



Church of Scientology Public Affairs & Human Rights Office  
for the Human Dimension Implementation Meeting  
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Working Session 6

**Russian Federation**  
**Religious Discrimination Directed at the**  
**Church of Scientology and Scientologists**

**1. FSB Criminal Investigation and Proceedings Targeting Leaders of the St. Petersburg Scientology Religious Group**

On 6 June 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 all five leaders of the religious group.

Four of these leaders of the Church of Scientology religious group in St. Petersburg -- Ivan Matsitskiy, Sakhiliev, Anastasia Terentieva, Galina Shurinova and Konstancia Esaulkova -- have been in pretrial detention since their arrest in June, 2017, *over fourteen months*, which exceeds the maximum one-year pretrial detention period under Russian law, and is likely to be extended indefinitely until trial. The two men continue to languish in prison. If convicted, the five religious leaders face 6 to 10-year prison terms.

The detainees filed appeals contesting their pretrial detention on the grounds that their imprisonment constituted arbitrary deprivation of liberty as well as violations of their right to freedom of religion, freedom of expression and freedom of association. However, these appeals were denied. The prosecution's request for extension of the pretrial detention sentences has been routinely granted by the Russian Courts, with the exception that the sentences of Anastasia Terentieva and Galina Shurinova were changed to house arrest due to the worsening of their medical conditions in prison (in June of 2018 Ms. Shurinova was released from pretrial detention due to her worsening health). Once appellate remedies in Russia were exhausted, the five religious leaders filed applications in the European Human Rights Court contesting their pretrial imprisonment and detention. These applications before the ECHR are pending.



Enclosed is a January 2018 translation of an article in *Kommersant* which details the extremely egregious treatment religious leader Ivan Matsitsky has experienced at the hands of the FSB. In violation of the law, Mr. Matsitskiy, who has *never* been convicted of any crime, was: 1) placed in solitary confinement for 10 days; 2) put in a cell with a convicted Islamic extremist; and 3) put in a cell with a convicted murderer who baited him with hate speech and derogatory comments about Scientology, insulted him, pressured him to admit guilt, imposed harsh conditions by opening the window to allow the Russian winter into the cell, and threatened and intimidated him.

A civil and administrative complaint has now been filed regarding this matter by Mr. Matsitskiy's counsel. The complaint alleges that the FSB subjected Mr. Matsitskiy to these conditions in order to break him and pressure him to confess. Once Mr. Matsitskiy's complaint was filed, he was moved out of an FSB Detention Center to a less medieval prison. However, still refusing to confess to crimes they did not commit, Ivan Matsitskiy and Sakhiliev were *transferred back* to the FSB Detention Center on 29 March 2018 when the FSB again raided the Religious Group, desperately renewing their hunt to find evidence to prove their unfounded charges.

The individuals are charged with: 1) violating the Extremism Law, essentially for practicing their religion; and 2) illegal commercial activity without registration because the government illegally refused to permit the Religious Group to register as a religious organization.

Numerous human rights and interfaith groups in and outside Russia have expressed concern that the actions of the FSB constitute an egregious violation of the right to freedom of religion. For example, the St. Petersburg Human Rights Council, a human rights NGO composed of numerous human rights organizations, called for the "immediate release" of the Scientology Five in an "obviously absurd and fabricated case". The Council noted that:

"The very formulation of the accusation that the defendants have been deprived of their freedom for the third month solely for observing the principles and precepts of their religious tradition *is not only absurd in content but also obviously anti-constitutional in nature*: in fact, believers are charged for practicing their faith, prescribing certain sanctions to those who violate religious orders in one way or another. *Such charges, in fact, could be brought against any religion in general.*"

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## A. Extremism Charges

The use of the Russian 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). Extremism Laws may be necessary to combat terrorism. However, these laws should not be used as a pretense to justify discrimination and suppression of peaceful religious organizations in contravention of the principles of non-discrimination and equality at the heart of the UN Bill of Rights and the OSCE Helsinki Accords.

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. The Moscow Church of Scientology currently has two cases pending before the Human Rights Court regarding distinct Scientology religious writings and related materials that have been improperly placed on the "Extremist Materials" list.

