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RUSSIA: Reduced state harassment of Jehovah's Witnesses?

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

Incidents of Russian police harassment against Jehovah's Witnesses appear to be declining, Forum 18 News Service notes. However, Jehovah's Witness spokesperson Grigory Martynov stated that the apparent reduction in such incidents could be because ordinary Jehovah's Witnesses are now less likely to report them. "At first they're outraged, yes. But the second and third time you get used to it and don't think anything about it, it becomes just 'a chat with the police'", he told Forum 18. Also, followers of faiths the authorities dislike won a victory in the Constitutional Court on 5 December 2012. It ruled that regulations obliging organisers to seek advance state approval for religious events should be loosened. The ruling followed prosecution of two Jehovah's Witnesses in Belgorod Region for meeting for worship without state approval. It should make the religious freedom situation of communities without access to designated houses of worship easier.

Incidents of Russian police harassment against Jehovah's Witnesses appear to be declining, Forum 18 News Service notes, although hundreds of such cases have taken place since early 2009.

This downward trend in this type of freedom of religion or belief violation may be deceptive, however. Jehovah's Witness spokesperson Grigory Martynov noted to Forum 18 in Moscow that the apparent reduction in such incidents could be because ordinary Jehovah's Witnesses are now less likely to report them to congregation leaders. "At first they're outraged, yes. But the second and third time you get used to it and don't think anything about it, it becomes just 'a chat with the police'" (see below).

One form of harassment experienced by Jehovah's Witnesses, and other faiths the authorities dislike, has been punishments of people for meeting for worship outside designated houses of worship without state permission. But followers of these faiths won a clear victory in the Constitutional Court on 5 December 2012. It ruled that regulations obliging organisers to seek advance state approval for religious events should be loosened. The ruling arose from the prosecution of two Jehovah's Witnesses for meeting for worship without state approval in Belgorod Region and Tatarstan Republic. The ruling should make the religious freedom situation of religious communities without access to designated houses of worship easier.

Constitutional Court victory

Russia's Constitutional Court on 5 December 2012 ruled that organisers of religious events need not necessarily seek advance state permission to hold them. Some officials had been interpreting the law to mean that religious events outside certain premises require state permission in the same way as political demonstrations. Ambiguously, the 2004 Law on Assemblies, Meetings, Demonstrations, Marches and Pickets states that "religious rites and ceremonies" are regulated by the 1997 Religion Law (Article 1.2), which in turn states that "public worship services, other religious rites and ceremonies" are regulated by legislation on demonstrations (Article 16.5).

Where officials are hostile to particular faiths, such advance notification of religious worship at rented premises is not simply a formality. Religious believers report that pressure on landlords follows once the state learns of their rental agreements, leading to their termination (see F18News 28 October 2011 http://www.forum18.org/Archive.php?article_id=1631).

In the 5 December 2012 ruling, seen by Forum 18, the Constitutional Court considered the 2004 Demonstrations Law provisions and similar provisions from Tatarstan Republic's 1999 Religion Law. In June 2009 a magistrate in Kazan (Tatarstan Republic) fined Paikar Airiyan, the leader of a local Jehovah's Witness organisation, for violating Article 20.2 of the Code of Administrative Offences. His offence was that he had not informed the state authorities in advance of a religious event held at a rented business centre in Kazan that April. The magistrate's ruling was upheld by Kazan's Vakhitov District Court in June 2009, Tatarstan's Supreme Court in July 2009, and finally Russia's Supreme Court on 26 February 2010.

Aleksandr Shchendrygin, the Chair of Belgorod's local Jehovah's Witness organisation, was similarly convicted by a magistrate in August 2011, also for not providing the authorities with advance notification of a religious event. The magistrate's ruling was upheld by October District Court in September 2011, and finally by Belgorod Regional Court on 20 December 2011.

Acting on Airiyan and Shchendrygin's behalf, Russia's Ombudsperson for Human Rights, Vladimir Lukin, argued to the

Constitutional Court that "public worship services must not be categorised with meetings, demonstrations and marches, which characteristically take place on territory for communal use (squares, streets, parks etc)". The unconditional requirement that advance notification of such worship be given to the authorities represents, Lukin said, "unnecessary state interference in citizens' realisation of the rights to freedom of conscience and freedom to assemble peacefully and without weapons". He argued that this therefore violates two articles of Russia's 1993 Constitution, Articles 28 ("Freedom of conscience") and 31 ("Right to assemble peacefully").

