

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

Presented to the OSCE HDIM, Warsaw, 24 September to 5 October 2007

In Russia, over 150,000 of Jehovah's Witnesses share their faith with others and meet for worship in approximately 2,100 congregations and groups. In 2007, more than 286,000 persons in Russia attended the annual Memorial of the death of Jesus Christ, which is the most important religious observance of the year for Jehovah's Witnesses. There are 406 Local Religious Organizations (LROs) of Jehovah's Witnesses registered in 70 regions of the Russian Federation (RF).

Although some human rights violations have occurred in Russia, representatives of Jehovah's Witnesses have often been able to discuss these with Russian government officials, who have shown a willingness to listen and have expressed the desire to continue engaging in constructive dialogue. On two such occasions—on June 13, 2006, and March 29, 2007—representatives of Jehovah's Witnesses were assured that the Russian government does not intend to restrict the rights of Jehovah's Witnesses or close down the organization, and they were told that they could freely contact government officials if any problems should arise.

Investigation of Administrative Centre of Jehovah's Witnesses in St. Petersburg

The national headquarters of Jehovah's Witnesses in Russia (Administrative Centre) has been under investigation by the St. Petersburg Prosecutor's Office (SPPO) since September 2004 or earlier. The initiators of the investigation are such anti-cult associations as the Committee for Salvation of Youth From Destructive Cults, which was responsible for the repeated complaints that resulted in the ban on the activity of the legal entity of the Moscow Community of Jehovah's Witnesses. Evidently, the goal of the anti-cult associations is to liquidate the Administrative Centre and ban the activities of Jehovah's Witnesses throughout Russia.

- During 2007, on the orders of the RF Prosecutor General's Office and the SPPO, the Administrative Centre has been subjected to a number of inspections from such agencies as the Directorate of the State Employment Regulation Agency and the St. Petersburg Inspectorate of the Federal Tax Service.
- Additionally, the Administrative Centre has received a number of requests for information from the SPPO and the Kurortny District Prosecutor's Office, referring to orders from the RF Prosecutor General's Office to investigate complaints filed by such anticult organizations as the Centre for Rehabilitation of Victims of Nontraditional Religions and the Committee for Salvation of Youth From Destructive Cults.
- On April 25, 2007, S. G. Chizhov, head of the Department of Oversight of Execution of the Law and Protection of Citizens' Rights in Social Matters of the SPPO, informed the Administrative Centre that its letter of February 16, 2007, to the RF Prosecutor General's Office had been considered and that there were at present no grounds for measures to be taken by the prosecutor's office against the Centre following the tax inspection.
- On May 7, 2007, the SPPO replied to the Administrative Centre's letter of February 16, 2007, stating that the Directorate for Tax Crimes of the Main Directorate of the Police of St. Petersburg and Leningrad Region did not find any violations during the tax inspection and that there are no grounds for prosecutorial measures to be taken.
- On September 20, 2007, the Administrative Centre received a fax from the 19th Special Operations Section of the Directorate for Tax Crimes for St. Petersburg and Leningrad Region demanding that notarized certificates confirming the appointments of the centre's chairman and chief accountant be

delivered to them. In a telephone call on the following day, the centre's lawyers ascertained that this was again in relation to the tax inspection that had been carried out earlier in 2007.

Adverse Consequences of Ban and Liquidation of Jehovah's Witnesses in Moscow

On March 26, 2004, the Golovinsky Intermunicipal District Court of Moscow ruled to liquidate the legal entity of Jehovah's Witnesses in Moscow and ban its activity. The decision was upheld by the Moscow City Court on June 16, 2004.

On December 11, 2001, an application (*Jehovah's Witnesses of Moscow and Others v. Russia*) was filed with the European Court of Human Rights.

