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LIFE UNDER BAN: JEHOVAH'S WITNESSES IN RUSSIA SINCE 2017

By Emily B. Baran

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Since 2017, Jehovah's Witnesses have been barred from legal practice of their faith in Russia. This marks the first criminalization of a major religious faith in Russia since the collapse of the Soviet Union. For Witnesses, it has been a disturbing return to life under ban, a reality they experienced for decades under Soviet rule. Moreover, all indications suggest that this situation is unlikely to improve in the short term. Russian officials have shown consistent willingness to enforce a broad interpretation of the ban, including through the arrest and imprisonment of individual Witnesses. This article offers an overview of recent developments since 2017, with a particular focus on its impact on individual Witnesses.¹ Such analysis is made possible by the wealth of documentation provided by the Jehovah's Witnesses on their official websites, which carefully track events in Russia.²

Repression has been a lived reality for Witnesses since their arrival on Russian soil in the mid-twentieth century. As a result of World War II, the Soviet Union added substantial territories along its western borderlands. These lands contained scattered communities of Witnesses who

¹ For other relevant work on this topic, see *The Soviet and Post-Soviet Review* 46, no. 2 (2019); *The Journal of CESNUR* 4, no. 6 (2020) and *The Journal of CESNUR* 5, no. 1 (2021), all of which contain multiple articles on the status of Jehovah's Witnesses in Russia in the Putin era.

² There are two major sources of official information from the Jehovah's Witnesses. The first is the JW.org website, the official website of the worldwide organization of Jehovah's Witnesses. The second is the jw-russia.org website, which is the worldwide organization's official website for legal developments in Russia. The former offers regular news alerts and reports on state action against Jehovah's Witnesses in Russia. The latter contains a wealth of documents from Russia, including court statements from accused Witnesses, detailed timelines of individual criminal cases, and other legal materials. Given that the situation remains in flux, with new court decisions a regular occurrence, a draft version of the article was read by staff members at the Jehovah's Witnesses' Office of Public Information. I am grateful to them for their feedback and suggestions.

had converted to the faith during the interwar period. Soviet annexation transformed these Witnesses into Soviet citizens; persecution quickly followed. In 1949 and 1951, the Soviet Union exiled nearly all of these Witnesses, including children and the elderly, to distant outposts in Siberia and Central Asia. They remained under the conditions of special exile until the mid-1960s.³ Even after the end of exile, Witnesses faced steady harassment and discrimination from local authorities, and found it difficult to obtain steady, well-paying work and access to higher education. While imprisonment was relatively uncommon, some Witnesses did experience it in the post-Stalin era, especially young men who refused to complete mandatory military service. By comparison, nearly every Witness experienced pressure to abandon their faith from teachers, neighbors, coworkers, and local Communist Party activists.⁴

This situation finally improved in 1991, when Jehovah's Witnesses received legal recognition in the Russian Republic. Shortly thereafter, the Soviet Union collapsed and an independent Russia emerged. This ushered in a period of relative freedom for Witnesses. For the first time, they could gather as a community without fear of reprisal. Congregations rented facilities to meet, and in some place constructed their own Kingdom Halls. Rented stadiums made it possible for Witnesses to come together in large numbers for religious conventions, a regular feature of religious life for Witnesses elsewhere in the world, but a new experience for Russian believers. Witnesses could also now openly engage in evangelism, an obligation of their faith. Russian citizens experienced the familiar knock at the door and a Witness on their doorstep, eager to speak about their faith and share religious literature.⁵

With state repression gone and widespread evangelism legally permissible, Witnesses experienced strong growth in Russia. As of 2021, over 160,000 Russian citizens were active

³ M. I. Odintsov, *Sovet ministrov SSSR postanovliaet: "Vyselit' navechno!"* (Moscow: Art-Biznes-Tsentr, 2002).

⁴ A comprehensive history of Jehovah's Witnesses in Russia is available in Emily B. Baran, *Dissent on the Margins: How Soviet Jehovah's Witnesses Defied Communism and Lived to Preach About It* (New York: Oxford University Press, 2014). See also Zoe Knox, "Preaching the Kingdom Message: The Jehovah's Witnesses and Soviet Secularization" in *State Secularism and Lived Religion in Soviet Russia and Ukraine*, ed. Catherine Wanner (Woodrow Wilson Center Press and Oxford University Press, 2012), 244–71. For more general histories of Jehovah's Witnesses see Zoe Knox, *Jehovah's Witnesses and the Secular World: From the 1870s to the Present* (London: Palgrave Macmillan, 2018), and George D. Chryssides, *Jehovah's Witnesses: Continuity and Change* (London: Ashgate, 2016).

⁵ For additional information on post-Soviet Russian Witnesses, see Emily B. Baran, "Negotiating the Limits of Religious Pluralism in Post-Soviet Russia: The Anticult Movement in the Russian Orthodox Church, 1990–2004," *The Russian Review* 65, no. 4 (2006), 637-56; Emily B. Baran, "Contested Victims: Jehovah's Witnesses and the Russian Orthodox Church, 1990-2004," *Religion, State and Society* 35, no. 3 (2007): 261-78; and Zoe Knox, "Religious Freedom in Russia," in *Religion, Morality, and Community in Post-Soviet Societies*, eds. Mark D. Steinberg and Catherine Wanner (Woodrow Wilson Center Press and Indiana University Press, 2008), 281-314.