In the pretrial detention hearings, the Courts 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. These "extremist" charges directed at a peaceful religious group are spurious. The Church of Scientology operates in over 150 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.

The European Human Rights Court has found that pretrial detention under these circumstances based simply on the gravity of the charges and using stereotyped formulae without addressing the specific facts or considering alternative preventive measures constitutes a violation of the right to freedom of liberty under Article 5 of the Convention. (*See Alekhina and Others v. Russia*, 38004/12 17 July 2018). The ECHR in *Alekhina* determined that 5 months in pretrial custody was excessive; here two of the religious leaders have been in prison for over 14 months.

In addition, the European Court has rejected the use of the Extremism Law as a weapon in criminal proceedings unless there is evidence are indications that the so-called extremist materials have incited violence in Russia or anywhere else. (*See, Ibragimov and Others v. Russia*, 28 August 2018). Yet, there is no evidence whatsoever linking the peaceful Scientology religious materials at issue with indications of violence. Under these circumstances, human rights law prohibits such criminal charges under the Extremism Law.

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## **B. 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 Russia 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 refusal by Russian authorities to grant legal-entity status to the Scientology Religious Group amounted to an interference with the religious group's right to freedom of religion and freedom of association.

Rather than comply with this unequivocal decision by the Human Rights Court, Russian local authorities have refused to register the St. Petersburg Religious Group as a legal entity. Worse, they have 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.

Under these circumstances, an investigation on the spurious grounds that these religious leaders should be imprisoned for operating a religious group without registering a legal entity amounts to a bad faith prosecution in contravention of fundamental human rights.



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## 2. **March 2018 FSB Raid of St. Petersburg Scientology Religious Group**

On 29 March 2018, the FSB again raided the Scientology Religious Group in St. Petersburg, disrupting religious activities and seizing many documents necessary for the group to go about its religious mission. According to the FSB, the purpose of the raid was to “identify more items and documents confirming the criminality of the religious organization leaders” – an admission that, after ten months of investigation, the FSB does not possess sufficient evidence.

During the raid, FSB agents attempted to intimidate members of the religious group, detaining six members of the Religious Group who were transported to the FSB station where they were further threatened and intimidated while being subject to abusive questioning. FSB agents made harsh statements amounting to hate speech to those in temporary custody, stating things like: “*you should all be shot or gassed*”, or “*we should just burn you all*”. (Complaints will be filed based on this FSB abuse).

A week after the raid, the FSB informed the press that a new criminal charge of money laundering against one of the religious leaders was being added to the investigation.

## 3. **Liquidation of the Moscow Church of Scientology**

The Moscow Church of Scientology was recognized and registered as a religious organization in Russia in 1994 under the 1990 Religion Law. In 1997, the new Religion Law was passed. Article 27 of the Law required previously registered religious organizations like the Moscow Church to be re-registered under the new law.

Rather than comply with the 1997 Religion Law, the Ministry of Justice refused to re-register the Church on approximately 11 occasions. After exhausting domestic remedies, the Moscow Church complained to the European Human Rights Court in Strasbourg that the refusal of Russian authorities to re-register it as a religious organization violated fundamental rights guaranteed by the European Convention on Human Rights.

The European Court of Human Rights agreed with the Moscow Church and in April 2007 unanimously confirmed that the Russian Federation violated the Church’s rights to religious freedom and freedom of association under the European Human Rights Convention. The Court also found that the Ministry of Justice acted in bad faith when it came up with trumped up technical reasons on eleven occasions not to register the Moscow Church. The Russian Federation has refused to comply with the 2007 ECHR decision ordering the Moscow Church



to be registered under the 1997 Religion Law.

On 7 August 2014, the Moscow Justice Department lodged a claim with the Moscow City Court seeking an order to liquidate the Moscow Church pursuant to Article 14(1) of the 1997 Religion Law. These liquidation claims were based on arbitrary and specious charges, including:

- Decisions of the Shchelkovo City Court and the Moscow City Court declaring certain Scientology publications “extremist” and banning their publication. The Church complied with these decisions and ceased using these publications in Russia. The Church also brought complaints regarding these rulings before the European Human Rights Court. These complaints are pending.
- The fact that the Moscow Church had not re-registered under the 1997 Religious Law even though the Church prevailed on this issue in the European Court and sought to re-register after the ECHR decision, only to have its registration applications rejected on the same kind of arbitrary reasons condemned by the Human Rights Court.
- The fact that the Church registered trademarks and copyrights for Scientology religious materials in Russia, even though many religions do so in order to ensure orthodoxy.

