

22 March 2016

RUSSIA: Enforced liquidation of communities accelerates

By Victoria Arnold, Forum 18

Three Jehovah's Witness communities are trying to challenge lower court orders that they be liquidated as "extremist" and are awaiting Supreme Court decisions. The cases brought to six the number of their communities banned as "extremist". Court moves to liquidate a seventh were launched in May 2015. Since spring 2015 at least seven further Jehovah's Witness communities have received written "extremism" warnings from prosecutors, a frequent prelude to liquidation suits, Forum 18 News Service has found. A Jehovah's Witness community in Arkhangelsk applied to liquidate itself in October 2015, just weeks before Regional Governor Igor Orlov told the local Russian Orthodox Diocese website of "ongoing work to ensure the de-legalisation of Jehovah's Witnesses in Arkhangelsk Region". All these moves mark an intensification of law enforcement efforts to curtail Jehovah's Witness activity, Forum 18 notes. One Muslim community is known to have been similarly liquidated, with a second being issued a warning.

Three further Jehovah's Witness communities are facing enforced dissolution after courts ruled that they were "extremist" organisations and their activities must cease. The congregations of Tyumen in Siberia, Belgorod in southern European Russia, and Stariy Oskol, also in Belgorod Region, are now awaiting the outcome of appeals to Russia's Supreme Court in Moscow. Court proceedings have resumed to liquidate another community, in Cherkessk in the North Caucasus. These moves - and the "extremism" warnings prosecutors have issued to at least seven further communities across Russia - mark an intensification of law enforcement efforts to curtail Jehovah's Witness activity, Forum 18 News Service notes.

The Cherkessk Jehovah's Witness community has been threatened with liquidation for much of the last year (see F18News 28 August 2015 http://www.forum18.org/archive.php?article_id=2095).

Although not essential, one frequently employed mechanism in the process of dissolving a religious organisation is a formal warning from a prosecutor's office of the "inadmissibility of extremist activity", Forum 18 notes. Violation of the terms of such a warning can trigger a liquidation suit. Another seven Jehovah's Witness communities which have received such warnings and are therefore in danger of dissolution should law enforcement agencies detect any further "extremism"-related offences, Forum 18 has found.

One Muslim community (in Borovsky village in Tyumen Region) is also known to have been liquidated on grounds of "extremism". Another (in Tayshet in Irkutsk Region) was issued with a warning in December 2014 after its imam was fined for allegedly distributing "extremist" literature.

Before 2014, only one Jehovah's Witness congregation (in Taganrog, Rostov Region, in 2009) had been dissolved on charges of "extremist" activity. In 2014, the Samara community was dissolved, followed by the Abinsk community in March 2015, Tyumen in October 2015, and Belgorod and Stariy Oskol in February 2016. Proceedings against the Cherkessk Jehovah's Witnesses were initiated in May 2015 and are still ongoing.

Familiar path of administrative cases, warnings, "repeat offences"

The most recent dissolutions have followed a familiar path, Forum 18 notes, involving the discovery of "extremist" literature, charges under Article 20.29 ("Production or mass distribution of extremist materials") of the Code of Administrative Offences, prosecutors' warnings, and allegations of repeat offences, leading to prosecutors seeking liquidation through the courts.

The three liquidation orders in Tyumen, Belgorod and Stariy Oskol, the attempted liquidation in Cherkessk, and the "extremism" warnings prosecutors have issued to communities all over the country all mark an intensification of law enforcement efforts to curtail Jehovah's Witness activity.

Many Jehovah's Witness texts (as well as numerous Muslim, several Falun Gong and one Catholic book) have been declared "extremist" and placed on the Justice Ministry's Federal List of Extremist Materials. Possession of an item on the Federal List carries the risk of a fine or imprisonment for up to 15 days, and confiscation of the banned literature. The Federal List now runs to over 3,000 items, often does not include full bibliographical details, and is irregularly updated. Checking whether a particular item is on the List can be very difficult or even impossible (see Forum 18's Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=1724).

Prosecutions under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials") have also increased (see F18News 2 March 2016 http://www.forum18.org/archive.php?article_id=2154), the import into Russia of Jehovah's Witness literature (not deemed "extremist") is routinely blocked (see F18News 14 December 2015 http://www.forum18.org/archive.php?article_id=2133), and a court in Vyborg is currently considering a request by prosecutors to outlaw the Jehovah's Witness translation of the Bible as an "extremist" text.

Consequences

When a registered religious organisation is liquidated, it loses its status as a legal entity and concomitant rights such as the ability to own or rent property, employ staff and hold a bank account. An unregistered community should legally be able to continue to operate as a religious group, which does not require registration, and meet privately for worship and study, but this can carry the risk of criminal charges.

