The suit also maintains that the book, published in Germany in 2009, contains "indirect incitement of citizens to refuse to perform legally prescribed duties".

While these "duties" are not specified, the European Court of Human Rights in Strasbourg ruled on 10 June 2010 (in paragraph 150 of the judgment) that Jehovah's Witnesses' refusal to perform military service is in full compliance with Russian law (see F18News 12 July 2010 http://www.forum18.org/archive.php?article_id=1466).

In the Siberian city of Krasnoyarsk, Soviet District Court continues to seek a ban on multiple Jehovah's Witness texts. Its 14 February "extremism" ruling against "What Does the Bible Really Teach?" – also published in Germany in 2009 – is now in force, Jehovah's Witness spokesperson Martynov told Forum 18. Three texts similarly ruled "extremist" by the Court in early 2013 are undergoing "expert" analysis, however, as part of an appeal pending in Krasnoyarsk Regional Court.

Krasnoyarsk's Soviet District Court planned to review a further four Jehovah's Witness titles (see F18News 27 March 2013 http://www.forum18.org/archive.php?article_id=1818). Hearings were twice postponed in June, and the latest hearing took place today (10 July) Martynov told Forum 18.

In the Urals, Chelyabinsk's Tractor Factory District Court is now considering a ban on 12 Jehovah's Witness texts, Martynov told Forum 18. Currently, the case is adjourned to allow an "expert" analysis. The Court began by considering 95 Jehovah's Witness titles in April, but this list was reduced at the prosecution's initiative in June, Martynov stated (see F18News 27 March 2013 http://www.forum18.org/archive.php?article_id=1818).

The two texts recently ruled "extremist" in Krasnodar and Krasnoyarsk have yet to be added to Russia's Federal List of Extremist Materials, at which point they will be banned from distribution nationwide. However, an edition of "What Does the Bible Really Teach?" published in the USA in 2005 is already on the List, being one of the 34 texts ruled "extremist" by Rostov-on-Don Regional Court in 2009.

As of 10 July 2013, there were a total of 68 Jehovah's Witness titles on the List. The most recent addition of Jehovah's Witness texts was in late 2011. Those who possess items on the Federal List are liable to criminal prosecution (see Forum 18's "extremism" Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1724).

More Jehovah's Witnesses fined

Administrative prosecutions of those distributing Jehovah's Witness texts continue in different parts of Russia.

On 25 April Pavel Rusnak was fined 1,000 Roubles (about 190 Norwegian Kroner, 24 Euros, or 30 US Dollars) by Vyksa City Court (Nizhny Novgorod Region) for "production or distribution of extremist materials" (Code of Administrative Offences, Article 20.29), according to the ruling seen by Forum 18. Rusnak was found to have given a copy of the Jehovah's Witness brochure "The Government That Will Bring Paradise" to a man on Red Dawns Street in Vyksa town on 7 or 8 February. As a Jehovah's Witness, Rusnak admitted distributing literature in his free time, but insisted he had not shared anything on the Federal List. Also seen by Forum 18, a 17 June ruling by Nizhny Novgorod Regional Court rejected his appeal.

"The Government That Will Bring Paradise" was ruled "extremist" by Rostov-on-Don Regional Court in September 2009 due to the phrase "all who love God are called to leave false religion without delay," as well as an uncited "thesis about Jehovah's Witnesses' non-interference in politics" (see F18News 23 October 2009 http://www.forum18.org/Archive.php?article_id=136).

The Supreme Court subsequently confirmed the Rostov-on-Don ruling, in a judgment seen as encouraging similar suits from prosecutors across Russia (see F18News 8 December 2009 http://www.forum18.org/archive.php?article_id=1385).

On 3 April 2013 Jehovah's Witness elder Pavel Mokshin was fined 3,000 Roubles under Article 20.29. According to the ruling by Novokuibyshevsk City Court (Samara Region) – seen by Forum 18 – on 29 January police searching Novokuibyshevsk premises rented for worship by his congregation found five copies each of the brochures "Jehovah's Witnesses. Who Are They? What Do They Believe?" and "You Can Be God's Friend".

