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RUSSIA: Many meetings raided and evidence planted

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

Raids on Jehovah's Witness premises now take place more than three times per month. These raids on doctrinally pacifist religious communities often involve many heavily armed and camouflaged officials, with the "discovery" of apparently planted banned "extremist" literature. Legal dissolution of communities can follow.

Raids on Jehovah's Witness premises have reached a rate of more than three per month in 2016, Forum 18 has found. These unannounced raids, often involving large numbers of heavily armed riot police as well as the FSB security service and "Anti-extremism" investigators, frequently occur during meetings for worship and use disproportionate force. The "discovery" of literature prohibited as "extremist" often occurs during searches. One of many such raids took place in the village of Nezlbnaya in the southern Stavropol Region on 20 September (see below).

Jehovah's Witnesses have credibly insisted, with video evidence, that this literature has been planted by the authorities. As well as being distressing to congregations, such raids with the "discovery" of "extremist" literature can also set in motion a chain of legal repercussions up to and including the dissolution of communities (see below).

The current wave of raids take place without any advance warning to the communities concerned. One difference from visits from Prosecutors Office officials is that the community concerned is notified in advance by post of these visits.

One indicator of the unnecessary nature of the weapons (including infantry assault rifles) and force used by camouflaged state officials in the many raids is that Jehovah's Witnesses worldwide are a doctrinally pacifist community, whose young male members will not do compulsory military service or any other military-connected activity. Jehovah's Witnesses follow their pacifist principles even if the government concerned jails and tortures conscientious objectors to military service, and their families and co-believers (see eg. in Turkmenistan F18News 3 October 2016 http://www.forum18.org/archive.php?article_id=2220).

Increasing raids and prosecutions targeting Jehovah's Witnesses

Police have raided Jehovah's Witness places of worship for at least 10 years. A raid on a meeting for worship in April 2006 led to the liquidation of their Moscow community. After a long legal struggle, the community was in 2015 re-registered after an appeal to the European Court of Human Rights (ECtHR) in Strasbourg (see F18News 28 August 2015 http://www.forum18.org/archive.php?article_id=2095). However, such raids appear to have increased in frequency and heavy-handedness over the last year, Jehovah's Witness spokesperson Yaroslav Sivulsky commented to Forum 18 on 20 October 2016.

This is in line with a general intensification of state scrutiny of Jehovah's Witnesses, Forum 18 notes. This has included rising numbers of prosecutions under Administrative Code 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") and Administrative Code Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket"), as well as the dissolution of several local communities as allegedly "extremist organisations" (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Appeal against "extremism" warning fails

In March 2015 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) which the Centre oversees and supports (see F18News 24 May 2016 http://www.forum18.org/archive.php?article_id=2181).

On 12 October 2016, Tver District Court in Moscow rejected the Administrative Centre's attempt to have the General Prosecutor's warning ruled unlawful. The Centre now plans to appeal to Moscow City Court, Sivulsky told Forum 18 on 20 October. It expects the appeal to be heard in two or three months. In the meantime, Sivulsky added, they understand that the warning is not legally

enforceable until after any appeal ruling.

If the Administrative Centre's appeal fails and prosecutors pursue liquidation, it seems likely that assorted Jehovah's Witness bodies throughout the country may also face dissolution because of their association with the Centre. Jehovah's Witnesses state they have more than 400 local religious organisations (legal entities) and over 2,500 congregations. The Centre itself would be added to the Justice Ministry's Federal List of Extremist Organisations (which is dominated by far-right and violent nationalist groups, though it already includes five liquidated Jehovah's Witness congregations) and its property would be turned over to the state.

The warning states that the Centre will be subject to dissolution if it does not take "specific organisational and practical measures" within two months to eliminate violations of the "Extremism Law", or if new evidence of "extremism" is uncovered. It does not elaborate, however, on what such measures may be or how they will be monitored. It appears that any subsequent extremism-related conviction of an individual or local community (once the appeal process is exhausted) may provide grounds for liquidation.

On 3 October, a ninth local Jehovah's Witness congregation, in Birobidzhan in the Jewish Autonomous Region, was ruled an "extremist" organisation and ordered to be liquidated.

On 18 October, the Supreme Court of the Russian Federation rejected the Oryol Jehovah's Witness community's appeal against its liquidation, ordered by Oryol Regional Court in June 2016.

Increasing raids and prosecutions targeting many communities

If an item is on the Federal List of Extremist Materials, possession of it carries the risk of a fine or imprisonment for up to 15 days, and confiscation of the banned literature. The Federal List as of September 2016 ran to over 3,69 items, often does not include full bibliographical details, and is irregularly updated, making it difficult for anyone to keep abreast of recent bans (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Courts continue to rule texts "extremist", opening the way for more prosecutions for their possession or "mass distribution". These include the Google Translate Russian version of a collection of sayings of the Islamic prophet Mohammed, a video commenting on the attempted seizure by bailiffs of saints' relics from the Russian Orthodox Autonomous Church, and Jehovah's Witness texts (see F18News 20 March 2015 http://www.forum18.org/archive.php?article_id=2049).

