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RUSSIA: Police harassment as Supreme Court considers ban

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

Russia's Supreme Court is due to resume considering a total ban on Jehovah's Witness activity on 12 April. Already police in several towns have disrupted their worship. A Moscow community's rental of a hall to mark their main annual commemoration was cancelled after an FSB visit.

As Jehovah's Witnesses await a verdict at Russia's Supreme Court in Moscow on whether they will be banned across the country, their communities are already feeling the effects of the Justice Ministry's actions. They have reported intimidation, harassment, and the disruption of worship by officials in several towns as a result of the Justice Ministry's 15 March order summarily suspending most of their activities. One community found that its contract on a rented hall in Moscow had been cancelled.

The harassment comes as hearings in the Justice Ministry's attempt to liquidate the Jehovah's Witness Administrative Centre are underway in the Supreme Court. After three days of hearings between 5 and 7 April, Judge Yury Ivanenko adjourned proceedings until 10.00am Moscow time on 12 April. This is the day after the Jehovah's Witnesses main annual commemoration – the Memorial of Christ's Death – on 11 April (see below).

Should the Justice Ministry suit be upheld, the Administrative Centre in St Petersburg and all 395 local Jehovah's Witness organisations would be dissolved and their property confiscated. Their members would risk criminal prosecution for "extremist activity" if they continued to meet for prayer or bible study (see below)

The Federal Financial Monitoring Service (Rosfinmonitoring) has added the Jehovah's Witness Administrative Centre to its list of "organisations, against which there is evidence of involvement in extremist activity or terrorism", and the Centre's financial transactions are already being blocked (see below).

Three United Nations Special Rapporteurs have warned that any ban on Jehovah's Witnesses would be "a threat not only to Jehovah's Witnesses, but to individual freedom in general in the Russian Federation". Russian human rights defenders and members of other religious communities have also spoken in their support (see below).

Liquidation, banning suit

The Justice Ministry lodged its suit at the Supreme Court on 15 March, asking that the Administrative Centre be declared an extremist organisation, that it be liquidated, and that all its activities be banned.

On the same day, the Ministry also issued an Order suspending most Jehovah's Witness activities, including all public meetings and the Administrative Centre's financial transactions (see F18News 21 March 2017 http://www.forum18.org/archive.php?article_id=2265).

The Administrative Centre lodged a challenge to the Suspension Order on 27 March at Zamoskvoretsky District Court in Moscow (in the jurisdiction of which the Justice Ministry is located). No hearing date has yet been set, according to the court website.

Although the Justice Ministry press service claimed to Forum 18 that the Suspension Order does not apply to meetings for worship, at least two instances of police halting religious services have since been reported, Jehovah's Witnesses told Forum 18 on 6 April (see below).

Effects of Suspension Order

The Justice Ministry's 15 March Suspension Order forbids the Administrative Centre and its subdivisions from "using state and municipal news media, organising and conducting assemblies, rallies, demonstrations, processions, picketing, and other mass actions or public events, and using bank deposits, with the exception of use for making payments connected with their economic activity, compensating for losses (damages) caused by their actions, and paying taxes, fees, or fines, and making payments based on labour contracts".

This Order appears to have led in some places to even harsher state measures against individual Jehovah's Witnesses and their communities, which allegedly go far beyond what the order itself requires. Police in Bryansk have gone to believers' homes and "demanded explanations of who they were, what they did, which of their friends and relatives were Jehovah's Witnesses", Jehovah's Witnesses told Forum 18 on 6 April. In Kotovo in Oryol Region, police detained several people in the street and confiscated their Bibles and tablet computers.

Despite the fact that religious services do not fall into the category of "public events" mentioned in the order, police and FSB officers have disrupted worship in at least two locations. In the Sverdlovsk Region town of Tavda, five officials interrupted a service, Jehovah's Witnesses told Forum 18. One of them "went onto the stage and read out the Justice Ministry's order regarding the suspension of activities, and announced that the service was over". Before halting a meeting for worship in Uchaly in Bashkortostan, officers covertly filmed those attending. Several worshippers were later summoned to the Prosecutor's Office, where officials demanded information about everyone in the video.

The main Jehovah's Witness annual commemoration – the Memorial of Christ's Death – will be marked this year on 11 April. On 3 April, however, the owner of premises rented for this event in Moscow cancelled the rental contract after a visit from the FSB security service, Jehovah's Witnesses told Forum 18 on 5 April.

Administrative Centre bank accounts blocked

Between 27 and 29 March, the Administrative Centre was added to the Rosfinmonitoring list of "organisations, against which there is evidence of involvement in extremist activity or terrorism", where it appears alongside banned terrorist organisations such as al-Qaeda and the so-called Islamic State.

As stipulated in the Justice Ministry's 15 March order, banks have blocked the Centre's financial transactions – despite the exceptions mentioned above, the Administrative Centre complains in its official objection to the liquidation lawsuit that it cannot carry out "normal economic activity", including any payments to state bodies (gosudarstvennaya poshlina). The Centre's bank informed the Administrative Centre on 31 March that its accounts had been frozen, after a transaction was refused on 29 March.

