



**OSCE Supplementary Human Dimension Meeting:  
Freedom of Religion or Belief  
Vienna June 2017**

**Religious Discrimination Directed at the Church of Scientology and  
Scientologists in Russia in Contravention of Fundamental Human Rights**

On June 6, 2017, over 60 Federal Security Bureau (FSB) officials and SWAT police raided the premises of the Church of Scientology religious group in St. Petersburg as well as the homes of four leaders of the religious group.

Five leaders of the religious group were arrested, interrogated and detained by the FSB. Four of these individuals, Anastasia Terentieva, Galina Shurinova, Ivan Matsitskiy and Sakhil Aliev were sentenced to two months pretrial detention by the Court (the maximum pretrial sentence which may be extended before it runs out – the same pretrial sentence recently handed down against Dennis Christensen, a Danish Jehovah's Witness, for practicing his faith in Russia). The fifth local leader, lawyer Konstanci Esaulkova, was sentenced to two months house arrest as she has an elderly mother she cares for at home.

If convicted, these five individuals could face a six to ten-year prison term.

Based on the search warrants and public statements made by the FSB, the raid took place regarding charges concerning Article 171 (illegal commercial activity without registration) and Articles 282 and 282.1 of the criminal code (extremism). The illegal commercial activity without proper registration of a legal entity charge and investigation was opened last year; the extremism charges are new.

### **Extremism Charges**

The use of the Extremism law against religions has been criticized by the UN Human Rights Committee (28 April 2015), the PACE Monitoring Committee of the Council of Europe (14 September 2012, and the Venice Commission (1 June 2012), which found the law and its use against religions violated human rights and called on Russia to correct the law.

The Extremism Law may have been justified by the need to combat terrorism. However, the Russian government has increasingly seized upon this law to improperly target and suppress religious minorities. This has led to a wide-ranging crackdown on religious literature, minority religious organizations and their members in Russia.

In spite of the principles of non-discrimination and equal treatment at the heart of the UN Bill of Rights, the Russian Government is systematically using the Extremism Law to: 1) seize and censor peaceful religious scriptures read without incident the world over; 2) arrest and detain members of minority faiths for reading and disseminating these religious materials; and 3) initiate proceedings to liquidate and shut down religious organizations in order to disrupt and suppress their right to conduct religious activities in contravention of the fundamental human right to religious freedom.

Over fifty cases regarding Russia's misuse of the Extremism Law against religions have been filed by numerous religious groups before the

European Human Rights Court. One of these pending cases has been filed by the Moscow Church of Scientology regarding nine distinct Scientology materials that were improperly placed on the “extremist materials” list.

In the pretrial detention hearings, the Court accepted the prosecutor’s unsupported argument, forwarded by the FSB, that the Church of Scientology is an “extremist organization” even though no Court in Russia or elsewhere has ever made such a finding. This erroneous finding, supported by no evidence whatsoever, provided the basis for the pretrial sentencing, imprisoning religious leaders of a peaceful and lawful religious group on the fallacious grounds that they were “dangerous extremists” that would endanger society if released on their own recognizance pending trial.

The Church of Scientology operates in countries throughout the world as a peaceful, law abiding group. One of Scientology Founder L. Ron Hubbard’s directives to all Scientologists and the Church is to abide by the laws of a country.

People who come into the Scientology religion receive spiritual help, improve their lives and the lives of their loved ones. They also actively participate in social programs to improve their communities, to save children from the menace of drugs, to help in times of disaster, to provide assistance to victims and to work to better their local communities.

The parishioners of the religious group of St. Petersburg have, in just the past six months, held dozens of community events and distributed more than 20,000 *The Way to Happiness* booklets, a guidebook for how to live a peaceful and moral life. The religious group also distributed more than 120,000 drug education leaflets to help the city cope with the drug addiction problem and the decline of moral standards. The religion and its members actively work to improve society for all. They are part of the

solution, not part of the problem.

The Russian Constitution guarantees every citizen the right to practice the religion of their choice. Scientologists have been practicing their faith in Russia for more than thirty years, providing spiritual help to fellow citizens and actively participating in solving the most urgent problems of society.

### **Illegal Commercial Activity Without Proper Registration**

The charge of performing illegal commercial activity without proper registration of a legal entity is equally spurious. The reason that the religious group has not formed a legal entity is because the Russian government has refused to register it as a religious organization in contravention of the right to religious freedom and the right to freedom of association guaranteed by human rights treaties that Russia has signed and is obliged to follow.

