

RELIGIOUS FREEDOM CONCERNS IN RUSSIA

STATEMENT BY THE ADMINISTRATIVE CENTER OF JEHOVAH'S WITNESSES IN RUSSIA

For the OSCE Human Dimension Implementation Meeting, Warsaw, 22 September to 3 October 2014

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, resulting in numerous incidents of harassment, detainment, and legal proceedings against Jehovah's Witnesses on the charge of engaging in extremist activity merely for possessing religious material, attending religious services and talking to others about their faith.

Misapplication of the Law on Extremism to ban 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. Victims are usually charged under Articles 282, 282.1, and 282.2 of the Russian Federation (RF) Criminal Code for organizing or participating in extremist activity. These charges can lead to a stiff fine or imprisonment if not successfully challenged in court. There are currently three open criminal cases in the Moscow and Rostov regions.

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Witnesses sentenced on extremism charges for practicing their faith

01 October 2014

Taganrog, Rostov Region: On July 30, 2014, the 15-month long criminal trial against 16 of Jehovah's Witnesses ended when the Taganrog City Court convicted and sentenced 7 of the accused for attending and organizing their peaceful religious meetings. The 16 were prosecuted under the Law on Extremism merely for carrying out the same religious activity that Jehovah's Witnesses perform around the world.

The judge sentenced four Jehovah's Witnesses to prison terms of five to five and a half years and to each pay a 100,000 rouble (EUR 2 067) fine. He sentenced three other Witnesses to pay fines of 50,000 to 60,000 roubles (EUR 1 033 to 1 240) each. The judge waived all of the fines because the investigation and trial exceeded the statute of limitations, and he suspended the prison sentences. The remaining nine Witnesses were acquitted.

In reaching his decision, the judge relied on the September 2009 ruling of the Rostov Regional Court that liquidated the legal entity of Jehovah's Witnesses in Taganrog as an extremist organization. Although the 2009 ruling targeted only the legal entity, the judge expressed his opinion that there is a complete ban on the religious activity of all of Jehovah's Witnesses in Taganrog and nearby areas. His decision stated that the congregations in that region are "forbidden" to "prepare and hold religious services, religious meetings and religious events" and among other things, to "obtain, or distribute religious literature." This verdict sets a dangerous precedent in restricting religious freedom for Jehovah's Witnesses throughout Russia.

For those sentenced, their resolve to continue their religious activity means that they face the possibility of imprisonment as repeat offenders. The Witnesses have appealed the decision to the Rostov Regional Court.

Samara, Samara Region: The authorities in Samara are mimicking the pattern of the Taganrog authorities to restrict Jehovah's Witnesses in Samara by liquidating their legal entity, or Local Religious Organization (LRO), labelling it as an extremist organization.

- **21 January 2014:** Four officials posed as electricians and entered a rented building in Samara that Jehovah's Witnesses use for worship and conducted a clandestine search of the premises a few hours before the religious meeting was scheduled to begin. When the first Witness arrived, the officials presented him with a search warrant. During the search, which the officials filmed, they "found" in one plastic package seven publications that are on the Federal

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List of Extremist Materials. The Witnesses maintain that the officials planted the publications during the alleged electrical inspection. The Samara Prosecutor's Office filed administrative charges against the LRO.

- **7 March 2014:** The Sovyetskiy District Court found the LRO guilty and ordered a fine of RUB 50,000 (EUR 1 033) for storage of publications on the Federal List of Extremist Materials with the purpose of mass distribution.
- **17 April 2014:** The Samara Regional Court upheld the March 7 ruling of the district court.
- **22 April 2014:** The Samara Regional Prosecutor ordered to suspend the activity of the LRO and filed a claim to the Samara Regional Court to liquidate it for extremist activity.
- **29 May 2014:** The Regional Court ruled that the LRO is an extremist organization and it should be liquidated based on the formal grounds.
- **30 June 2014:** The LRO, local Witnesses, and the European Association of Jehovah's Christian Witnesses filed appeals with the RF Supreme Court.
- **8 October 2014:** The RF Supreme Court is scheduled to hear the appeal.

Misapplication of the Law on Extremism to religious literature

Since September 2009, Russian courts have designated 69 publications of Jehovah's Witnesses as extremist and added them to the Federal List of Extremist Materials issued by the Ministry of Justice. Russian law enforcement agencies commonly use these decisions as a pretext for 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. As a result of these raids, local authorities have initiated cases under Article 20.29 of the Administrative Code for distribution of extremist publications against LROs or individual Witnesses.

These prosecutions follow the same pattern the authorities have used that eventually led to the liquidation of the LROs in Taganrog and Samara. Since the beginning of 2014, there have been at least six similar cases initiated in various parts of Russia.

Authorities ignore judgments of the European Court of Human Rights (ECHR)

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). After five criminal investigations and two trials, the Moscow Community was liquidated and its activity was banned 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)

Local Witnesses have attempted to register a new legal entity in Moscow without success.

There are currently another 25 pending applications that Jehovah's Witnesses have filed against Russia in the ECHR.

The U.N. Human Rights Committee expresses concern over restrictions to religious freedom imposed on Jehovah's Witnesses

The U.N. Human Rights Committee in paragraph 27 of the Advanced Unedited Version of the List of Issues in relation to the seventh periodic report on the Russian Federation has asked Russia to comment on steps taken to amend extremism legislation in order to clarify the definition of

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extremism. The Committee expresses concern that the law is being “increasingly used to curtail freedom of expression and freedom of religion, targeting inter alia Jehovah's Witnesses that face criminal prosecution for alleged engagement in extremist activities and have their religious materials declared “extremist” and thus banned.” The report also draws attention to “interference with Jehovah’s Witnesses’ right to profess their religion throughout the country, including disruption of their worship activities, physical attacks and threats against their members and the impunity for such acts.”

Positive developments

On **22 January 2014**, the Tver Regional Court reversed the decision of a lower court to ban jw.org, the official Web site of Jehovah’s Witnesses. On 7 August 2013, a lower court in Tver ruled to ban jw.org in a trial lasting only 25 minutes. Representatives of Jehovah’s Witnesses were not informed of the hearing and had no opportunity to contest the allegations raised by the local prosecutor and to present their defence to the trial court. Jehovah’s Witnesses learned of the banning judgment through media reports just hours before the deadline for filing an appeal expired.

Despite this favourable ruling, jw.org remains illegally blocked (but not banned) by some providers in different parts of Russia.

Jehovah’s Witnesses in Russia respectfully appeal to the Russian authorities to promptly take positive steps to protect the freedom of religion of Jehovah's Witnesses:

- (1) Abide by the PACE Resolution 1896(2012), and refrain from misapplying the law on extremist activities against Jehovah’s Witnesses; 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 and Samara;***
- (3) Remove publications of Jehovah’s Witnesses from the Federal List of Extremist Materials;***
- (4) Register the Moscow Community of Jehovah’s Witnesses; and***
- (5) Prevent further illegal police interference with Jehovah’s Witnesses’ peaceful exercise of their freedom of religion and freedom of assembly.***

Scan the QR code below to read more information about Jehovah’s Witnesses in Russia on jw.org:

