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RUSSIA: Jehovah's Witnesses to be liquidated?

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

Russia appears to be moving to close the Jehovah's Witnesses' headquarters as "extremist". If this happens, all 406 registered local organisations and over 2,500 religious groups would be highly likely also to be liquidated, ending Jehovah's Witness open public communal life in Russia.

Russia's General Prosecutor's Office appears to be moving to liquidate the Jehovah's Witness headquarters body as "extremist". It appears to think that it already has enough evidence to seek its liquidation because courts have in the past year liquidated local branches and punished individual community members. The assertion comes in a 27 January order shown to Jehovah's Witnesses but which they were not allowed to copy.

Should the Administrative Centre in St Petersburg be forcibly liquidated, it appears highly likely that all 406 registered local organisations and more than 2,500 unregistered religious groups would also be liquidated. This would end Jehovah's Witnesses open public communal life in Russia.

The 27 January General Prosecutor's Office order also instructed the Justice Ministry to conduct an exhaustive inspection of all aspects of the activity of the Administrative Centre by 27 February. It came a month before a one-year warning it issued to the Administrative Centre "of the inadmissibility of extremist activity" expires on 2 March.

Deputy General Prosecutor Viktor Grin's 27 January order claimed that the inspection was happening because the Administrative Centre's "structural subdivisions" have engaged in "extremist activity" since his 2 March 2016 warning. It specifically mentions in this regard the increasing liquidation of local Jehovah's Witness communities as "extremist organisations" (see F18News 15 February 2017 http://www.forum18.org/archive.php?article_id=2256).

"Considering that the religion of the Jehovah's Witnesses is professed by hundreds of thousands of Russian citizens, [liquidation] would be a disaster for rights and freedoms in our country," Administrative Centre representative Yaroslav Sivulsky said in a 15 February statement. "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."

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 from Moscow.

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.

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. 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).

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). Attempts to challenge the legality of the warning have failed (see

F18News 15 February 2017 http://www.forum18.org/archive.php?article_id=2256).

Deputy General Prosecutor Grin's order to the Justice Ministry of 27 January 2017 claims that, despite the 2 March 2016 warning, the Centre's "structural subdivisions" (ie. local religious organisations) have continued to engage in "extremist activity" during the past 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, 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 later in 2016 ruled "extremist" and ordered to be dissolved – Oryol on 14 June 2016, 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 allegedly 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 dates were 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 any liquidation suit against the Administrative Centre.

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.

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".

The inspection is to be 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 asked whether the Administrative Centre would be closed down after 27 February and how it will be possible to examine 73,000 pages of documents in only 12 working days. She refused to answer these questions or comment on the contents of Deputy Prosecutor Grin's 27 January order.

Forum 18 called the General Prosecutor's Office to put the same questions on 16 February, but a spokeswoman insisted that all enquiries should be made by fax only. A spokeswoman for the St Petersburg City Prosecutor's Office, in whose jurisdiction the Administrative Centre lies, also would not comment as she said the case was not her office's responsibility.

Jehovah's Witnesses fail to overturn March 2016 warning

The Administrative Centre has attempted to have the March 2016 General Prosecutor's Office warning ruled unlawful. However, Tver District Court in Moscow rejected their suit on 12 October 2016 (see eg. F18News 24 October 2016 http://forum18.org/archive.php?article_id=2228). Moscow City Court rejected the Jehovah's Witnesses' further appeal on 16 January 2017 (see F18News 15 February 2017 http://www.forum18.org/archive.php?article_id=2256).

Should the General Prosecutor's Office succeed in having the Administrative Centre ruled an "extremist" organisation, the Centre will have the right of appeal to Russia's Supreme Court, but previous attempts by Jehovah's Witness organisations to have liquidation orders overturned at this level 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).

What next?

If a liquidation order against the Administrative Centre is made and enters into legal force, it 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 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 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 20 February 2017. (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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