



THE EUROPEAN ASSOCIATION OF
JEHOVAH'S CHRISTIAN WITNESSES

October 8, 2012

From The European Association
of Jehovah's Christian Witnesses

Contribution to the Report of the U.N. High Commissioner for Human Rights
on the implementation of the new review mechanism of the Human Rights
Council,

established by GA Resolution 60/251

and by the Human Rights Council in Resolution 5/1 of 18 June 2007

for the 16th session 2013 of the UPR

(Dates of the WG: April 22 to May 3, 2013).

RUSSIA

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WRITTEN SUBMISSION OF RELEVANT STAKEHOLDER TOWARDS THE UPR PROCESS

SUMMARY OF THE SUBMISSION

The 2006 revised Law on Counteracting Extremist Activity is being used by the RF Prosecutor General's Office to repress the religious activities of Jehovah's Witnesses. Presently, 68 religious publications of Jehovah's Witnesses have been posted on the Federal List of Extremist Materials and banned from distribution. A number of criminal investigations have been initiated against Jehovah's Witnesses in various regions of Russia.

Between September 11, 2009, and August 9, 2012, there have been 1,419 incidents where the rights of individual believers have been violated. The authorities have done little or nothing to prevent or to punish these criminal acts.

I. INTRODUCTION

1. Jehovah's Witnesses in Russia have enjoyed a measure of freedom to worship since receiving national registration on December 11, 1992. They also were reregistered on April 29, 1999, in accordance with the Law on Freedom of Conscience and Religious Associations. There are now some 165,000 Jehovah's Witnesses living in Russia, meeting regularly for worship in nearly 2,500 congregations and groups. A total of 407 local religious organizations (LROs) of Jehovah's Witnesses are registered in the 72 subjects of the Russian Federation (RF).
2. While Jehovah's Witnesses are grateful to have legal registration, their ability to worship freely has been under threat during most of their existence in the RF. The situation has deteriorated significantly since the October 5, 2009 UN Human Rights Council's *Report of the Working Group on the Universal Periodic Review* on the Russian Federation (UPR). The principle cause of this is the Russian authorities' misapplication of the Law on Counteracting Extremist Activity (Law on Extremism) to the peaceful religious activity of Jehovah's Witnesses.

II. RECOMMENDATIONS DURING THE 11th SESSION OF THE UPR

3. The 2009 UPR on the RF recognized that the Law on Extremism did not conform to international standards. Under Section II "Conclusions and/or Recommendations", paragraph 85.18 urged the Russian government to:

Revise relevant legislation particularly the federal law on countering terrorism and the law on extremism to ensure their compatibility with international obligations of the Russian Federation.

Additionally, paragraph 85.42 recommended that the Russian government:

. . . review the extremism and NGO laws to ensure their compatibility with international human rights obligations and standards including the United Nations Declaration on Human Rights Defenders; Revise the Law against Extremism in such a way, that it would clarify the definition of extremism . . .

4. Russian law enforcement agencies have used the loosely written Law on Extremism to harass, repress, and persecute Jehovah's Witnesses, ostensibly under the veil of law to legitimize their actions.

