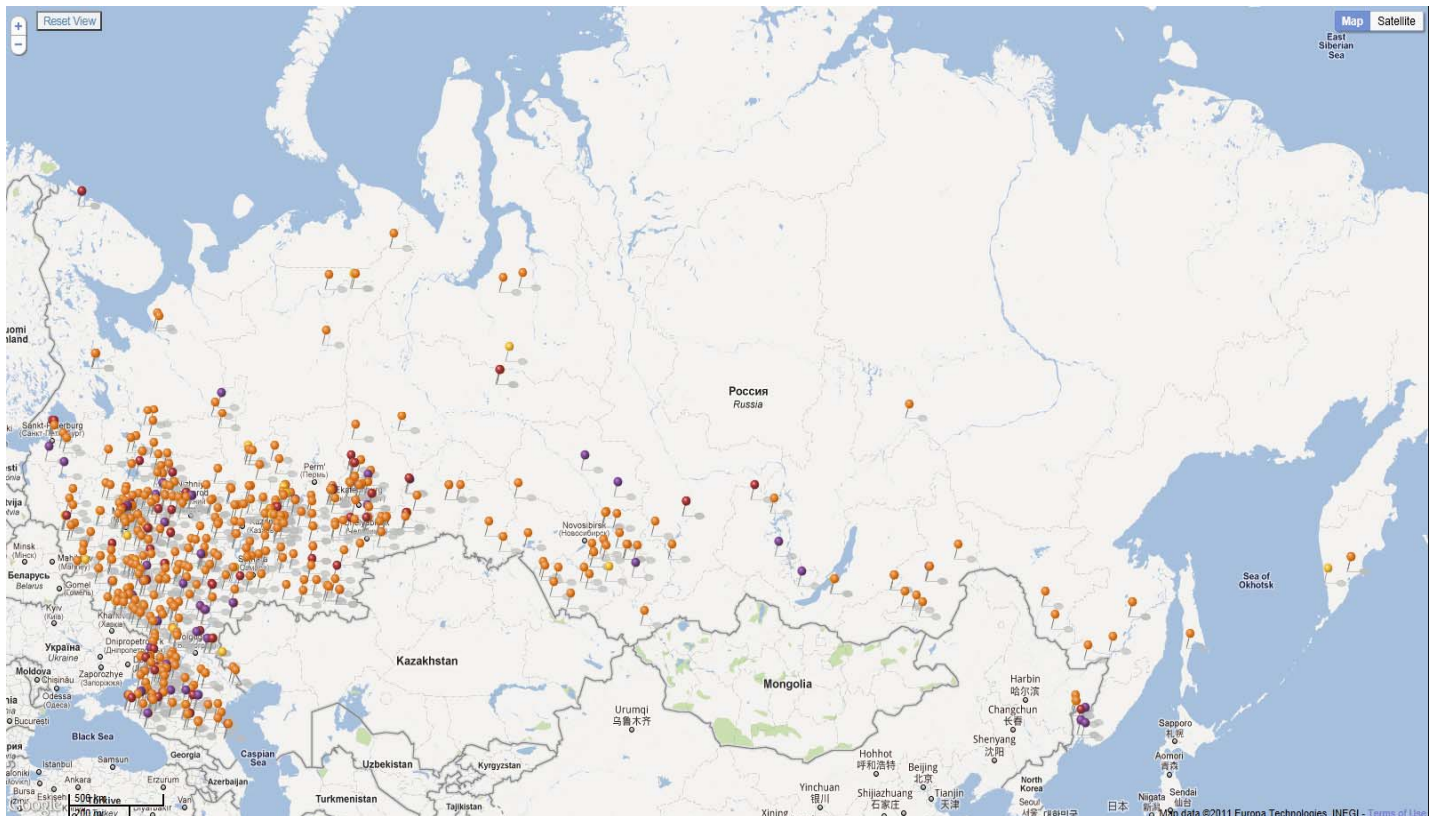


RELIGIOUS FREEDOM CONCERNS IN RUSSIA

WRITTEN STATEMENT BY THE EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

27 September 2011

For the OSCE Human Dimension Sessions of the 2011 Review Conference, Warsaw, 26 September – 7 October 2010



