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RUSSIA: Is "negative evaluation of Christianity" a crime?

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

Four Jehovah's Witness publications have been ruled "extremist" by a Siberian court since the beginning of 2013, with rulings expected soon on a further four, Forum 18 News Service notes. One "expert" analysis used by the court uncovered "propaganda" of the superiority of citizens on religious grounds and incitement of religious discord. It also pointed to the publication's "negative evaluations of Christianity and its religious leaders", but gave no examples from the text itself. The publications are expected to appear soon on Russia's Federal List of Extremist Materials. In April a court in Chelyabinsk is due to consider whether 95 further Jehovah's Witness works are "extremist". Fifteen more works by Islamic theologian Said Nursi and a Russian translation of a biography of him were added to the Federal List on 19 March. Individuals and communities who possess such works deemed "extremist" can be fined or even imprisoned.

Russia continues to outlaw Jehovah's Witness literature and prosecute Jehovah's Witnesses for distributing it, Forum 18 News Service has learned.

Recent court rulings determining Jehovah's Witness literature "extremist" come as efforts to convict individual Jehovah's Witnesses for "extremist" activity appear to weaken (see F18News 2 January 2013 http://www.forum18.org/Archive.php?article_id=1786).

The latest Jehovah's Witness titles to be declared "extremist" have yet to be added to the Federal List of Extremist Materials, as there is a typical delay of several months between a corresponding court decision and a text's addition to the List. Once the Justice Ministry adds an item to the List, it is banned throughout Russia. The List runs to 1763 titles as of 27 March, including 68 Jehovah's Witness publications.

The 15 texts by Islamic theologian Said Nursi and a Russian translation of a biography of him by Mary Weld (Sukran Vahide) - ruled "extremist" by a court in the western exclave of Kaliningrad in November 2012 - were added to the List on 19 March. The List now features 39 Nursi works (see F18News 19 February 2013 http://www.forum18.org/Archive.php?article_id=1803).

Jehovah's Witness and Nursi titles are the main religious texts to have been banned as "extremist" in Russia in violation of freedom of religion or belief. In 2012 a Public Prosecutor in the Siberian city of Tomsk failed to ban as "extremist" the Russian translation of "The Bhagavad-gita As It Is", a key text for Hare Krishna devotees (see F18News 21 March 2012 http://www.forum18.org/Archive.php?article_id=1682).

Krasnoyarsk rulings

In the Siberian city of Krasnoyarsk, Soviet District Court has ruled four Jehovah's Witness texts "extremist" since the beginning of 2013. While texts are usually considered as a single block, the Krasnoyarsk court is reviewing eight Jehovah's Witness publications in eight separate cases involving multiple judges and "expert" analyses.

On 22 and 24 January respectively, Judge Irina Akimova outlawed "Natural Disasters: Punishment From God?" and "Will You Follow Jehovah's Loving Guidance?". Judge Tatyana Tararaeva outlawed "Life Without Suffering – When?" on 31 January. Judge Olga Kolyvanova outlawed "What Does the Bible Really Teach?" on 14 February.

The nature of these cases is not immediately apparent from the Soviet District Court website, however. While the texts of the 31 January and 14 February rulings are accessible there, the website's court record lists all four as "miscellaneous public-legal relations" cases filed "in the interests of the Russian Federation" by Soviet District Public Prosecutor from April-June 2012.

The remaining four cases have been postponed until April-May 2013, Jehovah's Witness spokesperson Grigory Martynov told Forum 18 on 15 March.

The direct number for Igor Lyannoi, the Soviet District Public Prosecutor representative who argued against the Jehovah's Witness titles in court, went unanswered when Forum 18 rang on 18, 19 and 20 March.

Seen by Forum 18, the 22 January ruling against "Natural Disasters: Punishment From God?" is based solely on "expert" analysis by philosophy professor Vyacheslav Kudashov. Soviet District Court agreed with his conclusion that the text asserts the superiority of Jehovah's Witnesses over other citizens on religious grounds and propagandises religious discord [rozn] due to its "unambiguous claims that people who are not Christians (in this context, who are not Jehovah's Witnesses) will be swiftly destroyed by supernatural forces due to their religious convictions."

The 2002 Extremism Law defines "propaganda of the superiority of citizens on religious grounds" and incitement of "religious discord" as "extremist" activity (Article 1).

The ruling's only example cited from "Natural Disasters: Punishment From God?" concerns belief in the Apocalypse: "The Bible talks about the coming of 'Lord Jesus with his mighty angels, when he will take revenge against all those who do not know God and do not follow the good news about our Lord Jesus.'" The ruling also points to the publication's "negative evaluation of traditional Christianity and its religious leaders", but gives no examples.

