

WRITTEN STATEMENT BY THE ADMINISTRATIVE CENTRE OF JEHOVAH'S
WITNESSES IN RUSSIA

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In early 2009, prosecutor's offices throughout Russia were sent a letter signed by First Deputy Prosecutor General A.E. Buksman ordering wide-ranging investigations of all local religious organizations (LROs) and religious groups of Jehovah's Witnesses, following which members of congregations and LROs throughout Russia were summoned for questioning by various organs of State authority. As a result of the orders of the First Deputy Prosecutor General, so far in 2009 there have been over 500 such investigations involving local authorities, the police, and the FSB. As part of these investigations, healthcare, educational and military institutions have been requested to provide personal information in their possession on Jehovah's Witnesses. Additionally, Jehovah's Witnesses throughout Russia, including children, have been questioned by the authorities.

During 2009 there have been 9 ongoing court cases in Russia aimed at finding the literature and activity of Jehovah's Witnesses extremist or liquidating LROs. They are being coordinated by the Prosecutor General's Office and generally follow a set pattern, which includes the court ordering that an expert study of the literature listed in the claim be conducted by the institution chosen by the prosecutor.

Details of the cases are as follows:

Taganrog, Rostov Region

On June 9, 2008, a claim was filed to the Rostov Regional Court by the Rostov Region Prosecutor's Office to liquidate the Taganrog LRO for carrying out extremist activity. The court hearing was adjourned in July 2008 while a complex commission expert study of the literature of Jehovah's Witnesses was conducted by the Southern Regional Centre for Court Expert Studies in Rostov, which was the institution chosen by the prosecutor. On July 15, 2009, the over 130 page long conclusion of the expert study was finally released, alleging that the publications examined exert a negative influence on the readers. The hearing resumed on August 11, 2009, at the Rostov Regional Court in the absence of the LRO's lawyers, who were attending another court hearing in another part of the country. The court dismissed a motion requesting a short postponement to allow the lawyers time to travel to Rostov.

When the LROs lawyers did finally reach Rostov, they cross-examined the experts who had conducted the expert study and the prosecution's "witnesses," who included a Russian Orthodox priest and a Baptist minister. After four weeks of trial, on September 11, 2009, the Rostov Regional Court ruled to grant the prosecutor's claim to liquidate the Taganrog LRO and to pronounce extremist most of the literature on the list supplied by the prosecutor. This case is being appealed to the Russian Federation Supreme Court. The LRO's lawyers are referring to this case as "Moscow No. 2," in reference to the 6-year court battle in the Golovinsky District Court that eventually resulted in the liquidation of the Moscow LRO of Jehovah's Witnesses and the banning of its activity. That case is now under consideration by the European Court of Human Rights in the application entitled *Jehovah's Witnesses of Moscow v. Russia*.

Salsk, Rostov Region

On December 18, 2008, the Salsk City Prosecutor's Office filed a claim to the Salsk City Court to have 12 items of literature of Jehovah's Witnesses pronounced extremist. The hearing began and was adjourned on several occasions, but when the LROs lawyers, including U.S. citizen James Andrik, arrived at the court for the hearing on April 14, 2009, they were stopped by the police and immigration officials, who appeared to be looking for grounds to take Mr. Andrik into custody and deport him from Russia.

The hearing was again adjourned, this time to May 7, 2009, and it continued on May 8. However, before the hearing began on May 8, the police again stopped the LRO's attorneys outside the courtroom and then took Mr. Andrik to the police station, where they charged him with working without a permit and immediately took him to court. The judge adjourned Mr. Andrik's case until May 12, 2009, on technical grounds. Knowing that the court would in all probability rule to deport him, Andrik left the country of his own accord. Despite the fact that it was clearly proven in court that Andrik was not employed, not paid, and had never entered into any oral or written employment contract with the LRO or the Administrative Centre of Jehovah's Witnesses in Russia, as expected, on May 14, 2009, the Salsk City Court ruled to deport him. The decision was appealed, and on June 10, 2009, the Rostov Regional Court surprisingly reversed the decision to deport Mr. Andrik. Despite this, when Mr. Andrik attempted to return to Russia on July 2, 2009, he was refused entry by airport officials in Moscow, held for 23 hours in squalid conditions in a detention centre, and put on a flight back to Brussels on the following day.

Meanwhile the hearing on the extremist case continued. When the judge learned that her colleague had ruled to deport Mr. Andrik, she was upset and assigned the expert study to the Russian Federal Centre for Judicial Expert Studies of the Russian Federation Ministry of Justice in Moscow, the choice of the LRO's lawyers, rather than to the Southern Centre for Judicial Expert Studies in Rostov, which the prosecutor had requested. However, the prosecutor appealed the ruling to assign the expert study to Moscow, and on June 25, 2009, the Rostov Regional Court granted the appeal, reversing the decision and returning the case to the Salsk City Court to reconsider the question of where to conduct the expert study, which it was to have done on September 14, 2009.

Asbest, Sverdlovsk Region

A criminal investigation was instigated by the Asbest City Prosecutor's Office on the grounds of the alleged distribution of extremist materials by Jehovah's Witnesses in Asbest, headed by Igor Ananyin, who on May 21, 2008, had been served a warning by the prosecutor's office to stop engaging in extremist activity by distributing religious literature of Jehovah's Witnesses. Ananyin appealed the warning, and eventually, on March 17, 2009, the Ordzhonikidzevskiy District Court of Yekaterinburg pronounced the warning groundless and unlawful, a decision that was upheld by the Sverdlovsk Regional Court on June 4, 2009.

Despite this, the criminal investigation continued. On May 24, 2009, a congregation meeting in Asbest with over 50 in attendance was broken up by officers from the police and the FSB. The meeting at rented premises had just begun when the officers burst in and ordered it to stop. They informed all in attendance that they were being detained, photographed them, and wrote down their passport details. The officers refused requests for access to an attorney, failed to inform the detainees of their rights, and did not issue any protocols confirming the reasons for their detention. They then escorted all who did not have identification documents with them to the police station. The proceedings were filmed by correspondents for the local ATV television network.

A 15 year old boy, Mikhail Zhilka, whose parents were away at the time, was also detained by the police and questioned, following which he was placed into care at a children's home against his will. Mikhail's parents had traveled to the south of Russia to attend to personal matters and had left Mikhail in Asbest with friends to prepare for school exams. They had been delayed due to the fact that Mikhail's younger brother had been taken ill and hospitalized. Despite written requests from Mikhail himself and an attorney representing his family, and a telegram from his parents, requesting that he be freed, Mikhail was held until June 17, 2009, when his parents finally were able to return to Asbest.

Those who had attended the meeting were subsequently summoned for questioning. Aleksandra Mastyugina, who was pregnant, was badly shaken by the raid and detention by the police. During questioning on May 27, 2009, she was threatened with being put in a detoxification cell. On May 31, 2009, she was again called by the investigator and questioned, following which she felt ill and was taken to hospital, where she suffered a miscarriage. Complaints have now been filed with the police and a claim to court in the names of those who were unlawfully detained and whose rights to freedom of worship were violated.

Items of literature seized during the criminal investigation were sent by the investigator for the prosecutor's office to the Ural Regional Judicial Expert Study Centre in Yekaterinburg for an expert study. On June 25, 2009, the Centre published its conclusions stating that in the literature did not contain signs of extremism or incitement to enmity. As a result, on July 6, 2009, the Asbest City prosecutor's Office ruled to close the criminal case. However, on July 31, 2009, the Sverdlovsk Regional Investigative Committee of the RF Prosecutor's Office ruled to reverse the decision and ordered that another expert study be conducted, this time by the Bryansk Laboratory for Judicial Expert Studies of the Russian Federation Ministry of Justice.

On March 20, 2009, the Asbest City Prosecutor filed a claim to the Asbest City Court for 172 items of literature of Jehovah's Witnesses to be pronounced extremist. On June 16, 2009, in the absence of the LRO's attorneys who had not been appropriately informed of the date and time, the court assigned an expert study of the literature to be conducted by the institution of the prosecutor's choice, the Ural Regional Judicial Expert Study Centre in Yekaterinburg. The expert study is not expected to be completed until at least the end of the year.

