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RUSSIA: Jehovah's Witnesses face possible liquidation

By Victoria Arnold, Forum 18 (<https://www.forum18.org>)

If prosecutors proceed with their threat to liquidate the Jehovah's Witness headquarters near St Petersburg, thousands of local congregations across Russia could also face prohibition of their activities and individuals could be vulnerable to criminal charges for expressing their beliefs, Forum 18 notes.

The Jehovah's Witnesses' principal body in Russia is under threat of dissolution as an "extremist" organisation after the deadline in an official warning from the General Prosecutor's Office expired on 10 May, Forum 18 notes. If prosecutors decide to pursue liquidation, thousands of local Jehovah's Witness congregations across Russia could also face prohibition of their activities and individuals could be vulnerable to criminal charges for expressing their beliefs.

If dissolution of the Administrative Centre is pursued, this would be the first instance of a registered, centralised religious organisation with active subdivisions being liquidated for "extremism", Forum 18 notes.

Lawyers have until 10 June to challenge the warning in court, the Administrative Centre told Forum 18 from St Petersburg. Lawyers for the Administrative Centre are planning to lodge a challenge at Tver District Court in Moscow, and told Forum 18 they still hope that the matter will be resolved in their favour.

Forum 18's questions to the General Prosecutor's Office – including whether liquidation of the Administrative Centre would amount to a prohibition on all Jehovah's Witness activity across Russia – had not been answered by the end of the working day in Moscow on 24 May (see below).

"Slanderous accusations"

Jehovah's Witnesses have strongly denied the accusations of extremism. "The slanderous accusations of 'extremism' against us are simply being used to mask the true religious intolerance of those who disagree with our beliefs," Administrative Centre representative Vasily Kalin said on the jw.org website on 27 April. "We are not extremists."

"For Jehovah's Witnesses to be lumped together with extremist groups and for their literature to be listed with works of violent terrorists is an affront to decency and justice," New York-based General Counsel Philip Brumley added in the same article.

The use of "extremism" laws has been the biggest single threat to freedom of religion or belief in Russia for some years. Particular victims of this have been Muslims (including those who read the works of the late Turkish theologian Said Nursi) and Jehovah's Witnesses (see Forum 18's Russia "extremism" survey http://www.forum18.org/Archive.php?article_id=1724).

The Administrative Centre

The Administrative Centre of Jehovah's Witnesses of Russia, based on the outskirts of St Petersburg, has been registered as a "centralised religious organisation" since 1999. Jehovah's Witnesses were first officially registered under Soviet law in 1991, but have been present in Russia since the late 19th century.

"Engaging in extremist activity is not permitted"

On 10 March 2016, the Administrative Centre of Jehovah's Witnesses received the formal warning "that engaging in extremist activity is not permitted", dated 2 March, from Viktor Grin, Deputy General Prosecutor of the Russian Federation. The warning is explicitly predicated on the alleged "extremist" activities of the local communities (and their members) which the Centre oversees and supports.

The warning, seen by Forum 18, instructs the Centre to take "specific organisational and practical measures" within a period of two months in order to prevent further offences under the Extremism Law. It cautions that the Centre will be subject to dissolution if it does not eliminate existing violations or if new evidence of extremism is detected over the following twelve months.

The document does not elaborate on what such "organisational and practical measures" may be or how they will be monitored. Any subsequent extremism-related conviction of an individual or local community may provide grounds for prosecutors to pursue liquidation of the Administrative Centre.

Potential consequences

Forty-seven entities currently appear on the Justice Ministry's list of banned and/or liquidated terrorist and extremist organisations (which is dominated by extreme nationalist groups and includes some Ukrainian political organisations).

Seven of these are former registered religious organisations, which operated only on a local level (such as the Borovsky Muslim community in Tyumen and the Taganrog, Samara and Abinsk Jehovah's Witness congregations).

A further eleven are religious associations which were never officially registered, such as the Muslim missionary movement Tabligh Jamaat and "Nurdzhular", which Muslims in Russia deny even exists – nevertheless, Muslims who read the works of Said Nursi are regularly prosecuted for "continuing its activities" (see F18News 11 April 2016 http://www.forum18.org/archive.php?article_id=2166).

In an article of 27 April on their international website, Jehovah's Witnesses point out that, if liquidated, the Administrative Centre will be closed, it will be added to the federal list of extremist organisations and its property will be turned over to the State.