Seen by Forum 18, the 31 January ruling against "Life Without Suffering – When?" is partly based on another religious studies analysis by Kudashov. Conducted in February 2012 and seen by Forum 18, this similarly uncovered "propaganda" of the superiority of citizens on religious grounds and incitement of religious discord. It also pointed to the publication's "negative evaluations of Christianity and its religious leaders", but gave no examples from the text itself.

According to the 31 January ruling, further "expert" analysis by linguist Svetlana Mochalova reached the same conclusions as Kudashov.

Mochalova alone conducted the "expert" analysis relevant to the 14 February court ruling against "What Does the Bible Really Teach?", according to Jehovah's Witness spokesperson Martynov. Seen by Forum 18, this ruling accepts Mochalova's conclusion that the title – published in 2009 - is identical to a 2005 title of the same name ruled "extremist" by Rostov Regional Court in September 2009. That edition features on the Federal List at No. 510.

While redacted, the 14 February ruling gives more precise details of how the case arose. Questioned by the court, an unidentified deputy head of a military unit said that a junior officer told a major – the deputy head's subordinate - that two Jehovah's Witnesses had given him a copy of "What Does the Bible Really Teach?" near the military unit. On reading it at home, the officer "concluded that this book contains statements unacceptable to him," according to the deputy head, and so passed the book to a superior. The superior saw that the title was the same as that already on the Federal List and decided to commission an analysis of it.

Earlier analysis

In April 2008 Mochalova conducted "expert" analysis of various Jehovah's Witness texts as part of a criminal "extremism" investigation in Sverdlovsk (Yekaterinburg) Region that never came to court (see F18News 14 July 2008 http://www.forum18.org/Archive.php?article_id=1159).

Seen by Forum 18, this found incitement of discord in the texts' "negative public statements about the Christian religion, its doctrines and customs", including rejection as "false" and "satanic" teaching on Jesus' divine nature and the Trinity, the crucifix, and celebration of Christmas and Easter.

Successful bans on Jehovah's Witness literature as "extremist" have similarly rested on theological argument, such as rejection of major Christian festivals and citation of the writer Leo Tolstoy's criticism of Orthodoxy (see F18News 15 October 2012 http://www.forum18.org/Archive.php?article_id=1754).

Falun Gong literature has been banned due to its inclusion of a call by a British baroness to boycott the 2008 Beijing Olympics and its use of the swastika, a traditional Buddhist symbol (see F18News 14 December 2012 http://www.forum18.org/Archive.php?article_id=1782).

While court decisions rarely quote directly from Muslim theologian Nursi's works, they have been banned because analysts found "extremist" their references to people who do not believe in Islam as "frivolous", "philosophers" and "empty-talkers" (see F18News 5 March 2013 http://www.forum18.org/Archive.php?article_id=1811).

95 more texts to be banned?

From 1 April, a low-level court in Chelyabinsk Region is due to consider whether 95 Jehovah's Witness publications are "extremist". Seen by Forum 18, a 27 December 2012 request from the regional Public Prosecutor's Office asked Tractor Factory District Court in Chelyabinsk city to rule the 95 titles "extremist".

Published in Germany and the USA, these are mostly issues of "The Watchtower" and "Awake!" magazines, but also include several recent Jehovah's Witness yearbooks and the two-volume "Isaiah's Prophecy: Light for All Mankind".

The Public Prosecutor request claims that "expert" analysis has found content "forming a highly negative emotional attitude in the reader characterised by hostility towards people in relation to their adherence to another religious belief" as well as statements calling for "mass repression, deportations and violence against representatives of other religions". No examples from the 95 titles are cited.

Jehovah's Witnesses categorically reject these charges in a 19 March statement received by Forum 18, pointing out that their believers "are widely known by their refusal to take up weapons and efforts to promote peace". Jehovah's Witnesses were themselves victims of Stalin's "Operation North" mass deportation to Siberia in 1951.

Hunt for "extremists"

Focusing on charges of "extremism", a nationwide campaign against Jehovah's Witnesses began in early 2009, when Public Prosecutors conducted over 500 inspection visits of local congregations throughout Russia in one month (see F18News 13 March 2009 http://www.forum18.org/Archive.php?article_id=1267).

Despite co-ordinating the anti-Jehovah's Witness campaign, federal Public Prosecutor and FSB representatives refuse to account for it. A press spokesperson at the General Prosecutor's Office insisted to Forum 18 on 5 March 2013 that questions be submitted by fax. Forum 18 earlier faxed questions to the Office's press service in July 2009, asking why moves were underway in various parts of Russia against Jehovah's Witnesses (see F18News 23 July 2009 http://www.forum18.org/Archive.php?article_id=1331). Forum 18 did not receive a response.

Forum 18 has similarly received no response to written questions sent in June 2010 to Sergei Ignatchenko, spokesperson for the FSB security service in Moscow, as to why the campaign was launched, what role the FSB played in it, and what danger to the Russian Federation the FSB sees in Jehovah's Witness activity (see F18News 12 August 2010 http://www.forum18.org/Archive.php?article_id=1478).

