

Religious Freedom Concerns

Statement by the European association of Jehovah's Christian Witnesses

OSCE Supplementary Human Dimension Meeting, Vienna

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Persecution of Jehovah's Witnesses continues in Russia

Russian law-enforcement agencies continue to misapply the 2006 revised Law on Counteracting Extremist Activity ("Law on Extremism") to the religious activity of Jehovah's Witnesses.

- Officials in Russia harass, detain, and initiate numerous legal proceedings against Jehovah's Witnesses on charges of extremist activity. In reality, the Witnesses merely attend religious services, talk to others about their faith, and make use of religious literature.
- Customs authorities seized Russian Bibles, alleging that the *New World Translation of the Holy Scriptures* may contain signs of extremism.
- The unrelenting abuses of religious freedom rights in the Russian Federation (RF) have prompted Jehovah's Witnesses to seek relief from the European Court of Human Rights (ECHR).

CAUSE FOR APPLICATION TO ECHR	TOTAL
Raids and interference with religious meetings and places of worship	10
Liquidation of LRO	2
Manifesting religious belief	3
Censorship and seizure of religious literature	8
Website declared extremist	1
Home searches	4

28 applications have been submitted to the ECHR since 2010, with the most recent one in April 2015.

In its Resolution 1896 (2012), the Parliamentary Assembly of the Council of Europe (PACE) called on Russia to "refrain from applying the law on extremist activities against all religious communities, especially Jehovah's Witnesses."

Authorities Misapply the Law on Extremism to Criminalize the Activity of Jehovah's Witnesses

Since 2009, Russian law-enforcement agencies have launched dozens of criminal investigations against Jehovah's Witnesses on "extremism" charges with damaging consequences. There are currently four open criminal cases against Witnesses in the Moscow, Sverdlovsk, and Rostov Regions.

Prosecutors generally charge the victims under Articles 282, 282.1, and 282.2 of the RF Criminal Code for organising or participating in "extremist" activity. These charges can lead to stiff fines and imprisonment.

Harassment / Criminal Convictions on Extremism Charges

Taganrog, Rostov Region. In 2011, officials initiated a covert criminal investigation against Jehovah's Witnesses in Taganrog, Rostov Region. Sixteen Witnesses were indicted on the basis that the 11 September 2009 decision of the Rostov Regional Court, which declared the Local Religious Organisation (LRO) of Jehovah's Witnesses an "extremist organisation," had banned all religious activity of the Witnesses in Taganrog.

In July 2014, after a 15-month trial, the Taganrog City Court convicted 7 of the 16 Witnesses of "extremist" activity under Article 282.2 of the RF Criminal Code simply for holding peaceful religious services, as Jehovah's Witnesses do worldwide. Reasoning from the LRO's liquidation, the trial judge stated that congregations of Jehovah's Witnesses in Taganrog are forbidden to "prepare and hold religious services, religious meetings, and religious events" and to "obtain or distribute religious literature." Those convicted were ordered to pay fines of up to 100,000 rubles (approximately 1,315 euros).

The court also convicted four of the seven under Article 150(4) of the Criminal Code for conducting religious meetings at which minors were present—actually, children attending with their parents. The court sentenced these four men to more than five years' imprisonment. However, the trial court substituted the fines and the prison terms with conditional sentences, and acquitted the remaining nine Witnesses.

On 12 December 2014, the Rostov Regional Court heard the prosecutor's appeal and ordered a retrial, concluding that the four elders received an "excessively lenient sentence" and that the nine Witnesses acquitted of "extremism" were "groundlessly acquitted." The retrial began on 22 January 2015.

On 30 November 2015, Judge Vasyutchenko of the Taganrog City Court ruled to sentence four of the Witnesses to five-and-a-half-year prison terms and heavy fines of 100,000 rubles each. The other 12 were sentenced to fines ranging from 20,000 to 70,000 rubles (approximately 260 to 920 euros).

On 17 March 2016, the Rostov Regional Court upheld the decision of the Taganrog City Court. The court lowered the fines of 12 of the 16 defendants to 10,000 rubles (approximately 130 euros) as a nominal mitigation of the punishment. However, the court did not lower the fines on the four Witnesses who were charged with "organizing the activity of an extremist organization." While the jail sentences and fines were suspended, the exact effect of the suspension is yet to be determined.