Gorno-Altaysk, Altay Republic

On December 22, 2008, the Gorno-Altaysk City Prosecutor filed a claim to the Gorno-Altaysk City Court to pronounce extremist a large number of items of religious literature distributed by Jehovah's Witnesses. On February 10, 2009, the judge appointed an expert study of the literature to be conducted by the institution chosen by the prosecutor—the Kemerovo State University. The expert study was completed by June, and concluded that almost all of the publications on the prosecutor's list, including the children's book *My Book of Bible Stories*, were aimed at inciting to hatred of other religions. On June 5, 2009, a criminal case was instigated by the Gorno-Altaysk City Prosecutor, and over the weekend of June 6-7, 2009, the police raided the Kingdom Hall and several homes of Jehovah's Witnesses, seizing religious literature and personal items.

The court hearing resumed on June 9, 2009, following the familiar pattern of the judge granting all the motions filed by the prosecutor and dismissing all those filed by the LRO's attorneys. As a result, a second motion was filed by the LRO's attorneys for the judge's recusal, but this was also declined. The hearing was then adjourned as the prosecutor was completely unprepared to respond to any questions put to him by the LRO's attorneys and asked for time to prepare.

When the hearing continued on July 22, 2009, the judge again refused all of the motions filed by the LRO's attorneys. Throughout the hearing the judge tried to hint to the prosecutor that he needed to file a motion to amend the demands of his claim as they were not in line with the materials filed as the grounds for the claim. The prosecutor's total inability to grasp this frustrated the judge, as did his inability to defend himself when he was later questioned by the LRO's attorneys. As a result, the judge kept having to rescue him. The LRO's attorneys wanted to question the experts from the Kemerovo State University who had prepared the expert study. As the experts were not able to travel to Gorno-Altaysk and the judge planned to go on holiday in

August, she granted the motion filed by the LRO's attorneys for the experts to be questioned by a court in Kemerovo, which took place on August 17 and 18, 2009, at the Tsentralniy District Court of Kemerovo. The hearing was adjourned until September 11, 2009, as the experts had difficulty defending their position when questioned and asked for more time to prepare. Since the LRO's attorneys were busy with the Taganrog court case they informed the judge that they will not be available on September 11, 2009. Despite this, the judge of the Kemerovo State University held a court hearing in the absence LRO's attorneys and sent the case back to Gorno-Altaysk. The court proceedings are resuming on September 28, 2009.

Tolyatti and Samara, Samara Region

On February 27, 2009, the Samara Region Prosecutor's Office filed claims to the Samara Regional Court to liquidate the Tolyatti and Samara LROs, supplements to which were filed on April 3, 2009. The claims alleged that the LROs were responsible for the break-ups of families and forcing citizens to refuse to perform their civil duties. The hearings of the merits of the cases began on May 13, 2009, with the same judge handling first the Tolyatti claim, then after lunch the Samara claim. During the consideration of the Samara claim, the prosecutor admitted that the Prosecutor General's Office had ordered them to obtain confidential medical records of Jehovah's Witnesses patients who had requested medical treatment without the use of blood, and so the LROs' attorneys filed a motion requesting that the court order the prosecutor to provide a copy of the order. The order was actually the letter mentioned earlier in this report to all prosecutors' offices signed by First Deputy Prosecutor General A.E. Buksman, but the prosecutor stated that he was unable to provide it as it was stamped as being top secret.

When the hearings resumed on May 27, 2009, the judge granted the motion of one of the key witnesses for the prosecution in the Tolyatti case, Nagim Ryazapov, to participate not as a witness, but as a third party. The LRO's attorneys were concerned that he would be able to use the case materials to which he had been granted access to the detriment of his former family and local Jehovah's Witnesses. However, the result was the opposite, as Ryazapov's active participation clearly illustrated that his prejudiced opinions could not be viewed as objective. His ex-wife and daughter, who are baptized Jehovah's Witnesses, and even his son, who is not one of Jehovah's Witnesses, all testified that the reason for the breakup of their family was Ryazapov's alcohol abuse and the fact that he beat his wife and verbally and psychologically abused his children.

On May 29, 2009, the judge ruled to dismiss the prosecutor's claim to liquidate the Tolyatti LRO. The decision confirmed that the Tolyatti LRO played no part in the breakups of any families, noting that the Ryazapovs' divorce took place in 1997, which was before the LRO came into existence, and the divorce ruling stated that the divorce was due to Ryazapov's alcohol abuse. The decision also stated that Anatoliy Olopov, who in 2005 refused to perform Alternative Civilian Service at a factory that made weapons, became one of Jehovah's Witnesses long before the LRO was registered and that the LRO did not influence his religious convictions. The decision concluded that the prosecutor failed to provide any evidence to back his claim that the LRO was responsible for violations of the law that warranted its liquidation.

