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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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RUSSIA: "This isn't about freedom of conscience or censorship"

By Felix Corley, Forum 18 News Service <http://www.forum18.org>

Russian state censorship increasingly extended nationwide in November to cover Jehovah's Witness websites - and possibly also Hare Krishna sms announcements, Forum 18 News Service has learnt. A Prosecutor's Office official claimed to Forum 18 that blocking the websites "isn't about freedom of conscience or censorship - it's about restricting access to extremist materials." Also, four more Jehovah's Witness publications have been banned nationwide by being added to the Federal List of Extremist Materials. Meanwhile, attempts to ban the Russian translation of a key book for Hare Krishna devotees - the Bhagavad-Gita As It Is - have been delayed. The reason is a delay for an unknown length of time in producing an "expert analysis" before the case can resume. Elsewhere, on 22 December an appeal is due to be heard after the second trial of Jehovah's Witness Aleksandr Kalistratov on "extremism" charges. Also facing "extremism" charges is a Muslim reader of the works of theologian Said Nursi, Ilham Merazhov. He is challenging the search of his home and the launching of a criminal case against him.

Russian state censorship of religious literature is now extending to websites - and possibly also to Hare Krishna sms announcements, Forum 18 News Service has learnt. Some religious books - especially Russian-language translations of works of the late Turkish Muslim theologian Said Nursi and many Jehovah's Witness publications - have long been banned as "extremist", but Jehovah's Witness websites nationwide are now being blocked for carrying copies of their works. "In many of Russia's cities our websites have been blocked by many providers since early and mid-November," Grigory Martynov of the Jehovah's Witnesses told Forum 18 from St Petersburg on 1 December. Meanwhile, attempts to ban the Russian translation of a key book for Hare Krishna devotees - the Bhagavad-Gita As It Is - have been delayed. One of the court-appointed "experts" refused to tell Forum 18 why their analysis had not reached the Tomsk court by the 1 December deadline.

15 Russian translations of Nursi's works and 68 Jehovah's Witness publications have now been ruled "extremist" and placed on the Federal List of Extremist Materials, making it illegal to distribute or store them for distribution (see eg. F18News 21 June 2011 <http://www.forum18.org/Archive.php?article_id=1582>). The 68 includes four further Jehovah's Witness magazines added to the Federal List on 2 December. All four were among nine Jehovah's Witness publications ruled extremist by Salsk Court in Rostov Region on 27 June, a decision upheld by Rostov Regional Court on 13 October. The other works had already been ruled extremist by other courts.

"Extremism" prosecutions

Public prosecutors use the presence of Nursi and Jehovah's Witness literature on the Federal List to launch prosecutions on extremism-related charges. In one of the most high-profile cases, Gorno-Altaisk court found Jehovah's Witness Aleksandr Kalistratov guilty on 3 November of violating Article 282, Part 1 of the Criminal Code ("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, .. conducted publicly or through the media"). Judge Marina Kulikova sentenced him to one hundred hours' community service.

[See a commentary on the systemic problems of Russian anti-extremism legislation, by Alexander Verkhovsky of the SOVA Center, at F18News 19 July 2010 <http://www.forum18.org/Archive.php?article_id=1468>.]

This was Kalistratov's second trial on the same charges. He was acquitted in April, but after prosecutors successfully challenged this in Altai Supreme Court, a new trial was ordered, which began on 22 June (see F18News 24 October 2011 <http://www.forum18.org/Archive.php?article_id=1629>).

Kalistratov has appealed against the verdict, and the appeal hearing is due to begin on 22 December at Altai Supreme Court, Jehovah's Witnesses told Forum 18.

Facing criminal trial in Novosibirsk are Nursi readers Ilham Merazhov and Kamil Odilov. They are challenging the search of homes and the launching of a criminal case against them (see F18News 12 January 2012 <http://www.forum18.org/Archive.php?article_id=1654>).

The Supreme Court in July cautioned that prosecutions of individuals on "extremism" charges should be carefully and narrowly

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framed. It warned that it is important to consider the individual's intention in distributing the works. If the intention is not to incite hatred or enmity or to humiliate the human dignity of others, prosecutions should not be brought. Officials have been unwilling to discuss the impact of the Supreme Court's instruction on their prosecutions of Muslims and Jehovah's Witnesses (see F18News 19 July 2011 <http://www.forum18.org/Archive.php?article_id=1594>)

Several court decisions seen by Forum 18 in Jehovah's Witness cases order that publications on the Federal List seized from members in the course of cases should be destroyed (see F18News 10 October 2011 <http://www.forum18.org/Archive.php?article_id=1623>).

Bhagavad-Gita As It Is banning case delayed

The suit brought by Tomsk Prosecutor Viktor Fedotov to have the book the Bhagavad-Gita As It Is banned as "extremist" has been delayed.