Liquidation of Legal Entities

Samara, Samara Region. The authorities in Samara mimicked the pattern set by Taganrog authorities to restrict the activity of Jehovah's Witnesses. On 29 May 2014, the regional court ruled to liquidate the LRO as an extremist organization, and on 12 November 2014, the RF Supreme Court upheld that decision.

Abinsk, Krasnodar Territory. On 25 December 2014, hearings began in a case to liquidate the LRO of Jehovah's Witnesses in the city of Abinsk, Krasnodar Territory. On 4 March 2015, the Krasnodar Territorial Court granted the prosecutor's claim, declared the Abinsk LRO an "extremist organisation," ordered its liquidation, and ordered that its property—which includes the Witnesses' house of worship in Abinsk—be confiscated by the State. The RF Supreme Court dismissed their appeals on 5 August 2015.

Tyumen, Tyumen Region. The prosecutor's office in Tyumen is mimicking the approach taken by the prosecutor in Samara. In July 2014, an LRO member was framed and found guilty of "distributing extremist publications." After the Witnesses lost on appeal, the prosecutor's office

issued a warning for the Tyumen LRO to cease carrying out “extremist activity.” Later, false witnesses alleged that they obtained extremist publications at the Kingdom Hall belonging to the LRO. The prosecutor then initiated an administrative case against the Tyumen LRO.

On 12 March 2015, the Leninskiy District Court found the Tyumen LRO guilty of distributing extremist publications. On 13 May 2015, the Tyumen Regional Court upheld the ruling.

The case to liquidate the Tyumen Local Religious Organization was appealed to the Supreme Court of the Russian Federation, which will consider the appeal on 14 April 2016.

Elista, Republic of Kalmykia. The police chief of the Republic of Kalmykia issued an order to conduct a search of the Kingdom Hall in Elista. When the search took place on 25 June 2015, local police officers and FSB officials “discovered” two packets of publications that had been planted on the premises and that are on the Federal List of Extremist Materials. On 6 July 2015, the prosecutor of the Republic of Kalmykia issued a warning to the LRO for carrying out extremist activity.

On 6 December 2015, operatives from the FSB’s Centre for Counteracting Extremism searched the Kingdom Hall and “discovered” publications on the Federal List of Extremist Materials that had again been planted earlier on the premises. On 12 December 2015, the prosecutor of the Republic of Kalmykia filed a claim to liquidate the Elista LRO. Jehovah’s Witnesses are appealing the liquidation claim to the Supreme Court of the Russian Federation. If they lose the case, their place of worship will be confiscated.

Misapplication of the Law on Extremism to Religious Literature

“Extremism” used as a pretext to liquidate LROs. Since September 2009, Russian courts have declared 88 publications of Jehovah’s Witnesses to be extremist and have added them to the Federal List of Extremist Materials maintained by the Ministry of Justice.

Russian law-enforcement agencies commonly use these court rulings as a pretext to investigate and prosecute individual Witnesses. Law-enforcement officers, including FSB agents, raid the private homes and places of worship of Jehovah’s Witnesses, looking for extremist activity or extremist literature. Following these raids, local authorities then initiate administrative cases against LROs and individual Witnesses for distributing “extremist” publications. These prosecutions follow the same pattern set by the authorities in liquidating the LROs in Taganrog and Samara.

Raids in the Republic of Tatarstan. On March 24, 2016, at 6:00 a.m., authorities raided homes and Kingdom Halls of Jehovah’s Witnesses in several locations throughout the Republic of Tatarstan. Additionally, authorities raided the Witnesses’ Tatar translation office, seized all computer equipment, and interrogated some of the staff.

The raids responded to a court ordered criminal investigation initiated under Article 239(1) of the Criminal Code: “Creation of a religious or public association, the activity of which is marked by violence against citizens or harm to the health of citizens.” One reason given for the criminal investigation was the death of a woman who refused a blood transfusion about a year ago. However, it is unclear if the woman is one of Jehovah’s Witnesses or if she died as a result of refusing a blood transfusion. Whether some of the Witnesses will face criminal charges remains to be seen.

Warning Issued to the Administrative Centre of Jehovah’s Witnesses in Russia: On 2 March 2016, the Prosecutor General’s Office of the Russian Federation in Moscow issued a warning to the Administrative Centre of Jehovah’s Witnesses in Russia against carrying out “extremist activity.” The warning is premised on court decisions that are the result of fabricated evidence and the misapplication of the law on extremism. The warning referenced

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the liquidation of the Taganrog, Samara, and Abinsk local religious organizations (LRO) of Jehovah's Witnesses, as well as the fact that 88 publications produced by Jehovah's Witnesses are on the Federal List of Extremist Materials.



