

## RELIGIOUS FREEDOM CONCERNS IN RUSSIA

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

For the OSCE Human Dimension Implementation Meeting, Warsaw, 24 September – 5 October 2012

#### **Russia's relentless campaign against persons of faith continues to escalate**

After the Law on Counteracting Extremist Activity was revised in 2006, the Russian Federation (RF) Prosecutor General's Office began misapplying it in order to repress the religious activities of Jehovah's Witnesses. In February 2009, the RF Prosecutor General's Office ordered all regional prosecutors' offices and other government agencies to carry out investigations on the Witnesses' religious activities.

On 11 September 2009, the Rostov Regional Court ruled to liquidate the Taganrog Local Religious Organization (LRO) of Jehovah's Witnesses as an extremist organization and banned 34 of their religious publications as extremist materials. Since then, the pressure and harassment of Jehovah's Witnesses has escalated to outright persecution. Jehovah's Witnesses are now being indicted, arrested, detained, and criminally prosecuted for the mere practice of their faith. There are now 68 of the religious publications of Jehovah's Witnesses posted on the Federal List of Extremist Materials issued by the Ministry of Justice.

#### ***Consequences from the misapplication of the Law on Extremist Activity***

#### ***Taganrog, Rostov Region, authorities attempt to force Jehovah's Witnesses to renounce their faith***

In the first case of its kind since Soviet times, 17 Jehovah's Witnesses in Taganrog were charged with organizing and participating in criminal activity merely for practicing their faith.



The alleged criminal activity was captured with video recordings—communal prayers and Bible readings of Jehovah's Witnesses are the basis for the criminal case. Secret service officials installed audio and video recording equipment in the rented facilities where Jehovah's Witnesses openly meet for worship.

Reports filed with the Police Headquarters of the Russian Ministry of Internal Affairs for the South Federal Circuit based on the covert surveillance resulted in a ruling being handed down on 5 August 2011 to initiate a criminal case against unidentified persons on the basis of Article 282.2(1) of the RF Criminal Code (CrC), on organizing the activity of an extremist organization.

On 25 August 2011, searches were conducted of 19 homes of Jehovah's Witnesses in Taganrog. Most of those whose homes were searched have no connection to the dissolved legal entity, the Taganrog LRO, but simply profess the religion of Jehovah's Witnesses. The authorities seized Bibles, other non-prohibited religious literature, computers, and other personal belongings. The searches commenced at 6:00 and lasted between 8 to 11 hours.

On 31 May 2012, 17 residents of Taganrog, all Jehovah's Witnesses, were indicted. Four men were accused of organizing a criminal community because they serve as congregation elders, conducting peaceful religious services. The remaining 13, including three women, were accused of participating in the activity of a criminal community—simply attending religious services. This is the first attempt in several decades to hold persons criminally accountable for exercising their constitutional “right to profess individually or together with others any religion . . . to freely choose, possess, and disseminate religious and other views and act according to them” under Article 28 of the Constitution of the Russian Federation.

The authorities used the September 2009 decision of the Rostov Regional Court to justify this action, but in reality they are attempting to force Jehovah's Witnesses to cease their activities and thereby renounce their faith. The criminal case against the 17 believers is expected to go to trial in the near future.

### *Chuvash Republic also criminalizes the worship of Jehovah's Witnesses*

On 6 September 2011, a criminal case was initiated against Aleksey Nikolayev, one of Jehovah's Witnesses from Cheboksary. He was charged with inciting hatred and denigrating human dignity simply for sharing his beliefs with others. On 7 September 2011, Aleksey Nikolayev and two other Jehovah's Witnesses, including Oleg Marchenko, were put in a detention facility where they spent 48 hours. In addition, four premises used for worship services were searched. Between October 2011–April 2012, 16 searches were conducted of the apartments of Jehovah's Witnesses.

On 26 July 2012, four of the believers, including Aleksey Nikolayev, were detained for 48 hours and remanded in custody for another 78 hours. Five criminal cases were initiated against these law-abiding citizens for distributing publications of Jehovah's Witnesses and for “creating an extremist community and participating in it.”

On 30 July 2012, the court ruled to release two of the believers from custody, but the investigator ordered to have them put in a temporary holding facility again, where they were unlawfully held without food until late into the evening. One of them, who previously had a stroke and also suffers from diabetes, had to report to the hospital for treatment. The court left two other believers in custody (Aleksey Nikolayev and Igor Yefimov) until the conclusion of the investigation. On 1 August 2012, Oleg Marchenko was also detained, but the court released him. In the courtroom, Oleg, who suffers from a gastric ulcer, became ill and was taken to the hospital by ambulance. The defense lawyers appealed to the Supreme Court of the Chuvash Republic against the decisions to arrest Aleksey Nikolayev and Igor Yefimov. On 10 September 2012, the Court cancelled the decision of the lower court and the Witnesses were subsequently released. However, they must remain in their home towns until the criminal proceedings have concluded. They became the first prisoners of conscience among Jehovah's Witnesses in modern-day Russia.