members of the faith. The vast majority had joined after the Soviet period. Still, Witnesses remained a tiny minority in Russia.⁶ Most Russian citizens identified as Orthodox or as belonging to no faith in particular.⁷ Many of these citizens did not appreciate the overt evangelism of Witnesses. Partly in response to pressure from the Russian Orthodox Church, the Russian parliament passed new legislation in 1997 that instituted greater regulatory controls over religious organizations. This law made it more difficult for individual congregations to gain registration at the local level, even as they continued to enjoy federal registration. The Moscow community of Witnesses faced particular difficulties under this new system and spent years in court battling for the right to legally operate within city limits.⁸

While the 1997 law was a significant setback for Witnesses, the 2002 Law “On Combatting Extremist Activity” represented a more sustained challenge to their continued freedom to practice their faith in Russia. This law, enacted in the wake of terrorist attacks in Russian cities, allowed Russian authorities to restrict religious expression in the name of eradicating extremism. The law included a long and vague list of activities that it considered “extremism.” Most problematically, it prohibited the promotion of the exclusivity, superiority, or inferiority of citizens on the basis of their social class, race, nationality, religion, or language. Likewise, it prohibited the incitement of social discord based on these categories of identity.⁹ Practically speaking, the law operated on three fronts. First, it gave courts the power to declare publications to be “extremist” and place them on a database of prohibited materials. This criminalized their circulation.¹⁰ Second, the law allowed for the government to dissolve any

⁶ Exact membership figures for the Jehovah’s Witnesses in Russia are no longer publicly released in annual reports by the worldwide offices of the Watch Tower Bible and Tract Society, which oversees the faith. That said, estimated membership numbers were confirmed directly with the Witnesses’ Office of Public Information (February 2021). The 160,000 figure only includes active members who are engaged in regular evangelism, and not all individuals who attend meetings or Bible studies. It also does not include the unbaptized children of members. For comparison, nearly 300,000 attended meetings of the Jehovah’s Witnesses as of 2017 when the organization was legally dissolved.

⁷ This is according to a 2008 analysis by the International Social Survey Programme, in which 72 percent of Russian citizens identified themselves as Orthodox, and 18 percent as not affiliated with any religion. “Russian Return to Religion, But Not to Church.” *Pew Research Center: Religion & Public Life*. February 10, 2014, <https://www.pewforum.org/2014/02/10/russians-return-to-religion-but-not-to-church/>.

⁸ The 1997 law recognized the “special role” of Orthodoxy in Russia, while identifying Christianity, Judaism, Islam, and Buddhism as central to the “historical heritage” of Russia. The full text of the law is available online on the Official Website of the Russian President, <http://kremlin.ru/acts/bank/11523>.

⁹ The full text of the law is available online on the Russian Presidency’s official website, accessed January 29, 2021, <http://kremlin.ru/acts/bank/18939>.

¹⁰ The full list of banned publications is available online on the Ministry of Justice’s official website, accessed January 29, 2021, http://minjust.ru/extremist-materials?field_extremist_content_value=&page=18.

organization under the same set of guidelines, and to seize their assets. Third, the law allowed the government to prosecute any individual under the same set of guidelines for practicing extremism. Thus, someone who circulated an extremist publication or continued to participate in an organization that had been declared extremist could themselves be held criminally responsible.

All three measures were used against Jehovah's Witnesses in the wake of the law's passage.¹¹ Most notably, a Russian regional court declared the Witness community in the southwestern city of Taganrog to be extremist and banned several of the organization's publications.¹² This decision revoked the registration of the Taganrog Witness community. The Taganrog rulings also placed several Witness publications on the federal database of extremist materials. This made it impossible for Witnesses to import or distribute this literature anywhere in Russia, or to use such literature in their evangelism or religious gatherings. In the years that followed, a group of Witnesses in Taganrog were criminally prosecuted for engaging in extremist activity. This resulted in the conviction of sixteen Witnesses in December 2015, who received sentences ranging from hefty fines to suspended prison sentences.¹³ Following the ruling in Taganrog, additional local branches of the Witnesses in various provincial cities were "liquidated" as extremist organizations.

The international organization eventually appealed to the European Court of Human Rights (ECHR), alerting it to the fact that a federal ban was "imminent" in Russia. The Witnesses asked the ECHR to intervene rapidly to prevent this from taking place.¹⁴ Realistically, however, this was unlikely to occur given the sheer quantity of cases before the understaffed court.¹⁵ The court has been increasingly active in the post-Soviet period, especially in Russia, but

¹¹ Witnesses have not been the only religious community to face such restrictions on their publications. Numerous Islamic texts have also been declared to be extremist by Russian courts as a result of this law. Victoria Arnold, "Russia: More Literature, Website and Video Bans, But One Partially Overturned," *Forum 18 News Service*, March 20, 2015, https://www.forum18.org/archive.php?article_id=2049.

¹² Witnesses distribute mass-produced magazines as part of their evangelism and use various other publications in their regular religious services and Bible studies.

¹³ "Taganrog City Court Convicts 16 of Jehovah's Witnesses for Religious Activity," Official Website of Jehovah's Witnesses, December 2, 2015, https://jw-russia.org/docs/26.html?utm_content=sidebar.

¹⁴ Administrative Center of Jehovah's Witnesses in Russia v. Russia (European Court of Human Rights), application no. 10188-17. Document provided by the Office of Public Information for the World Headquarters of Jehovah's Witnesses, January 19, 2021.

