

15 March 2017

RUSSIA: Justice Ministry seeks complete Jehovah's Witness ban

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

With no public announcement, Russia's Justice Ministry lodged a suit at the Supreme Court today (15 March) to declare the Jehovah's Witness Administrative Centre "extremist", to liquidate it, and to ban its activity. If successful, this would ban all Jehovah's Witness activity across Russia.

Russia's Justice Ministry has submitted a suit to the Supreme Court to declare the Administrative Centre of Jehovah's Witnesses an "extremist" organisation, order it liquidated, and ban its activity. If the Justice Ministry wins the administrative suit, Jehovah's Witness activity would be banned across Russia. The suit reached the Supreme Court today (15 March) and was included in the list of forthcoming cases on the Court website late in the afternoon Moscow time.

If successful, this would be the first time a court has ruled a registered centralised religious organisation "extremist".

The Justice Ministry made no public announcement that it had lodged the suit.

The liquidation suit, which reached the Supreme Court on 15 March, was handed the same day to Judge Nikolai Romanenkov. "Once he has examined the case, the Judge will determine when the hearing will begin and whether it will be open or closed," a Court secretary told Forum 18 from Moscow on 15 March. "All the information will be posted on the court website."

Should the suit succeed, the Administrative Centre's property would be forfeit to the state and all its activity would be prohibited. The local religious communities for which it is responsible would also be dissolved, and their members would be liable to criminal prosecution if they continued to meet for worship. This would end Jehovah's Witnesses' open public life in Russia.

An official of the Justice Ministry involved in an exhaustive inspection in February of the Administrative Centre's entire activity had refused to tell Forum 18 on 11 March if such a suit was imminent (see below).

Raids, planted evidence, local community liquidations

Courts around Russia have placed numerous Jehovah's Witness texts on the Federal List of Extremist Materials. Many individual Jehovah's Witnesses and communities have been fined and liquidated for possession of these allegedly "extremist" texts, which Jehovah's Witnesses insist are planted by the authorities. A total of 39 warnings and cautions of the "inadmissibility of extremist activity" in 24 regions are known by Forum 18 to have been issued to Jehovah's Witness local religious organisations since late 2007. Although Jehovah's Witnesses frequently challenge these warnings and cautions in court, Forum 18 knows of no instance in which this has been successful. Ten communities have subsequently been ordered to be liquidated (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

The frequency of warnings and liquidations has been increasing. From 2007 to 2012 there were eight warnings and one liquidation. But in 2013 to 2016 there were 31 warnings and nine liquidations ordered, with one liquidation attempted. Raids on Jehovah's Witness premises have from late 2016 been taking place more than three times per month. These raids on doctrinally pacifist religious communities often involve many heavily armed and camouflaged officials, with the "discovery" of apparently planted banned "extremist" literature which can lead to liquidations (see eg. F18News 24 October 2016 http://forum18.org/archive.php?article_id=2228)

Liquidation of Administrative Centre "would be a disaster"

Jehovah's Witnesses claim nearly 172,000 adherents in Russia, with a peak of nearly 300,000 attending their most important annual commemoration, the Memorial of Christ's Death. There are at present 397 registered local organisations and more than 2,500 unregistered religious groups.

"Considering that the religion of the Jehovah's Witnesses is professed by hundreds of thousands of Russian citizens, [liquidation of the Administrative Centre] would be a disaster for rights and freedoms in our country," Administrative Centre spokesperson

Yaroslav Sivulsky said in a 15 February statement at the start of a Justice Ministry inspection of the organisation. "Without any exaggeration, it would put us back to the dark days of persecution for faith, which are still fresh in the memory of the older generation" (see F18News 16 February 2017 http://www.forum18.org/archive.php?article_id=2257 and below)

Last-ditch appeal

On 1 March, Administrative Centre head Vasily Kalin wrote to Mikhail Fedotov, chair of the Presidential Council for the Development of Civil Society and Human Rights, asking him to intervene in what he describes as a "catastrophic" situation. He pointed out that, in seven out of eight appeals by local religious organisations against liquidation orders, the Supreme Court had "automatically" upheld the lower court decisions.

Kalin also cited a 2 September 2016 article on Life.ru (a media outlet close to the security services), which claimed that Jehovah's Witnesses would be "tracked" as part of preparations for the 2018 World Cup, alongside football hooligans and "terrorists".

2016 warning, 2017 exhaustive inspection

The Justice Ministry submitted its suit to the Supreme Court less than two weeks after the expiry of a one-year warning "of the inadmissibility of extremist activity". This was issued to the Administrative Centre in March 2016 (see F18News 24 May 2016 http://www.forum18.org/archive.php?article_id=2181).

On 27 February 2017, the Justice Ministry completed an exhaustive inspection of all aspects of the Administrative Centre's structure and activities. In its 32-page report, seen by Forum 18, the Ministry's department for religious organisations concluded that "despite the 2 March 2016 warning issued by the General Prosecutor's Office of the Russian Federation, structural subdivisions of the [Administrative Centre] engage in extremist activity, which violates the rights and freedoms of man and citizen and inflicts harm on persons, public order and public security" (see below).