Despite the arbitrary nature of the Justice Department’s claims, they were sustained by the Courts. In these proceedings, the Moscow Church was not permitted to provide critical evidence in support of its position. In June 2016, the Russian Supreme Court upheld the judgment ordering the liquidation of the Church of Scientology of Moscow.

The Moscow Church has filed a new complaint with the Human Rights Court noting that liquidation violates its right to freedom of religion and that the proceedings were unfair as the Courts ignored critical evidence proffered by the Church. That complaint is pending.

Liquidation constitutes a “death sentence” for religious groups, effectively banning them from religious rites and practices and shutting down their Church. The Administrative and regulatory burdens placed on the organization for contrived or, at best, minor corporate irregularities are patently disproportionate and violates basic human rights. Liquidation also violates fundamental doctrines of the European Convention on Human Rights, the OSCE Helsinki Accords and the UN Bill of Rights that prohibit using compulsory registration laws to shut down and suppress religious groups.

Such draconian actions are extraordinary. They cannot be countenanced with democratic ideals, the right to religious autonomy, religious pluralism and basic human rights. Nothing could be more destructive to the rights of religious freedom, freedom of expression and



freedom of association.

The Moscow Church has complied with the liquidation order. Since liquidation, the Moscow Religious Group has attempted to go about its religious mission, something religious groups are entitled to do under the 1997 Religion Law. However, simultaneous with the March 2018 St. Petersburg raid, the District Prosecutor's Office, in conjunction with the FSB, the police and Center "E" (Ministry of Interior Extremism Department) conducted an inspection of the religious group and related entities to ensure compliance with the liquidation order.

### **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 also 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 11,000 Churches of Scientology, Missions and related organizations with over 20,000 full-time staff in over 150 countries, all unified by a common religious goal.

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

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**Коммерсантъ**

## **Arrested Scientologist Unhappy About His Cellmates**

**His Defense Counsel Claims  
Psychological Pressure**

01.19.2018



Photo: Evgeny Pavlenko / Kommersant

Source: <https://kommersant.ru/doc/3523053>

In St. Petersburg, the leader of local Scientologists, Ivan Matsitsky, who was arrested and detained on charges of organizing an extremist conspiracy, is filing an appeal to the Kolpinsky District Court against the actions of officials of the “Kresty” Pretrial Detention Center who, according to the defendant, illegally transferred him to Pretrial Detention Center (SIZO) No. 3 (so-called FSB detention center). Ivan Matsitsky’s defense counsel, Evgeny Tonkov, stated that the transfer had been organized to put psychological pressure on his client, so as to obtain a confession of guilt.

The spiritual leader of the “Scientology Church of St. Petersburg” group, Ivan Matsitsky, arrested in June 2017 on charges of illegal entrepreneurship (Article 171 of the Criminal Code of Russia), incitement of hatred or enmity (Article 282 of the Criminal Code of Russia), and organizing an extremist conspiracy (Article 282.1 of the Criminal Code of Russia), was sent to SIZO No. 1 (“Kresty”). But in the fall of last year, by the order of the officials of “Kresty”, he was transferred to SIZO No. 3, a so-called FSB Detention Center.

Ivan Matsitsky considers this order illegitimate and has appealed it to the Kolpinsky District Court. As the united press-service of St. Petersburg courts specified, the administrative appeal of the defendant was registered on the 18<sup>th</sup> of January.

Attorney Evgeny Tonkov who represents Ivan Matsitsky, told “Kommersant” that his client “was illegally subjected to solitary confinement for about ten days” while in SIZO No. 3. After that, according to the defense counsel, the leader of the St. Petersburg Scientologists was “sent around” to cells with inmates who had been previously imprisoned.

“First, my client was placed in a cell with an active supporter of Islam who, according to him, had been previously indicted for banditry and an attempted coup and had served 13 years in prison.