¹⁵ The Taganrog community of Jehovah's Witnesses appealed these court decisions to the European Court of Human Rights. Their application offers a detailed summary of events. See "Application no. 32401/10 Taganrog LRO and Others against Russia and 21 other applicants," *European Court of Human Rights*, March 6, 2014, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi->

as a result, applications have proceeded slowly through the legal process. One scholar has described the court in recent years as “hugely overworked,” with an enormous caseload due in no small part to the large quantity of applications from Russian citizens. Indeed, in 2017, over a quarter of the court’s decisions involved cases that originated in Russia.¹⁶ Regardless, this desperate plea in the application to the ECHR was a clear indicator that the situation had taken a sharply negative turn for the Jehovah’s Witnesses in Russia.

In April 2017, the Russian Supreme Court ruled against the Jehovah’s Witnesses. The Supreme Court decision liquidated the federally registered organization for Jehovah’s Witnesses in Russia, as well as 395 locally registered Witness communities throughout Russia. This criminalized any further organized activity by Witnesses within the country. Authorities gradually seized control of the organization’s assets, including its administrative complex outside of St. Petersburg.¹⁷ The total estimated value of the lost property is over 57 million dollars.¹⁸ The loss of the administrative center, or “Bethel” as it is known among Witnesses, was a particularly harsh blow. It had been built in the heady days of optimism after the Soviet Union’s collapse and symbolized the new public face of the legalized organization after decades of repression and underground activity. The former chairman of the Witnesses’ Administrative Center in Russia, Vasili Kalin, who had seen the organization through the transition in the 1990s, remarked, “I was heartbroken. This is where we lived and worshipped for 24 years. Of course, it was hard to leave and no longer be able to provide spiritual support to our fellow believers throughout Russia. It felt as though someone ripped apart a piece of my heart.”¹⁹ Kalin’s comments reflect the fact that this loss was not merely financial. It represented a disquieting end to the freedoms enjoyed in the first decade of Russia’s independence.

3JHZn57uAhWQo1kKHV3IDTYQFjAAegQIARAC&url=https%3A%2F%2Fhudoc.echr.coe.int%2Fapp%2Fconv%2Fpdf%2F%3Flibrary%3DECHR%26id%3D001-142225%26filename%3D001-142225.pdf&usg=AOvVaw2dlOEj_zR_iGSdApbZiNw8.

¹⁶ Zoe Knox, “Jehovah’s Witnesses as Extremists: The Russian State, Religious Pluralism, and Human Rights,” *The Soviet and Post-Soviet Review* 46, no. 2 (2019): 137-38.

¹⁷ For an overview of the April 2017 decision and its consequences, see Knox, “Jehovah’s Witnesses as Extremists,” 128-57. For details on the ban and its financial impact on the Witnesses, see Willy Fautre, “Opposition to Jehovah’s Witnesses in Russia: Legal Measures,” *The Journal of CESNUR* 4, no. 6 (2020): 41-57.

¹⁸ “Russia Continues to Seize Properties of Jehovah’s Witnesses Valued at Over \$57 Million,” Official Website of Jehovah’s Witnesses, July 4, 2019, <https://www.jw.org/en/news/jw/region/russia/Russia-Continues-to-Seize-Properties-of-Jehovahs-Witnesses-Valued-at-Over-57-Million/>.

¹⁹ “Interim Report: Russia’s Attack on Jehovah’s Witnesses,” Office of General Counsel for the World Headquarters of Jehovah’s Witnesses, January 15, 2018, <https://jw-russia.org/docs/293.html>.

A few months after the liquidation order by the Supreme Court, a lower court ruling in Vyborg, Russia, declared the Witnesses' New World Translation of the Bible to be an extremist text, and included it on the list of banned publications. This required the court to find that the Witnesses' translation was, in fact, not a Bible because Russian law had specifically protected the Bible from being subject to anti-extremist legislation.²⁰ To make this dubious claim, it relied on "experts" who made a number of problematic assertions, including that the NWT is not endorsed by the Patriarch and that it contained too many usages of the word "Jehovah." Most glaringly, they alleged that the NWT could not be a Bible because it never used the word "Bible" in the text; the defense noted this term appears on page five.²¹ This is not an isolated case; expert conclusions have become a common feature of anti-extremism litigation. Scholars Marat Shterin and Dmitry Dubrovsky note that such experts tend not to have expertise in religious studies (much less in the specific religion in question), tend to be biased toward "traditional" religious faiths in Russia, tend to focus on identifying the "hidden threats to society" in religious literature, and therefore tend to ignore the theological context of such texts.²²

On a practical level, the Vyborg ruling did not present an insurmountable obstacle to Witnesses in their study of scripture given that Russian Witnesses have used other translations of the Bible for decades, and a Russian translation of the entire New World Translation was only released in 2007.²³ Still, it was a clear indication that the Russian state intended to deploy the full force of anti-extremism legislation against the Witnesses, and that the Supreme Court decision was unlikely to be quickly overturned. On a more positive note, one worrying development has thus far not seen practical implementation. A November 2017 resolution from the Russian Supreme Court declared that parents who continued to participate in extremist organizations

²⁰ Russian law specifically protects the Bible and certain other religious scriptures from being subject to anti-extremist legislation. See Tom Balmforth, "Russia Bans Jehovah's Witnesses' Translation of Bible," *RadioFreeEurope / RadioLiberty*, August 18, 2017, <https://www.rferl.org/a/russia-jehovahs-witnesses-bible-translation-banned/28684384.html>.

²¹ "New World Translation Remains Banned in Russia," Official Website of Jehovah's Witnesses, December 20, 2017, <https://www.jw.org/en/news/releases/by-region/russia/bible-banned-20171220/>.