Jehovah's Witnesses report that local communities' and individuals' financial transactions have not been blocked.

"A threat .. to individual freedom in general"

United Nations (UN) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association Maina Kiai told Forum 18 on 20 March that: "The Russian government is claiming that the Jehovah's Witnesses are an extremist group, but in fact it's their move to ban them outright that appears to be extreme." He added that "the right to freedom of association includes the right to association for religious purposes, and under international law this right can only be restricted in very narrowly-defined circumstances. The fact that people belonging to a majority religion may disagree with a minority group's beliefs or activities – or even be offended by them – is not a legitimate basis for a ban, so long as that group's activities are peaceful" (see F18News 21 March 2017 http://www.forum18.org/archive.php?article_id=2265).

On 4 April, before proceedings began in the Supreme Court, United Nations Special Rapporteur on Freedom of Opinion and Expression David Kaye, Special Rapporteur on Freedoms of Peaceful Assembly and Association Maina Kiai, and Special Rapporteur on Freedom of Religion and Belief Ahmed Shaheed condemned the attempt to outlaw Jehovah's Witnesses in Russia.

"This lawsuit is a threat not only to Jehovah's Witnesses, but to individual freedom in general in the Russian Federation," the Special Rapporteurs wrote. "The use of counter-extremism legislation in this way to confine freedom of opinion, including religious belief, expression and association to that which is state-approved is unlawful and dangerous, and signals a dark future for all religious freedom in Russia". They called on Russia to "drop the lawsuit in compliance with their obligations under international human rights law, and to revise the counter-extremism legislation and its implementation to avoid fundamental human rights abuses" (see <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21479&LangID=E>).

Russian human rights defenders also spoke out against the lawsuit. They include Lyudmila Alekseyeva, who called it "Not simply a mistake, but a crime", and Maksim Shevchenko, member of the Presidential Council on Human Rights, who described the attempted ban as "unconstitutional, violating the fundamental principles of freedom of conscience". He added: "If it is possible in this way to ban an organisation with hundreds of thousands of members, then it is possible to repress other religious or public opinion groups quite easily. I believe that this is arbitrary, and it is impossible to agree with this arbitrariness. We must protect the rights of Russian citizens who are members of this religious organisation."

Jehovah's Witnesses respond to Supreme Court suit

On 4 April, the Administrative Centre lodged its 103-page official objection to the Justice Ministry's suit at the Supreme Court. The document points out how liquidation would violate believers' rights to freedom of conscience and freedom of assembly under both

the Russian Constitution and the European Convention on Human Rights, to which Russia is a signatory.

It concludes that the lawsuit is based on "inaccurate and fabricated" information, and that "the Justice Ministry wants an absolutely innocent group of Russian citizens numbering in the hundreds of thousands to be declared extremists for nothing. Is this fair? Is it legal? Is it honest? No, no, and once again no."

Proceedings in the Supreme Court have been open to the press and public. So far, Judge Ivanenko has refused several requests from the Administrative Centre's representatives to have the suit dismissed or postponed, and rejected their petition to have the attempted ban on all Jehovah's Witness activity recognised as political repression.

Justice Ministry official Svetlana Borisova asked Judge Ivanenko to order the dissolution of all Jehovah's Witness organisations and to allow this process to begin immediately.

Jehovah's Witness representatives spent much of the second and third days of proceedings refuting the Justice Ministry's claims that the Administrative Centre imported extremist literature, financed "extremist activity", and failed to take effective measures against "extremist activity" by local religious organisations. Lawyer Viktor Zhenkov pointed out, for instance, that the Administrative Centre could not have known that the books it imported would later be ruled extremist by Russian courts, and that in the past two years, no materials have been brought into the country at all.

Lawyer Yury Toporov argued that money sent to local communities was used for the upkeep of religious buildings, the payment of utility bills, and the support of individual believers who had fallen on hard times. Lawyer Maksim Novakov described how prosecutions for possession of "extremist" literature were based on the apparent planting of banned items by officials – he noted that one of these books in a recent case had borne an inscription showing it was the property of an Orthodox anti-sectarian centre.

What a liquidation order would mean nationally

If the Justice Ministry's suit is upheld, all exercise of freedom of religion and belief by Jehovah's Witnesses across Russia would be banned if any liquidation order enters into force. Any Jehovah's Witness who breaks the ban would be liable for prosecution as an "extremist" (see below).

The Administrative Centre would be added to the Justice Ministry's Federal List of Extremist Organisations. Its property – and that of "structural subdivisions", such as local organisations – would be confiscated by the state. This List comprises mainly far-right and violent nationalist groups. At present, 59 banned or liquidated organisations are on the List. These include eight Jehovah's Witness communities, in Taganrog, Samara, Abinsk, Stariy Oskol, Belgorod, Elista, Oryol and Birobidzhan (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Liquidation of the Administrative Centre would also lead to the liquidation of all other Jehovah's Witness communities and groups throughout Russia (see F18News 16 February 2017 http://www.forum18.org/archive.php?article_id=2257).