Sixteen Jehovah's Witnesses in Taganrog were convicted on 30 November 2015 of "continuing the activities of a banned extremist organisation" (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128). Rostov Regional Court rejected their appeals on 17 March 2016 and the convictions have now come into force.

"Unregistered" religious groups are now also under increased monitoring by the authorities. Since 24 July 2015, they have to notify the authorities of their existence, membership, and address(es) at least once every three years (see F18News 17 September 2015 http://www.forum18.org/archive.php?article_id=2101).

Belgorod and Stariy Oskol

Judge Irina Naumova of Belgorod Regional Court upheld the regional prosecutor's suits against the Stariy Oskol and Belgorod Jehovah's Witnesses on 10 and 11 February 2016 respectively, ruling that both congregations were "extremist organisations", according to court records.

Both communities, which had been registered in the region since the 1990s, have submitted appeals to the Supreme Court, but no hearing date is yet known. Although the verdicts have not yet come into force, the communities' activities have already been suspended, the Administrative Centre of Jehovah's Witnesses in Russia said in a press release on 11 February. The Centre expressed its "concern that 11 Jehovah's Witnesses from Stariy Oskol and 11 of their fellow believers from Belgorod have been subjected to religious discrimination". It complained that the court had not permitted them to present their own evidence "showing the artificiality of the prosecutor's charges".

In a statement of 11 February, Belgorod Regional Prosecutor's Office accused the Jehovah's Witnesses of "violations .. associated with the dissemination of extremist content (advocating the superiority or inferiority of a person on grounds of religious affiliation or attitude to religion) .. an inclination to refuse medical assistance to people in a life-threatening condition on religious grounds, and the destruction of family and kinship relations on the basis of religious differences".

Forum 18 called the Regional Prosecutor's Office on 17 March to ask why it was seeking to have the two congregations dissolved and whether their former members would still be able to meet informally for worship. However, a spokeswoman explained that all enquiries from foreign organisations had to be directed to the General Prosecutor's Office of the Russian Federation.

The Belgorod Jehovah's Witnesses received a warning from the city prosecutor's office on 11 March 2015. According to court documents seen by Forum 18, this specified that "the religious organisation should not acquire and should not distribute any material deemed extremist; that it has neither the right nor the opportunity to follow any inhabitants of Belgorod who are not members; and that they should acquaint themselves with the Federal List of Extremist Materials"; and required compliance with current legislation.

The community made an unsuccessful attempt to challenge this at the city's October District Court on 22 July 2015, followed by an unsuccessful appeal at Belgorod Regional Court on 12 November. On 30 December, the regional prosecutor's office submitted its liquidation suit, claiming that the Jehovah's Witnesses had violated the terms of the warning.

Prosecutors issued the warning because of a concert held on 11 January 2015 at Dubovsk Palace of Culture in Belgorod District, during which a participant showed the audience "My Book of Bible Stories" (banned by Rostov Regional Court, 11 September 2009) and "The Bible: God's Word or Man's?" (banned by Factory District Court, Kemerovo, 28 October 2010) and encouraged them to share these texts with the public.

The Jehovah's Witness community did not dispute these events, but argued in court that they had not been party to the rental of the Palace of Culture and could not be held responsible for the autonomous actions of an individual adherent.

The regional prosecutor's 30 December 2015 request to have the Stariy Oskol Jehovah's Witnesses dissolved also came after the community had unsuccessfully challenged an "extremism" warning earlier in 2015.

According to court documents seen by Forum 18, the Stariy Oskol City Prosecutor issued the warning when law enforcement agents confiscated from four community members a number of books thought to be on the Federal List, plus others which "contained direct references to literature" on the List. The latter had been published after the relevant "extremism" rulings – therefore, the publishers had "knowingly included extremist material".

Stariy Oskol City Court rejected the community's request to have this warning ruled unlawful on 7 April 2015. The community appealed unsuccessfully at Belgorod Regional Court on 30 July 2015.

A group of local "anti-sect" activists, Youth Emergency Assistance, has claimed credit for triggering the Belgorod liquidation suits by repeatedly filming Jehovah's Witnesses in the streets and informing police of the distribution of allegedly "extremist" literature. The group has posted videos on its VKontakte page of members confronting Jehovah's Witnesses who have set up literature stands, then calling the police, who arrive and take the Jehovah's Witnesses away, often accompanied by the activists.

Russia's Federal Tax Service does not yet list either the Stariy Oskol or Belgorod communities as being in the process of liquidation, and neither yet appears on the Justice Ministry's list of "extremist" organisations.