Although members of other religious communities have been targeted under the Extremism Law, Alexander Verkhovsky of the SOVA Center for Information and Analysis does not think the moves against Jehovah's Witnesses will have wider implications for other religious communities. "No one else is in a comparable position to that of the Jehovah's Witness community," he told Forum 18 in February (see F18News 16 February 2017 http://www.forum18.org/archive.php?article_id=2257).

The Supreme Court has upheld liquidation suits against other national-level religious organisations, Forum 18 notes, including the Central Conference of the Russian United Methodist Church in January 2016 and the United Islamic Congress of Russia in April 2016. Such liquidations have been carried out not, however, on grounds of alleged "extremism", but because of the failure to submit annual reports or the inclusion of "inaccurate" information in Federal Tax Service records.

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March 2016 warning

In March 2016, the Jehovah's Witnesses' Administrative Centre in St Petersburg received a formal warning from the General Prosecutor's Office of the "inadmissibility of extremist activity". The warning was explicitly predicated on the alleged "extremist" activities of the local communities and their members throughout Russia, which the Centre oversees and supports (see F18News 24 May 2016 http://www.forum18.org/archive.php?article_id=2181). Jehovah's Witnesses' attempts to challenge the legality of the warning failed (see F18News 15 February 2017 http://www.forum18.org/archive.php?article_id=2256).

When Deputy General Prosecutor Viktor Grin ordered the Justice Ministry on 27 January 2017 to carry out the inspection of the Administrative Centre, he claimed that, despite the 2 March 2016 warning, the Centre's "structural subdivisions" (ie. local religious organisations) continued to engage in "extremist activity" over the previous year.

Forum 18 has been unable to obtain a copy of the General Prosecutor's Office order. A lawyer for the Administrative Centre was permitted to read but not to copy the document. It is unknown why the authorities did not provide a copy of the order to Jehovah's Witnesses.

Jehovah's Witnesses state that, as evidence for the allegation of "extremism", Deputy General Prosecutor Grin refers to the liquidation of some of their communities during 2016 (see F18News 15 February 2017 http://www.forum18.org/archive.php?article_id=2256), and the conviction of both local organisations and individual believers under

the Code of Administrative Offences 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"). Such prosecutions have continued throughout 2016, despite Jehovah's Witnesses having documented the planting of such materials by police (see eg. F18News 24 October 2016 http://forum18.org/archive.php?article_id=2228).

After the General Prosecutor's Office warning was issued in March 2016, two local Jehovah's Witness organisations were ruled "extremist" later in 2016 and ordered to be dissolved – in Oryol on 14 June 2016 and in Birobidzhan on 3 October 2016. Both communities' appeals to the Supreme Court were unsuccessful (see F18News 24 October 2016 http://forum18.org/archive.php?article_id=2228). In the Birobidzhan case, government documents from 2012 suggest co-ordination with Moscow during local officials' preparation of an initial "extremism" case (see F18News 2 December 2013 http://forum18.org/archive.php?article_id=1902).

Since Deputy General Prosecutor Grin's January 2017 order, the same "extremism" ruling and liquidation order has been made against the Cherkessk community on 10 February 2017. Ten warnings to local Jehovah's Witness organisations of the "inadmissibility of extremist activity" remain in force as of 16 February 2017, rendering them also vulnerable to liquidation (see F18News 15 February 2017 http://forum18.org/archive.php?article_id=2256).

According to the Supreme Court appeal verdict of 18 October 2016, the incident which provided "new evidence of signs of extremism" in the Oryol community's activities took place on 25 November 2015, when a law enforcement inspection of the Jehovah's Witnesses' rented property allegedly uncovered banned allegedly "extremist" literature. This then triggered liquidation proceedings (see F18News 24 May 2016 http://forum18.org/archive.php?article_id=2181). It appears from court records that the incident which triggered the liquidation suit against the Birobidzhan congregation was a similar police inspection on 26 January 2016, during which banned texts were also found (see F18News 22 March 2016 http://forum18.org/archive.php?article_id=2161).

As these incidents occurred before 2 March 2016, when the General Prosecutor's Office warning was issued, it is unclear whether they could legally be used as evidence in the liquidation suit against the Administrative Centre.

February 2017 Justice Ministry inspection

The Justice Ministry informed the Administrative Centre of the impending inspection on 2 February 2017, and ordered it to hand over documents relating to its property, bank accounts, donations, and subsidiary organisations for the period February 2014 to February 2017. Jehovah's Witnesses handed over about 73,000 pages of such documentation on 15 February, the Administrative Centre stated (see F18News 15 February 2017 http://www.forum18.org/archive.php?article_id=2256).