No-notice raids on religious communities' premises are not confined to Jehovah's Witnesses. Prosecutions of Muslims under Administrative Code 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") often arise after police, Prosecutor's Office officials, and/or FSB security service officers have searched a mosque "to check compliance with anti-extremism legislation" and discovered "extremist" literature, according to court verdicts seen by Forum 18 (see eg. F18News 25 April 2016 http://www.forum18.org/archive.php?article_id=2171).

Armed raids on homes, sometimes during prayer meetings or religious celebrations, have often been part of criminal investigations of Muslims who read the works of late Turkish theologian Said Nursi (see eg. F18News 29 June 2016 http://www.forum18.org/archive.php?article_id=2193).

Institutions run by Protestant churches, such as drug rehabilitation centres have sometimes been obliged to close for after fire safety or sanitation inspections found apparently minor and easily resolvable infringements (see eg. F18News 26 March 2014 http://www.forum18.org/archive.php?article_id=1943).

In October 2012, bailiffs in the Vladimir Region town of Suzdal disrupted a Russian Autonomous Orthodox Church service in an attempt to seize the relics of two saints kept in the church building (see F18News 3 December 2014 http://www.forum18.org/archive.php?article_id=2020).

Since the introduction in July 2016 of the so-called "anti-missionary law", which severely restricts the public sharing of beliefs, state agencies have raided religious events they suspect of violating the new legislation's regulations. Hare Krishna devotees and Protestants have also been prosecuted for sharing beliefs in public (see F18News 26 August 2016 http://www.forum18.org/archive.php?article_id=2211).

A police raid on a Tver sanatorium where Ghanaian Protestant leader Ebenezer Tuah was performing baptisms in a rented hall led to his being prosecuted for conducting "missionary activity" without the necessary documents. He was found guilty on 1 August and fined 50,000 Roubles, the maximum for a foreign citizen (see F18News 26 August 2016 http://www.forum18.org/archive.php?article_id=2211).

Police in St Petersburg detained Archbishop Sergei Zhuravlyov of the Ukrainian Reformed Orthodox Church while he was giving a sermon at a Messianic Jewish community. The police had received a message suggesting that Zhuravlyov was trying to convert Jews to Orthodoxy. A court fined the Archbishop 5,000 Roubles on 5 September.

Particular focus on Jehovah's Witnesses

Jehovah's Witness communities appear at present to be bearing the brunt of state attention of this type, involving the disruption of meetings for worship, the use of force, and the alleged falsification of material evidence.

Police raided 30 Kingdom Halls or other meeting places between January and August 2016, Jehovah's Witnesses' Administrative Centre noted in September. A further five were raided as of 21 October, bringing the total to 35 known raids so far this year. This is a marked increase on the Administrative Centre's figure of 10 for January-August 2015 (14 for 2015 in total). Throughout 2015, 89 known individuals and communities of all beliefs throughout Russia were prosecuted for possession of allegedly "extremist" religious literature (see F18News 25 April 2016 http://www.forum18.org/archive.php?article_id=2171).

The Jehovah's Witnesses in 2013 and 2014 reported eight such raids in each year. Throughout 2014, 65 known individuals and communities of all beliefs throughout Russia were prosecuted for possession of allegedly "extremist" religious literature (see F18News 31 March 2015 http://www.forum18.org/archive.php?article_id=2052).

Armed raids, planting of banned materials

Officials raid Jehovah's Witness meetings at a variety of locations – purpose-built Kingdom Halls, properties rented long-term for worship purposes, temporarily rented business centres or Houses of Culture, and sometimes individuals' homes.

Not all raids involve riot police or the halting of meetings for worship, as officers have been known to wait until the meeting is over on a few occasions. But the raids usually involve the disproportionate use of force, disproportionate numbers of officials, the needless disruption of meetings for worship, and either the expulsion of worshippers from the building or their containment in one room. Those present are expelled or confined to one room to prevent observation of searches, Jehovah's Witnesses comment. Officials have also demanded that those present lie down with their faces to the ground, to avoid what officials do being observed.

Forum 18 sent written questions to the FSB security service in several regions in which raids have been carried out in the last few months, asking: why these raids were launched, why heavily armed units were used, and why it was deemed necessary to disrupt meetings for worship. No reply has yet been received.