Constitutional Court ruling

In response, the Court drew a distinction between the right to freedom of conscience involving public and private assembly - "which suggests that believers are allowed to gather freely without unjust state interference" - and the general right to peaceful assembly, "which is not absolute".

The Court also noted that the consequences of holding a religious event accessible to the public, even indoors, without notifying the state authorities in advance, "are comparable with the consequences of an unapproved public event of a social nature, because the open demonstration of religious convictions could annoy or offend those who profess a different religion or do not profess any religion".

The Court added that religious events taking place outside houses of worship, specially designated places, or private homes, "might be of a scale that obstructs the normal functioning of transport, state or social organisations". In these cases, application of the regulations for meetings, demonstrations and marches (but not assemblies and lone pickets) may not be regarded as a violation of the Constitution, or as "excessive interference by the state in the affairs of religious organisations".

Crucially, however, the Court ruled that notifying the authorities may not be required in the case of religious "assemblies" [sobraniia]. These are defined by Article 2 of the 2004 Demonstrations Law as "the joint presence of citizens in a specially assigned or designed place for the collective discussion of socially significant issues".

In such cases, the Court ruled, insistence upon advance notification violates constitutional principles if the state authorities do not need to take measures to safeguard public order and safety for both participants in the religious event and other citizens.

Fined for meeting without state permission

If applied this ruling will change current official practices. For example, on 28 August 2012 Pentecostal pastor Aleksandr Kravchenko in Maikop (Adygea) was heavily fined for not notifying the authorities about worship in rented premises (see F18News 13 September 2012 http://www.forum18.org/Archive.php?article_id=1742). However, Maikop Municipal Court upheld Kravchenko's appeal and annulled the fine on 10 October 2012.

Fines against Jehovah's Witnesses for holding religious meetings in private homes or privately rented premises became more frequent from 2009. Until June 2012 corresponding fines under the Administrative Codes' Article 20.2 were small, up to the equivalent of almost two weeks' minimum wage (2,000 Roubles). Following large-scale anti-Putin protests fines were massively increased in early June 2012, up to a maximum of 1 million Roubles (187,000 Norwegian Kroner, 25,000 Euros or 30,000 US Dollars) (see F18News 13 September 2012 http://www.forum18.org/Archive.php?article_id=1742).

Russian courts have usually applied a strict interpretation of the law against Jehovah's Witnesses and evangelical Protestants. Jehovah's Witnesses reported 22 administrative convictions for failing to notify local state authorities in advance of meetings for worship in 2010-11 (40 per cent of such prosecutions against them). These convictions were secured despite local courts considering analogous cases in four regions ruling that meetings for worship are not subject to the Demonstrations Law. These local court rulings were prior to the Constitutional Court decision (see Forum 18's general Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1722).

State harassment against and raids on Jehovah's Witnesses meeting for worship in private homes continued in late 2012, before the Constitutional Court decision (see below).

Campaign

Coordinated nationwide police and other official harassment against Jehovah's Witnesses began in early 2009, when public prosecutors conducted over 500 inspection visits on local congregations in one month (see F18News 13 March 2009 http://www.forum18.org/Archive.php?article_id=1267).

After a court in Rostov-on-Don declared 34 Jehovah's Witness titles to be "extremist" on 11 September 2009, many of their members were detained while out preaching. They were typically held for several hours, searched for literature, fingerprinted and photographed, but not charged (see F18News 23 October 2009 http://www.forum18.org/Archive.php?article_id=1366).

Initially, incidents of police harassment against Jehovah's Witnesses occurred in a minority of Russian regions. During three months

from 8 December 2009 – when the Supreme Court upheld the Rostov-on-Don ruling - Jehovah's Witnesses reported 80 such incidents in 34 regions, or fewer than half (see F18News 25 March 2010 http://www.forum18.org/Archive.php?article_id=1426).

By the end of November 2012, the campaign had spread, with a total of 68 Jehovah's Witness titles banned and state-sponsored moves against their members reported in 69 of Russia's 83 regions, or 80 per cent of regions. In 2011 alone, Jehovah's Witnesses reported 266 detentions, police raids and new administrative cases opened. At an average of 22 per month, this rate was slightly lower than previously, however (see Forum 18's "extremism" Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1724).

During the three-month period September-November 2012, Jehovah's Witnesses reported 41 incidents in 22 Russian regions, an average rate of 14 per month.

Similarly, as of the end of 2012, attempts to prosecute Jehovah's Witnesses for criminal "extremism" for distributing their literature appear to be declining (see F18News 2 January 2013 http://www.forum18.org/Archive.php?article_id=1786).