Officials have not taken overt action to enforce the ban on Jehovah's Witnesses in Moscow. However, problems are being encountered in some districts of the city, as detailed below:

- **Congregation facilities cancelled.** Over half of the congregations of Jehovah's Witnesses in Moscow have had contracts cancelled for facilities where they had previously been holding their weekly congregation meetings. Jehovah's Witnesses only own one Kingdom Hall (house of worship) complex in Moscow, which is being used by 39 congregations for their weekly meetings. Because it is no longer possible to rent premises in Moscow for holding congregation meetings or larger assemblies, the largest auditorium in the Kingdom Hall complex has been set aside for holding assemblies. Many other congregations now have to gather in small groups in private homes, while some are forced to conduct their religious meetings outside Moscow—at considerable expense and inconvenience to the members.
- **Police detain Witnesses during their public ministry.** During 2006, there were 14 reported cases of police detention in Moscow. So far in 2007, there have been 11 such incidents reported in Moscow. Young and old Witnesses, male and female, have been detained and taken to the police station. Some have been threatened with physical harm; some were placed behind bars, fingerprinted, and photographed; some have been charged with sharing in fraudulent activities or fined for alleged violations of the Administrative Code; others have just been threatened and released.
- **Custody cases use banning decision.** Custody cases involving Jehovah's Witnesses, such as *Abramova v. Voronin*, have referenced the Golovinsky decision during their hearings.

Police Interference in Moscow With 2006 Memorial of Christ's Death

On April 12, 2006, the Krasnodonskoye Congregation of Jehovah's Witnesses in Moscow was commemorating the Memorial of Christ's death with approximately 200 in attendance at the Academy of Agriculture in the southeast of Moscow. The head of the Lyublino District Police Department halted the meeting, claiming that as a banned organization the Witnesses did not have permission to conduct the event. The Lyublino Congregation, which was scheduled to meet afterward, was prevented from meeting there at all. Fourteen male Witnesses were taken to the Lyublino District Police Department and were detained for up to four and a half hours. The men were released without charges being filed against any of them. Vitaliy Sinyukov, a Witness attorney, went to the police station to assist the Witnesses but was physically assaulted by the police and threatened at knifepoint not to file a complaint.

A complaint was filed with the Lyublino District Court against the Lyublino District Police Department in the name of four of the Witnesses who were detained by the police on April 12, 2006. In the course of the court hearing in May 2006, Judge, Z. V. Zubkova declined the motions of the two attorneys representing the Witnesses to require that the head of the Lyublino Police Department appear in court for questioning and to obtain the police records of the incident and the medical records of the injuries received by attorney Sinyukov. However, the judge granted the motion of the attorney representing the Lyublino District Police Department to admit as evidence

the decision of the Golovinsky District Court to liquidate the Moscow community of Jehovah's Witnesses and ban its activity.

- Finally, on June 15, 2006, the judge ruled that the police detention of the plaintiffs was unlawful but dismissed the remainder of the claim, failing to find as unlawful the fact that the police had disrupted the Memorial celebration. The written decision referred to the absence of permission from the authorities to carry out the April 12 meeting (the Memorial observance), in accordance with the Federal Law on Assemblies, Rallies, Processions, Demonstrations, and Pickets.
- On June 30, 2006, Jehovah's Witnesses filed an appeal with the Moscow City Court. On an unspecified date the Lyublino District Police Department filed a request to reinstate the time limit for filing a cassation appeal after it had expired. The police department's request was granted by the Lyublino District Court on January 29, 2007, and the police department duly filed its cassation appeal.
- On March 22, 2007, the appeals of both Jehovah's Witnesses and the police were heard. The Court granted the appeal of the Lyublino District Police Department, reversing the June 15, 2006, decision of the Lyublino District Court, and thus pronouncing lawful the detention and escorting to the police station of the 14 Witnesses.
- An application to the European Court of Human Rights, entitled *Krupko and Others v. The Russian Federation*, has now been filed on the basis of this case.

Right to Assemble

2007 Memorial Observances

In most regions of Russia, including Moscow, the Memorial of Christ's death was observed on April 2, 2007, without any interference from the police or the local authorities. However, in Satka (Chelyabinsk Region), Tashtagol (Kemerovo Region), and Priamurskiy (Khabarovsk Territory), administrative cases were instigated by the police against the organizers of the event for violating the Law on Assemblies, Rallies, Demonstrations, Processions and Pickets, although in fact this legislation does not apply to religious services.