²² Marat Shterin and Dmitry Dubrovsky, "Academic Expertise and Anti-Extremism Litigation in Russia: Focusing on Minority Religions." *The Soviet and Post-Soviet Review* 46, no. 2 (2019): 225-26.

²³ Knox, "Jehovah's Witnesses as Extremists," 153. For information on the Russian translation of the NWT, see "Experts Decry Russia's Threat to Ban the New World Translation of the Holy Scriptures," Official Website of Jehovah's Witnesses, November 18, 2016, <https://www.jw.org/en/news/releases/by-region/russia/threat-to-ban-new-world-translation/>.

under the auspices of religious worship could lose custody of their children.²⁴ Thus far, this threat does not seem to have been put into practice, and Witness children have remained with their families.

The greatest impact of the ban has been the harassment, arrest, and imprisonment of practicing members of the faith. Although only a tiny fraction of the total membership has experienced such consequences, the threat of prosecution hangs over all active Witnesses. This is because while ostensibly the anti-extremism law does not bar anyone from private practice of religious faith, this has been its practical consequence for Witnesses. In part, this reflects the centrality of community worship and evangelism to practice of the Witness faith. Even in the Soviet period, Witnesses regularly gathered in secret, and carried out evangelism to others. These practices continue today and have made Witnesses liable for criminal prosecution for extremist activity.

As of August 2020, over 1000 homes had been searched, and nearly 400 Witnesses were charged with crimes.²⁵ Technology played a major role in these investigations. In the Soviet period, Witnesses squirreled away illegal literature in underground bunkers, and in hidden compartments in walls and floors. Today, they have far more options. The official app of the Jehovah's Witnesses, which offers all of the organization's current publications in every major language, can be downloaded onto any smartphone or tablet and used to circumvent restrictions on religious literature. Even as the Russian state has increasingly policed online content and set penalties for hosting illegal content, the reality is that no government can fully control the constantly changing content of the internet.²⁶ Thus, while the official website of the Jehovah's Witnesses cannot be accessed in Russia, identical content can be shared on other platforms, through email, and via chat.²⁷ Searches of Witnesses' homes have often included computers and

²⁴ "Interim Report: Russia's Attack on Jehovah's Witnesses," Office of General Counsel for the World Headquarters of Jehovah's Witnesses, January 15, 2018, <https://jw-russia.org/docs/293.html>.

²⁵ These statistics are from the Witnesses' Office of Public Information, which releases regular updates on the exact numbers of Witnesses who have been impacted by the 2017 decision on the Official Website of Jehovah's Witnesses in Russia, accessed February 5, 2021, <https://jw-russia.org/>.

²⁶ Maria Kravchenko, "Russian Anti-Extremism Legislation and Internet Censorship," *The Soviet and Post-Soviet Review* 46, no. 2 (2019): 158-86.

²⁷ JW.org, the official website, was banned two years prior to the 2017 decision, after a Russian court in Tver' argued that the site contained religious literature that had been declared extremist, thus making the website itself extremist. Although JW.org removed access to these publications for Russian users, the decision was upheld. "Russia Bans Official Website of Jehovah's Witnesses," Official Website of Jehovah's Witnesses, July 27, 2015, <https://www.jw.org/en/news/legal/by-region/russia/bans-jw-org-website-blocked/>.

phones, but only a tiny fraction of the active members of this faith community have faced such repercussions.²⁸

Given this situation, investigations have frequently resorted to video surveillance and wiretapping of phones. Instances in which Witnesses speak about their faith to others have been used as crucial evidence in criminal cases against them. To cite one example, a case against four Witnesses in the western region of Briansk depended heavily on undercover surveillance, video recording, and wiretapping of the defendants. The evidence amounted to little more than proof that the defendants had spoken with one another (two of them shared an apartment) about their faith and their concerns over state repression of Witnesses and had had generic conversations about religion with other acquaintances. The financial investment of resources into such cases is significant, even in cases against ordinary women, who are not allowed to hold positions of responsibility within congregations.²⁹ The defense attorney for the women in Briansk region mocked the state investigation for this fact, noting in his court summation that “the authorities spent several days of their investigation in recording and surveilling how these women dressed, ate, slept, watched movies, and listened to music, and in recording and transcribing the mundane conversations of two women. Objectively—conversations about everything and nothing at all. All women love to talk. But where are the expressions of hatred and enmity?”³⁰ Such cases indicate that the state has taken investigations against Witnesses seriously enough to commit extraordinary resources to them, and to extend its reach to individuals who did little more than casually discuss their faith with friends and neighbors.

Of all Witnesses arrested, nearly all have been charged under Article 282.2 of the criminal code, which bars individuals from inciting hatred or enmity, or debasing the dignity of an individual on the basis of their religion (or several other categories of identity). Depending on

²⁸ Jehovah’s Witnesses have presented compelling evidence that the Russian government has resorted to planting illegal publications on Witnesses during raids. The organization cites cell phone and security camera footage documenting how officials have brought banned publications with them on searches and raids. In one such video, a Russian officer implausibly claims that the banned booklet was needed as a copy so that officers would know what to look for during the raid. “Russian Authorities Fabricate Evidence to Charge Witnesses with Extremism,” Official Website of Jehovah’s Witnesses, February 15, 2016, <https://www.jw.org/en/news/legal/by-region/russia/police-planting-evidence-video/>.

²⁹ Women do not serve in any formal roles in congregations of Jehovah’s Witnesses. Such duties are solely reserved for men. For Witness teachings on roles for women, see, for example, “Do Jehovah’s Witnesses Have Women Ministers,” *The Watchtower Announcing Jehovah’s Kingdom*, September 1, 2012, 23.

