

RUSSIA: Russia's decade-long attack on religious freedom intensifies

JW.ORG (12.01.2017) – <http://bit.ly/2k3m8w2> – Jehovah's Witnesses in Russia will again seek to counter the decade-long tightening of restrictions on their religious freedom. They will ask the Moscow City Court to rule that a warning against their national headquarters be rescinded as unlawful and unfounded. The warning, issued on March 2, 2016, by Deputy Prosecutor General V. Ya. Grin, threatens to liquidate the Witnesses' national headquarters if new evidence is discovered of "extremism" that has taken place within a year.

The Hunt for Extremism

Russia's prosecutors are misapplying the Federal Law on Counteracting Extremist Activity as the basis for charges of extremism against Jehovah's Witnesses. After the law was modified in 2006, the definition of extremism no longer required appeals to violent acts, only "incitement of . . . religious discord." This loose definition allows authorities to portray anything that contradicts the teachings of traditional religions or promotes another belief as inciting religious enmity. Gregory Allen, a lawyer assisting the defense of the Witnesses' religious freedom in Russia, stated: "Russian authorities use this elastic definition to label as 'extremist' any religious beliefs they don't consider orthodox."

The hunt for "extremism" in some religious minorities began with a January 2007 letter from the Russian Federation's Deputy Prosecutor General V. Ya. Grin to all prosecutors' offices in the country. The letter's call for investigations triggered more than 100 inspections against religious

organizations of Jehovah's Witnesses before the year's end.

In 2015, the UN Human Rights Committee reiterated its previous recommendations that the Russian Federation "revise without undue delay the Federal Law on Combating Extremist Activity with a view to clarifying the vague and open-ended definition of 'extremist activity,' ensuring that the definition requires an element of violence or hatred and establishing clear and precise criteria on how materials may be classified as extremist. It should take all measures necessary to prevent the arbitrary use of the law and revise the Federal List of Extremist Materials."—Human Rights Committee "Concluding Observations" on the Russian Federation, CCPR/C/RUS/CO/7, April 28, 2015, par. 20.

Producing the First Batch of "Evidence"

One of these inspections took place in the city of Taganrog, located on the Black Sea coast. The inspection formed the basis for nearly all other charges of extremism launched against Jehovah's Witnesses in Russia. By October 2007, the Rostov Regional Prosecutor's Office concluded its investigation and issued a warning against the Local Religious Organization (LRO) of Jehovah's Witnesses in Taganrog and the next year filed a claim to liquidate the LRO. However, the Prosecutor's Office lacked incriminating evidence to support its claim and asked the Rostov Regional Court to order an "expert study" to examine the religious literature of Jehovah's Witnesses.

The court not only commissioned the "expert study," despite the objection of the Witnesses, but also refused their requests to introduce independent research. The court's experts unanimously concluded in their report that the Witnesses' religious literature did not incite hostile actions. Nonetheless, the court focused on the experts' opinions that theological discussion in the Witnesses' literature had "the potential to undermine respect" for other

religions.

By stretching the definition of “extremism,” on September 11, 2009, the Rostov Regional Court ruled to declare 34 Witness publications “extremist,” and these were eventually placed on the Federal List of Extremist Materials (FLEM). The court also declared the Taganrog LRO “extremist” and ordered federal authorities to liquidate it, ban its activity, place its name on a list of extremist organizations, confiscate its religious literature, and turn over its property to the Russian Federation. On December 8, 2009, the Supreme Court of the Russian Federation upheld the decision, making it final.

By the start of 2016, similar court actions had declared 88 religious publications “extremist” and liquidated three LROs. Another 18 LROs were under investigation. Additionally, federal authorities banned and blocked jw.org, the official website of Jehovah’s Witnesses, denied the import of all their religious literature, and subjected the Bible to scrutiny as “extremist” literature.

“Evidence” Leveraged to Strike the National Headquarters

In March 2016, the Prosecutor General’s Office used the accumulated “evidence” to support its warning against the Witnesses’ national headquarters, known as the Administrative Center of Jehovah’s Witnesses in Russia, located near St. Petersburg. The prosecutor tied the Administrative Center to the banned religious literature and to the LROs that were under investigation or had been liquidated, stating: “Signs of extremism continue to be discovered in the activities of the structural subdivisions of the Administrative Center.”

Soon after receiving the warning, the Witnesses requested the Prosecutor General of the Russian Federation, Yuriy Yakovlevich Chayka, to rescind the warning. Rather, he upheld it and reasoned that “arguments regarding fabrication of evidence and other abuses that supposedly took place during

the inspections conducted by law enforcement agencies are not grounds to rescind the warning, because the warning is based on court decisions.” Mr. Allen observed: “Apparently, the Prosecutor General believes that a Russian court can legalize any falsified evidence made up by unscrupulous officers of the law. I recall the Moscow court decision that produced an illegal ban on Jehovah’s Witnesses in that city and that was later struck down by the European Court of Human Rights.”

After the Prosecutor General’s decision, the Witnesses filed a claim against the warning in the Tverskoy District Court in Moscow. On October 12, 2016, Judge M. S. Moskalenko refused to allow any witnesses or experts to testify at the hearing, and she dismissed the appeal.

These failed efforts leave the warning in effect. The Administrative Center is at risk of liquidation if the Prosecutor General’s Office can persuade courts that (1) the Witnesses’ LROs have continued to violate the extremism law, or (2) the authorities have found “new facts testifying to the presence of signs of extremism” in the actions of the Witnesses within a year of the warning having been served.