Both brochures were also ruled "extremist" by the 2009 Rostov-on-Don ruling.

As cited by the 2009 Rostov-on-Don ruling, seen by Forum 18, the only example of "extremism" in "You Can Be God's Friend" is: "a false religion is a religion which does not teach Biblical truth.. Today many people think they are worshipping God, but actually serve Satan and his demons.. Jehovah wishes people to talk with him and not with statues or a picture, in which there is no life."

The same ruling does not cite at all from "Jehovah's Witnesses. Who Are They? What Do They Believe?" (see F18News 23 October 2009 http://www.forum18.org/Archive.php?article_id=136).

The courts in both Vyksa and Novokuibyshevsk in April 2013 ordered the confiscated brochures to be destroyed, being material "withdrawn from circulation" due to closure of the relevant cases (Code of Administrative Offences, Article 29.10, Part 3.2).

More Jehovah's Witnesses raided

The Jehovah's Witnesses also report continuing raids by law enforcement agents searching for "extremist" literature. No charges have yet followed these incidents, however, Jehovah's Witness spokesperson Martynov told Forum 18.

Early on 29 May, police and FSB security service officers raided two Jehovah's Witness homes in the town of Pallasovka and nearby village of Novostroika (Volgograd Region). They seized religious literature, a laptop and personal photographs.

On 22 May police raided a Jehovah's Witness home in the town of Okha (Sakhalin Region), seizing religious literature and personal items. Following the raid the Jehovah's Witness was interrogated, fingerprinted and photographed at a local police station.

On 12 April at least 15 law enforcement agents searched premises in the village of Vorokhobino (Moscow Region) where a Jehovah's Witness service was going on. They claimed to find an unspecified banned Jehovah's Witness text, which congregation members insist was planted.

Also on 12 April, police seized religious literature, computer disks with religious content, personal recordings and documents during two raids on Jehovah's Witness homes in nearby Sergiyev Posad.

Raids on and arrests of Muslim readers of the works of Islamic theologian Said Nursi are also continuing (see F18News 24 June 2013 http://www.forum18.org/archive.php?article_id=1850).

Falun Gong fine, inspections

A practitioner of the Chinese spiritual practice Falun Gong has also been fined for distributing "extremist" literature, Forum 18 has learned.

The practitioner, Dmitry Smolnikov, was – like Jehovah's Witness Rusnak in Vyksa - fined 1,000 Roubles under Article 20.29 by Matveev-Kurgan District Court (Rostov-on-Don Region) on 6 March. According to the ruling seen by Forum 18, Smolnikov "aimed to advertise and attract the population of Matveev-Kurgan District to the teaching of Falun Gong" by displaying advertisements, as well as distributing five copies each of "Zhuan Falun" (Turning the Law Wheel) and "Falun Gong" to people who expressed an interest in the movement.

Both titles are by Falun Gong's Chinese founder, Li Hongzhi. "Zhuan Falun" - but not "Falun Gong" – is on Russia's Federal List of Extremist Materials (see 14 December 2012 http://www.forum18.org/archive.php?article_id=1782).

In Rostov-on-Don itself, law enforcement agents conducted check-ups on two groups of Falun Gong practitioners at rented premises in the city's Lenin and Railway Districts on 19 and 24 March, local Falun Gong co-ordinator Vladimir Sheremetyev told Forum 18 on 9 July. On asking to see what literature the practitioners used, the state representatives were on both occasions offered copies of "Falun Gong". There have been no subsequent legal measures against the movement's practitioners in Rostov-on-Don, Sheremetyev added.

Moves to toughen "extremism" punishments

Russia looks set to increase punishments for "extremist" activity under the Criminal Code. On 22 June a draft Law signed by Prime Minister Dmitri Medvedev was lodged with the Duma (parliament). The government's website announced on 28 May that the Justice Ministry had compiled this draft by order of President Vladimir Putin.

