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RUSSIA: Jehovah's Witnesses to be banned?

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

Following more than 500 check-ups on Jehovah's Witness communities across Russia, prosecutors in several regions are going to court to have various of their publications declared extremist. This would see their distribution banned in Russia and cripple the organisation, Forum 18 News Service notes. Jehovah's Witnesses believe state agencies want a total ban. Rostov-on-Don Regional Court ruled 34 texts extremist on 11 September, the first court to do so. The court ruling, seen by Forum 18, claims that the sentence "true Christians do not celebrate Christmas or other festivals based on false religious ideas" represents incitement to religious hatred, while another publication which quoted Tolstoy – described as "an opponent of Orthodoxy" - created "a negative attitude towards the Russian Orthodox Church". The court also declared a local congregation extremist and ordered it liquidated. The Jehovah's Witnesses have appealed to Russia's Supreme Court. Customs continue to seize their books. The public prosecutor who raided a meeting in St Petersburg alleging "extremist activity" was going on refused to talk to Forum 18: "You could be some kind of spy."

If an upcoming Supreme Court hearing confirms a lower court ruling that Jehovah's Witness literature is extremist, distribution throughout Russia will be banned and the religious organisation in effect crippled, Forum 18 News Service notes. Since preaching through literature is an integral part of the Jehovah's Witness faith, such a ban would also boost efforts to outlaw the organisation itself as extremist.

The Jehovah's Witnesses believe a total ban is the aim of a harassment campaign by the law enforcement agencies. In February, an unprecedented nationwide sweep on Jehovah's Witness communities - resulting in at least 500 check-ups - was ordered by the General Public Prosecutor's Office (see F18News 13 March 2009 http://www.forum18.org/Archive.php?article_id=1267).

These check-ups were conducted without any legal violations, the assistant head of the Department for Supervising Observance of Citizens' Rights and Freedoms at the General Public Prosecutor's Office insisted in a 13 August written response to Forum 18's earlier enquiry. On the contrary, Olga Shamshina maintained, they uncovered violations of the Religion and Extremism Laws: refusing blood transfusions to people whose life or health are at risk, refusing military and alternative service, divorce due to one spouse being a Jehovah's Witness - and distribution of extremist literature.

Rostov-on-Don Regional Court in southern Russia ruled 34 Jehovah's Witness texts extremist on 11 September, the first court to do so. It also declared the Jehovah's Witness community in the local town of Taganrog an extremist organisation and ordered its liquidation. While the organisation's property – including land, office and residential premises – are under state arrest pending an appeal to the Supreme Court in Moscow, the community is still able to use these facilities without obstruction, Jehovah's Witness representative Grigory Martynov told Forum 18 from St Petersburg on 21 October. No date for the appeal has been set, but Martynov believes it will be heard in late November.

Under the 2002 Extremism Law, even a local court may rule literature extremist (Article 13). If not successfully challenged, such rulings oblige the Justice Ministry to add relevant titles to the Federal List of Extremist Materials, at which point they are banned throughout Russia.

Opposing Orthodoxy = extremist

The texts considered extremist by the Rostov court are all published in the United States and Germany. They include the books "What Does the Bible Really Teach?" and "My Book of Bible Stories" as well as issues of the tracts "Watchtower" and "Awake!". The court's 56-page ruling, seen by Forum 18, gives three categories of alleged extremism located by expert analysts in the texts: 1) "incitement of religious hatred (undermining respect and hostility towards other religions)"; 2) "refusing blood" and 3) "refusing civil responsibilities". Thus, from the book "Knowledge That Leads to Everlasting Life", "true Christians do not celebrate Christmas or other festivals based on false religious ideas" appears in the first category; "out of respect for the sacred nature of life God-fearing people refuse blood transfusions" in the second; and "true Christians avoid false forms of idolatry, such as revering flags and performing anthems" in the third.

Half the titles condemned by the Rostov court feature examples only of the first category. Thus, in an October 1998 issue of

"Watchtower", one analyst found "information capable of undermining the reader's respect for the Christian (other than JW) religion, the assertion of popular disillusionment in religion in the context of processes taking place within the Anglican Church". In a February 2000 issue of "Awake!" a religious studies expert located "a negative attitude towards the Russian Orthodox Church", including a quotation from "Tolstoy, an opponent of Orthodoxy".