The case began under Judge Galina Butenko at Tomsk's Lenin District Court on 12 August, but was suspended after the fourth hearing on 30 August when the Court controversially ordered a new "expert analysis" by three "specialists" of Kemerovo State University. They were instructed to submit their analysis to the Court by 1 December. A May 2009 "expert analysis" to which one of the three, Mikhail Osadchy, contributed formed a basis for the prosecution of Jehovah's Witness Kalistratov in Gorno-Altaisk (see F18News 10 October 2011 <http://www.forum18.org/Archive.php?article_id=1623>).

It is not clear when the case will resume. Telephones at the Lenin District Court went unanswered each time Forum 18 called. Fedotov's telephone at the Prosecutor's Office similarly went unanswered. Yuri Pleshakov of the Hare Krishna community in Moscow told Forum 18 on 1 December that the Court had told them that it had not yet received the "expert analysis" and was unable to say when the case would resume.

Aleksei Gorbatov, one of the Kemerovo "experts", admitted to Forum 18 on 1 December that their analysis was late, but refused to say why. He also refused to say when he expected it to be completed. He also refused to say whether or not he had read the book the Bhagavad-Gita As It Is. "What do you think, if I have been asked to analyse it?" He insisted that he could not answer any questions until the court case is complete.

Pleshakov welcomed the support he says has come from a wide range of society to the Hare Krishna community's defence of one of their key books. "Given what these 'experts' have written on other books, and their designation of them as 'extremist', we fear what they might produce," he told Forum 18. "But we continue to hope that the court will take a just and objective decision."

Website blocking

Blocking of access in Russia to Jehovah's Witness websites began in July 2010, when internet service provider Technodesign in Komsomolsk-na-Amure blocked its customers' access to the official Jehovah's Witness international website www.watchtower.org, which contains information and publications in English, Russian and many other languages. The banning followed a court order initiated by the town's Prosecutor Vitaly Pakhomov (see F18News 7 September 2010 <http://www.forum18.org/Archive.php?article_id=1485>).

However, the blocking of access to Jehovah's Witnesses websites has been extending across Russia, after a 19 September judgment by Yoshkar-Ola City Court in the Republic of Mari-El. Judge Yekaterina Shishmakova ruled that five named internet companies had to block access to the IP addresses linked to two Jehovah's Witness websites, jw.org and watchtower.org, according to the verdict seen by Forum 18.

Prosecutor's Office official Andrei Nazarov argued to the Court that, as the sites contained works on the Federal List of Extremist Materials, access to the sites had to be blocked. The court accepted his argument.

The verdict reveals the involvement in the case of the Mari-El branch of the FSB security service. It notes that "in the course of conducting its operational/investigatory measures, the FSB of Russia for the Republic of Mari-El uncovered" the two sites where, it said, "free access" was possible to two banned works, What Does the Bible Really Teach? and My Book of Bible Stories.

"This isn't about freedom of conscience or censorship"

Despite the involvement of the FSB, Nazarov of the Prosecutor's Office insisted that the decision to take action against the websites had come as a result of a communication to the office. "We were told of such materials, we checked and found they were there," he told Forum 18 from Yoshkar-Ola on 1 December. "So we took the case to court." He denied absolutely that the communication had come from the FSB or any other state agency, or any part of the Russian Orthodox Church.

Internal government documents have revealed that moves against Jehovah's Witnesses and readers of the works of Muslim theologian Said Nursi are co-ordinated at a high state level. Both Jehovah's Witnesses and Nursi readers have been targeted in ways

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that suggest that their believers and communities are closely watched by the police and FSB security service - both within and outside their communities. One Russian Orthodox Church diocese has been involved in this, and private employers and public libraries have also been ordered to co-operate in the campaign (see F18News 12 August 2010 <http://www.forum18.org/Archive.php?article_id=1478>).

Nazarov of the Prosecutor's Office revealed that in preparing the case, he had a copy of the 2010 Komsomolsk-na-Amure verdict. That case had been initiated by that town's Public Prosecutor Vitaly Pakhomov (see F18News 7 September 2010 <http://www.forum18.org/Archive.php?article_id=1485>).

Nazarov rejected suggestions that blocking these websites restricted individuals' freedom of conscience or represented censorship. "This isn't about freedom of conscience or censorship - it's about restricting access to extremist materials."

Internet providers block websites

As a result of the verdict, blocking of the Jehovah's Witness websites began soon after. One of the five companies, Megafon-Sibir, told Forum 18 that it had begun blocking access when the decision came into force. "The websites jw.org and watchtower.org were blocked by the court decision by blocking the corresponding IP-address," Mikhail Ivonin, Megafon-Sibir's public relations manager, told Forum 18 from on 1 December. He said the court had sent the decision to his company.