Then Matsitsky was placed in a shared cell with an inmate sentenced to 22 years for murder for which he had already served 14 years in a labor camp,” Mr. Tonkov specified. According to the attorney, Matsitsky’s last cellmate created “physical and psychological problems” for his client, “for example, he made him: sleep in a cold cell, with the window open; made discriminatory statements on the basis of his religion; and tried to coerce him to cooperate with the investigation.” Evgeny Tonkov supposes that his client was transferred to SIZO No. 3 “to exert psychological pressure and create intolerable social conditions for him.”

Defense counsel considers that the present situation constitutes violations of a number of provisions of the federal law “Concerning the Detention of Persons Suspected and Accused of Committing Crimes,” about which he has informed officials of the Federal Corrections Service of Russian and the City Prosecutor’s Office of St. Petersburg. “I have never heard back from the Federal Corrections Service, and the Prosecutor’s Office essentially refused to intervene,” Evgeny Tolkov told *Kommersant*. Then the defendant submitted a complaint against the actions of SIZO No. 3 officials (at this time when the article is being prepared, the complaint has not yet been received by the court. – *Kommersant*).<sup>1</sup> Mr. Tonkov stated that the situation that his client has been put into can become a reason to appeal to the European Court on Human Rights, if he or his client are unable to solicit understanding at the level of the national courts.

Leadership of the Federal Corrections Service in St. Petersburg and Leningrad Area reported that, pursuant to the existing laws, officials of SIZO No. 1 (“Kresty”) are not authorized to independently transfer an inmate to a different SIZO. And SIZO 3, as noted by the above agency, is subordinate to the central apparatus of the Federal Corrections Service of Russia.

Ivan Matsitsky has been criminally indicted within the scope of a criminal case initiated by a regional department of FSB of Russia in 2016. Besides Matsitsky, four of his team were criminally indicted.

The investigator’s theory is that illegal entrepreneurship generated around 280 million Rubles for Scientologists within the period from 2013 to 2016. According to the materials of the case, the extremist culpability of individuals that are in custody is confirmed by video recordings of sermons carried out by Hubbard’s ordinary members, and by literature that was seized through the course of investigatory search of the Scientologists’ office and apartments, - which is declared as extremist in Russia.

The chekists<sup>2</sup> believe that incitement of hatred or enmity manifested itself in abasement of dignity of the “violators” among the members, who were recognized as a social group by the investigators. They are called “Potential Trouble Sources” (PTS). The investigators believe that the defendants had shaped the image of an enemy from PTS-ness, and an in-house document about them was being issued – “an ethics order”, which was publicly ratified.

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*Dmitry Marakulin*

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<sup>1</sup> The complaint is now filed and received by the Court.

<sup>2</sup> Russian archaic word for “KGB official”, used by the author of the article



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## Working Session 6

### **Hungary** **Religious Discrimination Targeting Church of Scientology**

#### **Introduction**

By way of background, the religious discrimination taking place regarding the Church of Scientology and its parishioners in Hungary has primarily manifested itself in three ways:

- A biased, bad faith application of the Data Processing Law by the President of the Data Protection Authority (DPA) to disrupt the Church's religious activities by raiding and arbitrarily seizing Church of Scientology parishioner files, including priest-penitent files.
- Bad faith criminal investigations and disruptive raids by the National Bureau of Investigation (NNI) and Tax Office based on a spurious criminal complaint filed by the DPA.
- Bad faith denial of a Certificate of Occupancy to allow the Church of Scientology of Budapest to lawfully occupy its Place of Worship.

These raids of Scientology Churches and Missions are not based on good faith application of the law – instead, they represent highly discriminatory actions targeting Scientology in Hungary to repress the religion.

The Mother Church of Scientology, Scientologists throughout the world and members of many other faiths that work with Scientologists to promote religious freedom for all religions are very concerned about this intensive round of religious suppression designed to disrupt the Church in Hungary.



## **Discriminatory Enforcement of Data Protection Law to Interfere with Core Religious Rights**

### **A. Administrative Action**

On 7 December 2016, Mr. Attila Peterfalvi, President of the Hungarian Data Protection Authority (DPA), arrived unannounced with DPA officers and police to seize files at the Church of Scientology Budapest (CSB). Mr. Peterfalvi presented CSB with two documents. The first stated that a data protection investigation of Scientology had commenced on 5 December 2016, allegedly based on a complaint. The second was a warrant that authorized inspection of all documents and seizure of some documents, including 23 religious confessional folders, known as "Pre-Clear Folders" (PC Folders) in the Scientology religion.

