

RELIGIOUS FREEDOM CONCERNS IN RUSSIA

STATEMENT by the ADMINISTRATIVE CENTER OF JEHOVAH'S WITNESSES IN RUSSIA

For the OSCE Human Dimension Implementation Meeting, Warsaw, 23 September to 4 October 2013

Russia's campaign against Jehovah's Witnesses continues

Jehovah's Witnesses in Russia experience on-going harassment, intimidation, and mistreatment because Russian law-enforcement agencies misapply the 2006 revised Law on Counteracting Extremist Activity (Law on Extremism) to their religious activity. As a result, Jehovah's Witnesses contend with numerous legal problems and human rights abuses.

Official website of Jehovah's Witnesses declared extremist

On 7 August 2013, the Central District Court of Tver pronounced the entire international website of Jehovah's Witnesses—www.jw.org—to be extremist. The Prosecutor of the Tver Region had filed a claim in court asking that the website be blocked because it has publications available that Russia has banned. The Court did not consider it necessary to involve the owner of the site in the trial since it is a foreign legal entity and, according to the Court, the decision to block its site in the territory of the Russian Federation does not violate its rights or interests in any way. Consequently, hundreds of thousands of Jehovah's Witnesses and other readers in Russia will be deprived of Bible education and other beneficial material available on the site.

The www.jw.org site also provides content needed by Jehovah's Witnesses for their religious worship. The site is accessible throughout the world, is available in 300 languages, and has 4 million pages viewed each day.

Criminal prosecutions of Jehovah's Witnesses accused of extremist activity

Since 2009, Russian law-enforcement agencies have launched dozens of criminal investigations against Jehovah's Witnesses for 'extremist activity'—actually, their worship. The criminal charges can lead to stiff fines or prison sentences of up to four years.

There are currently six open criminal investigations and eight pre-investigative inspections in the Moscow, Orenburg, Sakhalin and Volgograd regions, as well as in the Republic of Karelia.

Criminal trial against Jehovah's Witnesses for practicing their faith

On 11 September 2009, the Rostov Regional Court dissolved the Local Religious Organization (LRO) of Jehovah's Witnesses in Taganrog.

On 5 August 2011, an investigating body initiated a criminal case against unnamed Jehovah's Witnesses for managing a liquidated organization—in fact, for carrying on their worship.

On 25 August 2011, law enforcement officers searched 19 homes of Jehovah's Witnesses and seized personal Bibles, other non-prohibited religious literature, computers, and other personal items. The searches began at 6:00 a.m. and lasted 8 to 11 hours.

In 2012, an investigating body brought criminal charges against 16 Witnesses: four congregation elders received criminal charges for conducting religious services and for allegedly luring minors into committing a crime; the other Witnesses for attending religious services.

On 30 May 2013, the Taganrog City Court began the examination of the case, still in progress.

On-going campaign of harassment

Between 11 September 2009 and 31 July 2013, there have been 1,635 incidents violating the rights of individual Witnesses.

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- Law enforcement officials have arrested 1,537 Witnesses, carried out 168 searches of homes and houses of worship, and disrupted or interfered in 66 religious services.
- Individual citizens have committed 153 acts of violence against at least 289 Witnesses and 106 acts of vandalism against their Kingdom Halls. Authorities have done little or nothing to prevent or to punish these criminal acts.

Russian authorities ignore European Court of Human Rights (ECHR) judgments

Jehovah's Witnesses of Moscow v. Russia: In 1996, the Moscow prosecutor's office began its campaign against the Moscow Community of Jehovah's Witnesses (Moscow Community) that eventually led to the Golovinskiy District Court of Moscow liquidating the Moscow Community of Jehovah's Witnesses and imposing a ban on its activity in 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 (Convention). However, the Moscow Community has been refused the right to re-register. (*Jehovah's Witnesses of Moscow v. Russia*, no. 302/02, 10 June 2010)

Kuznetsov and others v. Russia: On 16 April 2000, State officials interrupted the peaceful religious service held by the sign-language congregation of Jehovah's Witnesses in Chelyabinsk. On 11 January 2007 the ECHR ruled that the authorities' actions violated the Convention. In spite of the Russian Minister of Interior's commitment to the CoE Committee of Ministers to implement this judgment, authorities in Chelyabinsk continue to interfere with the Witnesses' religious meetings. (*Kuznetsov and Others v. Russia*, no. 184/02, 11 January 2007)

Misapplication of Law on Counteracting Extremist Activity to religious literature

Since September 2009, Russian courts declared 68 publications of Jehovah's Witnesses to be 'extremist' and they were subsequently added to the Federal List of Extremist Materials by the Ministry of Justice. Russian law enforcement agencies commonly use these decisions to legitimize criminal investigations and prosecutions of individual Witnesses. Law enforcement officers, including FSB agents, raid the private homes and Kingdom Halls (places of worship) of Jehovah's Witnesses to determine whether there is any "extremist activity" or "extremist literature" stored on site.