Stripped of the fundamental human rights to form a legal religious entity, the religious group has been forced to rely on its religious leaders to act on behalf of the religious group, to open up bank accounts, to collect and spend monies to further its religious mission, and to rent a facility to serve as its place of worship.

Ironically, three of the imprisoned individuals, Anastasia Terentieva, Galina Shurinova and Ivan Matsitskiy, were applicants before the European Human Rights Court in the case *Church of Scientology of St. Petersburg and Others v. Russia*. There, the Human Rights Court determined that:

“A ‘religious group’ without legal personality cannot possess or exercise the rights associated exclusively with the legal-entity status of a registered ‘religious organization’– such as the rights to own or

rent property, to maintain bank accounts, to ensure judicial protection of the community, to establish places of worship, to hold religious services in places accessible to the public, or to produce, obtain and distribute religious literature – which are essential for exercising the right to manifest one’s religion. Thus, the restricted status afforded to ‘religious groups’ under the Religions Act did not allow members of such a group to enjoy effectively their right to freedom of religion, rendering such a right illusory and theoretical rather than practical and effective, as required by the Convention.”

Accordingly, the Court found that a refusal by the domestic authorities to grant legal-entity status to the applicant group amounted to an interference with the applicants’ rights under the right to freedom of religion (Article 9) interpreted in the light of the right to freedom of association (Article 11).

*See,*

*Church of Scientology of St. Petersburg and Others v. Russia*, Paragraph 38, (Application no. 47191/06) (16 February 2015).

Rather than comply with this unequivocal decision by the Human Rights Court, Russian authorities have refused to register the St. Petersburg religious group as a legal entity.

Worse, it has determined to arrest and imprison the religious leaders who successfully challenged the government’s refusal to register the religious organization as a legal entity on the grounds that they are collecting and distributing funds for religious services and materials, renting a place of worship, and producing and distributing religious materials “*without proper registration of a legal entity.*” This constitutes a grave violation of fundamental religious freedom of these individuals and their Church.

When Russian authorities refused to register the St. Petersburg religious organization despite the favourable St. Petersburg ECHR decision, the religious group then returned to a Russian Court, seeking to re-open and

register the St Petersburg Church on the basis of the European Court's order and favourable decision. However, the Russian courts continued to ignore the Human Rights Court decision and refused to register the St Petersburg Church. The religious group and its leaders who are individual applicants, including some of the imprisoned local religious leaders, are once again forced to file an application before the ECHR arising from the continued refusal of Russian authorities to register the Church. They are in the process of doing so.

Based on these circumstances, an argument that these religious leaders should be imprisoned for operating a religious group without a registered legal entity amounts to a bad faith prosecution in contravention of fundamental human rights.

## **Conclusion**

The right to religious freedom is in serious peril in Russia for religious minorities as the government continues to foster an atmosphere of intolerance and discrimination throughout the entire country against these targeted religious communities and their members.

The Scientology religion, its parishioners and its religious and social organizations have been a primary target of this Russian national campaign of religious repression. The campaign has been chillingly wide-ranging. Jehovah's Witnesses, Muslims, Evangelicals, Lutherans, Baptists, Pentecostals, Methodists, Presbyterians, Hindus, Buddhists and others have been targeted.

International and legal standards mandate that religious minorities be treated fairly and without discrimination in the same way as other religions. Yet, Russia has contravened these standards through misapplication of the Extremism Law to censor religious materials, to arrest

and detain believers for reading or disseminating Scriptures, to refuse to register religious groups, to prosecute and harass religious groups that are refused registration, and to liquidate and close down places of worship for targeted religious faiths. Such oppressive measures have no place in a democratic society.

Millions of Scientologists around the world sincerely believe in freedom of religion and the religious tenets and practices of Scientology. For every one of these individuals, Scientology is their religion. Scientology is fully developed, by definition of religion, in its theology, religious practice and organization. The breadth and scope of the religion include nearly 8,000 Churches of Scientology, Missions and related organizations with over 20,000 full-time staff in 164 countries, all unified by a common religious goal.

Under these circumstances, efforts to suppress the religion violate OSCE standards regarding the right to freedom of religion and freedom from religious discrimination.

oOo