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RUSSIA: Full Moscow court decision slams JW's

By Geraldine Fagan, Forum 18 News Service <<http://www.forum18.org>>

Jehovah's Witnesses expect their appeal against a total ban on their activities in Moscow to be held within the next few weeks. The full decision of the judge who imposed the ban has now been released. Forum 18 News Service has seen the verdict and although it states that there is no evidence that Jehovah's Witnesses incite religious hatred with calls for violence, it does accuse them of forcing families to disintegrate, violating the equal rights of parents in the upbringing of their children, violating the Russian Constitution and freedom of conscience, encouraging suicide, and inciting citizens to refuse both military and alternative service. It is notable that the court decision consistently accepts hostile testimony against Jehovah's Witnesses, and as consistently rejects all favourable testimony.

Jehovah's Witnesses in Moscow expect their appeal against the 26 March local court decision banning their community to be heard by the Russian capital's municipal court within the next few weeks, the community's lawyer, John Burns, told Forum 18 News Service on 24 May (see F18News 29 March http://www.forum18.org/Archive.php?article_id=289). Should the Moscow City Court reject that appeal, Judge Vera Dubinskaya's outright ban on Jehovah's Witness activity in the Russian capital will come into force, confirmed Burns: "Police would be entitled to shut down even a home Bible study group if alerted by complaints."

Forum 18 has received a copy of the twenty-page verdict. Released on 11 May, it accepts all but one of the charges of violating Article 14 of Russia's 1997 religion law brought against the Jehovah's Witnesses by the public prosecutor of Moscow's northern administrative district. (For an analysis of the verdict, see F18News 25 May http://www.forum18.org/Archive.php?article_id=328)

In support of the allegation that the Moscow Jehovah's Witnesses force families to disintegrate, the court decision cites testimonies of relatives of six of the community, who describe how their family members grew increasingly aloof after becoming involved in the organisation, in a few cases resulting in divorce. According to the court, these testimonies confirm that "family conflicts arose in connection with the community's activity." Going on to cite several similarly critical testimonies by psychiatric experts, the verdict states that these correspond with the conclusion of the court's own specialist commission that the Moscow community "displays destructive tendencies towards family life."

In support of the allegation that the Moscow Jehovah's Witnesses infringe the person, rights and freedoms of the citizen, the verdict states that the community determines the type and place of employment for its members (as reflected by "literature," witness testimonies and the conclusion of the court's specialist commission), as well as the regimen of their free time (as corroborated by references given by both members and non-members of the organisation to extensive compulsory missionary activity and a ban on participation in birthday and other celebrations). According to the court decision, this constitutes a violation of the constitutional right to privacy, including that of non-members who are subject to Jehovah's Witness preaching activity.

Quoting the testimonies of several relatives who state that children are monopolised by a Jehovah's Witness parent, the verdict also accuses the Moscow community of violating the equal rights of parents in the upbringing of their children. Similarly, the court states that members of the organisation draw their children into its activity "without taking into account their views, health, interests or personal development," which constitutes a violation of the universal rights of the child.

"By interfering in the private lives of its members, recommending them to choose work not in accordance with their qualifications" and not rewarding voluntary work performed for the organisation, according to the verdict, the Moscow community of Jehovah's Witnesses violates Article 37 of the Russian Constitution, under which "everyone has the right to make free use of his or her abilities for work, to choose an occupation... and receive remuneration for labour."

The court decision also states that the Moscow Jehovah's Witness community violates freedom of conscience, citing a philological and psycholinguistic study which concludes that the organisation "uses methods of psychological control, essentially consisting of the assignment of certain norms of behaviour, thought and emotional attitude."

According to the verdict, "the court came to the conclusion" that the Moscow Jehovah's Witnesses encourage suicide or the refusal

on religious grounds of medical aid to the critically ill once its special commission established that the organisation forbids blood transfusions. Other expert analyses similarly found evidence of this ban after studying "texts," adds the court decision, while Moscow's health department reports a series of cases in which Jehovah's Witnesses' refusal to accept blood transfusions resulted in serious consequences for their health. "Since the verification of harm to the health of even one person is a proven violation of the law," states the verdict, "the activity of the Moscow community of Jehovah's Witnesses cannot be allowed to continue."

The court decision states that the Moscow Jehovah's Witness community also incites citizens to refuse to fulfil their civil obligations established by law - specifically, to refuse both military and alternative service - "by means of its activity, including the distribution of literature." The verdict finds confirmation of this allegation in the testimonies of members of the organisation, their relatives, and experts.

The court found no evidence for another charge contained in Article 14, however: that of conducting extremist activity. According to Russia's 2002 anti-extremism law, this includes the planning, organisation and preparation as well as the execution of extremist acts - in this instance, the incitement of religious hatred in connection with calls for violence. This allegation remained unproven in the court's view because, while forbidding members from participating in the activities of other confessions, Jehovah's Witness literature "does not define negative emotional or behavioural norms in relation to [other] religious organisations, individuals or their representatives." The court similarly failed to identify evidence of conflicts on religious grounds provoked by members of the Moscow Jehovah's Witness community.

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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