One such administrative case, instigated against Yuriy Gornung for organizing the Memorial observance in Satka, was heard in Zlatoust on May 11, 2007. Justice of the Peace S. A. Zorina ruled that the administrative case was groundless, as the Law on Assemblies, Rallies, Demonstrations, Processions and Pickets does not apply to religious services, which do not require the permission of the authorities to go ahead. The ruling also referred to the Russian Federation Constitution and the Law on Freedom of Conscience and Religious Associations, which guarantee freedom of worship and state that religious services shall be permitted to proceed unhindered by the law-enforcement agencies. Finally, in what would appear to be a direct quote from the ECHR's judgment in the Kuznetsov case (see below), the ruling acknowledged that "the collective study and discussion of religious texts by the members of the religious group of Jehovah's Witnesses is a recognized form of manifestation of their religion in worship and teaching." Therefore in this case the Witnesses received a favourable ruling.

Furthermore, Ms. Veronika Milinchuk, the Russian Federation representative to the European Court of Human Rights, ordered the Chelyabinsk Regional Prosecutor to conduct an investigation into the actions of the police who disrupted the religious service in Satka, as a result of which the police were ordered to eliminate the violations of religious freedom and to discipline the officers involved.

Favourable rulings were also handed down by the courts in the cases involving the police interference in Tashtagol and Priamurskiy.

2007 District Conventions

Attempts were made by the authorities in some cities to disrupt district conventions of Jehovah's Witnesses scheduled for the summer of 2007. However, we are pleased that all 56 planned conventions have been held in Russia, despite the fact that instructions on how to disrupt conventions of Jehovah's Witnesses were published on the Orthodox anti-sect website of the Saint Irenaeus of Lyon Informational-Consultative Center. Two conventions—in Nizhniy Novgorod and Izhevsk—were disrupted by the authorities, causing severe inconvenience to the delegates, some of whom had travelled long distances to reach the convention, but the local Witnesses nevertheless succeeded in rescheduling the conventions, which went ahead successfully at a later date.

ECHR: *Kuznetsov and Others v. Russia*

The application *Kuznetsov and Others v. Russian Federation* was filed with the European Court of Human Rights (ECHR) on March 1, 2002. This case involves the abuses of a human rights commissioner who had the police use force to break up a sign-language meeting of Jehovah's Witnesses in Chelyabinsk on April 16, 2000.

On January 11, 2007, the European Court of Human Rights issued a unanimous judgment holding that Russia had violated the religious freedom (Article 9 of the European Convention on Human Rights) of the congregation members. In part, the judgment states:

It is undeniable that the collective study and discussion of religious texts by the members of the religious group of Jehovah's Witnesses was a recognised form of manifestation of their religion in worship and teaching.

Further, the Court found that Russia had violated the congregation members' right to a fair trial (Article 6 of the European Convention on Human Rights) when the domestic courts refused to address the main issue, namely that the commissioner had violated the religious freedom of the congregation members.

Investigations of Chartered Activities of LROs

During 2006, there were 41 LROs investigated by the prosecutor's office, the FRSD, or the tax organs. In at least seven cases, LROs were issued warnings concerning alleged procedural violations. So far during 2007, however, no claims have been filed in court by the authorities for liquidation of LROs, and to date no LROs of Jehovah's Witnesses outside of Moscow have been liquidated.

New Legislation Affecting Registration of LROs

On January 1, 2005, the Federal Law on State Registration of Legal Entities and Individual Entrepreneurs was enacted, amending the Federal Law on Freedom of Conscience and Religious Associations. This created a new requirement for all registered LROs to inform the FRSD of any changes to the committee chairman, legal address, or founders of an LRO. This is to be done within three days of the changes. The law requires that the registration agency be informed annually about the continued operation of an LRO.

- On April 10, 2007, the RF government approved a new form to be completed by LROs containing information for 2006 on the different types of activities engaged in by the LRO, as well as information on financing. LROs were required to file the form with the Federal Registration Service before June 1, 2007.
- In 2007, there have been 48 LROs that applied for re-registration following changes to the committee members or legal address, and 10 of them have been successfully reregistered.

Discrimination in Child Custody Cases

ECHR: *Ismailova v. Russia*

A mother who was denied custody of her two minor children solely because she is one of Jehovah's Witnesses filed an application with the ECHR on November 7, 2002.

- On August 31, 2006, the ECHR declared the application *Ismailova v. Russia* partially admissible regarding Articles 8 (freedom of association) and 9 (freedom of religion), taken alone and in conjunction with Article 14 (discrimination) of the European Convention on Human Rights.