Tyumen

On 24 March, the Tyumen Jehovah's Witnesses will attempt to have the dissolution of their community overturned by the Supreme Court. Tyumen Regional Prosecutor's Office sought the liquidation when the community allegedly violated the terms of an "extremism" warning by distributing "extremist" literature and was fined 50,000 Roubles on 12 March 2015 (they appealed unsuccessfully against this on 15 May 2015). The warning had been issued after community member Vladimir Morev was convicted under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials") in June 2014. Apart from Morev, 64 other individuals or religious communities were in 2014 prosecuted under Article 20.29, 56 of which were punished (see F18News 31 March 2015 http://www.forum18.org/archive.php?article_id=2052).

On 16 October 2015, Judge Natalya Levina upheld the prosecutors' suit. This "extreme" decision "could seriously affect the rights of believers", the Administrative Centre of Jehovah's Witnesses commented in a press statement of 25 February 2016. It insisted that the accusations of "extremist" activity were based on the "false statements of unidentified persons that [community members] allegedly distributed publications from the list of extremist materials".

Forum 18 wrote to the Tyumen Regional Prosecutor's Office on 4 March asking why it wanted to have the community dissolved, why Jehovah's Witnesses are considered dangerous, and whether former members of the congregation will still be able to meet informally for worship. The prosecutor's office passed this on to Tyumen Regional Department of the Justice Ministry, and head of department Anna Kashchuk responded on 18 March.

Kashchuk did not answer Forum 18's questions directly, only confirming the relevant dates in the case and the fact that the Jehovah's Witnesses had received a warning, and noting that because of the pending appeal, the court ruling has not yet come into force and "Because of this, the process of liquidation of the religious organisation .. has not begun". In response to Forum 18's enquiry as to whether members of a liquidated community may continue to meet informally, Kashchuk merely cited Article 7 of the 1997 Religion Law on the nature and activities of "unregistered" religious groups.

The Federal Tax Service lists the Tyumen community as being "in the process of liquidation", despite the pending Supreme Court appeal, but it does not yet appear on the Justice Ministry's list of "extremist" organisations.

When Forum 18 called the Tyumen Kingdom Hall on 18 March, an automated message in Russian and English said the number was no longer in use.

Arkhangelsk: ensuring the "de-legalisation of Jehovah's Witnesses"

The "Central" Jehovah's Witness community of Arkhangelsk is also in the process of liquidation as of 5 December 2015, according to Federal Tax Service records. This resulted from leader Aleksandr Parygin's request to the Justice Ministry on 28 October 2015 to have his congregation formally dissolved.

Although this liquidation was not demanded by prosecutors, the Arkhangelsk Jehovah's Witnesses have come under increasing scrutiny over the last year from law enforcement, local authorities, and "anti-sectarian" activists.

Regional Governor Igor Orlov told local Russian Orthodox Diocese website arh-eparhia.ru on 7 December 2015 of "ongoing work to ensure the de-legalisation of Jehovah's Witnesses in Arkhangelsk Region". He noted that Jehovah's Witnesses were "banned in several regions", and confirmed that the Arkhangelsk authorities "are following the same path".

Arkhangelsk Regional Assembly of Deputies on 27 November 2015 submitted an amendment to the 1997 Federal Religion Law

which would explicitly define missionary activity and give regional legislatures the power to regulate it on their territories. In the amendment's explanatory note, the Assembly claims that "At the moment, there are no mechanisms for monitoring the activities of missionaries, including those from abroad, preaching on the territory of the Russian Federation" and that "The protection of Russian citizens and religious organisations from the actions of persons carrying out missionary work .. is today a priority for public authorities, representatives of the Russian Orthodox Church, and other traditional faiths of the country".

The proposed amendment explicitly includes the distribution of religious literature as part of the definition of missionary activity.

The Russian federal government has not backed the bill, commenting on 5 February 2016 that existing legislation provides enough regulation and the proposed amendment may contravene citizens' right to equality of treatment across the country. Nevertheless, the bill was registered in the Duma on 15 February and is currently being examined by the Committee for Public Associations and Religious Organisations. The deadline for feedback is 14 April.

In Arkhangelsk, the FSB security service raided community premises and members' homes three times in April 2015, seizing religious literature. The community received a formal warning on 11 June 2015 of "the inadmissibility of extremist activity". They tried unsuccessfully to have this overturned at Central District Court on 30 October 2015 and Arkhangelsk Regional Court on 4 February 2016, according to court decisions seen by Forum 18.

In September 2015, a witness in another FSB operation "voluntarily" gave his interrogators a copy of a banned Jehovah's Witness text, alleging that he had received it from community member I. Antufyev. Antufyev was consequently fined 1,500 Roubles on 2 October 2015 (with an unsuccessful appeal on 5 November). This conviction left the community vulnerable to a liquidation suit by prosecutors.