The warrant also stated that any files kept at CSB were now under the control of the DPA and could not be distributed. The DPA physically seized dozens of confessional files and other files, and also sealed thousands of confessionals files in the Church premises. Concurrently, DPA officials appeared at a Scientology Mission in Nyiregyhaza where they seized *all files*, including 218 PC folders, pursuant to the data protection investigation. The DPA returned to CSB unannounced on 22 December 2016 to conduct additional searches and seizures.

The seizure of the PC folders and other files seriously interferes with parishioners' right to freedom of religion through participating in religious rituals at the core of the Scientology religion. Without PC Folders, Scientology ministers are impaired in their mission of administering to parishioners' spiritual needs and assisting them in their spiritual growth. The seizure directly interferes with the ability of these religious organizations to go about their religious mission.

Pre-clear Folders contain notes that memorialize confidential priest – penitent communications that take place when a Scientology parishioner engages in a central sacrament of Scientology known as "auditing". The contents of the PC Folders of parishioners are considered sacred because they are records of a parishioner's spiritual growth. According to Scientology religious doctrine, records containing notes created by ministers at auditing sessions should be kept so that the faithful can be helped on their road to spiritual freedom.

Seizure and review of these religious folders by the State not only constitutes an egregious violation of Scientologists' right to religious freedom, it also constitutes an egregious violation of the priest-penitent privilege by exposing a parishioner's confidential and inner-most confessions to intrusive review by the State.

Hungarian parishioners have written to the DPA demanding their confessional files back. These complaints note that parishioners have fully and freely consented to the Church



maintaining their spiritual folders necessary for the practice of their religion and that seizure of these folders constitutes a serious violation of their right to religious freedom. The DPA has ignored these claims.

In January 2017, a decree was issued by the DPA appointing a clinical psychologist to prepare a "psychological effect study" to evaluate the collection and use of personal data in relation to the practice of Scientology. This decree is offensive and represents religious discrimination. It presumes that there is a need to investigate and determine whether Scientology parishioners are "mentally manipulated" when these individuals gave their explicit written consent to the handling of their personal data by the Church. No such offensive investigations occur for members of other faiths. The purpose of the decree and the psychologist's examination of files constitutes an abuse of data protection law to attempt to "legally incapacitate" parishioners who are capable adults and have freely chosen Scientology as their religion.

On 17 October 2017, the DPA issued its findings in a document filled with falsehoods and based on an improper and illegal evaluation and examination of Scientology religious practices and beliefs fueled by bias. Relying on the clinical psychologist as a so-called "expert" on the religion, the opinion essentially ignores the religious core of Scientology to grossly mischaracterize purely religious practices and sincerely held religious beliefs.

Worse, the psychologist attempted to twist these spiritual practices by improperly and falsely portraying spiritual rites as auto-suggestive practices and mind manipulation. The entire expertise is premised on the false and scientifically disproved<sup>1</sup> assumption that auditing induces mind manipulation. The completely bogus nature of this expertise is highlighted by the fact that *the psychologist did not examine even one single Scientologist*.<sup>2</sup> The Church has filed a complaint before the Hungarian Chamber of Forensic Experts Ethics Committee to challenge the scientific validity of the psychologist's report.

This is nothing but religious discrimination. A clinical psychologist is utterly unqualified to evaluate religious beliefs and practices. Human rights law forbids officials and their so-called experts from evaluating religious beliefs. That prohibition stems from the fact that such evaluation inevitably leads to official discrimination. The European Court of Human Rights has emphasized that, "in exercising its regulatory power in this sphere and in its relations with various religions, denominations and beliefs, the State has a duty to remain neutral and impartial"; this duty of neutrality *"is incompatible with any power on the State's part to*

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<sup>1</sup> The notion of religious brainwashing has been definitively debunked for over three decades. The American Psychological Association, the Society for the Scientific Study of Religion and the vast majority of sociologists throughout the world have reached the conclusion that no credible scientific evidence supports such claims.