³⁰ “Speech by Attorney Anton Omelchenko at the Court Hearings in Novozybkov,” Official Website of Jehovah’s Witnesses in Russia, August 13, 2020, https://jw-russia.org/docs/26.html?utm_content=sidebar.

the severity of the offense, the penalty ranges from fines to years of imprisonment.³¹ Even before conviction, such criminal charges carry severe consequences for the accused. One Witness charged under Article 282.2, Anastasiia Sycheva, found that prior to trial, her name was listed in a federal database as a potential extremist and her assets frozen, making it impossible for her to use an ATM card to withdraw funds, make a payment by credit card, or electronically receive her salary. She could not even pick up a package at her local post office because it required her to show a passport, which was now flagged through this database as belonging to a suspected extremist.³² Moreover, most of these cases have taken over a year from the start of the investigation until a date of a final court decision. Some cases have taken significantly longer than that. The lengthy criminal proceedings have complicated the ability of Witnesses to work and support themselves and their families. Some have been imprisoned prior to trial, while others have been kept under house arrest. There have been several instances in which more than one family member faced charges from a single investigation.

The criminal case against Dennis Christensen has received the most attention thus far. Christensen, a Danish citizen, was one of the first Witnesses to be arrested for violating the federal ban. He had been a longtime resident and an elder in his local congregation in Orel, Russia, where he lived with his wife, a Russian citizen.³³ His May 2017 arrest received significant media coverage in part because he was detained at a religious service, an event captured on video and subsequently released to the public.³⁴ A lengthy investigation followed, during which time Christensen was held in detention. Finally, in February 2019, a court found him guilty and sentenced him to six years imprisonment. Despite a court order in 2020 that he be released upon payment of a fine, Christensen remains imprisoned as of early 2021.³⁵

³¹ Article 282.2 has undergone several revisions since its introduction in the Yeltsin era, which have impacted the titles of the criminal acts and the prescribed penalties. Most recently in 2018, the Russian parliament decreased penalties for first-time offenders. “Kak menialas’ stat’ia 282 ugolovnogo kodeksa RF,” Official Website of the Russian News Agency TASS, December 19, 2018, <https://tass.ru/info/5930296>.

³² “Anastasiia Sycheva’s Last Word in Obluchye,” Official Website of Jehovah’s Witnesses in Russia, January 15, 2021, <https://jw-russia.org/docs/55.html>.

³³ “Russian Police Raid Religious Services in Oryol and Detain Danish Citizen,” Official Website of Jehovah’s Witnesses, May 29, 2017, <https://www.jw.org/en/news/legal/by-region/russia/police-raid-detention-20170529/>.

³⁴ “Video of Russian Authorities Raiding Peaceful Religious Meeting,” Official Website of Jehovah’s Witnesses, June 21, 2017, <https://www.jw.org/en/news/releases/by-region/russia/russian-authorities-raid-religious-meeting-video/>.

³⁵ The [jw-russia.org](https://www.jw-russia.org) website has a detailed and regularly updated timeline of the Christensen case, which includes a comprehensive list of judicial decisions, accessed February 5, 2021, <https://jw-russia.org/cases/oryol.html>.

In court, Christensen argued that the 2017 court decision applies only to the legal entities of the Witness organization, and not to individual believers. This has been a common defense strategy of Witnesses who have been charged under Article 282.2. They have suggested that Witnesses should still be able to come together to worship as a community of believers, as long as they do not do so under the auspices of the liquidated organization. Indeed, even prior to the 2017 ban, not all local communities of Witnesses had a legally registered entity. From the Witnesses' perspective, if they did not always need registration to gather together or to evangelize prior to 2017, then they should not need it after the ban. Answering the charges against him in court in 2019, Christensen stated:

The regional court in Orel liquidated the local religious organization of Jehovah's Witnesses in Orel, which is a legal entity to which the majority of Jehovah's Witnesses in the city of Orel have nothing to do, and to which I have nothing to do either. But the FSB believes that this judgment is a law that prohibits me from believing in God, and which prohibits me from discussing my faith with other people. This understanding of the FSB is contrary to the Russian Constitution.

There is no law or court order that prohibits someone from being a Jehovah's Witness, or that prohibits someone from sharing the beliefs of Jehovah's Witnesses, or that prohibits Jehovah's Witnesses from talking to one another about the Bible and other spiritual matters. Such laws or court decisions do not exist, so I have not violated or done anything illegal.³⁶

This defense, however, has not proven particularly successful when challenged in court. The courts have not drawn a distinction between a community of Witnesses and the banned legal entities that represented some of them prior to 2017 at the local and federal level. Even if a particular community never had formal registration that tied itself to the administrative center, it has been treated as a part of that organization because the two share the same faith. Practically speaking, when Witnesses have gathered together for religious reasons, this has been considered criminal activity.³⁷

It is worth noting that there has been some diversity of approaches among the local and regional courts in how to enforce the ban. The recent case against Elena Barmakina in Vladivostok suggests that there are judges who subscribe to a more limited interpretation of the

³⁶ "Dennis Christensen's Speech in the Debate," Official Website of Jehovah's Witnesses in Russia, January 30, 2019, <https://jw-russia.org/docs/591.html>. See also "Dennis Christensen's Appeal Hearing Speech," Official Website of Jehovah's Witnesses in Russia, May 16, 2019, <https://jw-russia.org/docs/849.html>.