Seen by Forum 18, the explanatory note accompanying the draft Law maintains that the initiative is aimed at "neutralising the threat to national security linked with destructive activity by religious organisations".

Under the international human rights treaties which Russia has solemnly promised to implement, such as the International Covenant on Civil and Political Rights and the European Convention on Human Rights and Fundamental Freedoms, "national security" is not a permissible ground to limit freedom of religion or belief.

Also seen by Forum 18, the text of the draft Law would harshen punishments for several Criminal Code articles increasingly used against freedom of religion or belief. The articles are routinely used to prosecute Muslim readers of the works of Said Nursi and Jehovah's Witnesses (see Forum 18's "extremism" Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1724).

The draft Law changes:

- Article 282 "incitement of hatred [nenavist] or enmity [vrazhda], as well as humiliation of human dignity".

The lowest fine for the offence (if accompanied by violence or the threat of violence, committed as part of an organised group, or if the offender makes use of their official position) would triple to 300,000 Roubles (about 56,000 Norwegian Kroner, 7,000 Euros, or 9,000 US Dollars). When not characterised by any of these three circumstances, the maximum term of forced labour for the offence would double to four years.

Article 282 has been a usual choice of prosecutors seeking to punish Jehovah's Witnesses exercising their freedom of religion or belief, and punishments under this Article were last increased in December 2011 (see F18News 10 January 2012 http://www.forum18.org/archive.php?article_id=1653).

- Article 282.1 "organisation of an extremist grouping"

The minimum fine for the offence would rise to the previous maximum, 200,000 Roubles (about 37,000 Norwegian Kroner, 4,700 Euros, or 6,000 US Dollars). The new maximum fine would be 500,000 Roubles (about 93,000 Norwegian Kroner, 12,000 Euros, or 15,000 US Dollars). The maximum period for which an offender could be fined their income would double to three years. The maximum term of forced labour would increase from four to five years. The maximum term of imprisonment would increase from four to six years.

For the lesser offence of participation, the maximum fine would rise from 40,000 to 100,000 Roubles (about 19,000 Norwegian Kroner, 2,400 Euros, or 3,000 US Dollars). The maximum period for which an offender could be fined their income would increase from three months to one year. The maximum term of forced labour would increase from two to three years. The maximum term of imprisonment would increase from two to four years.

Since punishments under Article 282.1 were last increased in December 2011, it has started to be used against Jehovah's Witnesses exercising their freedom of religion or belief (see eg. F18News 20 March 2013 http://www.forum18.org/archive.php?article_id=1815). Article 282.1 was also used against a Muslim Nursi reader, Ramil Latypov, whose trial was halted in December 2012 (see F18News 2 January 2013 http://www.forum18.org/Archive.php?article_id=1786).

- Article 282.2 "organisation of an extremist organisation" [Unlike 282.1, this article refers to an organisation formally banned by a Russian court].

The minimum fine for the offence would rise to the previous maximum, 300,000 Roubles (about 56,000 Norwegian Kroner, 7,000 Euros, or 9,000 US Dollars). The maximum period for which an offender could be fined their income would rise from two to three years. The maximum term of forced labour would increase from three to five years. The maximum term of imprisonment would double from three to six years.

For the lesser offence of participation, the maximum fine would rise from 200,000 to 300,000 Roubles. The maximum period for which an offender could be fined their income would increase from 18 months to two years. The maximum term of forced labour would increase from two to three years. The maximum term of imprisonment would double from two to four years.

Currently, several types of "extremism" offence are classed as minor. These are "incitement of hatred or enmity" if unaccompanied by violence, not committed as part of an organised group and/or not using the offender's official position; and participation in either an "extremist" grouping or organisation. Consequently, the draft's explanatory note laments, investigation of such offences does not allow the state to monitor private telephone calls.

Article 282.2 has been a usual choice of prosecutors seeking to punish Muslim readers of Nursi's works exercising their freedom of religion or belief, and punishments under this Article were last increased in December 2011 (see F18News 12 January 2012

http://www.forum18.org/archive.php?article_id=1654). (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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