<sup>2</sup> The Church was never given an opportunity to respond to the psychologist's report.



*assess the legitimacy of religious beliefs.”<sup>3</sup>*

Refusing to accept overwhelming evidence that the Church’s activities are religious in nature,<sup>4</sup> the DPA instead blindly relied on the psychologist’s biased analysis to mischaracterize religious rites as medical activities; moreover, at the DPA’s behest, the Public Health Division has opened an administrative investigation in January 2018 based on the psychologist’s analysis. The DPA issued a decision that the Church violated data processing law, imposing the highest possible fine: two \$80,000 fines and a 100 % penalty.

One of the most important principles of data protection law is the requirement that DPAs respect the right to freedom of religion and strike a fair balance between data protection and freedom of religion. The DPA completely ignored this need for “fair balance” of religious freedom rights. Instead, it disregarded the religious nature of auditing and ethics folders and violated the confidentiality of sacred confessional secrets by seizing and reviewing these folders. As a result, the DPA egregiously damaged the privacy rights of Scientology parishioners, using the law not as a shield to safeguard Hungarian citizens but as a sword to violate the rights of Hungarian Scientologists to religious freedom and privacy from intruding DPA officials and their psychologist expert.

CSB has filed suit against these bad faith actions by the DPA, contesting the lawfulness of the seizures and raids. The complaint states that many of these files consist of confessional secrets and that this sacred information provided during religious services cannot be overridden by the data protection law. The complaint also relates how the removal of these files directly impedes the practice of the religion. The trial on this suit is scheduled to commence in September 2018.

## **B. Bad Faith Criminal Investigations**

Rather than return the seized materials, the DPA instead filed a criminal complaint against CSB for alleged criminal abuse of personal data and turned over the seized confessional folders and other materials to the National Bureau of Investigation (NNI) for it to initiate a new round of harassment through criminal proceedings. On the morning of 18<sup>th</sup> October 2017, 60 agents of the NNI raided CSB. The agents seized a large number of files and sealed off the entire building, confiscating the Church’s computer servers and removing all hard drives. CSB staff were ordered to sign a document prohibiting them from speaking about the raid for 20 years – an extraordinarily draconian measure. The agents refused to provide a copy of the search warrant as well as any written record of the search and seizure.

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<sup>3</sup> *Metropolitan Church v. Moldova* (44701/99) (13 December 2001), ¶ 117 -118; *Manoussakis Others v. Greece*, (59/1995/565/651) (26 September 1996), ¶ 44.

<sup>4</sup> See, <http://www.scientologyreligion.org>.



As the NNI raid was winding down on 19<sup>th</sup> October, 50 agents of the Tax Office Criminal Section showed up to initiate a new raid on the purported grounds of financial crimes, concurrently raiding 15 Scientology Missions in Hungary. During these raids, Tax Office agents verbally abused Church staff and ransacked the building, seizing thousands of parishioner folders. These folders were put in hundreds of bags and sealed. To this day, none have been opened. Yet, the Tax Office raided the Church again on 15<sup>th</sup> February 2018, seizing copies of the religious courses the Church is delivering to its parishioners as well as E-Meters, contending that religious teachings and religious artifacts are somehow “evidence of crimes”.

These raids completely disrupted CSB and the Missions. The government left the building in disarray, seizing an enormous number of documents as well as every computer storage device. Bank accounts were frozen. The Tax Office placed a lien on CSB’s building. The raids were clearly designed to disrupt Scientology’s religious mission in Hungary.

### **C. The Investigations Violate Human Rights Standards Protecting Freedom of Religion**

These investigations by the DPA, NNI, Tax Office and the Health Division must not be viewed in a vacuum. The extreme hostility directed at Scientology by certain officials in the government, evidenced by public statements boasting that they will target the Church of Scientology for detrimental and discriminatory purposes (discussed below), incites and inspires these investigations. In response to this discrimination, hundreds of Hungarian Scientology parishioners have demonstrated in front of the DPA, Parliament and Tax Office. Many parishioners also have filed complaints against the wholesale infringements of their rights to religious freedom and privacy.