³⁷ Video recordings of religious services have been used as evidence against some Witnesses. See, for example, "The Last Word of Sergei Ledenev in Petropavlovsk-Kamchatsky," Official Website of Jehovah's Witnesses in Russia, November 11, 2020, <https://jw-russia.org/docs/50.html>.

ban. Barmakina was charged on the basis that she had read and discussed religious texts with others and took part in religious services. The judge found that this was not sufficient for a criminal conviction under Article 282.2. Barmakina herself made this defense in court:

At the trial it was repeatedly said that there is not a single prohibited religion in Russia, referring to Article 28 of the Constitution of the Russian Federation, but the investigation and the prosecution considered that my actions in worshiping God were illegal. It turns out, therefore, you can use only the first part of Article 28 of the Constitution of the Russian Federation, which says that I have the right to choose and have faith, but you cannot use the second part of the same Article 28 - to profess and act in accordance with your beliefs, as an individual, and together with others. It's like giving a car to someone who doesn't have a driver's license. That is, there is a car, but there is no right to use it. The religion of Jehovah's Witnesses is not prohibited, but there is no right to profess and gather together. It turns out that any attempt to realize one's faith from the point of view of the investigation is illegal.³⁸

Likewise, there have been a handful of acquittals and dismissals. Two men in Sakhalin were initially charged with Article 282.2 after engaging in evangelism to local residents, but the charges were dropped in a statement that noted that the men's actions are "of a general religious nature related to the right to practice a religion that is not prohibited in the Russian Federation, which is guaranteed by Article 28 of the Russian Constitution."³⁹ One man in Kabardino-Balkaria region was acquitted after a trial based on flimsy, possibly fabricated evidence, which the court ultimately found did not offer sufficient grounds to prove his guilt. It is noteworthy that he was not tried under Article 282.2, however, but rather under Article 280 for allegedly making public statements that called for violence against citizens of other religious faiths. These allegations did not hold up in court.⁴⁰

Most cases, however, have eventually proceeded to trial, and nearly all verdicts have been against the defendants. The first convictions began in 2019, which reflects the protracted nature of these cases. Of the sixty-one convictions as of January 2021, ten individuals were fined, thirty-two given suspended sentences, and nineteen sentenced to terms of imprisonment ranging from one to six years. Most convicted individuals were men (forty-eight total). The

³⁸ "Discussing the Bible is Not Extremist," Official Website of Jehovah's Witnesses in Russia, September 29, 2020, <https://jw-russia.org/news/2020/09/11.html>, and "The Last Word of Elena Barmakina," Official Website of Jehovah's Witnesses in Russia, September 29, 2020, <https://jw-russia.org/docs/39.html>.

³⁹ One of the men was charged in a separate incident. "On Sakhalin, the FSB Stopped Criminal Proceedings against Believers for Talking about God—Not a Crime," Official Website of Jehovah's Witnesses in Russia, September 24, 2020, <https://jw-russia.org/news/2020/09/8.html>.

⁴⁰ "An Acquittal Verdict--For the First Time in Three Years--Handed to One of Jehovah's Witnesses," Official Website of Jehovah's Witnesses in Russia, October 7, 2020, <https://jw-russia.org/news/2020/10/2.html>.

oldest person convicted was seventy-four years old, the youngest was twenty-three years old. Many of these verdicts remain in the appeal process as of early 2021.⁴¹

The haphazard nature of prosecution has made the situation particularly unpredictable for individual Witnesses. In court proceedings, Witnesses have repeatedly expressed their profound confusion at being accused of extremism. Ruslan Alyev, in his statement to the court, noted that after becoming a Witness, he was so opposed to violence that he gave up his martial arts training. He also stopped listening to rap music because its lyrics did not respect authorities. He told those in the courtroom, “And now, when I hear the accusation of undermining the constitutional order and a threat to the security of the state, I am surprised at the inconsistency and absurdity of this accusation. It’s like drawing a sheep with fangs and claws - on paper it is possible, but in real life it is not like that.”⁴² Valeriia Raiman, who was tried along with her husband, expressed her confusion more simply: “I respect the work of the authorities and understand the importance of combating the manifestation of hostility and violence. But I don’t understand what I have to do with this.”⁴³ This was a common refrain in court statements.

Some Witnesses have found the ongoing criminal proceedings in Russia too disquieting to remain in the country and risk prosecution of themselves or their family members. Hundreds of Witnesses, including entire families, have fled to neighboring Finland, but not all have had their applications accepted given that persecution of individuals has been haphazard thus far in Russia, rather than directed against all members of the faith.⁴⁴ Asylum does not appear to be sought by most Witnesses, who have generally remained in Russia. Meanwhile, at least two Witnesses have had their Russian citizenship revoked as a result of a criminal conviction under Article 282.2. One was deported to Uzbekistan after serving his sentence.⁴⁵

⁴¹ “What Type of Criminal Sentences are Jehovah’s Witnesses Receiving?,” Official Website of Jehovah’s Witnesses in Russia, January 15, 2021, <https://jw-russia.org/news/about/faq/7.html>.

⁴² “The Last Word of the Defendant Ruslan Alyev in Rostov-on-Don,” Official Website of Jehovah’s Witnesses in Russia, December 14, 2020, <https://jw-russia.org/docs/53.html>.

⁴³ “The Last Word of Valeriia Raiman in Kostroma,” Official Website of Jehovah’s Witnesses in Russia, October 5, 2020, <https://jw-russia.org/docs/45.html>.

⁴⁴ Andrew Higgins, “Jehovah’s Witnesses, Fleeing Russia Crackdown, Seek Shelter in Finland,” *New York Times*, July 17, 2018, A10.