Overall, the verdict characterises the literature as containing "a negative evaluation of other confessions, propaganda and superiority of the Jehovah's Witness religion (..) of exclusivity of one religion over another". The court thus confused a justifiable definition of extremism in the 2002 Law – "propaganda of exclusivity, superiority or inferiority of citizens according to their attitude towards religion or religious affiliation" (Article 1) - with claiming the superiority of the religion itself. The freedom to make claims about the relative merits of religious or non-religious views is a central part of freedom of religion or belief. The same confusion between claiming the superiority of particular people and claiming the superiority of particular views is made in every attempt to ban allegedly religious extremist literature in Russia with which Forum 18 is familiar.

In ordering the liquidation of Taganrog's Jehovah's Witness organisation, the court also maintained that it encourages people whose life or health are at risk to refuse medical assistance for religious reasons (declining blood transfusions) and to refuse civil obligations prescribed by law (citing a Jehovah's Witness who rejected both military and alternative service). The court also claimed to have identified instances of minors enticed into the organisation's activity and families broken up due to religious differences related to Jehovah's Witness activity. These charges are among grounds for seeking the liquidation of a religious organisation under Article 14 of the 1997 Religion Law and led to the 2004 ban on the Jehovah's Witnesses' Moscow organisation (see F18News 25 May 2004 http://www.forum18.org/Archive.php?article_id=327).

Rostov-on-Don Regional Public Prosecutor's Office ordered its sub-offices to investigate all local Jehovah's Witness communities and consider filing applications for their liquidation in September 2007 (see F18News 14 July 2008 http://www.forum18.org/Archive.php?article_id=1159).

Other legal cases against Jehovah's Witnesses

Three time zones east, Gorno-Altai's city court also ruled 18 Jehovah's Witness publications extremist on 1 October 2009. The decision is currently pending appeal at the Supreme Court of Altai Republic. No date has yet been set, and it is unclear whether the federal Supreme Court in Moscow would consider a further appeal should it fail, according to Jehovah's Witness representative Martynov. Only a few titles coincide with those in the Rostov ruling: the books "My Book of Bible Stories", "Mankind's Search for God" and the brochure "Jehovah's Witnesses. Who Are They? What Do They Believe?" The Altai court did not examine Jehovah's Witness religious practice.

While not involving extremism charges, the Jehovah's Witnesses have won two appeals to the Supreme Court in recent months. On 22 September, the Court upheld a 14 July ruling by the regional court in the Russian exclave of Kaliningrad rejecting a regional justice department suit for the liquidation of Kaliningrad city's Jehovah's Witness organisation. The justice department alleged that the organisation had conducted two worship services in premises not provided for that purpose, but the lower court found that no special permission or agreement was required, the Jehovah's Witnesses reported on 23 September. In the second case, the Supreme Court on 18 August rejected a cassation appeal brought by Samara Regional Public Prosecutor's Office against the 29 May refusal by Samara Regional Court to liquidate the Jehovah's Witness organisation in Tolyatti. The lower court had found insufficient evidence that the Tolyatti Jehovah's Witnesses promoted conscientious objection or broke up families, as alleged by the Prosecutor's Office.

Among the seven local cases currently seeking to ban Jehovah's Witness literature as extremist, those in Rostov-on-Don and Gorno-Altai have progressed furthest. The deportations of four North American lawyers since March have damaged their already pressed defence in the trials (see F18News 23 July 2009 http://www.forum18.org/Archive.php?article_id=1331).

The criminal case accusing Jehovah's Witnesses in Asbest (Sverdlovsk [Yekaterinburg] Region) of distributing allegedly extremist literature – the first to be opened – was formally closed on 6 July, according to an order seen by Forum 18 and signed by Vitaly Romsa, Senior Investigator for the Investigation of Especially Important Cases at the Investigation Department of the Investigation Committee attached to Sverdlovsk Regional Public Prosecutor's Office. However, the Regional Prosecutor's Office announced that this order was cancelled by the Department on 31 July and the investigation re-opened, local Jehovah's Witness lawyer Egiazar Chernikov confirmed to Forum 18 from Yekaterinburg on 21 October.

St Petersburg obstruction

Some state officials in the St Petersburg area are reportedly acting as if a ban were already in force.

On 5 October customs officers at Vyborg near the Russian-Finnish border – including from the Department Against Especially Dangerous Types of Contraband - detained a consignment of Jehovah's Witness literature bound for the organisation's St Petersburg headquarters, orally explaining on 19 October that "the literature may contain features aimed at inciting religious hatred," according to the Jehovah's Witnesses. To secure the literature's release, they must now present documentation showing it is not subject to

import restrictions. The Jehovah's Witnesses also report that customs officers in Bryansk Region – which borders Ukraine - detained Kyrgyz-language Jehovah's Witness literature bound for Kyrgyzstan in late September, but released it after two weeks.