"Because of their affiliation with the Centre, all religious associations of Jehovah's Witnesses - 406 local religious organizations (legal entities) and over 2,500 congregations – may also face liquidation," Jehovah's Witnesses complain. "As a result, Witnesses throughout Russia could lose their Kingdom Halls (houses of worship)." They also warn that "Jehovah's Witnesses in Russia could find themselves in a scenario in which they are free to believe as they wish but not free to practice their religion with others".

This would, the Office of the General Counsel fears, amount to a ban on all Jehovah's Witness activity in Russia. It told Forum 18 on 23 May that it believes that dissolution of the Administrative Centre would be grounds for liquidation of all registered Jehovah's Witness organisations in the country, although separate legal proceedings would have to be opened against each of them.

Article 9 of the Extremism Law states that "In the event of the rendering by a court of law of a decision on the grounds provided for by the given federal law on the liquidation of a public or a religious association, their regional and other structural subdivisions shall be also liquidated."

When a registered religious organisation is liquidated, it loses its status as a legal entity and concomitant rights such as the ability to own or rent property, employ staff and hold a bank account. Although an unregistered community should legally be able to continue to operate as a religious group, which does not require registration, and meet privately for worship and study, this carries the risk of criminal charges if their organisation was liquidated on grounds of extremism.

Sixteen Jehovah's Witnesses in Taganrog were convicted on 30 November 2015 of "continuing the activities of a banned extremist organisation" (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128). Rostov Regional Court rejected their appeals on 17 March 2016 and the convictions have now come into force.

"The worst thing is that, after the elimination of a local religious organisation, believers face prosecution simply for reading the Bible," Jehovah's Witness spokesperson Kalin complained in a press release of 12 April.

Communities already under threat

The General Prosecutor's Office warning notes that several Jehovah's Witness communities have already been liquidated, have had liquidation suits opened against them, or have been warned of the possibility of liquidation, all for alleged "extremist" activity. The only specific form of such activity it mentions is the distribution of prohibited religious literature.

These moves – and the increase in prosecutions of Jehovah's Witnesses under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials included in the published Federal List of Extremist Materials, as well as their production or storage for mass distribution" – see F18News 25 April 2016 http://www.forum18.org/archive.php?article_id=2171) and Article 20.2 ("unapproved" public events – see F18News 18 May 2016 http://www.forum18.org/archive.php?article_id=2179) mark a recent intensification of efforts to curtail Jehovah's Witness activity, Forum 18 notes (see F18News 22 March 2016 http://www.forum18.org/archive.php?article_id=2161).

Before 2014, only one Jehovah's Witness congregation (in Taganrog, Rostov Region, in 2009) had been dissolved on charges of "extremist" activity. In 2014, the Samara community was dissolved, followed by the Abinsk community (Krasnodar Region) in March 2015, Tyumen in October 2015, and Belgorod, Stariy Oskol (also in Belgorod Region), and Elista (Republic of Kalmykiya) in February 2016.

Proceedings against the Cherkessk Jehovah's Witnesses were initiated in May 2015 and have been delayed multiple times by other civil cases involving the congregation (see F18News 28 August 2015 http://www.forum18.org/archive.php?article_id=2095).

Prosecutors have also submitted liquidation suits against Jehovah's Witness communities of Arkhangelsk and Oryol on 8 April and 12 May 2016 respectively. No hearing dates have yet been set in Oryol. The next hearing at Arkhangelsk Regional Court is due on 2 June. This is despite the fact that Arkhangelsk Jehovah's Witness leader Aleksandr Parygin applied to the Justice Ministry in October 2015 to have the community dissolved at its own request (see F18News 22 March 2016 http://www.forum18.org/archive.php?article_id=2161).

The Belgorod, Stariy Oskol, and Elista congregations are now awaiting the outcome of appeals to Russia's Supreme Court. Hearings in the first two cases are scheduled for 9 and 16 June respectively. The Elista community's appeal was registered on 22 April and the court has not yet given a hearing date.

The Supreme Court has already overturned the liquidation order with respect to the Tyumen Jehovah's Witnesses. It ruled on 15 April that the evidence presented and the small size of the community "do not give reason to believe that the activities of Jehovah's Witnesses in Tyumen has led to the need to choose the exceptional measure of liquidation of the organisation", based principally on the fact that "The liquidation of a social or religious association or other organisation is an exceptional measure which should be proportionate to the violations permitted by the legal entity and the consequences they provoke. Repeated violation of the law in itself cannot form the basis for a court decision on the liquidation of a legal entity."

According to the written verdict, seen by Forum 18, the Supreme Court also accepted that the Tyumen community had expelled a member found guilty under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials included in the published Federal List of Extremist Materials, as well as their production or storage for mass distribution") and had repeatedly shown its members a list of publications included on the Federal List and acquainted them with the requirements of the Extremism Law.