⁴⁵ “Feliks Makhamadiev Has Been Freed,” Official Website of Jehovah’s Witnesses in Russia, January 22, 2021, <https://jw-russia.org/news/2021/01/4.html>. The other individual is still serving his sentence in Russia as of early 2021. “Konstantin Bazhenov, Born in Veliky Novgorod, Became the Second of Jehovah’s Witnesses Penalized with Annulled Russian Citizenship,” Official Website of Jehovah’s Witnesses in Russia, May 19, 2020, <https://jw-russia.org/news/2020/05/9.html>.

It should also be noted that numerous Witnesses have made claims of physical violence and torture by Russian authorities during house searches, arrests, and detention. These include separate incidents in the cities of Surgut, Chita, and Orenburg in 2019 and 2020. In the Surgut incident, the organization has alleged that seven men were arrested, and that following their arrest:

The police put a bag over the victims' heads, sealed it with tape, tied their hands behind their backs, and beat him. Then, after stripping the Witnesses naked and dousing them with water, the agents shocked them with stun guns while gradually increasing the strength of the shock. The police interrogated the Witnesses while they beat them, demanding to know where the Witnesses met, who comes to their meetings, and who their "leaders are." The ordeal lasted for about two hours.

The organization sought immediate relief from the ECHR, which intervened remarkably quickly to ask that an outside party be allowed to examine the men for evidence of alleged torture. The men were subsequently released, but no medical examination for evidence of torture took place and the criminal investigation continued. Moreover, the intervention of the ECHR and other human rights agencies did not seem to deter officials, who briefly sent one of the defendants to a distant psychiatric facility for an evaluation of his alleged mental fitness.⁴⁶

Despite these serious challenges to practice of their faith, historical precedent makes clear that Witnesses have navigated far more significant obstacles to their ability to worship, including on Russian soil in the previous century. Most notably, German Witnesses faced imprisonment and death in concentration camps during the Third Reich. Even in democratic countries such as the United States, Canada, and Australia, Witnesses in the twentieth century were subject to discrimination and legal limitations on their ability to worship, gather, and practice their faith. Likewise, until recently in South Korea, hundreds of young men received prison terms for refusing to complete mandatory military service because it violated their religious beliefs as Witnesses.⁴⁷

⁴⁶ "Russian Oppression of Jehovah's Witnesses Intensifies," Official Report of the Office of Public Information for Jehovah's Witnesses, November 2020. See also "Case of Loginov and Others in Surgut: Timeline," Official Website of Jehovah's Witnesses in Russia, accessed January 27, 2021, <https://jw-russia.org/cases/surgut.html>.

⁴⁷ There is significant scholarship on church-state relations and Jehovah's Witnesses in the twentieth century, with particular attention to the United States and Germany. See Shawn Francis Peters, Shawn Francis, *Judging Jehovah's Witnesses: Religious Persecution and the Dawn of the Rights Revolution* (Lawrence: University Press of Kansas, 2000), Detlef Garbe, *Between Resistance and Martyrdom: Jehovah's Witnesses in the Third Reich*, trans. Dagmar G. Grimm (Madison: The University of Wisconsin Press, 2008), Jennifer Jacobs Henderson, *Defending the Good News: The Jehovah's Witnesses Plan to Expand the First Amendment* (Spokane: Marquette Books LLC, 2010), Hans Hesse, ed., *Persecution and Resistance of Jehovah's Witnesses during the Nazi Regime, 1933-1945* (Bremen:

These experiences have well equipped the organization to sustain itself under ban, and its members to adapt to new circumstances. For Witnesses, then, the ban has resulted in a return to an old “normal,” one very familiar to its older members who joined in the Soviet period. Moreover, persecution has often been interpreted by Witnesses as a confirmation of their faith, and in this sense is counterproductive for state officials seeking to discourage citizens from remaining a part of this community. Galina Parkova, for example, answering charges in court for her continued involvement in the faith, reflects this understanding. She told the courtroom:

But as a believer, I understand the reasons for my today’s difficulties, they were predicted by my Lord Jesus Christ. In John 15 chapter 20 verse he said: “The servant is not greater than his master, if they persecuted me, they will persecute you also.” If they did so with Jesus who healed, fed people, told them about his Father and the future Kingdom, then what should his followers expect? The persecution for my faith made me very strong, I am on the right track!⁴⁸

This sentiment echoes the feelings of Soviet Witnesses, who likewise interpreted the recent political and religious persecution in Russia as a fulfillment of prophecy.

The Russian Orthodox Church has played a significant role in the narrowing margins of acceptable religious practice in Russia. Already in the 1990s, the Church lobbied for tighter controls on new religious movements and “non-traditional” faiths, which it resented for their public evangelism.⁴⁹ It also played a decisive role in promoting a burgeoning anticult movement, which characterized faiths such as the Jehovah’s Witnesses as dangerous sects that damaged families, brainwashed vulnerable individuals, and required outside intervention to return these “victims” back to mainstream society.⁵⁰ In response to such pressure, the 1997 religious law acknowledged the special role of Orthodoxy in Russia’s cultural heritage. Putin has promoted the

Edition Temmen, 2001), William Kaplan, *State and Salvation: The Jehovah's Witnesses and Their Fight for Civil Rights* (Toronto: University of Toronto Press, 1989), Zoe Knox, *Jehovah's Witnesses and the Secular World: From the 1870s to the Present* (London: Palgrave Macmillan, 2018), Merlin Owen Newton, *Armed with the Constitution: Jehovah's Witnesses in Alabama and the U.S. Supreme Court, 1939-1946* (Tuscaloosa: University of Alabama Press, 1995), M. James Penton, *Jehovah's Witnesses in Canada* (Toronto: Macmillan of Canada, 1976), and Michel Reynaud and Sylvie Graffard, *The Jehovah's Witnesses and the Nazis: Persecution, Deportation, and Murder: 1933-1945*, trans. James A. Moorhouse (New York: Cooper Square Press, 2001).