Supportive rhetoric

Despite this decline, recent public comments by top state representatives promote the general climate of hostility towards non-state approved faiths. On 9 December 2012 government Chief of Staff Vyacheslav Volodin described "traditional religions" – typically signifying Russian Orthodox, Muslim, Jewish and Buddhist bodies loyal to the Kremlin – as "a guarantee of stability in society", while "what comes from sects, branching off, includes, of course, the possibility of causing tension," Vesti.ru state news reported that day.

Asked to improve measures against "totalitarian sects" in a Moscow meeting with officials from Samara Region on 25 October 2012, President Vladimir Putin agreed that "totalitarian activities" pose a particular threat to society. "This is a hunt not only for people's souls, but their property," he remarked, according to a transcript on the presidential website. "Like mushrooms and fungi, all kinds of huts spring up where certain rituals take place – again, it's not very clear what goes on there, how they're treating people."

Putin also spoke about "our basic four traditional religions", though he did not identify them. The state's treatment of certain groups within Orthodoxy, Islam, Judaism and Buddhism as the nation's privileged "traditional religions" – to the exclusion of others – is now routine (see Forum 18's general Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1722).

Alarming incidents

Forum 18 also notes that the state harassment routinely experienced by Jehovah's Witnesses was almost unthinkable before 2009 – but was typical of the late Soviet period.

Among the latest incidents, as reported by Jehovah's Witnesses:

Karelia Republic

On 23 November 2012 law enforcement agents searching for religious literature conducted raids lasting up to nine hours on two private homes belonging to the Ogorodnikov and Stepanov Jehovah's Witness families, as well as a venue where Jehovah's Witnesses meet for worship in the town of Kostomuksha (Karelia Republic).

On 18 December 2012 a spokesperson for Kostomuksha police department told Forum 18 that comments are available only from the press office of Karelia Republic's Interior Ministry, to which the police department is subordinate.

After requesting questions by email on 20 December, Rita Prokhorovskaya of the Ministry's press office responded to Forum 18 later the same day that "employees of subdivisions of the Interior Ministry of Karelia Republic did not participate in the events connected with the citizens cited in your enquiry [the Ogorodnikovs and Stepanovs]."

Yamalo-Nenets Autonomous District

On 22 November 2012, two police officers interrupted Jehovah's Witnesses meeting for worship in a private flat in the small town of Muravlenko (Yamalo-Nenets Autonomous District). Introducing themselves as inspectors of the affairs of minors, they demanded to know why people were gathered in the flat with children. They then interrogated and took the passport details of parents present; others were told to go to a police station to provide their details.

"This was not a search," an officer at Muravlenko's police station repeatedly insisted to Forum 18 on 18 December. Concerned that people were constantly gathering at the flat, neighbours in the building had called the police, he said. "Two officers rang the doorbell and explained that citizens didn't understand what was going on. They asked if they could come in and clarify the situation, and were let in," the officer remarked. "So it was a conversation conducted with the permission of those present."

While expressing some concern to Forum 18 that about 25 people were present in "quite a small flat", the police officer stressed that no action was taken. Only those who wished to give their names did so, he maintained, and, after learning that they were "representatives of the Jehovah religious trend", the police left. The officer also explained that one of the visiting police had until recently worked as an inspector for the affairs of minors and still carried that identification.

Tyumen Region

On 21 November 2012, ordinary and "anti-extremism" police and the FSB security service raided four Jehovah's Witness homes, a workplace and premises used for meetings for worship in Tobolsk (Tyumen Region), seizing religious literature, documents, computer equipment, CDs, DVDs and personal items.

A spokesperson at Tyumen Region's Interior Affairs Department told Forum 18 to call the head of its press service, but the number provided was busy when Forum 18 rang repeatedly on 20 December. Forum 18 submitted questions by email the same day, but had received no response by the end of the working day in Tyumen on 3 January 2013.

Bryansk Region

On 16 November 2012, a group of female Jehovah's Witness preachers in the small town of Pogar (Bryansk Region) were detained by police. Officers confiscated their literature for "analysis" and demanded they stop preaching. They also reportedly tore off the women's head-coverings and forced them to be photographed.

The telephone number of Pogar police station was busy when Forum 18 rang repeatedly on 20 December 2012. (END)

For more background, see Forum 18's surveys of the general state of religious freedom in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

An analysis of the way that the Russian authorities have used the Pussy Riot case to intensify restrictions on freedom of religion or belief is at F18News 15 October 2012 http://www.forum18.org/Archive.php?article_id=1754.

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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