In a variation of Russia's ongoing campaign against Jehovah's Witnesses, some prosecutors are seeking to punish them for reasons such as conscientious objection to military service instead of "extremism" (see F18News 21 March 2013 http://www.forum18.org/Archive.php?article_id=1815).

Kemerovo

Challenging the inclusion of items on the Federal List of Extremist Materials continues to prove difficult. On 15 January 2013 the Justice Ministry told Jehovah's Witnesses in Kemerovo Region that two of their titles would not be removed from Nos. 914 and 915 on the List. This is even though the 30 May 2011 local court ruling responsible for their inclusion has been overturned.

In his letter to Jehovah's Witnesses seen by Forum 18, First Deputy Justice Minister Aleksandr Smirnov maintained that there would be no legal grounds to exclude the titles from the List until the case had been both "fully considered in the court of appeals" and the Justice Ministry had received "the court's decision to reverse the execution" of the original ruling by Kemerovo's Factory District Court.

Smirnov noted that Kemerovo Regional Court's website had reported that the May 2011 ruling was "fully reversed" and the case sent for retrial on 15 February 2012.

As part of the retrial, Factory District Court commissioned a new "expert" analysis of the texts – "Is Religion a Force for Peace?" and "Be Zealous for True Worship" – in December 2012. There have been no developments since, Jehovah's Witness spokesperson Martynov told Forum 18.

Four Falun Gong-related texts were not removed from the List even after Falun Gong practitioners successfully appealed against an August 2008 ruling determining them "extremist". The Justice Ministry similarly maintained in June 2009 that it had to receive "a final court decision that has entered legal force" before they could be removed. A retrial once again resulted in the texts being ruled "extremist" in October 2011 (see F18News 14 December 2012 http://www.forum18.org/Archive.php?article_id=1782).

A leaflet accusing Hare Krishna devotees of arms and drugs trafficking and child abuse was removed from No. 413 on the Federal List by December 2009. The leaflet was originally determined extremist by Khabarovsk Central Municipal Court in January 2009. That ruling was reversed by Khabarovsk Regional Court in September 2009, however, after the leaflet's author, anti-cultist Aleksandr Kuzmin, was appointed to the Justice Ministry's Expert Council for Conducting State Religious-Studies Analysis (see F18News 27 May 2009 http://www.forum18.org/Archive.php?article_id=1300).

Literature fines

Further illustrating the lack of consistency in Russia's anti-"extremism" campaign, Jehovah's Witnesses in one region have been

fined for possessing one of the titles determined "extremist" by the overturned Factory Court District decision, while a court in another region has refused to prosecute possession of the second title.

The Jehovah's Witness community in the North Caucasus settlement of Kurdzhinovo (Karachai-Cherkessia Republic) was fined 50,000 Roubles (9,500 Norwegian Kroner, 1,250 Euros or 1,600 US Dollars) on 20 November 2012 for "production or distribution of extremist materials" (Article 20.29, Code of Administrative Offences). The case was launched after one copy of "Is Religion a Force for Peace?" was found during a police search of their kingdom hall in September 2012, Jehovah's Witnesses told Forum 18.

In the Far Eastern region of Primorye, however, a local magistrate refused to prosecute when FSB security service and Public Prosecutor representatives seized one copy of "Be Zealous for True Worship" from a Jehovah's Witness home in the village of Volno-Nadezhdinskoye in May 2012, Jehovah's Witnesses told Forum 18.

Karelia

On 25 January, local Jehovah's Witness V. Dichkin lost his appeal at Segezha Municipal Court (Karelia Republic), according to the court website. He had been fined 1,000 Roubles (190 Norwegian Kroner, 25 Euros or 30 US Dollars) under Article 20.29 by a lower court.

Segezha District Public Prosecutor discovered that Dichkin had distributed copies of "What Does the Bible Really Teach?" and "Youth Questions. Practical Advice" at the end of a 9 November 2012 meeting between local Jehovah's Witnesses and young people, Karelia Republic Public Prosecutor's Office announced on 30 January.

The only parts of "What Does the Bible Really Teach?" found to be "extremist" as cited by the September 2009 Rostov-on-Don Regional Court ruling, seen by Forum 18, are: "Many priests falsely claim that they can help the dead"; "To stand on the path of true religion means to destroy all items you have that are linked with false religion. We need to regard them as Jehovah does, and he regards them as an abomination"; "Many common festivals are linked with false religion. One of them is Christmas"; "Those who strive to please God do not celebrate Christmas or other festivals that have pagan roots and are linked with false religion."

The Rostov-on-Don court did not cite at all from "Youth Questions. Practical Advice" in its ruling, but determined the title "extremist" anyway (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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