On June 1, 2009, the judge ruled to assign an expert study of the literature referred to in the prosecutor's claim in the Samara liquidation case to the Federal Centre for Court Expert Studies of the Russian Ministry of Justice in Moscow, despite the fact that the prosecutor had already arranged with the Samara State University for the expert study to be conducted there. The judge took into consideration the reservations of the LRO's attorneys on the objectivity of an expert study conducted by an institution within the territory of the Samara City Prosecutor's Office's jurisdiction.

Both Ryazapov and the Samara Region Prosecutor's Office filed cassation appeals to the RF Supreme Court contesting the May 29, 2009, decision in the Tolyatti liquidation case, but on August 18, 2009, the Supreme Court dismissed the appeals, ruling that the regional court's ruling was in accordance with the circumstances established in the case and with the requirements of the law. The Supreme Court agreed with the findings of the Samara Regional Court that the prosecutor had not provided evidence that the Tolyatti Local Religious Organization had caused the breakup of families or the refusal of individuals to carry out their civil duties. The ruling also dismissed Ryazapov's complaint that he was not given time to prepare for the hearings in Samara, referring to the fact that his motion requesting additional time was granted by the court.

Vladikavkaz, Republic of North-Ossetia-Alania

On February 25, 2009, Republic of North Ossetia-Alania Prosecutor's Office filed a claim to the Supreme Court of the republic to liquidate all four of the LROs in the republic—in the cities of Alagir, Mozdok, Beslan, and Vladikavkaz—for allegedly carrying out extremist activity. The hearing took place over several court sessions between March and May of 2009. The LROs' attorneys had hoped that the judge would dismiss the claim because the four LROs were not given the mandatory warnings before the claim for their liquidation was filed. However, the prosecutor presented the missing warnings to the court, which the court accepted, although all of the warnings were dated March 19 or 20, 2009, which are after the date on which the liquidation claim had been filed to the court, and the information in the warnings appeared to have been cut and pasted from the claim itself.

Despite the large numbers of positive statements filed with the court from non-Witnesses expressing their positive opinion of Jehovah's Witnesses and the benefits that their teachings bring to society and family life, the judge proceeded according to the pattern being followed by judges in many of the ongoing cases in Russia—he granted all of the prosecutor's motions and denied almost all those of LROs' attorneys. On May 14, 2009, he ruled to assign an expert study of the literature referred to in the liquidation claim to the Southern Regional Centre for Judicial Expert Studies in Rostov, the institution chosen by the prosecutor.

One of the most concerning events of the trial was the harassment of the LROs' attorneys. These included Canadian citizen John M. Burns who, along with his Canadian attorney colleague and his wife, had attended the hearings as observers. After the hearing on April 4, 2009, all three were stopped by police and migration officials and charged with having strayed 100 meters into a restricted zone on their way back to the airport. The three Canadian citizens were detained and, on April 5, 2009, having come under severe pressure from the FSB, the Kirovskiy District Court ruled to deport them. The judge did however permit them to leave the country of their own accord without a police escort, which they immediately did. The decision was appealed to the Supreme Court of the Republic of North Ossetia-Alania, but on May 5, 2009, the appeal was dismissed. All three Canadian citizens plan to appeal their deportations to the Russian Federation Supreme Court.

Krasnodar, Krasnodar Territory

On March 11, 2009, the Krasnodar Territory Prosecutor's Office filed a claim to the Pervomayskiy District Court of Krasnodar for several items of literature of Jehovah's Witnesses to be pronounced extremist. The claim referred to the conclusions of a linguist dated November 21, 2008, which indicated that the publications concerned contain elements of extremism. The hearing took place over several dates from April to June 2009, during which the judge granted almost all of the prosecutors' motions and denied all of those of the defense attorneys. On June 29, 2009, the court appointed an expert study of the literature at the Southern Regional Centre for Judicial Expert Studies in Rostov, the institution chosen by the prosecutor.