### *Criminal charges are groundlessly based on issues which the ECHR has already refuted*

**Taganrog.** The alleged “criminal activity of the organized, extremist, criminal group”—according to the Taganrog ruling—is the same as charges already evaluated by the European Court of Human Rights (ECHR) in the case *Jehovah's Witnesses of Moscow v. Russia*, no. 302/02, 10 June 2010. Each charge against the Witnesses was refuted in the ECHR judgment. The judgment clearly stated that Russia was guilty of violating the Witnesses' rights to freedom of religion and freedom of association under Articles 9 and 11 of the European Convention on Human Rights.

**Chuvash Republic.** The criminal charges brought against Jehovah's Witnesses are again almost identical to those heard during the proceedings against the Moscow Community of Jehovah's Witnesses. Hundreds of publications of Jehovah's Witnesses seized by the Chuvash authorities during raids on the homes of Jehovah's Witnesses have been sent for analysis by experts, in contradiction of Paragraph 141 of the judgment in *Jehovah's Witnesses of Moscow v. Russia*.

**Chelyabinsk Region.** In August of 2012, local authorities did everything possible to prevent Jehovah's Witnesses from conducting their annual large worship service in the Chelyabinsk Region. On 11 January 2007, the European Court of Human Rights rendered a judgment in the case of *Kuznetsov and Others v. Russia*, condemning interference with religious worship by government officials. Despite the clearly stated position of the court, Russian authorities continue to violate the rights of believers to freedom of peaceful assembly and to freedom of religion.

### ***Government Sponsored Campaign of Persecution***

Between 11 September 2009 and 12 May 2012, there have been 1,372 incidents where the rights of individual believers have been violated. Law enforcement officials have detained 1,278 believers, carried out 136 searches of homes and houses of worship, and disrupted 17 religious services. Individual citizens opposed to Jehovah's Witnesses have committed 111 acts of violence against at least 208 Jehovah's Witnesses and committed 85 acts of vandalism against their places of worship. The authorities have done little or nothing to prevent or to punish these criminal acts.

### ***Positive developments***

In summer months of 2012 Jehovah's Witnesses had an opportunity to raise the issues with the Russian high officials who have shown more willingness to meet with the representatives of Jehovah's Witnesses in Russia than they did before. Russian authorities have also taken some positive steps to ensure that believers have an opportunity to exercise their right to freedom of religion as guaranteed by both the RF Constitution and the Convention for the Protection on Human Rights and Fundamental Freedoms.

**Gorno-Altaysk, Altay Republic.** On 22 December 2011, the Supreme Court of the Altay Republic reversed the guilty verdict rendered on 3 November 2011, by the Gorno-Altaysk City Court in the case of Aleksandr Kalistratov, chairman of the Local Religious Organization of Jehovah's Witnesses "Gorno-Altaysk." Mr. Kalistratov had been charged under Article 282(1) of the RF CrC (incitement of hatred or enmity, as well as degrading a person's dignity).

**Yoshkar-Ola, Republic of Mari El.** On 20 July 2012, Yoshkar-Ola City Court issued a not-guilty verdict in the case of Maksim Kalinin, who faced similar charges, and granted him the right for rehabilitation as a victim of unfounded criminal prosecution. (Note: On 27 July 2012, the prosecutor's office appealed the verdict.)

**Naberezhniye Chelny, Republic of Tatarstan.** On 3-5 August 2012, a convention of Jehovah's Witnesses was conducted in the Tatar language in Naberezhniye Chelny. All 50 Tatar-speaking congregations and groups of Jehovah's Witnesses throughout Russia were in attendance.

In various parts of Russia, 49 similar conventions were conducted without hindrance. In 27 other instances, the Witnesses successfully convened despite experiencing many difficulties.

**Criminal cases closed.** From December 2011 to August 2012, 28 criminal cases under Article 282 of the RF CrC were closed with either a denial to open a criminal case or a decision to terminate it.

The number of criminal investigations—both closed and still open—expose the scale of the campaign launched against Jehovah's Witnesses.

***A delegation of Jehovah's Witnesses is ready to meet with representatives of Russia attending the present conference in order to clarify any misunderstandings and to promote a constructive dialogue.***