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18 July 2017

RUSSIA: Jehovah's Witnesses now banned

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

Russia's Supreme Court has upheld liquidation of all Jehovah's Witness organisations as "extremist". If they exercise freedom of religion and belief, all Jehovah's Witnesses can now be criminally prosecuted. A Jehovah's Witness conscientious objector has also been ordered to work with nuclear weapons.

On 17 July, Russia's Supreme Court upheld its earlier decision to liquidate as "extremist" the Jehovah's Witness Administrative Centre and 395 local Jehovah's Witness organisations, as well as to ban all their activities and seize all their property. The ruling has now entered legal force, putting all Jehovah's Witnesses in Russia at risk of criminal prosecution if they exercise their internationally recognised right to freedom of religion and belief.

Jehovah's Witnesses had already suffered the effects of the Justice Ministry's lawsuit, even before it fully came into force, with a sharp increase in incidents of vandalism of Kingdom Halls, the prosecution of religious leaders for holding meetings, and children encountering pressure and discrimination at school (see F18News 26 May 2017 http://www.forum18.org/archive.php?article_id=2282).

Jehovah's Witnesses have also been fired from their jobs or forced to resign, and have been refused the right to perform alternative civilian service instead of compulsory military service for young men (see below).

These problems occurred after both the Justice Ministry's 15 March order suspending particular Jehovah's Witness activities, and the 20 April liquidation ruling itself.

Both the Administrative Centre and local religious organisations were already listed as "liquidated" in Federal Tax Service records before the appeal hearing, Forum 18 notes, with the dates of termination of activities (prekrashcheniye deyatelnosti) ranging from 27 April to 12 May.

Supreme Court appeal dismissed

A three-person panel, consisting of Judges Galina Manokhina (chair), Vladimir Zaytsev, and Vladimir Popov, took less than an hour to deliberate after more than seven hours of hearings on 17 July, with only one 20-minute break.

Despite the defence lawyers' arguments that there was no evidence of "extremist" activity, that the Administrative Centre could not be held responsible for local organisations, and that the local organisations should have been made party to the case, the judges concluded that the Administrative Centre and all registered Jehovah's Witness communities should be dissolved, their assets and property confiscated by the state, and their activities outlawed as extremist.

"The Supreme Court of Russia has missed the last chance to restore law and justice to 175,000 Russian citizens who profess the religion of Jehovah's Witnesses," Jehovah's Witnesses stated immediately after the appeal ruling. "Since there are no more effective means of legal redress within Russia, believers will appeal to the European Court of Human Rights and other international organisations."

Before the appeal hearing, lawyers for the Jehovah's Witnesses in Russia applied to the Council of Europe's Committee of Ministers on 30 May with a request to change the monitoring of a June 2010 European Court of Human Rights (ECtHR) ruling against Russia to an "enhanced procedure" (used for cases requiring urgent individual measures), and "to consider starting infringement procedures". The 10 June 2010 ECtHR ruling obliged Russia to allow the re-registration of the liquidated Moscow Jehovah's Witness community, which was eventually completed in 2015 (see Forum 18's general Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2246).

As the lawyers point out, Russia's fulfilment of the ECtHR ruling has been short-lived, as the Moscow community lost its legal status again on 20 April 2017.

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Appeal hearing

At the 17 July appeal hearing, Jehovah's Witness lawyer Viktor Zhenkov argued that, in the original hearings in April, the Justice Ministry offered no specific evidence of the Administrative Centre's alleged "extremist activity", only claims that the Centre had not taken measures to prevent the "extremist activity" of its so-called "subdivisions" (local religious organisations) (see F18News 20 April 2017 http://forum18.org/archive.php?article_id=2274).

Zhenkov pointed out that, legally, only intentional actions, not lack of action, could be considered "extremism" – while lawyer Yury Toporov noted that the Supreme Court's 2009 ruling on the liquidation of the Taganrog community explicitly stated that local organisations and the Administrative Centre were autonomous entities which were not responsible for each other (see F18News 8 December 2009 http://www.forum18.org/Archive.php?article_id=1385).

Zhenkov also reminded the court that the majority of banned Jehovah's Witness publications were ruled "extremist" before the Supreme Court Plenum issued its definition of "extremism" in June 2011 ("statements that justify the need for genocide, repression, deportations, violence against members of a nation, race or religion . . [but] criticism of religious beliefs or religious customs should not be viewed as extremism"). This definition has neverthless been used to prosecute people exercising freedom of religion and belief (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215). Zhenkov argued that lower courts have since mistakenly interpreted as "extremist" any claims of the truth or superiority of the Jehovah's Witnesses' faith.

In their closing speeches, the lawyers called on the Supreme Court to correct the "monstrous mistake" of the 20 April decision and prevent the "judicial murder of the right to freedom of religion and belief of hundreds of thousands of believing Russian citizens".

"Under no circumstances do Jehovah's Witnesses take up arms, interfere in politics, or try to overthrow state power," Zhenkov emphasised. "They try to show love to all people, regardless of their religion, nationality, or social status. Everything which in the Extremism Law is called 'extremism' is alien to them."

Nevertheless, Justice Ministry representative Svetlana Borisova, who also participated in the original suit, told the court that the Administrative Centre's "offence" was "of a dangerous, systematic, wilful, and brutal nature", and after withdrawing for 48 minutes, Judge Manokhina announced that the liquidation ruling would remain unchanged.

What next?

Regardless of further appeals, the 20 April decision now enters legal force and will be put into practice across the country. While it remains unclear exactly what the everyday consequences will be for ordinary believers, the difficulties they have faced since the Justice Ministry initiated its suit in March suggest that these will be serious and far-reaching.

The Administrative Centre will now be added to the Justice Ministry's list of banned "terrorist and extremist organisations", alongside several local Jehovah's Witness communities which have already been liquidated. This list, which currently has 59 entries, comprises mainly violent nationalist and far-right groups (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Buildings belonging to the Administrative Centre and local religious organisations, many of which have already been sealed off, now become state property and will be seized by bailiffs. Jehovah's Witnesses are now barred from meeting for worship and Bible study.

Jehovah's Witnesses told Forum 18 on 18 July that their assets in Russia consist largely of buildings, bank accounts, and books. While many Kingdom Halls belong to registered local religious organisations, some are the property of private individuals or of the overseas Jehovah's Witness entities which paid for their construction. The exact process of property seizure is therefore not yet apparent.

Hundreds of individual Jehovah's Witnesses and local religious organisations have submitted private appeals to the Supreme Court. They object that they were not permitted to be party to the original suit and claim that the decision violates their rights. According to the Supreme Court website, these are due to be heard in batches on 25 July, 31 August, and 14 September 2017. During the 17 July appeal hearing, Jehovah's Witness lawyer Anton Omelchenko asked that proceedings be postponed until after these private appeals had been considered, but the judges denied his request.

"Legal" consequences

All Jehovah's Witness activities are now permanently prohibited, although they had already been halted by the 20 April decision (see F18News 20 April 2017 http://forum18.org/archive.php?article_id=2274).

Individual Jehovah's Witnesses can now be subject to criminal prosecution if they publicly exercise their freedom of religion or

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belief in public or private, including if they are found with Jehovah's Witness literature. They would face charges under Criminal Code Article 282.2, Part 1 – "Organisation of the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity" – or Part 2 – "participation" in such an organisation (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Sixteen Jehovah's Witnesses in Taganrog were convicted of these offences in 2015 after their community became the first to be dissolved as "extremist" (in 2009) (see F18News 3 December 2015 (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215). On 25 May Danish citizen Dennis Christensen was arrested at a Bible study meeting and is now in pre-trial detention in Oryol on Criminal Code Article 282.2 Part 1 charges ("Organisation of the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity") (see F18News 23 June 2017 http://www.forum18.org/archive.php?article_id=2290). The Oryol community was banned as "extremist" in June 2016 – several other local Jehovah's Witness organisations have also already been liquidated (see F18News 15 February 2017 http://www.forum18.org/archive.php?article_id=2256).

Criminal Code Article 282.2 currently carries punishments of imprisonment of up to 10 years or a fine of up to 800,000 Roubles under Part 1 ("organisation"), or imprisonment of up to six years or a fine of up to 600,000 Roubles under Part 2 ("participation").

Between 15 March, when the Justice Ministry issued an order suspending financial transactions, public meetings, and the use of media, and 17 July, Jehovah's Witnesses could be subject only to administrative punishment for engaging in any religious activities (under Administrative Code Article 20.28 – see below).

Jehovah's Witnesses are not the only religious community which the Russian government has targeted under the Extremism Law. Mosque communities, individual Muslims, and booksellers offering Islamic texts have also been prosecuted under the corresponding Administrative Code Article 20.29. This punishes the "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". Prosecutions are launched even if (against the letter of the law) only one copy is found. Many Islamic works which do not incite the violation of human rights or hatred have been prohibited as "extremist".

Muslims who meet to study the writings of Turkish theologian Said Nursi are frequently subject to criminal prosecution for allegedly "continuing the activities of a banned extremist organisation" – "Nurdzhular". Muslims in Russia deny this alleged organisation has ever existed (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

On June 2017, prisoner of conscience Yevgeny Kim was found guilty on two charges under Criminal Code Article 282.2, Part 1 ("Organisation of the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity") and sentenced to 3 years and 9 months in an ordinary-regime labour camp. This is the same Criminal Code article Jehovah's Witness Christensen is being held under. Kim was accused of organising a group of Muslims to read Nursi's works, and is the first prisoner of conscience to receive a (non-suspended) labour camp sentence for allegedly continuing the activities of the banned "extremist" organisation "Nurdzhular" since 2015. Other Muslims are also facing similar charges (see F18News 23 June 2017 http://www.forum18.org/archive.php?article_id=2290).

Who is "extremist"?

Supreme Court Judge Yury Ivanenko issued the liquidation ruling on 20 April after nearly 30 hours of hearings across seven days. It immediately halted all Jehovah's Witness activities, despite not entering legal force until after the appeal hearing on 17 July. The Justice Ministry had lodged its suit at the Supreme Court on 15 March. On the same day, the Ministry also issued an Order summarily suspending most Jehovah's Witness activities, including all public meetings and the Administrative Centre's financial transactions (see F18News 21 March 2017 http://www.forum18.org/archive.php?article_id=2265).

Since 15 March, Jehovah's Witnesses have faced increasing violence and difficulties in their day-to-day lives (see below). "In this situation, it is absurd that Jehovah's Witnesses are the ones being called extremist," Jehovah's Witnesses commented on 11 July.

The liquidation ruling triggered "a wave of aggressive actions" against Kingdom Halls and believers' homes, Jehovah's Witnesses complain. These include the burning down of a family's home, and the vandalism of Kingdom Halls. They themselves note 10 incidents in 10 different regions in the single month following the Supreme Court's decision, in several of which the perpetrators referred directly to the liquidation. These incidents, and others such as bullying and threats by the authorities against the children of Jehovah's Witness families, represent a rapid escalation in aggression and violence against Jehovah's Witnesses, Forum 18 notes (see F18News 26 May 2017 http://www.forum18.org/archive.php?article_id=2282).

Since the 20 April ruling, there have been seven known incidents of harassment of Jehovah's Witnesses in the workplace, including

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being dismissed with no notice or made to resign "of their own free will". On 26 April in Mineralniye Vody, for example, a company's security service officer told a Jehovah's Witness to resign voluntarily or they would make his life "unbearable" – a company manager later unofficially confirmed that this was because of the worker's religion. A manager of a cleaning company in Smolensk summoned a Jehovah's Witness employee on 1 May and told her that she had been fired. When she asked why, she was told it was an "executive order". Also in Smolensk Region on 16 May, the FSB security service ordered a factory to make all Jehovah's Witness staff resign – a manager told one of the Jehovah's Witnesses that two FSB officers had visited the premises and said that "extremists" could no longer work there.

Then-United Nations (UN) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association Maina Kiai told Forum 18 on 20 March: "The Russian government is claiming that the Jehovah's Witnesses are an extremist group, but in fact it's their move to ban them outright that appears to be extreme." He added that "the right to freedom of association includes the right to association for religious purposes, and under international law this right can only be restricted in very narrowly-defined circumstances. The fact that people belonging to a majority religion may disagree with a minority group's beliefs or activities - or even be offended by them - is not a legitimate basis for a ban, so long as that group's activities are peaceful" (see F18News 21 March 2017 http://www.forum18.org/archive.php?article_id=2265).

On 4 April, the UN Special Rapporteur on Freedom of Opinion and Expression David Kaye, then-UN Special Rapporteur on Freedoms of Peaceful Assembly and Association Kiai, and UN Special Rapporteur on Freedom of Religion and Belief Ahmed Shaheed stated that "the use of counter-extremism legislation in this way to confine freedom of opinion, including religious belief, expression and association to that which is state-approved is unlawful and dangerous, and signals a dark future for all religious freedom in Russia". They called on Russia to "drop the lawsuit in compliance with their obligations under international human rights law" (see http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21479&LangID=E).

Prosecutions for meeting

The Justice Ministry claimed to Forum 18 on 11 March that the Suspension Order did not apply to meetings for worship (see F18News 21 March 2017 http://www.forum18.org/archive.php?article_id=2265). This did not, however, stop the authorities raiding meetings for worship and halting services (see eg. F18News 7 April 2017 http://forum18.org/archive.php?article_id=2271).

Some of these incidents have since led to prosecution of Jehovah's Witnesses under Administrative Code Article 20.28, Part 1 ("Organisation of or participation in the activities of a public or religious association, in relation to which a decision on the suspension of its activities is in force") (see F18News 26 May 2017 http://www.forum18.org/archive.php?article_id=2282).

Six such prosecutions have been recorded so far in five regions of Russia (Tyva Republic, Buryat Republic, Vladimir Region, Samara Region, Bashkortostan Republic), five of which have resulted in fines and one of which was returned to police because of mistakes in their report.

Most recently, an unnamed defendant was fined 1,000 Roubles at a Magistrate's Court in the Komsomol District of Tolyatti in the Samara Region on 14 July. He had allegedly continued to hold Jehovah's Witness meetings attended by 30 to 60 people, "including children", after Jehovah's Witness activities were suspended, Komsomol District Prosecutor Office told Interfax on 14 July.

On 7 June, Aleksandrov Magistrate's Court No. 1 in Vladimir Region punished Jehovah's Witness elder Yury Mytsyk for allegedly holding a Jehovah's Witness meeting in a home on 26 March. Although he argued that it had not been a formal meeting of a religious organisation, merely a private gathering to read the Bible together, he was fined 1,000 Roubles.

Conscientious objector ordered to work with nuclear weapons

On 12 May, a military conscription office in the Chuvash Republic refused to give Avel Lukin, an 18-year-old Jehovah's Witness conscientious objector from Shumerlya, permission to perform alternative civilian service instead of being conscripted into the military (see F18News 26 May 2017 http://www.forum18.org/archive.php?article_id=2282). Shumerlya District Court rejected Lukin's appeal on 4 July, but Jehovah's Witnesses say that he will continue to challenge the decision.

Lukin's call-up notice, seen by Forum 18, directly links the refusal to allow him to carry out alternative service to the Supreme Court's ruling that the Administrative Centre is an "extremist organisation". Conscientious objector Lukin was ordered to do military service in Russia's nuclear-armed Strategic Missile Forces, his fellow Jehovah's Witnesses stated on 6 July.

"Clearly, the Russian government itself does not believe that Jehovah's Witnesses are 'extremist'!", Jehovah's Witnesses spokesperson Yaroslav Sivulsky commented. "Otherwise, would an 'extremist' be sent to serve in the Strategic Missile Forces?"

Conscription into the armed forces is compulsory for one year for all men aged 18 to 27, but alternative civilian service is available for those whose beliefs do not allow them to engage in military activity. The historically pacifist Jehovah's Witnesses have not previously encountered problems in choosing civilian alternative service (see Forum 18's general Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2246). Apart from refusal of alternative service, it remains unclear what

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consequences might arise if a young man cites membership of a banned "extremist" religious association as grounds for seeking an alternative to conscription.

Jehovah's Witnesses also stated on 16 June that Russian military authorities in Crimea, which Russia annexed in March 2014, told a Jehovah's Witness from Crimea that he would have to change his religion to be allowed to do Russian alternative civilian service as an alternative to military conscription.

Financial and related consequences

The Administrative Centre remains on the list of "terrorist and extremist" organisations maintained by the Federal Financial Monitoring Service (Rosfinmonitoring), on which it was placed when the liquidation suit began and its financial transactions were blocked. It seems likely that all local organisations will also be added to this list. Banks are obliged to freeze the assets of people who appear on the List, meaning that they cannot withdraw or transfer money, receive salary payments, or use their bank cards, or carry out transactions of over 10,000 Roubles a month (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

If an individual is convicted of, charged with, or even suspected of extremism-related criminal offences, he or she may also be placed on the Rosfinmonitoring list of "terrorists and extremists". Jehovah's Witnesses investigated under Criminal Code Article 282.2 ("Organisation of" or "participation in" "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity") are likely to be added to this and thus have their bank accounts suspended.

Further consequences of the liquidation ruling remain unclear, including the effect on ongoing "extremism" cases, and on the attempt to ban the Jehovah's Witness New World version of the Bible in Vyborg (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Other Jehovah's Witness literature which has not already been banned now seems likely to be immediately outlawed. The latest Jehovah's Witness title to be added to the Justice Ministry's Federal List of Extremist Materials is "Questions Young People Ask: Answers That Work, Volume 2", which a Rostov court banned on 24 March 2017.

Other developments

Jehovah's Witness elder Arkadya Akopyan is still on trial at Prokhladny City Court in the Republic of Kabardino-Balkariya, charged with "extremism"-related offences in cases not directly linked to the 20 April nationwide liquidation ruling. Two more Jehovah's Witness leaders, Vyacheslav Stepanov and Andrei Sivak, were acquitted for a second time of "inciting religious hatred" (Criminal Code Article 282, Part 2) at Sergiyev Posad City Court on 21 June (see F18News 23 June 2017 http://www.forum18.org/archive.php?article_id=2290). Prosecutors have once more appealed against the acquittal.

On 21 April 2017, one day after the Supreme Court's decision on the Administrative Centre, Samara Regional Court ruled that the Chapayevsk Jehovah's Witness community should be liquidated as an "extremist" organisation. The community submitted an appeal to the Supreme Court submitted on 7 July, but no hearing date has yet been set. The authorities have been formally trying to close it since October 2015 (see F18News 15 February 2017 http://www.forum18.org/archive.php?article_id=2256).

Nine other local Jehovah's Witness organisations have also been dissolved as "extremist" – in Taganrog (2009), Samara (2014), Abinsk (2015), Stariy Oskol, Belgorod, Elista, Oryol, Birobidzhan (all 2016), and Cherkessk (2017) (see Forum 18's "extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

On 2 June, prosecutors dropped their attempt to have the Petropavlovsk-Kamchatsky Jehovah's Witness community liquidated (see F18News 26 May 2017 http://www.forum18.org/archive.php?article_id=2282), as the 20 April Supreme Court decision had already enabled the community's dissolution.

Jehovah's Witnesses continue to be prosecuted under Administrative Code Article 20.29 for the alleged "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" (see F18News 19 June 2017 http://www.forum18.org/archive.php?article_id=2287). Prosecutions under Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket") brought against Jehovah's Witnesses for offering literature in the street or holding services in rented accommodation, have declined as they have stopped this activity. Also, the authorities have started to prefer to use the July 2016 "anti-missionary" legal changes to prosecute people exercising freedom of religion and belief. In particular, Administrative Code Article 5.26 Parts 3 - 5 have become favoured weapons of the authorities (see F18News 5 July 2017 http://www.forum18.org/archive.php?article_id=2293).

As well as Jehovah's Witness, Article 5.26 prosecutions have been brought against people holding a wide range of beliefs - most frequently Hare Krishna devotees and Protestants (see F18News 1 March 2017

http://www.forum18.org/archive.php?article_id=2261). (END)

For more background see Forum 18's surveys of the general state of freedom of religion and belief in Russia at http://www.forum18.org/Archive.php?article_id=2246, and of the dramatic decline in this 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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