Kaliningrad, Kaliningrad Region

On June 5, 2009, the Kaliningrad Regional Directorate of the RF Ministry of Justice filed a claim to the Kaliningrad Regional Court to liquidate the LRO in the city of Kaliningrad. The claim alleged that, in violation of Article 16 of the Law on Freedom of Conscience and Religious Associations, the LRO had conducted assemblies in January and May of 2009 at premises that were not provided to it for the purpose of conducting religious services. In the opinion of the Ministry of Justice, conducting two assemblies constituted “multiple” violations of the law, which were sufficient grounds to liquidate the LRO. The hearing began on July 7, 2009, but was adjourned until July 14, 2009, as the prosecutor wished to file a supplement to the claim. When the hearing resumed on July 14, 2009, the court dismissed the claim, as judge was not convinced by the weak arguments of the prosecutor, and accepted the LRO’s defense that it had not organized the assemblies concerned.

On July 31, 2009, the prosecutor filed a cassation appeal to the RF Supreme Court, which is scheduled to be heard on September 22, 2009. But on the day of the hearing the the Kaliningrad Regional Directorate of the RF Ministry of Justice un expectedly withdrew its appeal; and the Supreme Court upheld the decision of the lower court.

The investigations of the Administrative Centre

The relentless inspection of the headquarters of Jehovah’s Witnesses in Russia that began in 2004 continues. The local St. Petersburg prosecutor’s office, headed by an individual assistant prosecutor who was openly anti-Jehovah’s Witnesses, unsuccessfully inspected the Administrative Centre in 2004. In 2006 the local prosecutor’s office pressured the local Tax Office to undertake an inspection of the Centre, which produced no violations. In 2008, the local prosecutor’s office enlisted the cooperation of a higher level tax office, and the current inspection began with an on-site visit of the Administrative Centre in August 2008. Following a “suspension” of the inspection lasting over five months and a formal “extension” of the inspection period, on April 2, 2009, two tax inspectors arrived at the Centre accompanied by the Senior Special Operations Officer for Especially Serious Cases of the 16th Special Operations Section of the Directorate for Tax Crimes of the Saint Petersburg and Leningrad Region Police; another police officer from the same special operations section; and two experts from an organization called PetroExpert—NorthWest who had been assigned to perform an expert study on the Administrative Centre’s facilities at Solnechnoye, outside Saint Petersburg. In May 2009 the inspectors requested copies of all of the Administrative Centre’s accounting records, amounting to about 30,000 documents, for the inspection period of October 2006 through December 2007, and in late May, 2009, they informed the Centre that the tax inspection would be extended for another two months to allow them to assess the report of the experts.

On June 5, 2009, the inspectors returned with a copy of the expert conclusions prepared by PetroExpert—NorthWest, which stated that the accommodation and living conditions provided to the members of Jehovah’s Witnesses’ religious order serving at the Centre are the equivalent of resort hotel accommodation which, taking into account the prestige of the district near which the property is located, have a collective market value of almost 30 million rubles (approximately \$ 1 million U.S.) for each of the five quarters investigated (from 2006 and 2007). These conclusions, premised on incorrect facts and ignoring the religious nature of the activities carried on at the Centre, can reasonably be expected to provide a basis that the tax inspectorate has been seeking in order to assert that the Administrative Center has failed to withhold taxes due from the individual residents in amounts large enough to instigate a criminal case against officials of the Centre, to strip the Centre of its right to be within the Simplified System of Taxation, and possibly to liquidate it.

2009 District Conventions

As in previous years, the authorities in many of the cities where district conventions were planned have attempted to stop them from taking place. As a result, convention venues have often had to be changed at the last minute or the conventions have had to be held over several weekends in smaller, less suitable premises, including in Kingdom Halls. In other places conventions have had to be held in fields rented for the occasion, as the managers of most stadiums in Russia now refuse to rent to Jehovah's Witnesses for fear of reprisals from the FSB and city administrations.

In Valdimir Region, officials from the district and city administrations, the prosecutor's office, and the Sanitation and Epidemiological Services arrived at one field and, without valid justification, ordered the convention to stop. When the Witnesses refused to obey such unlawful requests, the officials attempted to take food samples from the delegates and soil samples for testing, and the convention overseer received an anonymous telephone call threatening physical reprisals.