Interactive map of incidents perpetrated against Jehovah's Witnesses at http://www.jw-media.org/rus/incidents_map_e.htm

STATE SPONSORED CAMPAIGN OF HARASSMENT AND MISTREATMENT OF JEHOVAH'S WITNESSES IN RUSSIA

Since the mid 1990's, elements of the Russian government and the Orthodox Church launched a campaign against Jehovah's Witnesses with the ultimate aim of banning their activities throughout Russia. In 2010 and 2011, there have been at least **956 incidents** of assaults, arson attacks and other vandalism of Kingdom Halls, police detentions, searches and seizure of literature, and raids on private homes and places of worship.

The harassment increased dramatically since February 2009, when the Russian Federation Prosecutor General's Office issued a directive to all regional prosecutors' offices ordering investigations to be carried out on the activities of Jehovah's Witnesses. The Ministry of Interior, the Federal Security Service (FSB), the Ministry of Justice, local police, and other governmental agencies were also instructed to assist with these investigations. The Russian authorities' campaign of harassment and the misapplication of the Federal Law on Counteracting Extremist Activity has had a major impact on the personal lives of Jehovah's Witnesses and their religious organization.

RECENT EXAMPLES OF GOVERNMENT SPONSORED HARASSMENT

Taganrog, Rostov Region

August 25, 2011: Beginning at 6:30 in the morning, police executed 20 simultaneous searches of the homes of Jehovah's Witnesses in the city of Taganrog and its suburbs. One of these homes belonged to Ivan and Anna Kumshatskiy, Jehovah's Witnesses aged 81 and 80. A building where Jehovah's Witnesses hold religious meetings was also searched. Police seized computers, electronic storage media, confidential congregation records, and religious literature, some of which was not on the Federal List of Extremist Materials. Some time prior to the raids, a criminal case was initiated under Article

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282.2(1) of the Criminal Code for 'organizing the activity of a religious organization that has been liquidated for extremism.'

Cheboksary, Chuvash Republic

September 7, 2011: Three Jehovah's Witnesses, Farid Mannafov, Oleg Marchenko, and Aleksey Nikolayev were arrested without charges and taken by police to a temporary detention center. They spent two nights in custody. Searches were conducted in the homes of these and other Witness families. Bibles, computers, legal documents, and personal valuables were confiscated. Some searches lasted more than six hours. On the same day, the religious meetings of Jehovah's Witnesses were disrupted in the cities of Cheboksary, Novocheboksarsk and Kanash. The Witnesses who were present were searched, forcibly taken to a police station, and fingerprinted against their will. Senior police officers took part in these raids.



For a complete listing of adverse incidents see http://www.jw-media.org/rus/incidents_map_e.htm

CRIMINAL INVESTIGATIONS LAUNCHED AGAINST MEMBERS OF JEHOVAH'S WITNESSES

Individual Jehovah's Witnesses are being criminally charged for "incitement to hatred or enmity and denigration of human dignity" for allegedly distributing "extremist" literature. There are 13 open criminal investigations in Russia that give license for the Russian authorities, including the FSB, to intrusively invade the private lives of Jehovah's Witnesses to ostensibly gather "evidence" to support criminal charges under the Extremism Law. Personal information on such individuals is entered into a special database under the category "extremist." (Please see the Order On Conducting Operational-Preventative Measures in the Moscow Region No. 44/r-9 dated March 14, 2011 at http://www.jw-russia.org/news/moscow/order20110314_e.pdf)

66 RELIGIOUS PUBLICATIONS OF JEHOVAH'S WITNESSES DECLARED EXTREMIST

Since September 2009, there have been six court decisions that have pronounced a total of 66 religious publications of Jehovah's Witnesses to be extremist. Most of the publications have been posted on the Federal List of Extremist Materials issued by the Ministry of Justice. The Russian authorities have used these decisions as a pretext to initiate criminal investigations against Jehovah's Witnesses. Among these publications is a children's book of Bible stories. The Russian Federation Ombudsman's report for 2010 noted that the criminal prosecution of a religious organization and its representatives for the public use of its religious literature is a tactic reminiscent of the Soviet practice of persecution of religion.