The 1 February notification document, seen by Forum 18, was signed by First Deputy Justice Minister Sergei Gerasimov. In it, the Ministry also demanded details of the Jehovah's Witnesses' religious literature and its sources, religious events, educational and missionary activity, and any social media accounts, as well as their "basic teachings and corresponding practices, including the history of [their] religion and the history of the [Administrative Centre]; the forms and methods of its activity; its position on marriage and the family and on education; particulars regarding its position on the health of adherents of that religion; and limitations on the Organisation's members and ministers in connection with their civil rights and duties".

In another notification of 21 February, seen by Forum 18, the Justice Ministry demanded further information from the Administrative Centre concerning the communities which are part of its structure, including the addresses of unregistered religious groups and the names of their directors, and details of the administrative relationship between the Centre and local religious organisations.

The inspection was carried out by Svetlana Borisova, Galina Filatova, and Indira Izmaylova, all of the Justice Ministry's department for religious organisations. Forum 18 reached Filatova by telephone on 15 February and 11 March, and asked whether the Administrative Centre would be closed down, but she refused to answer any questions.

The 27 February 32-page report compiled by Filatova, Borisova, and Izmaylova, seen by Forum 18, notes that 95 items of Jehovah's Witness literature have been added to the Justice Ministry's Federal List of Extremist Materials, and that the main international website jw.org and other online materials have also been banned and blocked. It accuses the Administrative Centre of providing "inaccurate" information about the import of "extremist" literature, claiming that several items shipped to Russia in 2014 had since been declared "extremist" and that the Centre had not informed the inspection team of what had happened to them.

The inspectors also list the local Jehovah's Witness communities which have already been ordered liquidated on grounds of "extremism" and the prosecution of other communities 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") since the March 2016 warning. They conclude that "the [Administrative Centre's] activity is in violation of its charter goals and objectives and of current legislation of the Russian Federation, including the [Extremism Law]".

The report also gives extensive details on the nature and usage of the Administrative Centre's property throughout the country. It

notes several legal "violations", including the use of an "abbreviated (incomplete) name" on various documents (an offence under Administrative Code Article 5.26, Part 3, introduced as part of the "anti-missionary" amendments of July 2016) and the use of a symbol not described in the Centre's charter.

What next?

Should the Justice Ministry succeed in having the Administrative Centre ruled an "extremist" organisation, the Centre will have the right of appeal (also at the Supreme Court). Previous attempts by Jehovah's Witness organisations to have liquidation orders overturned at this level, however, have been largely unsuccessful. So far, only the Tyumen community has won such an appeal - in April 2016 (see F18News 24 May 2016 http://www.forum18.org/archive.php?article_id=2181).

If the Supreme Court upholds the liquidation suit and the ruling enters into legal force, the Administrative Centre would be placed on the Justice Ministry's Federal List of Extremist Organisations and its property would be taken over by the state. This List mainly comprises far-right and violent nationalist groups. There are currently 58 banned or liquidated organisations on the List, including seven Jehovah's Witness communities in Taganrog, Samara, Abinsk, Stariy Oskol, Belgorod, Elista, and Oryol (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

As noted above, it seems likely that the liquidation of the Centre would also lead to the liquidation of all other Jehovah's Witness communities and groups throughout Russia.

If Jehovah's Witnesses continue to meet for prayer or Bible study after any liquidation, their former members would be liable to criminal prosecution under Article 282.2 ("organisation of" or "participation in the activities of a banned extremist organisation"). Sixteen Jehovah's Witnesses in Taganrog were tried and convicted on these charges in November 2015 after their community became the first to be liquidated as "extremist" (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128). Their latest appeal is currently pending at the Supreme Court.

Also, July 2016 changes to the Religion Law, among many other severe restrictions on freedom of religion and belief, ban former members of "extremist" religious organisations from carrying out broadly defined "missionary activity". People such as Jehovah's Witnesses who publicly share their beliefs are also liable to prosecution under Administrative Code Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket") and Administrative Code Article 5.26 ("Conducting missionary activity") (see Forum 18's general Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2246).

The import into Russia of Jehovah's Witness literature, even if it has not been ruled "extremist", is already routinely blocked (see eg. F18News 14 December 2015 http://www.forum18.org/archive.php?article_id=2133). Prosecutors in Vyborg are attempting to have the Jehovah's Witness New World Bible banned as "extremist", even though an amendment to the Extremism Law explicitly prohibits the banning of "the Bible, the Koran, the Tanakh and the Kanjur, their contents, and quotations from them" (see F18News 5 May 2016 http://www.forum18.org/archive.php?article_id=2174). Proceedings are currently suspended while additional "expert" analysis is carried out (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Two Jehovah's Witnesses are also on trial in Sergiyev Posad under Criminal Code Article 282, Part 2 ("Actions directed at the incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of an individual or group of persons on the basis of .. attitude to religion") (see F18News 26 January 2017 http://forum18.org/archive.php?article_id=2250). Their next hearing is due on 22 March. (END)

For more background see Forum 18's surveys of the general state of freedom of religion and belief in Russia at http://www.forum18.org/Archive.php?article_id=2246, and of the dramatic decline in this freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=2215.

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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