The North-West Customs Department press office insisted on faxed questions on 23 October, which Forum 18 submitted that day.

Claiming to be acting on information that "extremist activity" was taking place in a Kingdom Hall in the St Petersburg suburb of Strelna, Sergei Butenko, assistant public prosecutor of Petrodvorets District, prevented 68 participants from leaving a 30 September evening Bible study, according to the Jehovah's Witnesses. With other state representatives, Butenko reportedly took the full names, dates of birth, home and work addresses of those present and forced some to state in writing when and why they attend Jehovah's Witness meetings and what they do there. Some were not permitted to leave for nearly five hours.

Assistant Public Prosecutor Butenko declined to comment to Forum 18 on 23 October, explaining that he never discusses his investigations by telephone; "I don't know who you are - you could be some kind of spy."

As in previous years (see F18News 22 July 2008 http://www.forum18.org/Archive.php?article_id=1161), the Jehovah's Witnesses also report state disruption to their summer conventions, forced in some cases to be held in Kingdom Halls or on rented fields, "as the managers of most stadiums in Russia now refuse to rent to Jehovah's Witnesses for fear of reprisals from the FSB [security service] and city administrations."

Jehovah's Witnesses cite examples of attempted disruption: near Moscow, a tractor driven by someone unconnected to the owner of a rented field tried to plough up the field to stop a convention; in Nevinnomyssk (Stavropol Region), participants in a two-day convention from 18-19 July managed to outwit police attempts to block entry to their Kingdom Hall by arriving before 6am on the first day and at 11am on the next. While subsequent meetings went ahead without interference, a 17 July instruction issued by the municipal administration and seen by Forum 18 bans worship events by local Jehovah's Witnesses at the Kingdom Hall on 14 dates in July and August.

Islamic literature

The 432 titles on the Federal List of Extremist Materials as of 23 October typically suggest extreme nationalist or antisemitic content. Most theological entries - the inclusion of which is also disputed - are Islamic (see most recently F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

Chairing the 11 March meeting of the presidential Council for Co-operation with Religious Organisations, President Dmitry Medvedev supported the creation of a federal expert body in response to Council of Muftis chairman Ravil Gainutdin's complaints about what he sees as the unwarranted inclusion of Islamic literature on the List. Formed by a 31 July Justice Ministry order but announced only on 23 September, the Council for the Study of Informational Materials with Religious Content for the Identification Therein of Characteristics of Extremism appears to address Gainutdin's concerns, numbering Islamic scholars such as Farid Asadullin, Council of Muftis vice-chairman, and Vitaly Naumkin, director of the Oriental Studies Institute at the Russian Academy of Sciences, among its 23 members. However, the Ministry's Order 224 establishing the Council stipulates that its activity is not an alternative to the legally prescribed procedure for recognising signs of extremism in informational materials. Also, it may not examine material already ruled extremist if the relevant court judgment is in force.

In the wake of an outcry at its creation in early 2009 (see F18News 2 June 2009 http://www.forum18.org/Archive.php?article_id=1303), another Justice Ministry body with powers to assess religious literature is proceeding with caution. Chaired by prominent anti-cultist Aleksandr Dvorkin, the Expert Council for Conducting State Religious-Studies Expert Analysis has so far issued only one conclusion, confirming the authenticity of a registration application by adherents of the Yezidi faith (a uniquely Kurdish ancient faith).

Old Testament extreme?

Launched in July 2009, various Russian bloggers are promoting an "Old Testament Extreme" campaign, in which complaints about allegedly extremist content in the Old Testament have been submitted to public prosecutor's offices in 19 regions. While some participants express antisemitic sentiment, an anonymous statement by a co-ordinator explains that the campaign's aim "isn't to ban the Bible, as the communists did (...) [but] to show the whole absurdity, nonsense and anti-constitutionality of the Extremism Law". Of the few state responses by late September, according to the co-ordinator, the head of the Urals Regional Centre for Court Analysis maintained that it did not have "specialists of a sufficient level" to analyse the Old Testament, while the Public Prosecutor of Tula city pronounced: "In answer to your statement about recognising the Old Testament of the Bible extremist literature, I inform you that the Bible is not such literature, so there are no grounds for analysis." (END)

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

For more background, see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1196.

Analysis of the background to Russian policy on "religious extremism" is available in two articles: 'How the battle with "religious extremism" began' (F18News 27 April 2009 http://www.forum18.org/Archive.php?article_id=1287) and 'The battle with "religious extremism" - a return to past methods?' (F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

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.

A printer-friendly map of Russia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>.

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