Trial courts in Krasnodar, Kemerovo, Krasnoyarsk, and Birobidzhan have declared other publications of Jehovah's Witnesses extremist, and a new civil case is underway in Chelyabinsk. The adverse decisions have been or are in the process of being appealed.

Raid on the Administrative Centre of Jehovah's Witnesses in Russia

On 1 April 2013, approximately 60 officials and law enforcement officers came unexpectedly to the Administrative Center of Jehovah's Witnesses (Center) in Solnechnoye. These included the police, the FSB, the Department for Counteracting Extremism, the OMON, representatives of several different district prosecutors' offices, the Transport Police, Federal Migration Services, Fire Safety Department, Sanitation and Epidemiology Department, State Narcotics Control, and other agencies. The inspection of the property and buildings lasted from noon until nearly 8:00 p.m.

Since 1 March 2013, local prosecutors have subjected 120 LROs and 19 religious groups of Jehovah's Witnesses to all-encompassing inspections, acting on an order from the Prosecutor General's Office.

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Disruption of annual conventions by Russian law enforcement agencies

Interference on the part of the Russian Orthodox Church or FSB officers led to the disruption of peaceful annual conventions of Jehovah's Witnesses in 11 cities of the Russian Federation (RF) in 2013.

Gorodets, Nizhniy Novgorod Region: On 21 May 2013, local Jehovah's Witnesses submitted a request to rent a stadium to hold their annual convention. On 25 June 2013, Mr V. Trufanov, Head of the Administration for the Gorodetskiy District, stated that the Gorodetskiy District Administration consulted an Orthodox priest and decided to deny it since "Gorodets is the spiritual capital of the Northern Nizhegorod Region, where the remains of 170 saints are buried; it is visited by hundreds of Orthodox pilgrims every day."

Chelyabinsk, Chelyabinsk Region: Jehovah's Witnesses arranged to hold their annual large religious service in the *Congress Hall* of Chelyabinsk on 26-28 July 2013. The FSB pressured the owner of the hall to deny the lease despite the signed contracts. Later the Witnesses learned that the City Administration sent a written order to a number of the Chelyabinsk government agencies to report any efforts by Jehovah's Witnesses to rent a hall.

Kazan, Republic of Tatarstan: Jehovah's Witnesses arranged to hold their annual religious convention on 26-28 July 2013 in Kazan, with an expected attendance of 5,000. However, the administrators cancelled the contract on 17 July 2013 after being pressured by the FSB. Later Jehovah's Witnesses learned that the Head of the Office of the Tatarstan President sent a directive to the heads of municipal districts stating that directors of cultural or educational institutions should deny rental of their premises for religious events.

Positive developments

Constitutional Court rules the Constitution guarantees religious freedom in Russia

On 5 December 2012, the Constitutional Court issued a decision in favour of religious freedom in response to an application by the Ombudsman for Human Rights in the RF (Ombudsman). The Ombudsman asked the Court whether the state had violated the constitutional rights of two of Jehovah's Witnesses when authorities charged them for having organized a religious assembly without prior notice to and permission from state authorities.

The Constitutional Court ruled that state authorities and the courts had interfered with their freedom of religion guaranteed by the Constitution. The Court ordered that amendments be made to prevent use of regulations for conducting rallies to raise obstacles to impede holding peaceful religious assemblies. The Court ruled that religious assemblies can be held without prior notice to and permission from state authorities.

Favourable Supreme Court decision based on Constitutional Court ruling

In a case filed by the Ombudsman, the Supreme Court ruled that Messrs Ayriyan and Schendrygin had not violated the law by organizing a religious assembly. -This ruling, based on the favourable Constitutional Court ruling, sends a strong message to the authorities to stop interfering with citizens' right to hold religious assemblies.

A delegation of Jehovah's Witnesses is ready to meet with representatives of Russia attending this conference to promote a constructive dialogue.