In another location not far from Moscow, a convention went ahead in a rented field despite the fact that a tractor driven by someone unrelated to the owner of the field arrived and attempted to plough up the field in order to stop the convention.

In Nevinnomyssk, Stavropol Territory, conventions were planned to be held at an expandable Kingdom Hall over several weekends in July and August 2009. Prior to the first convention, the Nevinnomyssk City Prosecutor's Office ordered officials from the Federal Service for Oversight in the Sphere of Protection of Consumer Rights and Public Welfare and the fire services to inspect the hall. Also, the FSB summoned the chairman of the LRO for questioning and asked for the dates of the planned conventions, assuring him that they needed the information because they "wanted to help" ensure that there were no problems. The very next day it became apparent what the "help" consisted of—the Nevinnomyssk City Administration issued a decree banning all religious events planned by the LRO on all of the specific dates provided by the LRO's chairman.

The first convention scheduled at that Kingdom Hall was a two-day sign language convention planned for July 18-19, 2009. As it was expected that the police may try to disrupt the convention, the delegates were informed that the program for the first day would start at 6 a.m. A little later the police did indeed try to block access to the building, but it was too late as the delegates had already arrived. The authorities then proceeded to cut off the electricity and water supplies to the building. Despite this, the program for the first day was successfully completed. On the following day the police and the traffic police arrived at the hall at 5 a.m. to block access to the building. However, in anticipation of this the delegates had been told that the program would not start until 11:00 a.m. After waiting until 10:00 a.m., the police left. At 10:30 the delegates began arriving at the hall, and the second day successfully went ahead. Interestingly, no further problems were encountered with the conducting of the remaining planned conventions.

In Khabarovsk, a district convention was organized at a former holiday camp outside the city from July 24-26, 2009. The police made unsuccessful attempts to find legal grounds for stopping the convention, following which the fire and sanitary and epidemiological services arrived, inspected the complex, and issued a report stating that the complex would have to be closed immediately as some of the buildings were a fire hazard, the area had not been treated for ticks, and for other alleged sanitation violations. The director of the camp was also served with a Notice by the assistant-district prosecutor warning him not to permit violations of the law, and an officer from the Department for Fighting Extremism was ordered to ensure that the orders were adhered to. As a result, at the end of the first day of the convention the director announced that he was canceling the contract, to which the organizers of the convention pointed out that the contract could only be cancelled unilaterally by a court decision. Early the next morning the police and traffic police arrived and blocked the gates to the complex, as a result of which the organizers of the convention

sent a few vehicles to the main entrance to distract the police, while the majority of the delegates entered the site through the hole in the fence on the opposite side of the territory. Infuriated by the fact that they had again failed to stop the convention, officials from the police, the emergency services, the FSB, and the Department for Fighting Extremism went to the district prosecutor's office and demanded that the prosecutor take steps to stop the convention. However, the prosecutor reminded them that all Russian citizens have equal rights, and that they were obligated to protect everyone, regardless of their religious persuasions. The prosecutor warned them not to interfere, and ordered them to ensure that it went ahead smoothly!

Other problems involving freedom of worship

The Republic of Tatarstan

An administrative case was instigated against the chairman of the Naberezhniye Chelny LRO, for allegedly violating the Law on Assemblies, Rallies, Demonstrations, Processions and Pickets by organizing a congregation meeting on February 11, 2009, in rented premises. On April 2, 2009, ignoring all references to Russian and European Court of Human Rights case law indicating that this law does not apply to religious services and that meetings of Jehovah's Witnesses are a recognized form of worship, the court found the chairman of the LRO guilty and issued a fine. The decision was upheld by both the Naberezhnochelninskiy City Court and the Supreme Court of the Republic of Tatarstan.

In an almost identical case, on June 1, 2009, a committee member of the Kazan LRO was found guilty of violating the same law and fined for organizing a congregation meeting on April 7 and the celebration of the Memorial of Christ's Death on April 9, 2009, in rented premises. The decision was upheld by both the Vakhitovskiy District Court of Kazan and the Supreme Court of the Republic of Tatarstan. Appeals of both cases to the Russian Federation Supreme Court are now being prepared.

A delegation of Jehovah's Witnesses is ready to meet with Russian representatives to discuss this serious issue.