Freedom of thought, conscience and religion is an inherent part of fundamental human rights. Article 18 of the UN International Covenant on Civil and Political Rights (ICCPR) guarantees everyone “the right to freedom of thought, conscience and religion” and “freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

Multitudes of Scientology parishioners around the world participate in the rite of auditing -- a core religious practice of the Scientology religion, based on a codified set of religious scriptures -- through which they achieve greater awareness as a spiritual being. Scientologists’ belief in spiritual growth through Scientology religious services is sincere and unwavering. This right of Scientologists to freedom of belief is absolute under human rights law and cannot be subject to *any limitation* by Hungary. This principle alone proves that the seizure of priest-penitent files and the government’s interference with Scientology religious services represent an insupportable violation of basic human rights.



Hungary is currently the only country in the world that has seized and refuses to return folders consisting of sacred and confidential priest-penitent communications. These sacred confessional files are created during the religious service of auditing in Scientology Churches in countries throughout the world without any restrictions or problems. The confiscation of these folders has improperly impeded parishioners' spiritual progress. Worse, the DPA has perused private confessions, making them available to a psychologist "expert" who, without meeting or examining a single Scientologist, is engaged in the distasteful and highly offensive process of investigating parishioners' mental states without their permission or consent.

This represents an egregious denial of parishioners' right to freely choose their faith and engage in freedom to practice the religion of their choice. Considering practicing Scientologists as mentally manipulated "victims", despite their free association with the religion represents an impermissible, biased evaluation of Scientology religion and beliefs. How can the Hungarian government investigate religious practices deemed acceptable throughout the world when millions of Scientologists sincerely minister and engage in these services every week due to deeply held religious beliefs without violating the right to religious freedom protected by international human rights instruments Hungary is obliged to follow?

The theory of "mind control" applied to religious communities has long been rejected as not scientifically proven and unreliable by Courts and human rights institutions worldwide. Indeed, the European Court of Human Rights found that "there is no generally accepted and scientific definition of what constitutes 'mind control'" (§129) in *Jehovah's Witnesses of Moscow v. Russia* (10<sup>th</sup> June 2010).

The reality is that the DPA investigation is inextricably intertwined with spiritual matters and the delivery of core religious practices. Accordingly, the seizure of priest-penitent files has a direct effect on fundamental religious rights and is so clearly discriminatory that these actions cannot be regarded as proportionate to any legitimate aim pursued, nor necessary in a democratic society. Therefore, the interference with religious freedom rights cannot be justified.

There can be no question that Scientology is a religion under international standards. Thousands upon thousands of Scientologists sincerely believe in the tenets and practices of the religion. For every one of them, Scientology *is* their religion and fulfils their deepest spiritual needs. This is especially true as Scientology has been recognized as a religion by many courts and governments around the world.<sup>5</sup> Scientology's religious *bona fides* also have been recognized in hundreds of judicial and

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<sup>5</sup> These recognitions are detailed at <http://www.scientologyreligion.org>.



administrative decisions, including a decision by the Italian Supreme Court<sup>6</sup> that is viewed as one of the most important modern judicial pronouncements on religious freedom in Europe by legal and academic experts in the field, a decision by the High Court of Australia finding that Scientology is a religion that is considered the leading case on religion in Commonwealth countries<sup>7</sup> and an unequivocal decision recognizing Scientology's bona fides by the United Kingdom Supreme Court in 2013, finding that Scientology must be treated no differently than other religions in that country.<sup>8</sup>

## **Discrimination Regarding Church of Scientology Budapest Place of Worship**

### **A. Arbitrary Denial of Permit for Place of Worship**

The Church of Scientology is duly registered as a nonprofit religious organization in Hungary. The Church has acquired its own property in Budapest, known as Church of Scientology of Budapest (CSB), designed to serve as the Central Eastern European hub for the parishioners of Scientology and also a hub of the Church's internationally acclaimed social betterment programs.

