

RELIGIOUS FREEDOM CONCERNS IN UKRAINE

STATEMENT by the EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

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

Jehovah's Witnesses are grateful that the government of Ukraine guarantees freedom of worship. However, they have serious concern over the increase of hate crimes against Jehovah's Witnesses in Ukraine and that authorities often allow perpetrators to act with impunity. In addition to physical violence, some of Jehovah's Witnesses face arbitrary detention, discrimination, and restrictions to their evangelism. There has been an escalation of acts of vandalism against their Kingdom Halls (houses of worship).

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Physical assaults

Most acts of violence and abuse against Jehovah's Witnesses go unpunished because the police often refuse to investigate and prosecute the perpetrators. This creates a climate of instability and fosters increased violence against Jehovah's Witnesses.

- **Berezhonka, Chernivtsi Region.** On **7 April 2014**, Orthodox priest I.I. Fedoroshchak hit Rodenko Vitaliy in the face, causing a concussion. One month later, the investigation was closed due to lack of evidence.
- **Kherson, Kherson Region.** On **19 March 2014**, a middle-aged man dressed in camouflage clothing accused Nadiya Savchenko and Nelia Kaliuzhna of being "American sectarians," and then sprayed tear gas into Mrs. Savchenko's eyes. The investigation is still in progress.
- **Smila, Cherkassy Region.** On **16 January 2014**, O.M. Hahan, an Orthodox priest of the Moscow Patriarchate, threatened Ms. Onysenko and Ms. Kaitmazov with a bat and demanded that they stop their religious activities. On **25 March 2014**, Mr. Hahan overturned a mobile literature stand and kicked an elderly Witness woman. Mr. Hahan attacked the Witnesses on three earlier occasions in 2013. While Mr. Hahan was accused under Article 161 of the Criminal Code of Ukraine for instigation of religious hatred, to date he has not received any punishment.
- **Kharkiv, Kharkiv Region.** On **2 January 2014**, a man threatened Dmytro Yasynskyi and Vitaliy Kurhan with a gun. He punched Mr. Yasynskyi in the face and continued to hit and kick him in the head while pointing the gun at him. The attacker also pointed the gun at Mr. Kurhan. The victims reported the crime, but the authorities waited 10 days before beginning their investigation. The attacker has not been brought to justice.
- **Nosivka, Chernihiv Region.** On 7 March 2013, Mr. Selezniiov attacked T.V. Kornilova while she was talking to others about her beliefs. He hit Ms. Kornilova in the head, requiring her to seek medical assistance at the Nosivka District Hospital. After exhausting all domestic remedies, on **27 June 2014**, she submitted an application to the European Court of Human Rights.
- **Stryzhavka, Vinnitsia Region.** On 26 November 2013, three men viciously beat Oleksandr Tretiak for over 20 minutes as he was returning home after engaging in religious activity. Besides punching and kicking him in the face and body, they hit him in the head several times with a baseball bat and threatened to kill him. Mr. Tretiak identified the attackers as Ruslan Ivanov, Anatoliy Dovhan, a retired lieutenant colonel of the police, and Evheniy Ihlinskiy, Dovhan's son-in-law and a traffic officer. Mr. Tretiak was rushed to the hospital with severe injuries. Despite his condition, the investigator characterized the crime as a "minor" bodily injury inflicted by three "unidentified persons." In total, he spent 23 days in the hospital. The lead attacker, Ruslan Ivanov, was charged only after he fled in **April 2014**, and the attackers have not been brought to justice.

Since September 2013, there have been 57 incidents of physical assault against Jehovah's Witnesses.

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Vandalism and arson of Kingdom Halls (houses of worship)

From **September 2013 to August 2014**, there have been 76 incidents of vandalism against the Kingdom Halls of Jehovah's Witnesses.

- **Horlivka, Donetsk Region.** On **5 June 2014**, a group of armed men broke the door of the Kingdom Hall, ransacked it, and set it on fire. The damages amounted to \$60,000 (US). This is the fifth time that the Kingdom Hall in Horlivka has been vandalized since 2013.