At least nine more Jehovah's Witness communities have received warnings of "the inadmissibility of extremist activity" from prosecutor's offices since spring 2015, Forum 18 has found. Three of these – Tikhoretsk (Krasnodar), Chapayevsk (Samara), and Shakhty (Rostov) – are in regions which have already seen the liquidation of Jehovah's Witness congregations on grounds of "extremism" (in Abinsk, Samara, and Taganrog respectively).

The other six are in Kaluga, Birobidzhan in the Jewish Autonomous Region, Vilyuchinsk on the Far Eastern Kamchatka peninsula, Teykovo in Ivanovo Region, Stavropol, and Prokhladny in the Republic of Kabardino-Balkariya. Four communities (Tikhoretsk, Teykovo, Chapayevsk, Prokhladny) are so far known to have gone to court to have the warnings recognised as unlawful, all unsuccessfully.

If communities or their members are convicted again (usually within 12 months) under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials included in the published Federal List of Extremist Materials, as well as their production or storage for mass distribution"), they risk liquidation proceedings.

The warning sent to the Administrative Centre claims that warnings about extremist activity have also been issued to Jehovah's Witness communities in the Kemerovo and Novosibirsk Regions and the Khanty-Mansi Autonomous District in Tyumen Region.

Jehovah's Witness literature banned

Over 80 Jehovah's Witness texts, as well as the international jw.org website (in addition to numerous Muslim, several Falun Gong and one Catholic book), have been declared "extremist" and placed on the Justice Ministry's Federal List of Extremist Materials.

Possession of an item on the Federal List carries the risk of a fine or imprisonment for up to 15 days, and confiscation of the banned literature. Jehovah's Witnesses described the inclusion of their publications on the Federal List as a "miscarriage of justice" in a press statement of 12 April.

The Federal List now runs to over 3,500 items, often does not include full bibliographical details, and is irregularly updated. Checking whether a particular item is on the List can be difficult or even impossible (see F18News 27 July 2015 http://www.forum18.org/archive.php?article_id=2084).

Prosecutions under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials included in the published Federal List of Extremist Materials, as well as their production or storage for mass distribution") have increased (see F18News 25 April 2016 http://www.forum18.org/archive.php?article_id=2171). The import into Russia of Jehovah's Witness literature (not deemed "extremist") is routinely blocked (see F18News 14 December 2015 http://www.forum18.org/archive.php?article_id=2133). A court in Vyborg is currently considering a request by prosecutors to outlaw the Jehovah's Witness edition of the Bible as an "extremist" text (see F18News 5 May 2016

http://www.forum18.org/archive.php?article_id=2174).

All community dissolutions have followed a similar path, Forum 18 notes. They have involved the discovery of "extremist" literature, charges under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials included in the published Federal List of Extremist Materials, as well as their production or storage for mass distribution"), prosecutors' warnings, and allegations of repeat offences, leading to prosecutors seeking liquidation through the courts.

On 15 February 2016, Jehovah's Witnesses stated that state agencies "have increasingly resorted to fabricating evidence to justify charges of extremism against Jehovah's Witnesses", claiming that the "extremist" materials found in their homes and Kingdom Halls are in fact planted by the police (see F18News 2 March 2016 http://www.forum18.org/archive.php?article_id=2154).

General Prosecutor's Office response

On 28 March, the General Prosecutor's Office rejected the Jehovah's Witnesses' request for a meeting to discuss the warning. Since then, the Administrative Centre has received no further communication from prosecutors, spokesperson Ivan Belenko told Forum 18. He added that they complained directly to the General Prosecutor Yury Chaika on 29 April, but have had no reply. Jehovah's Witnesses have also approached the Presidential Administration.

Forum 18 sent a fax to the General Prosecutor's Office in the afternoon of the Moscow working day of 19 May, asking the following questions:

1. What "concrete organisational and practical measures" should the Administrative Centre take to prevent further violations?
2. Could any violation by a local community or member of a community be grounds for the liquidation of the Administrative Centre in the twelve-month period after the warning was issued?
3. If the Administrative Centre is liquidated, will all local religious organisations of Jehovah's Witnesses also be automatically dissolved, or would separate court proceedings be necessary?
4. Would the liquidation of the Administrative Centre amount to a prohibition on all Jehovah's Witness activity on the territory of the Russian Federation?

Forum 18 had received no reply as of the end of the Moscow working day of 24 May. (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief 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.

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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