

Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Supplementary Human Dimension Meeting, Vienna

14 and 15 April 2016

Jehovah's Witnesses are pleased to report recent positive developments

Ministry of Internal Affairs Gives Support to Combating Hate Crimes

- In **March 2015**, for the first time, the Head Investigative Office of the Ministry of Internal Affairs (MIA) stressed the need to classify acts of vandalism under Article 178 of the CC of Ukraine.
- In **December 2015**, the MIA compelled its subordinate agencies, at all times, to take into consideration the recommendations of the UN Human Rights Committee, set out in paragraph 11 of the Concluding Observations on the Seventh Periodic Report of Ukraine.
- In turn, the Dnipropetrovsk Regional Department of the MIA of Ukraine, in an attempt to prevent the unjustified indictment of Jehovah's Witnesses for allegedly evading mobilization, made known to their subordinates the decision of the Supreme Specialized Court of Ukraine in the case of Vitalii Shalaiko.

Ombudsman's Office Supports the Right to Freedom of Assembly

The Ombudsman's Office continues to work actively in behalf of freedom of religion rights.

- In her annual report (see pages 306, 307), Mrs. V.V. Lutkovska repeatedly drew attention to the need for effective investigation of hate crimes. On **26 October 2015**, she lodged a constitutional submission with the Constitutional Court of Ukraine concerning the inconformity of Article 21 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" with the Constitution of Ukraine.
- On **24 December 2015**, the Ombudsman's Office sent its response to the ban imposed by the Osytniazhka Village Council of the Kirovohrad Region. The village had barred the registration of "any religious organization, except for the Orthodox Church of the Holy Kazan Icon of the Mother of God." The Ombudsman's intervention assisted in revoking the discriminatory act and the Witnesses have resumed their religious activity in the village.

Positive Verdicts Rendered for the Hate Crimes

During 2015, the national courts three times applied Article 161 of the CC of Ukraine to classify violent assaults on Jehovah's Witnesses, in particular:

- On **27 April 2015**, the Smila Town-District Court convicted a priest of the Orthodox Church of the Moscow Patriarchate, O.M. Hahan, for the assaults and other unlawful acts committed against dozens of Jehovah's Witnesses.
- On **4 June 2015**, the Frankivskiyi District Court in the city of Lviv convicted O.I. Opanasiuk of an aggressive assault on two Jehovah's Witnesses.
- On **23 July 2015**, the Putyvl District Court in Sumy Region classified three assaults committed by O.V. Holubiev on five of Jehovah's Witnesses as "hate crimes."

Jehovah's Witnesses continue to be concerned over the inadequate response by police and prosecutors in cases of religiously motivated assaults and vandalism

Physical Assaults

In 2015 there were 30 incidents of religiously motivated acts of violence against individual Witnesses. The following two atrocities occurred in 2016, with the perpetrators of violent assault again allowed to act with impunity.

- (1) **Town of Chuhuiv, Kharkiv Region.** On the afternoon of **15 March 2016**, 67 year-old Tamara Barsuk and 62 year-old Vira Hyl, were engaged in their volunteer activity of sharing the Bible's message. As they were walking down the street in their town, an unknown middle-aged man rode up to them and said: "I know that you are Jehovah's Witnesses. You should not be going here!" Then he kicked Mrs. Gyl in the buttocks. The women started to run, but he caught up to them and punched and kicked them, dozens of times. He would stop only when the women lost consciousness. He also searched their bags and tore up their religious literature. Both women were hospitalized with concussions and suffered numerous injuries, requiring intensive treatment.

Though police caught the assailant *in flagrante delicto*, the police did not want to arrest him or serve him a notice of suspicion. They classified the assault only as the infliction of minor bodily injuries, refusing to classify it as a hate crime. The police allowed the assailant to go home the same evening. **The police have not held the assailant liable.**

- (2) **City of Kirovohrad.** On **20 February 2016**, at 12:20 p.m., Yevhen Versal was engaged in his religious activity when police officers ordered him to get into their car and drove outside the village, where they started to beat him with a bat on his hips. The officers wanted to make him confess to committing burglary, although he is known as one of Jehovah's Witnesses. They took him to the City of Kirovohrad Police Department (Balashovka area), and continued the torture.

At 5:00 p.m. the police officers admitted that they had the wrong person and let Mr. Versal go home, explaining 'we were only doing our job.'

Mr. Versal was hospitalized and diagnosed with a "traumatic brain injury."

Though a report was filed, no investigation has been conducted. The guilty police officers remain unpunished.



Vira Gyl, 62 years old,
the day after the assault



Tamara Barsuk, 67 years old,
the day after the assault

Vandalism and Arson of Houses of Worship

Town of Zabolotiv, Ivano-Frankivsk Region. On **15 July 2015**, the facade of the Kingdom Hall was painted with offensive signs, including: “demons,” “devils,” “streetwalkers,” “bitch,” “beasts,” “get lost,” and so forth (picture on the right). The police who responded to the call superficially examined the scene. The officers refused to collect finger prints from the scene saying, ‘that it is done only in the movies.’ They did not take the evidence—the brush and paint cans used in the crime, and refused to investigate the incident due to its insignificance.



When the court obligated the investigator to launch an investigation, the order remained unfulfilled for two months, until **November 2015**.

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

- (1) Prosecute vandals and hooligans who attack our houses of worship and harass and harm our members, in order to discourage further violations of human rights*
- (2) Meet with local representatives to discuss the attacks and issues*

Representatives of Jehovah’s Witnesses welcome the opportunity to engage in a constructive dialogue with representatives of the Ukraine government.

For more information:

Please contact the Office of General Counsel of Jehovah’s Witnesses at generalcounsel@jw.org

Visit the Newsroom at jw.org or scan the QR code below to learn about legal developments and human rights affecting Jehovah’s Witnesses in Ukraine.



Scan the QR code below to read of the affirmative ruling in “High Court of Ukraine Upholds Right to Conscientious Objection During Military Mobilization.”