Arbitrary detention

- **Kryvyi Rih, Dnipropetrovsk Region.** On **19 March 2014**, Maryna Pochynska and Valentyna Troichenko were detained by police officer, Andriy Chechel from the Zhovtnevyi District Police Station because they were sharing their religious beliefs with their neighbors. The officer accused them of swindling and ordered them to go to the police station where they were unlawfully photographed.
- **Kharkiv, Kharkiv Region.** On 12 December 2013, officers of the Leninske police station unlawfully detained Ms. Rybakova and Ms. Yampolska, two elderly Jehovah's Witnesses. The women were unlawfully searched, photographed, and fingerprinted. Five police officers interrogated them and accused them of swindling under the guise of religious activity. The officers threatened to arrest them and demanded that they confess to committing crimes. The victims filed complaints but authorities opened an official investigation only at the end of **March 2014**. The victims have only recently been interviewed and the officers have not been identified.

Discrimination

- **Sumy, Sumy Region.** Authorities continue to apply the discriminative provision of Article 21(5) of the Law of Ukraine "On Freedom of Conscience and Religious Organizations," which requires obtaining approval for holding religious meetings outside of houses of worship, particularly in closed rented premises and in stadiums. Referring to these provisions of the Law, the Sumy City Executive Committee repeatedly prohibited Jehovah's Witnesses from holding their annual gatherings for worship. At the end of 2013, the Ombudsman's representative promised the necessary constitutional submission but to this date, no steps have been taken in this regard.
- **Lyptsi, Kharkiv Region.** On **24 March 2014**, 77-year-old Maria Novikova reported that she was assaulted while talking to others about the Bible. The police officer who received the report refused to tell her his name and stated that if it were him, he would have assaulted her also.
- **Zhabyanka, Cherkasy Region.** On 3 June 2011, Vadymivna Mykhailenko and Kseniya Rohachova were talking to others about the Bible when Mr. Lehkoduh brutally beat them. On **12 February 2014**, the Judge of the Cherkasy Regional Court of Appeals acknowledged that Mr. Lehkoduh's actions were motivated by religious hatred. However, the judge accused the victims of provoking the attacker by taking the initiative to speak to others.

Positive developments for the rule of law

- Ms. Valeriya Lutkovska, Ombudsman of Ukraine, commented in her annual report to Parliament on the insufficient investigation and prosecution of violent acts against Jehovah's Witnesses in recent years. Representatives of the Ombudsman's office have also provided practical assistance to address discriminatory acts committed by some officials against Jehovah's Witnesses.

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- **Smila, Cherkasy Region.** On **8 July 2014**, City Court Judge T. V. Vasytkivska ruled that Y. I. Zadorozhny committed a hate crime in May 2012 when he beat an older woman who is one of Jehovah's Witnesses. The accused was convicted and amnestied. The accused appealed, and the case is pending.
- **Dimitrov, Donetsk Region.** On **14 March 2014**, City Court Judge D. Y. Redko ruled that N. R. Nahmedov committed a hate crime on 2 February 2012, when he brutally beat Rinat Siraziyev, who is one of Jehovah's Witnesses. The accused was convicted to two years imprisonment.
- **Pryozerne Village, Odessa Region.** On **6 March 2014**, the village head V. P. Mutu banned members of religious denominations from sharing their faith with neighbours. After a visit by representatives of Jehovah's Witnesses and assistance from the Ombudsman, the village council reversed the decision on **21 May 2014**.
- **Drogobich, Lviv Region.** On **20 February 2014**, City Court Judge Z. S. Pavliv ordered local authorities to remove discriminatory provisions on procedures for funerals because the authorities were using these provisions to prevent a local Witness from burying his father.
- **Petrovka Village, Odessa Region.** In **February 2014**, the village head, O. K. Shepelska, referring to the USSR Parliament decree of 29 July 1988, demanded that Jehovah's Witnesses request permission 'seven days in advance' to talk with the inhabitants of the village about religious subjects. The restriction was lifted after visits by representatives of Jehovah's Witnesses and effective assistance by the Ombudsman.

Jehovah's Witnesses respectfully request the government of Ukraine to:

(1) Ensure that law enforcement authorities follow through with the UN Human Rights Committee recommendations (§ 11 CCPR/C/UKR/CO/7) by providing protection against assaults on Jehovah's Witnesses, and to identify these as religious hate crimes;

(2) Ensure that all acts of violence against Jehovah's Witnesses are promptly and effectively investigated and that criminal cases are initiated against the perpetrators;

(3) Ensure that the law enforcement authorities and judicial authorities refrain from discriminating against Jehovah Witnesses by hiding investigation results and making procedural decisions that protect the perpetrators instead of victims; and

(4) Abide by its commitment to uphold the fundamental freedoms of Jehovah's Witnesses, as guaranteed by the Constitution of Ukraine, the European Convention on Human Rights, and the International Covenant on Civil and Political Rights.

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