The Administrative Centre was ordered to take procedural and organizational measures to remedy all “violations” within two months. If the Prosecutor General is not satisfied with the efforts of the Administrative Centre, he can file a claim for its liquidation as an extremist organization.

On 28 March 2016, the Prosecutor General's Office rejected the request for a meeting to discuss the warning.

“This closing of our national entity would include a confiscation of any properties we own and ultimately place a ban on the religious activities of Jehovah's Witnesses throughout Russia.”—A spokesman for Jehovah's Witnesses in Russia.

Import of all religious literature denied. Since March 2015, Russian Federation customs officials have refused to allow any literature published by Jehovah's Witnesses to be imported into the country, regardless of whether courts have pronounced it extremist or not. This includes a consignment of Bibles that was detained on 14 July 2015.

Prosecutor seeks to declare the Bible “extremist.”

The Leningrad-Finlyandskiy Transport Prosecutor filed a claim to declare the *New World Translation* to be extremist material. This is a direct violation of Article 3-1 of the Law on Extremism, which forbids the application of the legislation to the Bible. The prosecutor relies on the conclusion of a specialist-mathematician who claims that the *New World Translation* can only be considered a Bible by the Russian Orthodox Church, and only if it meets the requirements of the Church's “sacred tradition.”



The Vyborg City Court scheduled the next hearing for 26 April 2016.

Ban of the jw.org website. Russia is the only country in the world to ban jw.org, the official website of Jehovah's Witnesses. The ban became effective on 21 July 2015, when the Russian Federation Ministry of Justice added jw.org to the Federal List of Extremist Materials. Internet providers throughout Russia have blocked access to the website, and it is a criminal offense to promote it from within the country.

Positive Developments

Jehovah's Witnesses of Moscow v. Russia. In 1996, the Moscow prosecutor's office began a campaign against the Moscow Community of Jehovah's Witnesses (Moscow Community). After five criminal investigations and two trials, the Golovinskiy District Court liquidated the Moscow Community and banned its activity in March 2004.

On 10 June 2010, the ECHR ruled that the liquidation of the Moscow Community and banning of its activity violated the European Convention on Human Rights and Fundamental Freedoms.—*Jehovah's Witnesses of Moscow v. Russia*, no. 302/02, 10 June 2010.

Authorities refused to re-register the Moscow Community, so the Witnesses made several attempts to register a new legal entity. On 27 May 2015, the Moscow City Department of the

Ministry of Justice issued a certificate confirming the registration of the new entity.

Acquittal in Sergiev Posad Criminal Case. Two of Jehovah's Witnesses in Sergiev Posad were charged with criminal activity under Article 282 of the Criminal Code after authorities allegedly discovered "incitement to hatred and enmity" in their public religious discourses. However, on 4 March 2016, after years of litigation and despite the prosecutor's insistence that they be sentenced to one-and-a-half years of imprisonment, the court ruled to fully acquit both of the Witnesses. The court relied on a court-appointed expert study performed by the highest expert institution in Russia, the Federal Centre for Judicial Expert Studies under the Ministry of Justice. According to the expert study, the Witnesses' discourses did not contain signs of extremism.

Jehovah's Witnesses respectfully request that the Russian Federation to:

- (1) Abide by the PACE Resolution 1896 (2012) and the 31 March 2015 concluding observations of the UN Human Rights Committee: Refrain from misapplying the law on extremist activities to Jehovah's Witnesses, and terminate all legal cases and criminal investigations against Jehovah's Witnesses based on extremist charges
- (2) End the persecution of Jehovah's Witnesses in Taganrog, Elista, Tyumen, and elsewhere
- (3) Remove all publications of Jehovah's Witnesses from the Federal List of Extremist Materials
- (4) Ensure that Jehovah's Witnesses can peacefully enjoy freedom of religion and assembly without further illegal police interference

Representatives of Jehovah's Witnesses welcome the opportunity to engage in a constructive dialogue with representatives of the Russian Federation government.

For more information:

Please contact the Office of General Counsel of Jehovah's Witnesses at generalcounsel@jw.org.

Visit the Newsroom at jw.org or scan the QR code below to learn about legal developments and human rights affecting Jehovah's Witnesses in Russia.