Simultaneous raids have sometimes been carried out in the same town or region. This happened to multiple Jehovah's Witness communities in: Petrozavodsk and Kostomuksha in Karelia in July 2016; in Vladikavkaz, Mozdok, and Alagir in North Ossetiya in May 2015; and also on multiple places of worship and believers' homes in Budyonnovsk in Stavropol Region in August 2016.

Evidence planting

Jehovah's Witnesses state that officials' practice of planting literature began as early as January 2013 and has become part of a coordinated campaign against them. According to a 30 September statement, they are aware of at least 60 cases of the planting and falsification of evidence.

"Currently, more than 80 Jehovah's Witness publications appear on the Federal List of Extremist Materials", the Administrative Centre commented on 1 April 2016. "Jehovah's Witnesses believe this is a mistake and seek in the courts to exclude their books and pamphlets from this list. Nevertheless, they do not import, distribute, or store these publications. Believers check carefully to ensure that these materials do not appear in places of worship."

That officials plant evidence has also been credibly claimed by Muslims who read the works of Turkish theologian Said Nursi. For example, this seems to have occurred in relation to a mosque in Mordovia whose mufti was subsequently fined (see eg. F18News 1 May 2014 http://www.forum18.org/archive.php?article_id=1953).

Typical heavily armed raid, evidence apparently planted

A typical example of the many raids, Jehovah's Witnesses told Forum 18, took place in the village of Nezlobnaya in the southern Stavropol Region on 20 September. The raid also demonstrates the unnecessary levels of weapons and numbers of officials used in such raids.

CCTV footage released by the Nezlobnaya Jehovah's Witness community – available at - shows about 12 fully masked male officials, wearing black and green camouflage uniforms and carrying apparent infantry assault rifles, climbing the fence surrounding the Kingdom Hall. They then begin to force their way through the door using metal-cutting equipment, without giving anyone inside a chance to open it. It is early in the morning (c. 7.30 am) and no meeting for worship has yet begun, but people are present in the building.

In further footage from various indoor CCTV cameras, the heavily armed, masked and camouflaged state officials can be seen

spreading out through the building and starting to search it. In the worship hall itself, the video appears to show two masked men putting books or brochures into a corner cupboard. This material is then uncovered about half an hour later (according to the CCTV timestamp) by another man in civilian clothes.

When committee member Yevgeny Vernik arrived, officers refused to let him see any paperwork authorising the search. "When I asked [the senior officer] to show me a copy of the order, he rudely demanded that I leave the building," Vernik complained.

Local Jehovah's Witness chair Pavel Puzyrev claims in the video released by the Administrative Centre that his community regularly performs its own searches to check for banned literature, and that there had been nothing in the cupboard the previous day. About 10 officials also searched Puzyrev's home, where he alleges they planted banned items from the Federal List in the kitchen. He has since been charged under Administrative Code 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").

Telephones at Stavropol Region police information department went unanswered whenever Forum 18 called on 20 and 21 October.

Disruption

Other recent raids illustrate the disruption of meetings for worship caused by such raids. In St Petersburg on 11 October, at least 25 officials, including "Anti-Extremism" Police, entered a Kingdom Hall during evening worship. Officers announced that the building was to be searched for "extremist" literature. They covered the CCTV cameras with masking tape, before emptying cupboards and taking up the floor, the Jehovah's Witness Administrative Centre noted on 12 October. Several men were taken to the police station for questioning.

Although on this occasion prohibited literature was not found, police confiscated personal Bibles, tablets, and phones.

Forum 18 called St Petersburg Police on 21 October to ask why the search had been carried out and why interrupting a service had been deemed necessary. A spokeswoman directed Forum 18 to the head of the information department, Vyacheslav Stepchenko, but telephones in his office went unanswered.

In Petrozavodsk in Karelia on 28 July 2016, the FSB security service and armed OMON riot police raided an evening service, the Administrative Centre reported the following day. Officers seized worshippers' phones and other electronic devices and allegedly pushed some worshippers to the floor and kicked them. A search of the premises followed, which uncovered items of banned literature on the Federal List. There then followed a long period of questioning. The last Jehovah's Witness was released after midnight.

As a result, the community was fined 50,000 Roubles under Administrative Code 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") at Petrozavodsk City Court on 3 October.

Asked by Forum 18 on 21 October why the raid had taken place, why armed officers had been used, and why it had been necessary to disrupt religious worship, a spokesperson for Karelia Police said it was "difficult to give such information". She suggested sending questions by email, which Forum 18 did in the early afternoon of the Karelia working day of 21 October.

Court proceedings, fines, possible community dissolution

As well as the immediate impact of an unexpected and heavy-handed raid, consequences for Jehovah's Witness communities can extend to court proceedings, financial penalties, and possible dissolution and confiscation of community assets.