Ivonin revealed that another Jehovah's Witness website, jw-media.org, was also being blocked even though it was not mentioned in the court verdict, as it is hosted on the same IP-address. Ivonin said the court decision was valid for internet service providers across Russia.

The Moscow-based Sova Center, which monitors the misapplication of the Extremism Law, noted on 29 November that Megafon-Sibir had written to a customer in Kemerovo who had complained about the blocking: "The sites you mentioned were blocked by the company in the interests of your security."

Sova Center noted a growing number of places where these Jehovah's Witness sites were blocked, including by three internet service providers in Moscow.

St Petersburg-based internet service provider Web-Plus said it began blocking Jehovah's Witness sites at the beginning of November. "The blocking took place on a court decision," Konstantin Rodzevich of Web-Plus technical support told Forum 18 from St Petersburg on 2 December. He did not identify which court decision.

The spokesperson for St Petersburg's Prosecutor's Office, Yelena Ordynskaya, refused to tell Forum 18 whether the City Prosecutor's Office or any District Prosecutor's Office had initiated any local cases to have access to Jehovah's Witness websites blocked. She said she was unable to answer Forum 18's questions as it is not based in Russia.

Bans on printed works continue

Meanwhile, courts have continued to ban printed Jehovah's Witness publications as "extremist" (see eg. F18News 21 June 2011 <http://www.forum18.org/Archive.php?article_id=1582>). Four further Jehovah's Witness magazines were added to the Federal List in its latest update on the Justice Ministry website on 2 December. All four were among nine Jehovah's Witness publications ruled extremist by Salsk Court in Rostov Region on 27 June, a decision upheld by Rostov Regional Court on 13 October. The other works had already been ruled extremist by other courts.

On 18 October, Judge Olga Tereshchenko of Makarov District Court of Sakhalin Region in Russia's Far East ruled nine further Jehovah's Witness booklets "extremist", the court website noted. The case had been brought by the local Prosecutor, Sergei Aleksandrov.

Jehovah's Witnesses complain that they were not informed about the case and only found out about it on 11 November, when an announcement appeared on the Sakhalin Regional Prosecutor's Office website. In justifying the suit, the Prosecutor's Office claimed that the distribution of publications "containing propaganda for the superiority of the Jehovah's Witness sect harms the rights, freedoms and legal interests of an indeterminate circle of people of other religious confessions". It did not claim that any specific individual had been harmed.

"The publisher who has the rights to these works was not even invited to the court," Jehovah's Witnesses complained to Forum 18. They described this as a violation of its rights under Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which includes the provision that "everyone is entitled to a fair and public hearing".

In a separate case, on 25 November Judge Olga Izrailova of Uspensky District Court of Krasnodar Region in southern European Russia began hearing a suit to ban a further Jehovah's Witness work as "extremist", according to the court website. The case was brought by District Prosecutor Aleksei Yaroshenko, while the Krasnodar Region Justice Department is also a party to the case.

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Prosecutor Yaroshenko is seeking to ban the Russian translation of "Bearing Thorough Witness About God's Kingdom", which is about the Acts of the Apostles. He cites analysis by specialists at the Krasnodar Laboratory of Judicial Expert Analysis.

Jehovah's Witnesses note that even three "experts" from Kemerovo State University - including Osadchy who is involved in the Tomsk case - concluded in 2010 that the Jehovah's Witness book "does not contain comparisons and parallels calling for the formation of a negative or repulsive image of any religions or people professing the given religions".

The Court website notes that as the Prosecutor lacked some necessary documents, the case was adjourned until 19 December.

Mystery surrounds cut off of Hare Krishna sms message service

For nearly six years, Russia's Hare Krishna community ran a message service VIOMS sending daily quotes from their publications, items from the Vedic calendar and announcements of events to more than 3,000 subscribers. However, the contract with the Penza branch of the NSS company was halted without warning in mid-November, one of the VIOMS organisers told Forum 18 on 1 December. "We don't know who ordered the breaking of the contract or why, or whether it is connected with the Tomsk case."

The VIOMS organiser said that about two weeks before the cut-off, about fifteen unknown numbers joined the service and began sending out more than 200 messages per day. The organisers do not know who these people were. They say on average each subscriber received between five and fifteen messages per day, though this depended on which of several lists they opted to receive. Subscribers had to confirm each month that they wished to continue receiving messages.

Forum 18 asked NSS whether the sms service was cut on state orders, through a court decision or an instruction from a state agency, or whether it was a decision taken by the company. NSS staff have promised to respond, but had not done so by the afternoon of 2 December. (END)

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>).

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, is at F18News 26 May 2005 <http://www.forum18.org/Archive.php?article_id=570>.

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>.

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://education.nationalgeographic.com/education/mapping/outline-map/?map=Russia>.

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