If Jehovah's Witnesses continued to meet for prayer or Bible study after liquidation, their former members would be liable to criminal prosecution under Criminal Code 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.

Individuals who are involved in criminal "extremism" cases – whether convicted, charged, or merely suspected – may also be placed on the "List of terrorists and extremists" maintained by the Federal Financial Monitoring Service (Rosfinmonitoring) of those "against whom there is evidence of their involvement in extremist activity or terrorism". Banks are obliged to freeze the assets of people who appear on the List, meaning that they cannot withdraw or transfer money, receive salary payments, or use their bank cards. Since 30 January 2014, this has been relaxed to allow small transactions not exceeding 10,000 Roubles per month (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

It is likely that Jehovah's Witnesses who might face criminal "extremism" prosecutions, brought after any liquidation order enters into force, would be placed on the List.

Since July 2016, the Religion Law – among many other severe restrictions on freedom of religion and belief – bans former members of banned "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).

Courts around Russia have already placed many Jehovah's Witness texts on the Federal List of Extremist Materials. After any

liquidation order possession of any Jehovah's Witness text could make the possessor liable to criminal prosecution (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Administrative Centre's formal warning, "unplanned inspection"

On 2 March 2016, the Administrative Centre received a formal warning from the General Prosecutor's Office of the "inadmissibility of extremist activity". The warning was explicitly predicated on the allegedly "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).

The Centre repeatedly attempted to get the warning overturned, but on 16 January 2017 Moscow City Court upheld an earlier ruling by the capital's Tver District Court that the General Prosecutor's Office had acted lawfully. Deputy General Prosecutor Viktor Grin claimed on 27 January that the Administrative Centre's "structural subdivisions" had engaged in "extremist activity" since his 2 March 2016 warning, and specifically mentioned the dissolution of local Jehovah's Witnesses as "extremist organisations" (see F18News 15 February 2017 http://www.forum18.org/archive.php?article_id=2256).

The Justice Ministry conducted an extraordinarily extensive "unplanned inspection" of the Administrative Centre in February. Among topics the inspection team looked at were: what Jehovah's Witnesses believe; their exercise of freedom of religion and belief throughout Russia; banned allegedly "extremist" texts and websites; and 73,000 pages of documentation on property, bank accounts, donations, and subsidiary organisations. The inspection team claimed to have found alleged "violations" and allegedly "inaccurate information" in their report seen by Forum 18 (see F18News 15 March 2017 http://www.forum18.org/archive.php?article_id=2264).

If the Supreme Court upholds the Justice Ministry's suit, this would be the first time that a court has ruled that a registered national centralised religious organisation is "extremist" and should be banned.

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. Liquidation "would be a disaster for rights and freedoms in our country", Administrative Centre spokesperson Yaroslav Sivulsky said on 15 February (see F18News 15 March 2017 http://www.forum18.org/archive.php?article_id=2264).

Increasing targeting of Jehovah's Witnesses

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. In 2013 to 2016, however, there were 31 warnings and nine liquidations ordered, with one liquidation attempted. From late 2016, raids on Jehovah's Witness premises have been taking place more than three times per month. These raids on doctrinally pacifist religious communities often involve many heavily armed and camouflaged officers, who "discover" apparently planted banned "extremist" literature. This can lead to liquidation of a local religious organisation (see eg. F18News 24 October 2016 http://forum18.org/archive.php?article_id=2228).

The import into Russia of Jehovah's Witness literature, even if it has not been ruled "extremist", is 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://www.forum18.org/archive.php?article_id=2250). Their next hearing is due on 10 April (see F18News 4 April 2017 http://www.forum18.org/archive.php?article_id=2270).

Among others targeted for exercising freedom of religion or belief, 11 Muslims now charged or on trial for meeting to study Turkish

theologian Said Nursi's works face up to six years' imprisonment if convicted (see F18News 4 April 2017 http://www.forum18.org/archive.php?article_id=2270).

Jehovah's Witnesses are not the only religious community targeted under the Extremism Law. Mosque communities, individual Muslims, and booksellers offering Islamic texts have also been raided and prosecuted, and Russian translations of the works of Islamic theologian Said Nursi have been banned.

So far, however, these bans and prosecutions have not translated into the kind of campaign being carried out against Jehovah's Witnesses. Russian Muslims have always denied the existence of the banned alleged organisation "Nurdzhular" [Nursi followers] and so it has never had registered local communities. Falun Gong texts have also been banned, but its practitioners also do not have registered local communities which could be banned and whose property could be taken over.

Neither group, therefore, could be targeted in the same way Jehovah's Witnesses are targeted (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215). (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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