

Human Rights Without Frontiers Int'l

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Freedom of association and peaceful assembly

Russia: Ban of Jehovah's Witnesses and other peaceful religious movements

On 25 August, the UN Committee on Elimination of Racial Discrimination of the United Nations published its Concluding Observations about the report from the Russian Federation.

The Committee expresses concern over the law about 'foreign agents' and 'undesirable organizations'. "The Committee is further concerned about the continuous classification of some non-governmental organizations as foreign agents, impacting their operational activities and in some instances leading to their closure." The main accusation put forward to ban a number of peaceful civic and religious groups is their allegedly carrying out 'extremist activity' and their use of 'extremist material'. "The Committee is concerned that the definition of extremist activity as contained in the Federal Law on Combating Extremist Activity remains vague and broad which is further exacerbated by the new Criminal Code provisions with similar contents, and that no clear and precise criteria on how materials may be classified as extremist are provided in the law."

The Committee reiterates its recommendation (CERD/C/RUS/CO/20-22, para. 13) that the State party amends the definition of extremism in the Law on Combating Extremism and in articles 280 and 282 of the Criminal Code to ensure that it is clearly and precisely worded, in accordance with article 4 of the Convention. The State party is also requested to do away with the Federal List of Extremist Materials. The Committee also recommends that the Federal Laws on Non-Commercial Organizations and on 'Undesirable Organizations' be reviewed.

Ban of religious groups of foreign origin

Ban of peaceful Muslim groups

Religious movements of foreign origin have become victims of the Russian concept of spiritual security that was put in place by President Putin in 2000 to purify the Russian Orthodox lands.

The combination of this concept with the anti-extremism laws has been damaging to many minority religious groups as they are perceived as a threat to the Russian identity, national Orthodox values, social and religious cohesion and even national security.

Since the beginning of this century, Russia has attempted to ban a number of religious groups of foreign origin, such as the Jehovah's Witnesses community of Moscow, the Jesuits, the Moscow branch of the Salvation Army or the Church of Scientology of Moscow and St Petersburg. However, these cases were brought to the European Court of Human Rights, and each time Russia lost.

While these groups have experienced the safety net of the European Court of Human Rights, some Muslim groups have not. Two peaceful Muslim groups of foreign origin – Tablighi Jamaat members and Said Nursi followers – have been particularly targeted by the Russian government.

These movements have been banned and their members have been massively arrested over the past few years.

Ban of Jehovah's Witnesses

On July 17, 2017, in blatant disregard for Russia's international commitments to protect religious freedom, the Supreme Court of Russia confirmed its earlier ruling that criminalized the activity of Jehovah's Witnesses in Russia. The decision effectively bans the worship of Jehovah's Witnesses throughout the country.

The three-judge panel of the Appellate Chamber of the Supreme Court rejected the Witnesses' appeal and upheld the Court's April 20 decision by Judge Yuriy Ivanenko. He had ruled in favor of the claim filed by the Ministry of Justice "to liquidate the religious organization 'Administrative Center of Jehovah's Witnesses in Russia' and the local religious organizations that are part of its structure [and] to turn over to the Russian Federation all property of the liquidated religious organization."

The decision deprives over 175,000 of Jehovah's Witnesses in Russia of their freedom of association, worship and assembly. The appellate chamber's decision provides a legal veneer of legitimacy for the abuses already inflicted on Jehovah's Witnesses in Russia and exposes them to criminal prosecution and further abuse. They have become outcasts in their own country."

By the experience of other peaceful of two peaceful Muslim groups – Tablighi Jamaat and Said Nursi followers – which have been banned for years, we know that Jehovah’s Witnesses are now at risk of being arrested and imprisoned for any of their activities. If they meet in private homes or premises for worshipping or for sharing their beliefs with others, if they possess and use publications of their religious movement abusively listed as extremist by a court, they will be under threat of being arrested, detained and sentenced to prison terms.

Arrest and detention of Dennis Christensen, a Danish citizen

On the evening of May 25, 2017, Dennis Christensen – a baptized Jehovah’s Witnesses since 1989 - was arrested along with 15 Russian citizens at a peaceful worship service held in a privately owned building in Oryol.

Most of the attendees were detained for some hours. Only Mr Christensen was not released. He was kept in pretrial detention for two months, an imprisonment period that was extended by four more months. He was just attending a religious service but he has been charged with organizing an illegal religious activity under article 282.2 of the Russian Criminal code and he faces up to 10 years of imprisonment.

Recommendations

Human Rights Without Frontiers recommends Russia

- to implement the last recommendations of the UN Committee on Elimination of Racial Discrimination of the United Nations about the laws on ‘foreign agents’ and ‘undesirable organizations’, and about the definitions of ‘extremist activity’ and ‘extremist material’ in the Law Combating Extremism;
- to repeal the ban of peaceful religious groups such as Jehovah’s Witnesses, the Tabligh Jamaat and Said Nursi movements;
- to release Dennis Christensen, a Danish Jehovah’s Witness who has been put under pretrial detention for at least six months for attending a religious meeting in Oryol;
- to release Tabligh Jamaat and Said Nursi followers who have been sentenced to prison terms for exercising their right to freedom of assembly.

Human Rights Without Frontiers recommends Denmark, the EU and the OSCE

To use all the institutional mechanisms at their disposal in order to get

- the repeal of the ban on Jehovah’s Witnesses, Tabligh Jamaat and Said Nursi followers
- the release of Dennis Christensen, who is a citizen of the European Union, as well as Russian Muslims belonging to the Said Nursi and Tabligh Jamaat movements.

I thank you for your attention.