Some 50 people held an "anti-sectarian" demonstration outside the Arkhangelsk Kingdom Hall on 13 March 2016, local TV station "Pomorje" reported in a special "anti-sectarian" bulletin the same evening (which used FSB film of a Jehovah's Witness literature seizure). Demonstrators' placards referred to bans on Jehovah's Witnesses in other Russian towns and proclaimed "No to religious extremism in Arkhangelsk Region!". The activists intended to produce a resolution demanding that the Arkhangelsk Jehovah's Witnesses should be outlawed, and deliver it to the governor and the prosecutor's office.

Yaroslav Sivulsky of the Administrative Centre of Jehovah's Witnesses commented to the Moscow-based SOVA Centre on 14 March: "Jehovah's Witnesses in Arkhangelsk are confronted with the same tactics of law enforcement agencies which have taken place in other cities, including Samara and Belgorod – the planting of religious literature from the list of extremist materials, as well as false testimony."

Forum 18 contacted the Arkhangelsk Regional Prosecutor's Office on 18 March and began to ask about moves against Jehovah's Witnesses in the region. However, the spokeswoman who took the call said she did not have the right to answer and immediately put the phone down. The prosecutor's office press service responded to Forum 18's written enquiry on the same day by saying that "We can consider requests from federal and foreign media only through the General Prosecutor's Office of Russia".

Activists from the Lev Protiv movement are planning a similar request to prosecutors to seek a ban on Jehovah's Witnesses in Kirov Region, the SOVA Centre reported on 11 March.

Seven other communities warned

Seven more Jehovah's Witness communities have received warnings of "the inadmissibility of extremist activity" from prosecutor's offices since spring 2015, Forum 18 has found. Three of these – Tikhoretsk (Krasnodar), Chapayevsk (Samara), and Shakhty (Rostov) – are in regions which have already seen the liquidation of Jehovah's Witness congregations on grounds of "extremism" (in Abinsk, Samara, and Taganrog respectively).

The other four are in Kaluga, Birobidzhan in the Jewish Autonomous Region, Vilyuchinsk on the Far Eastern Kamchatka peninsula, and Teykovo in Ivanovo Region. Three communities (Tikhoretsk, Teykovo, and Chapayevsk) have so far gone to court to have the warnings recognised as unlawful, all unsuccessfully.

If a community or its members are convicted (usually within 12 months) under Administrative Code Article 20.29 ("Production or mass distribution of extremist materials"), they risk liquidation proceedings.

In Tikhoretsk, Jehovah's Witnesses have so far narrowly avoided this. After community member Vasily Platon was fined on 24 February 2015 for distributing banned texts on two separate occasions, the community received a warning on 24 March 2015. The community unsuccessfully challenged the warning on 13 July, with an unsuccessful appeal on 24 September. Subsequently, Yekaterina Kuznetsova and Zinaida Leontyeva were also convicted under Article 20.29 on 17 December, but their case was returned for re-examination and they were acquitted on 4 March 2016.

Charges or conviction under Article 20.29 are not, however, necessary for prosecutors to issue a warning in the first place. In

Shakhty, the Jehovah's Witness congregation received an "extremism" warning simply because materials offered in the street by members L. Klimenko and L. Suleva displayed the jw.org website address. (The two were fined under Administrative Code Article 20.2, Part 2, for holding an "unsanctioned picket" - see F18News 22 February 2016 http://www.forum18.org/archive.php?article_id=2151.) The jw.org site (for the international Jehovah's Witness community) was banned and blocked in Russia in all language versions because it carried the texts of brochures ruled "extremist" by Russian courts (see F18News 8 June 2015 http://www.forum18.org/archive.php?article_id=2071).

Other liquidated communities

According to the Federal Tax service's listings, 28 Jehovah's Witness congregations have been dissolved since 2004 (23 since the beginning of 2012), not counting those known to have been liquidated on grounds of alleged "extremism".

A religious organisation can trigger its own dissolution for reasons unrelated to freedom of religion or belief – the Federal Tax Service lists two (in Voronezh and Yuzhnoye in Irkutsk Region) which have done so because of restructuring and merging with other congregations.

Prosecutors and local authorities can also pursue the liquidation of a religious organisation because of non-"extremism"-related legal infringements – the "Harvest" Pentecostal Church in St Petersburg, for instance, was liquidated after it allegedly violated educational regulations (see F18News 26 March 2014 http://www.forum18.org/archive.php?article_id=1943). (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief 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.

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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY