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RUSSIA: Court bans Jehovah's Witnesses

By Geraldine Fagan, Forum 18

On 26 March a local court banned the religious activity of Jehovah's Witnesses in Moscow. This is the latest twist in a series of legal problems for the Jehovah's Witnesses in Moscow, which date back to June 1995. An appeal has already been made to the Moscow City Court, so the most recent verdict will not have legal force unless that appeal is rejected. It is estimated that it will take about two months for the case to be heard in court. If that appeal fails, the Jehovah's Witnesses will take their case to Russia's Constitutional Court. The European Court of Human Rights is currently reviewing the Moscow community's situation and has the authority to annul relevant court decisions in Russia at any level.

On 26 March a local court deprived the Moscow community of Jehovah's Witnesses of its legal personality status and banned its activity. "Nothing changes – they accused us of the same things of which Hitler and Stalin accused us," Jehovah's Witness representative Vasili Kalin commented to Forum 18 News Service on 29 March. Kalin emphasised, however, that the community had already submitted an appeal to Moscow City Court, so that the verdict would not have legal force until such time as this appeal might be rejected. He estimated that it would take approximately two months to reach the courtroom.

If the appeal does fail, the Jehovah's Witnesses will take their case to Russia's Constitutional Court. In addition, Kalin told Forum 18 that the European Court of Human Rights is already reviewing the Moscow community's situation and has the authority to annul relevant court decisions in Russia at any level.

So far it is not clear on what legal grounds the Moscow community has been banned, since the full 26 March decision will not be released by Golovinsky District Court for some two weeks. The prosecution's original charges, however, were that the Moscow Jehovah's Witnesses incite religious hatred, force families to disintegrate and encourage the refusal of medical aid to the critically ill on religious grounds. Under Article 14 of Russia's 1997 religion law, these activities entail the loss of a religious organisation's legal personality status and a ban on all its activities.

An addition to Article 14 introduced by Russia's 2002 extremism law states that a religious organisation found to have conducted such activities is recognised as extremist. In conjunction with this provision, a 2002 addition to Article 282 of the Russian Criminal Code states that the creation or leadership of an extremist organisation attracts punishments ranging from a fine of up to 700 times the minimum wage (approximately 102,690 Norwegian kroner, 12,200 Euros or 14,750 US dollars) to imprisonment of up to three years, whereas participation in its activity attracts punishments ranging from a fine of up to 400 times the minimum wage (approximately 58,670 Norwegian kroner, 6,970 Euros or 8,424 US dollars) to imprisonment for up to two years.

The Moscow community of Jehovah's Witnesses was registered as a religious organisation in December 1993, but has been refused re-registration under the 1997 religion law on five occasions due to the ongoing trial. The community – which estimates that it has 11,000 members - reports that it has been unable to purchase existing premises or obtain land in the Russian capital, and claims to have been refused rental contracts on 26 occasions in 2003 alone.

The Jehovah's Witnesses stress that the 26 March decision does not affect their 400 local communities registered elsewhere in Russia, which come under the auspices of the group's centralised religious organisation, itself re-registered by Russia's Ministry of Justice in April 1999. Should the ban be upheld in Moscow, however, it is likely at the very least that some public prosecutors will pursue similar measures in their particular regions.

The origins of the present Moscow trial date back to June 1995, when the Committee for the Salvation of Youth from Totalitarian Sects filed a complaint requesting that a criminal prosecution be launched into the Moscow branch of the Jehovah's Witnesses. Despite four challenges by senior investigators, the public prosecutor's office for Moscow's northern administrative district filed suit for the liquidation of the branch in May 1998. The trial began in Golovinsky District Court in September of that year.

In March 1999 Judge Yelena Prokhorycheva ordered an expert study into the evidence, following which the trial resumed in February 2001. On 23 February Judge Prokhorycheva dismissed the charges against the Jehovah's Witnesses, but the prosecution made a successful appeal against this verdict in May 2001, and Moscow City Court ordered a retrial. This began in October 2001 with a new judge, Vera Dubinskaya.

In December 2001 the Jehovah's Witnesses applied to the European Court of Human Rights on the basis of repetitive prosecution. In April 2002 Golovinsky District Court ordered two more expert studies, but this ruling was overturned on appeal by Moscow City Court, which ordered another retrial. Three months after this began, a further expert study into literature published by the Jehovah's Witnesses over the previous ten years was ordered on 22 May 2003, for which no time limit was set. The trial resumed on 17 February 2004.

One of the Moscow Jehovah's Witnesses' principal criticisms of the trial is that "the prosecutor attempts to use religious teachings as evidence of the illegality of all our religious activity," while the European Court has ruled that freedom of religion as guaranteed under the European Convention "excludes any discretion on the part of the state to determine whether religious beliefs or the means used to express such beliefs are legitimate." In an interview with Russian religious affairs newspaper NG-Religii back in November 2001, the public prosecutor's representative in the case, Tatyana Kondratyeva, acknowledged that the basis of the accusations against the Jehovah's Witnesses was their literature. While aware of several cases in Russia in which Jehovah's Witnesses' refusal to accept blood transfusions allegedly resulted in serious illness or death, Kondratyeva explained that a criminal investigation could find only individuals, and not an organisation, responsible, so that the sole remaining course of action was to file for the liquidation of the organisation in a civil case.

A social organisation, the Committee for the Salvation of Youth from Totalitarian Sects has no formal connection with the Moscow Patriarchate. The Russian Orthodox Church's view of the Jehovah's Witnesses is well documented, however. In 1997 the Church's missionary department defined Jehovah's Witnesses as a "destructive religious organisation of western orientation," while its official position on the activity of non-Orthodox confessions in Russia published in 2000 drew "a clear line between those recognising faith in the Holy Trinity and the divinity of Jesus Christ, and sects, ...all forms of whose destructive missionary activity the Orthodox Church opposes."

For more background information see Forum 18's latest religious freedom survey at

http://www.forum18.org/Archive.php?article_id=116

A printer-friendly map of Russia is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>

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