⁴⁸ “Last Word of Defendant Galina Parkova in Rostov-on-Don,” Official Website of Jehovah’s Witnesses in Russia, January 25, 2021, <https://jw-russia.org/docs/58.html>.

⁴⁹ For a good overview of the dynamics between the Russian Orthodox Church and evangelizing faiths in the 1990s, see Michael Bourdeaux and John Witte Jr., eds, *Proselytism and Orthodoxy in Russia: The New War for Souls* (Maryknoll, NY: Orbis Books, 1999).

⁵⁰ Baran, “Negotiating the Limits of Religious Pluralism;” Elliot Borenstein, “Suspending Disbelief: ‘Cults’ and Postmodernism in Post-Soviet Russia,” in *Consuming Russia: Popular Culture, Sex, and Society Since Gorbachev*, ed. Adele Marie Barker (Durham, NC: Duke University Press, 1999), 437-62; and Sergei Ivanenko, “Opposition to Jehovah’s Witnesses in Russia: The Anti-Cult Context,” *The Journal of CESNUR* 4, no. 6 (2020): 25-40.

idea of “spiritual security,” in which a dominant Orthodox Church acts as a bulwark of state security by promoting traditional values, while minority faiths undermine this security. In its official statements, the Church endorsed the 2017 liquidation of the Jehovah’s Witnesses’ organization in Russia and characterized the organization as a dangerous “sect.”⁵¹ Overall, the Church has welcomed the Putin administration’s defense of Orthodoxy at the expense of more marginal, evangelizing faiths.

In the wake of the April 2017 decision, there has been significant international pressure on Russia to reconsider its actions. The US State Department issued a statement calling on Russia to reverse the liquidation.⁵² In doing so, it joined numerous governments and non-governmental entities who have denounced Russia’s violations of its citizens’ religious freedom.⁵³ Of more practical importance, the European Court of Human Rights (ECHR) has agreed to consider the ban and rule on its legality. Given that the ECHR already has extensive case law establishing the Witnesses as a known religion in Europe with the right to legally practice its faith without undue hindrance, it is almost certain that this decision will be against Russia. Indeed, the ECHR has already ruled against Russia in several other cases involving state actions against Witness communities prior to 2017.⁵⁴ That said, there is little evidence to suggest that a favorable ECHR ruling will result in practical relief for Russian Witnesses. Even as applications to the court continue to accumulate from Russian citizens, there has been a diminished adherence to case decisions. Likewise, the Dennis Christensen case, in which Russia has imprisoned a foreign national despite attempted mediation from the Danish government, suggests that Russia is willing to violate European norms to defend its stated interests. The Christensen case has also been appealed to the ECHR.

In December 2018, Russian President Vladimir Putin made brief remarks about the current situation. When asked directly about the Witnesses, Putin expressed the desire for a “more liberal” policy toward religious minorities and claimed to share concerns that extremist

⁵¹ Fautre, “Opposition to Jehovah’s Witnesses,” 41-57.

⁵² Heather Nauert, “Respecting Religious Freedom in Russia,” Official Website of the US State Department, July 19, 2017, <https://www.state.gov/respecting-religious-freedom-in-russia/>.

⁵³ The Jehovah’s Witnesses have compiled a lengthy list of official statements on the April 2017 court decision. “How Does the International Community Consider the Persecution of Jehovah’s Witnesses in Russia?,” Official Website of Jehovah’s Witnesses in Russia, May 15, 2020, <https://jw-russia.org/news/about/faq/6.html>.

⁵⁴ For a detailed overview of the Witnesses’ legal history in the ECHR, see Knox, “Jehovah’s Witnesses as Extremists,” 128-157. See also James T. Richardson, “The Rights of the Jehovah’s Witnesses in Russia and Beyond: The Role of the European Court of Human Rights,” *The Journal of CESNUR* 4, no. 6 (2020): 58-68.

laws were being applied to them in error. In other remarks at the same event, Putin also acknowledged that Witnesses are Christians and professed ignorance of why they were being persecuted.⁵⁵ Despite this public statement, the continued actions of the Russian federal government strongly indicate that it intends to enforce its designation of the Witnesses as an extremist organization, and to prosecute individual Witnesses as extremists. Moreover, President Putin himself has taken no actions to mitigate harm to Jehovah's Witnesses or prevent further persecution of Witnesses.

Overall, it is likely that human rights organizations, European institutions, and the broader international community will continue to put pressure on Russia to reconsider its treatment of Jehovah's Witnesses. At the same time, it is unlikely that this pressure will have a significant impact on Russian domestic policy. The Putin administration has shown a diminished interest in adhering to international human rights norms and has disregarded recent ECHR decisions. At the same time, the Russian government has not taken the sort of drastic measures that would be necessary to prevent all organized worship from taking place. While arrests and criminal prosecutions continue, they represent only a small fraction of the total faith community. The Russian government thus far seems satisfied with this situation, which makes all Witnesses vulnerable to investigation, without requiring the state to commit significant resources to a more comprehensive program of prosecution.

⁵⁵ Transcript of remarks at the Council for the Development of Civil Society and Human Rights, Official Website of the Russian President, December 11, 2018, <http://kremlin.ru/events/president/news/59374>.