In March, 2016, CSB filed an application for a Certificate of Occupancy (COO). It was filed with the Building Department in the District where the CSB new place of worship is located. In May, 2016, the Department denied the Church's COO because of incomplete work done on the electrical installation in the building. The Church appealed the decision and undertook corrective work to remedy the deficiencies while the appeal with the 2<sup>nd</sup> Level of the Department was pending. The Chief of the 2<sup>nd</sup> Level then did an inspection in June 2016, concluding in writing that the building could be occupied. But no COO was issued. After hostile public pronouncements against the Church and the new Church building by high level government officials, the 2<sup>nd</sup> Level refused to issue the COO. Instead, the 2<sup>nd</sup> Level requested that the Prime Minister's Office transfer the case.

The Prime Minister's Office approved the request, and the case was transferred to the 2<sup>nd</sup> Level Department in Szeged, which then denied the COO, ignoring all the corrective actions done by CSB as well as the official finding in writing that the corrective actions were approved and the building was ready for occupancy. CSB appealed against this denial; the Court ordered the 2<sup>nd</sup> Level to take the corrective actions into account and issue a new decision. However, the 2<sup>nd</sup> Level has refused to issue a decision even though the deadline for

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<sup>6</sup> *Bandera and others v. Republic of Italy* La Corta Suprema di Cassazione (8 October 1997).

<sup>7</sup> *Church of the New Faith vs. Commissioner of Payroll Tax* (1981) 1 VR 97.

<sup>8</sup> *R (on the application of Hodkin and another) v. Registrar General of Births, Deaths and Marriages* [2013] UKSC 77, 11 December 2013, § 57, *per* Lord Toulson, with whose judgment the other members of the Supreme Court agreed.





deciding was in January 2018.

Concurrently, the Building Department issued a Prohibition Order that CSB must vacate the premises. CSB has successfully stayed execution of the prohibition order; the Supreme Court has suspended execution of the order pending a decision on the merits regarding the COO.

The arbitrary and discriminatory actions of the Hungarian Building Department to deny the CSB a permit of occupancy for its Church building even though no legal basis exists to refuse the permit constitutes a violation of the right of the Church and its parishioners to religious freedom.

Human rights law mandates that governments not interfere with the right of religious entities to obtain an appropriate place in which to worship. Refusal to allow religions access to lawfully occupying places of worship amounts to a direct interference with the freedom of religion rights of religious organization and its parishioners. The European Court of Human Rights also has emphasized the paramount importance of the right to obtain a place of worship in a number of cases. (See, e.g., *Association of Solidarity with Jehovah Witnesses and others v. Turkey* (applications no. 36915/10 and 8606/13 [May 24, 2016]).

## **B. Official Religious Discrimination**

The 2<sup>nd</sup> Level is under the authority of Deputy Prime Minister, Zsolt Semjén, the head of the co-ruling Christian Democratic People's Party (KDNP), and the former Chief of Staff of the Prime Minister's Office when the COO was refused was Janos Lazar. Mr. Lazar is the official who signed the September transfer order. In July 2011, speaking about the controversial Hungarian Religion Law, Deputy Prime Minister Semjén declared on TV: "As long as KDNP and I are in the Parliament, Scientology will not be recognized as a religion."

For good measure, the Deputy Prime Minister added that the whole premise for the repressive 2011 Religion Law was to target Scientology and strip away its Church status: "It is not a coincidence that this whole question came up in connection with Scientology".<sup>9</sup> Worse, recently the Deputy Prime Minister stated to the press that he thinks it is: "*Outrageous that the Scientologists could build a Headquarters in Budapest*".<sup>10</sup>

Mr. Lazar has also made similar public statements evidencing strong bias against the Scientology religion since at least 2005. In 2011, he also publicly commented about the repressive 2011 Religion Law, stating that one purpose of the Religion Law is "to restrict the activities of Scientologists."

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<sup>9</sup> 15 July 2011, Hir TV, Péntek 8.

<sup>10</sup> 19 August 2016 Magyar Idők



Based on this track record of biased statements by the two key officials over the Second Level when the COO was refused, it is not surprising that the government is acting in bad faith and engaging in religious discrimination by refusing to issue the COO so that CSB may go about its religious mission by lawfully occupying its place of worship.

### **Conclusion**

International legal standards mandate that new religions and their parishioners be treated fairly and in the same way as other religions. These standards also mandate a spirit of tolerance towards minority movements and a responsibility on the part of the Hungarian State to refrain from repressive and discriminatory measures that infringe on the right to freedom of religion.

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