If officials find – or claim to find - prohibited literature during a search, charges under Administrative Code 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") may follow. For legal entities such as religious organisations, conviction under this Article now carries a fine of 100,000 to 1 million Roubles. For individuals, the fine is 1,000 to 3,000 Roubles or up to 15 days' imprisonment; for people acting in an official capacity, 2,000 to 5,000 Roubles (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Prosecutors may also issue warnings that, should further "extremist activity" be detected, they will seek the liquidation of the community as an "extremist organisation" – this may then be triggered by subsequent raids or prosecutions of individual believers.

Rented premises used by the Oryol community were searched three times in 2015 – including the disruption of a service in December 2015 by six officers of the police and FSB – and banned religious literature was found hidden inside stage steps and under a tablecloth. Jehovah's Witnesses insist that this must have been planted there earlier, as the officers allegedly did not bother checking anywhere else.

The community was fined multiple times under Administrative Code 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") and received a warning of the "inadmissibility of extremist activity" with the threat of liquidation if violations were not eliminated. In June 2016, the regional branch of the Justice Ministry successfully sought the community's dissolution. The Supreme Court rejected the community's appeal against the ruling on 12 October 2016.

Some 20 officials "burst into the premises" of the Jehovah's Witness community in Saransk on the evening of 13 October, according to the Administrative Centre, and searched it for two hours, confiscating believers' phones and the building's CCTV equipment.

"Turning their backs to the security camera, they planted Federal List material in a cupboard, which they themselves then 'found'," Jehovah's Witnesses complained on 17 October. Jehovah's Witnesses note that, a few days previously, an FSB officer had called to check the CCTV – he "carefully examined the location of video cameras and other equipment, and assured those present that everything was fine".

The Prosecutor's Office of the Republic of Mordovia had already issued an extremism warning to the Saransk community on 27 September. If charges are brought as a result of the latest raid, the community could face liquidation.

Nine communities ordered liquidated – only one successful appeal

A total of nine local Jehovah's Witness organisations have so far been ordered by courts to be dissolved: Taganrog, September 2009; Samara, May 2014; Abinsk, March 2015; Tyumen, October 2015; Belgorod, February 2016; Sary Oskol, February 2016; Elista, February 2016; Oryol, June 2016; Birobidzhan, October 2016 (see eg. F18News 22 March 2016 http://www.forum18.org/archive.php?article_id=2161).

The Taganrog, Samara, Abinsk, Belgorod, and Sary Oskol communities appear on the Justice Ministry's Federal List of Extremist Organisations.

Only one liquidation order – against the Tyumen community – has been subsequently overturned by Russia's Supreme Court. All other appeals so far have been unsuccessful.

Two further attempts at liquidation have been unsuccessful – in Arkhangelsk, which was refused by the Regional Court in June 2016, and in Cherkessk, where proceedings were opened in May 2015, were delayed by other civil cases involving the congregation (see F18News 28 August 2015 http://www.forum18.org/archive.php?article_id=2095). They now appear to have been dropped.

At least 10 other communities are known to have received formal warnings of "the inadmissibility of extremist activity" since spring 2015 (some of which have now expired). Three of these – Tikhoretsk (Krasnodar), Chapayevsk (Samara), and Shakhty (Rostov) – are in regions which have already seen the liquidation of Jehovah's Witness congregations (in Abinsk, Samara, and Taganrog respectively). The other seven are in Kaluga, Vilyuchinsk on the Far Eastern Kamchatka peninsula, Teykovo in Ivanovo Region, Stavropol, Novorossiysk, Saransk in Mordovia, and Prokhladny in the Republic of Kabardino-Balkariya. Four communities (Tikhoretsk, Teykovo, Chapayevsk, Prokhladny) are so far known to have gone to court to have the warnings recognised as unlawful, all unsuccessfully.

Severe consequences, increasing legal restrictions

The loss of legal status can have a severe impact. Under 2015 changes to the Religion Law, all religious communities that do not have legal status must notify the authorities of their existence and activity. This includes providing the names and addresses of all their members and addresses where any meeting takes place (see F18News 17 September 2015 http://www.forum18.org/archive.php?article_id=2101). Such a requirement is against Russia's international human rights obligations, as outlined in the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (see <http://www.osce.org/odihr/139046>). Russia is both an OSCE participating State and a Venice Commission member state.

Communities dissolved for "extremism" also face the possibility of criminal prosecution of their former members for continuing to meet, as happened in Taganrog among other places (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215). A further consequence, introduced in July 2016 by an amendment to the Religion Law, is a ban on former members of "extremist" religious organisations carrying out broadly defined "missionary activity" (see F18News 8 July 2016 http://www.forum18.org/archive.php?article_id=2197). (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=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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