RETRIAL OF ALEKSANDR KALISTRATOV AFTER POSITIVE VERDICT CANCELLED

Aleksandr Kalistratov, Chairman of the Gorno-Altaysk LRO, was indicted on September 9, 2010, under Article 282(1) of the RF Criminal Code (incitement to hatred or enmity and denigration of human dignity) for allegedly distributing literature that was later pronounced extremist by the Rostov Regional Court.

His criminal trial began on October 20, 2010, in the Gorno-Altaysk City Court and continued for 18 days over a six-month period. Not one of the 71 witnesses questioned confirmed that Mr. Kalistratov incited them to hatred, enmity, or denigrated human dignity. The trial proceedings concluded on March 18, 2011, and on April 14, 2011, the trial judge issued a ruling that Mr. Kalistratov was not

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guilty of the charges. However, the prosecutor appealed the decision, and on May 26, 2011, the Supreme Court of the Altay Republic granted the prosecutor's appeal and remanded the case to the Gorno-Altaysk City Court for retrial by a different judge. The new trial resumed on June 22, 2011 and is still continuing. Mr. Kalistratov's lawyer noted that "Mr. Kalistratov's guilt has not been proven by the evidence provided by the prosecution. Legal activities of Russian citizens, which are guaranteed by the Constitution, are considered illegal by the prosecution. An Orthodox anti-cult activist was summoned to court and questioned as a witness. This is clear evidence of the fact that the prosecutor of the Altay Republic is going after the religion of Jehovah's Witnesses, and not Mr. Kalistratov."



RUSSIAN GOVERNMENT DISREGARDS EUROPEAN COURT OF HUMAN RIGHTS JUDGMENT

On June 10, 2010, the European Court of Human Rights (ECHR) unanimously ruled that the liquidation and ban on the activities of the Moscow Community of Jehovah's Witnesses in Russia was unlawful. Among many salient statements in the judgment, the ECHR declared that the Russian government should "put an end to the violation found by the Court and to redress so far as possible the effects." The Russian government referred the case to the Grand Chamber of the ECHR on September 9, 2010, but on December 13, 2010, the panel of the Grand Chamber announced its rejection of Russia's request to have the case reviewed.

The Moscow Community of Jehovah's Witnesses has taken every possible legal step with Russian courts and government agencies to re-register. However, the Russian authorities have refused to implement the ruling of the ECHR. For example, an application was filed asking the Golovinsky Court to reopen and review its 2004 ruling which banned the Moscow Community of Jehovah's Witnesses. However, on February 15, 2011, the Golovinsky Court dismissed this application to reopen the case, stating that the ECHR judgment "cannot in itself serve as grounds for reversing the court decision . . . or for reconsidering it on the basis of newly discovered circumstances . . ."

On April 28, 2011, the Moscow City Court upheld the decision of the Golovinskiy District Court, and on June 28, 2011, it upheld a similar decision rendered by the Butyrskiy District Court on April 26, 2011. On October 4, 2011, it will hear the cassation appeal of the similarly negative decision handed down by the Presnenskiy District Court on May 12, 2011.

RELIGIOUS FREEDOM OBJECTIVES

Jehovah's Witnesses in Russia and as a worldwide organization respectfully request the government of Russia to:

- (1) End its campaign of harassment and the misapplication of the Extremist Law against Jehovah's Witnesses, and terminate all legal cases and criminal investigations based on extremist charges.
- (2) Remove the religious publications of Jehovah's Witnesses from the Federal List of Extremist Materials.
- (3) Register the Moscow Community of Jehovah's Witnesses and allow them to peacefully enjoy their worship as guaranteed by the Russian Constitution and the European Convention on Human Rights.
- (4) Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Russia and the European Convention for all citizens, including minority religious groups.