III. CRIMINAL PROSECUTION OF JEHOVAH'S WITNESSES ACCUSED OF EXTREMIST ACTIVITY

5. In February 2009, the Russian Federation General Prosecutor's Office issued a directive to all regional prosecutors' offices ordering investigations to be carried out on the activities of Jehovah's Witnesses with the participation of the Ministry of Interior, the Federal Security Service (FSB), the Ministry of Justice, and other governmental agencies.
6. Since 2009, at least 32 criminal investigations on "extremism" charges have been launched against Jehovah's Witnesses with damaging consequences. Victims are usually charged under the RF Criminal Code (Article 282.1 282.2) for organizing or participating in extremist activity. These charges can bring stiff fines or up to four years in prison if not successfully challenged in court. There are currently seven open criminal investigations and preinvestigative inspections in the Kirov, Ryazan, and Chelybinsk regions. The following recent examples described below demonstrate how Jehovah's Witnesses have been targeted by Russian law enforcement agencies.
7. **Taganrog, Rostov Region.** On September 11, 2009, the Rostov Regional Court ruled to liquidate the Taganrog Local Religious Organization of Jehovah's Witnesses as an extremist organization* and declared 34 religious publications of Jehovah's Witnesses to be extremist. On March 1, 2010, their place of worship in Taganrog was confiscated.
8. On August 5, 2011, a criminal case was initiated against unidentified persons. On August 25, 2011, nineteen homes of Jehovah's Witnesses were searched under the guise of the criminal case. The authorities seized Bibles, other non-prohibited religious literature, computers, and personal photographs. The searches commenced at 6:00 a.m. and lasted between 8 to 11 hours.
9. On May 31, 2012, fourteen Jehovah's Witnesses of Taganrog were indicted and three others were indicted later. Four men were accused of organizing a criminal community because they conduct peaceful religious services. The remaining 13, including three women, were accused of participating in the activity of a criminal community for simply attending religious meetings. This criminal case is expected to go to trial in the near future.
10. **Chita, Zabaykalskiy Territory.** On February 7, 2011, a criminal case was opened against Andrey and Lyutsiya Raitin in Chita under Article 282(1) of RF Criminal Code for allegedly distributing the book *What Does the Bible Really Teach?* On February 8, 2011, thirteen searches were made on homes of Jehovah's Witnesses in Chita and religious literature was confiscated.
11. The Raitins were indicted on July 8, 2011, and the trial began on December 22, 2011, in the Chitinskiy District Court. The case files included evidence of numerous violations committed by law enforcement officers—the disappearance of documents, unauthorized corrections, signs of falsification, and so on. However, the court ignored these facts and on July 27, 2012, the Raitins were each sentenced to 200 hours of community service. Defense attorneys appealed to the Zabaykalskiy Territorial Court, and a hearing is scheduled for October 18, 2012.

*The Rostov Regional Court decision of September 11, 2009, is currently part of a pending application before the European Court of Human Rights (ECHR).

12. **Republic of Chuvashia.** On September 6, 2011, a criminal case was opened against Aleksey Nikolayev, who was accused of intentionally distributing publications included in the Federal List of Extremist Materials.
13. On September 7, 2011, Aleksey Nikolayev and two other Jehovah's Witnesses, Oleg Marchenko and Farid Mannafov, were detained and held for 48 hours in a temporary holding facility. They were released after they signed a promise not to leave their home towns.

Between October 2011 and April 2012, twenty apartments and four houses of worship of Jehovah's Witnesses in Cheboksary were searched. Complaints were filed with the Supreme Court of the Chuvash Republic against the searches; almost all were denied.

14. On July 26, 2012, Aleksey Nikolayev and three other Witnesses, Igor Yefimov, Andrey Nikolayev, and Andrey Martynov, were detained for 48 hours and remanded in custody by court order for another 78 hours. The Department for Investigating Especially Important Cases of the Chuvashia Investigative Committee of the Russian Federation initiated five criminal cases against them for distributing publications of Jehovah's Witnesses and for "creating an extremist community and participating in it."
15. On July 30, 2012, the court ruled to release Andrey Nikolayev and Andrey Martynov from custody, but the investigator ordered to have them put in a temporary holding facility again, where they were unlawfully held for 10 hours without food until late into the evening. A different judge ruled to keep Aleksey Nikolayev and Igor Yefimov in custody until the conclusion of the investigation. On August 1, 2012, Oleg Marchenko also was detained temporarily, but the court refused the investigator's request for his arrest.
16. The defense counsel appealed to the Supreme Court of the Republic of Chuvashia against the decisions to arrest Aleksey Nikolayev and Igor Yefimov. Both Witnesses were eventually released on September 10, 2012. The criminal investigation continues.

IV. CIVIL CASES DECLARING PUBLICATIONS OF JEHOVAH'S WITNESSES TO BE EXTREMIST

17. In addition to the decision of the Rostov Regional Court of September 11, 2009, courts in Gorno-Altaysk, Kemerovo, Krasnodar, and Salsk ruled to declare religious publications of Jehovah's Witnesses to be extremist. Currently, 68 of these publications are on the List of Extremist Literature issued by the RF Ministry of Justice.
18. On April 26, 2010, the Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications revoked the permit to distribute *The Watchtower* and *Awake!* magazines in the RF. The reason for revoking the permit was based on the Rostov Regional Court and Gorno-Altaysk City Court decisions. All the attempts to appeal the decisions have been unsuccessful.