Fabrication of “New Facts” Accelerates

From the time the warning was issued on March 2, 2016, Russian authorities have increased their efforts to deliberately invent “new facts.” There are 35 documented incidents (out of a total of more than 60 since 2012) when authorities invented a “crime” by planting religious literature that Jehovah’s Witnesses had stopped using. The investigative searches that discover the “evidence” are often accompanied by aggressive actions by police and special police forces.

On July 28, 2016, two raids targeted Jehovah’s Witnesses in the Republic of Karelia. In Petrozavodsk, armed, masked men from the Special Police Force arrived at a Kingdom Hall and disrupted a meeting for worship. The police planted five

copies of the book *What Does the Bible Really Teach?* in the building and later “discovered” them during a search. The officials never presented the Witnesses with a court order authorizing the raid and search of the premises. In Kostomuksha, officers from the Federal Security Service (FSB) and the Center for Counteracting Extremist Activity disrupted a religious meeting. During a search of the Kingdom Hall, they “found” three Witness publications cataloged on the FLEM.

On August 20, 2016, law-enforcement officers disrupted a meeting of Jehovah’s Witnesses in the city of Mayskiy, Republic of Kabardino-Balkaria. After forcibly evacuating everyone from the Kingdom Hall, the officers “found” planted literature cataloged on the FLEM inside the premises. The authorities presented no documents or authorization papers during the raid.

On September 20, 2016, armed, masked men from the Special Police Force arrived early in the morning at the Kingdom Hall in Nezlobnaya, Stavropol Territory. To enter the building, they cut off the doors and then planted several Witness publications cataloged on the FLEM. The officers “discovered” these publications during their subsequent search.

Incrimination Process

The pattern of incriminating Jehovah’s Witnesses on extremism charges generally involves the same moves, as illustrated in events involving the Witnesses’ LRO in the city of Birobidzhan:

- **Step 1: Law-enforcement officers go to the Witnesses’ house of worship and plant Witness religious literature cataloged on the FLEM.**

Police and FSB officers interrupted religious services of Jehovah’s Witnesses, claimed the meeting was illegal, and then announced a search for “extremist materials.”

- **Step 2: Law-enforcement officers search the building and “discover” the banned literature.**

The officers “found” 12 publications cataloged on the FLEM. The Witnesses later established that a stranger had come to the building prior to the meeting and apparently had hidden the “evidence.”

- **Step 3: The prosecutor charges the LRO of Jehovah’s Witnesses or its chairman with an administrative violation for distributing extremist materials and imposes a fine.**

The district court ruled that the chairman of the LRO was guilty of an administrative violation and fined him 4,000 rubles (\$66.88 U.S.).

- **Step 4: The prosecutor issues a warning to the LRO not to repeat the alleged violation within a 12 month period.**

The prosecutor issued a warning that engaging in “extremist activity” is prohibited.

- **Step 5: Sometime thereafter, law-enforcement officers return to the place of worship, again plant banned Witness publications inside the premises, and then “find” them during a search.**

Officers interrupted a religious meeting to inspect the building for “extremist materials.” However, the Witnesses had found planted literature during a premeeting inspection and disposed of it, so this October 2015 attempt at fabrication of evidence was fruitless. On January 21, 2016, the officers were better prepared. Special police forces, police, and FSB officers again interrupted religious services of Jehovah’s Witnesses and announced a search of the building for “extremist materials.” One of Jehovah’s Witnesses in

attendance saw a package of literature in an officer's hands. Another officer searched an area already inspected, but this time without attesting witnesses, and "found" that package of literature.

- **Step 6: Based on this new fact of alleged extremist activity, the prosecutor's office or Ministry of Justice files a claim in court to liquidate the LRO.**

The district court declared that the LRO chairman was guilty of an administrative violation and fined him 3,000 rubles (\$50.16 U.S.). On October 3, 2016, the regional court ruled that "new facts testifying to signs of extremism in the LRO's activity were discovered" and declared the Birobidzhan LRO "extremist," banned its activity, and ordered its liquidation.

As a final step in the process, the Russian Federation Supreme Court has upheld trial court decisions liquidating the Witnesses' LROs as "extremist organizations," most recently the Belgorod LRO, Stariy Oskol LRO, Elista LRO, and Orel LRO. The Witnesses' appeal in defense of the Birobidzhan LRO is pending with the Supreme Court.

What Does It Mean? Where Will It End?

Vasiliy Kalin, a representative from the Administrative Center, recalled the time when his family was exiled to Siberia during the Soviet era as victims of religious persecution: "When I was growing up, the authorities could come to the Witnesses' homes at any time to search for religious publications. But it never occurred to them to plant the publications in our homes and then discover the material. This new tactic by Russia's law-enforcement authorities is proof that they still cannot find any factual basis for charging Jehovah's Witnesses with unlawful activity."

On January 16, 2017, the Moscow City Court is expected to hear the appeal of Jehovah's Witnesses against the Prosecutor

General's warning and render its decision. Will it acknowledge that the Prosecutor General's Office had no basis for accusing the Administrative Center of Jehovah's Witnesses with extremist activity and cancel the warning? Jehovah's Witnesses and people who value human rights in Russia and around the globe hope so.

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