V. BLOCKING ACCESS TO THE OFFICIAL WEB SITES OF JEHOVAH'S WITNESSES

19. As a result of religious publications of Jehovah's Witnesses now posted on the List of Extremist Materials, courts in Chita, Khabarovsk, Komsomolsk-on-Amur, Krasnodar, Lipetsk, and Yoshkar-Ola have ordered Internet service providers to block access to Web sites of Jehovah's Witnesses that contain these publications.

VI. INTERFERENCE WITH RELIGIOUS MEETINGS AND INVESTIGATION OF THE ADMINISTRATIVE CENTRE OF JEHOVAH'S WITNESSES IN RUSSIA

20. **Petrovskiy, Chelyabinsk Region.** Jehovah's Witnesses were preparing to hold a religious meeting that is held annually. The religious meeting was to be held on a plot of land in the village of Petrovskiy in August 2012. The site belonged to Valeriy Lisyev, one of Jehovah's Witnesses. Pavel Popov, also one of Jehovah's Witnesses, informed the Krasnoarmeyskiy Municipal District Administration of the planned event. By court order, local authorities temporarily seized the property and prohibited this annual religious meeting. When Jehovah's Witnesses decided to hold the religious meeting elsewhere and tried to rent a community center in the city of Troitsk, FSB officials installed hidden video and audio surveillance in the rented building. On August 16, 2012, Valeriy Lisyev and Pavel Popov were issued summons to appear before the police for questioning.
21. At the Main Directorate of Internal Affairs, the two men were interrogated for six hours for information on the location of the next convention of Jehovah's Witnesses. An official of the Main Directorate of the Ministry of Internal Affairs of the Chelyabinsk Region forced Popov to undress completely, seized his phone, and yelled at him. When interrogating Lisyev, that same officer repeatedly struck him on the head and neck.
23. On August 20, 2012, officials from the Main Directorate of the Ministry of Internal Affairs of Russia for the Chelyabinsk Region arrived at the Administrative Centre of Jehovah's Witnesses in Russia ("the Administrative Centre"), located near Saint Petersburg. They presented a written demand to obtain all financial and business records of the Administrative Centre confirming its relationship with the legal entities and persons registered in the Chelyabinsk Region. In addition, representatives of the Administrative Centre were shown orders by Police Major General V. Kistanov, the deputy chief of the Main Directorate of the Ministry of Internal Affairs of Russia for the Chelyabinsk Region, to conduct an inspection of the religious organization's territory.
24. **Khabarovsk, Khabarovsk Territory.** The annual religious meeting was scheduled for and held on August 10-12, 2012, at *Arizona* Resort. However, on August 7, 2012, officers of the Khabarovsk Territory Department of the Russian Ministry of Internal Affairs (MIAR) and the Center for Counteracting Extremism searched the office of the *Arizona's* owner on the basis of an order issued by the Khabarovsk Territory Department of the MIAR on August 3, 2012. Although the police officers claimed it was a routine inspection, they put enormous pressure on the *Arizona's* owner to force him into rescinding the rental contract with Jehovah's Witnesses. The police even threatened the man by saying they would demolish all the buildings on the premises.

VII. ONGOING CAMPAIGN OF HARRASSMENT AND PERSECUTION OF JEHOVAH'S WITNESSES

25. Between September 11, 2009, and August 9, 2012, there were 1,419 cases of violations of the rights of Jehovah's Witnesses in Russia. Law-enforcement officials have unlawfully detained 1,326 Witnesses, carried out 142 searches of homes and buildings used for religious worship, and disrupted or interfered with 18 religious services. Individual citizens hostile to Jehovah's Witnesses perpetrated 118 assaults on 223 individuals, and also 92 acts of vandalism against buildings used for religious worship. State officials have failed to take adequate measures to prevent such crimes or to punish the perpetrators.

VIII. CONCLUSION

26. We appeal to the authorities from the Russian Federation to promptly take positive steps to protect the freedom of religion of Jehovah's Witnesses and 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) Protect the right to own and use houses of religious worship, as well as rent facilities for religious worship.
- (4) Prevent further illegal interference from the police authorities with the peaceful exercise of the freedom of religion and freedom of assembly.
- (5) Allow importation of religious publications of Jehovah's Witnesses without censorship, as guaranteed by the Russian Constitution and the European Convention on Human Rights.