



THE EUROPEAN ASSOCIATION OF
JEHOVAH'S CHRISTIAN WITNESSES

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From The European Association of Jehovah's Christian Witnesses

**Contribution to the Report of the U.N. High Commissioner for Human Rights
prepared pursuant to 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
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EXECUTIVE SUMMARY

Despite positive developments with regard to religious freedom, Jehovah's Witnesses remain concerned over the inadequate response by police investigative bodies and prosecutors in cases of religiously motivated assaults and vandalism.

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

- (1) Prosecute vandals and hooligans who attack their houses of worship and harass and harm our members during their religious activity
- (2) Prosecute acts motivated by religious hatred as such
- (3) Stop the illegal obstruction to the building and use of places of worship

I. INTRODUCTION

1. The European Association of Jehovah's Christian Witnesses (EAJCW) is a charity registered in the United Kingdom. It provides support to Jehovah's Witnesses facing fundamental human rights violations in various parts of the world. This submission is based on the most recent reports submitted by victims to the national office of Jehovah's Witnesses in Ukraine.
2. Jehovah's Witnesses have been present in Ukraine at least since 1926. There are over 140,000 Jehovah's Witnesses living in Ukraine. They have enjoyed freedom to worship since receiving national registration in 1991.
3. In view of the present situation in the region, we present our report with a separate section (III) focusing on the situation in the Donetsk and Luhansk Regions where Jehovah's Witnesses face the more severe infringements of their rights.

II. SITUATION IN UKRAINE

II.A. Hate Crimes and Inaction by Authorities

4. During 2014 through 2016, there were 115 incidents of religiously motivated violence against individual Witnesses. Only 8 perpetrators were convicted by court. The overwhelming majority of the perpetrators were permitted to act with impunity.
5. As can be observed from the two sample cases referred to hereafter, this impunity often reflects a discriminatory view of the rights of members of religious minorities. As a reminder, Ukraine supported the recommendation issued by Brazil on the theme of Equality and Non-discrimination (Recommendation 97.59 in the matrix of recommendations following the 2nd review cycle) that encouraged Ukraine to "*continue its effort to combat discrimination and promote equality in accordance with international treaties establishing guarantees of fundamental human rights and freedoms, and equality in the enjoyment of such rights, without*

privileges or restrictions based on (...) religious or other belief (...)" - Source of position:
A/HRC/22/7/Add.1

(1) **Town of Chuhuiv, Kharkiv Region.** On the afternoon of 15 March 2016, 67-year-old Tamara Barsuk and 62-year-old Vira Gyl were sharing a Bible message with others. A man approached them in the street and said: "Jehovah's Witnesses are scum! They deceive people." Then he kicked Mrs Gyl. The women started to run, but he caught up to them and repeatedly punched and kicked them until the women lost consciousness. He also destroyed their religious literature. Both women were hospitalized with numerous injuries requiring intensive medical treatment for four weeks.

On 11 October 2016, the assailant was sentenced for mere infliction of bodily injuries to two years of imprisonment, but the judge and prosecutor refused to recognize the more serious charge of committing a religiously motivated hate crime. The judgment was appealed by the assailant. The court proceedings are still ongoing.

(2) **Village of Komyslivka, Odessa Region.** On 3 April 2014, a local priest of the Orthodox Church, O.P. Greku, tried to run down with his car 19-year-old Mikhaela Kalynych and injure other Witnesses. He shouted, "Demons! What do you do here? Have you not yet understood? I have told you to leave this village!" The investigation into this incident is still hopelessly ongoing and as a result the perpetrator remains unpunished.

On 28 July 2016 and on 16 March 2017, O.P. Greku threatened local Jehovah's Witnesses while they were engaged in their religious activity.

This is the 13th attack in a period of two years of harassment of local Jehovah's Witnesses, including mob attacks, assaults, and arsons. Neither O.P. Greku nor any of his supporters have been punished. As a result, some Witnesses had to leave this village and move to another location.

6. In its Concluding Observations on Ukraine's seventh periodic report, the UN Human Rights Committee expressed concern at "*reports of hate speech, threats and violence against members of ethnic groups, religious and national minorities, in particular ... Jehovah's Witnesses ... resulting in physical assaults, acts of vandalism and arson ...*" The Committee also expressed concern that "*article 161 of the Criminal Code (inciting ethnic, racial or religious animosity and hatred) ... is rarely used [by State authorities] and that such crimes are usually prosecuted under hooliganism charges.*" The Committee called on Ukraine to reverse this disturbing trend and to "*step up its efforts to ensure that alleged hate crimes are thoroughly investigated, that perpetrators are prosecuted under article 161 of the Criminal Code and, if convicted, punished with appropriate sanctions ...*"¹
7. A communication about five separate violent attacks that occurred at different times and in different regions of Ukraine against seven of Jehovah's Witnesses was filed on 27 September 2016 with the UN Human Rights Committee. Each attack was motivated by religious hatred.
8. These assaults resulted in serious physical injuries and psychological trauma. For instance, in one of these cases, the complainant was shot with a bullet from a pneumatic gun, which could not be extracted through surgery. None of the perpetrators, however, were prosecuted under article 161 of the Criminal Code (or any other provision of the Criminal Code).

¹ Human Rights Committee, Concluding observations on the seventh periodic report of Ukraine, CCPR/C/UKR/CO/7, 22 August 2013, para. 11.

9. In all five cases, the victims provided the police with detailed evidence proving the crimes, including the identity of the perpetrators and where the perpetrators could be found. Despite repeated appeals demanding that the police, investigators, and prosecutors execute their lawful duty, the investigation in these five cases has now lasted between 22 months and more than 8 years and still the perpetrators have not been charged with any crime.
10. The State authorities, notably investigative bodies of police and prosecutor's offices, have completely failed their duty to conduct thorough and rapid investigations into these violent crimes. Their inaction shows disdain and religious discrimination towards the victims.

II.B. Discriminatory Reversal of Building Permits of Houses of Worship

11. Recently Jehovah's Witnesses have faced significant interference by State officials when building their houses of worship. In most cases this occurred when houses of worship had already been built. This interference prevents local Witnesses from using their newly completed houses of worship. Following are some sample cases of this worrying trend:

(1) Village of Magdalynivka, Dnipropetrovsk Region.

On 2 August 2016, under the pressure of the "initiative group," the Regional Department of the State Architect-Building Inspection (DSABI) reversed its 21 September 2015 approval for the commencement of the construction. This was done after the construction of the house of worship was completed. Thus, the local community of Jehovah's Witnesses has been unable to put the building in operation. The issue has been brought before the court.

(2) Village of Vyhoda, Biliaivka District, Odesa Region.

On 27 September 2016, under the pressure of the priest and adherents of the Orthodox Church of Moscow Patriarchate, the Department of Town Construction and Architecture at the Biliaivka District State Administration reversed its 20 November 2014 approval for the developing of a design for a house of worship. This was done after the construction of the house of worship was completed. A few weeks earlier the same priest had assembled people and had blocked the work at the construction site.

On 3 January 2017, Mr D.P. Chapir, a deputy of the Odesa Regional Council, acting on behalf of a churchgoer, filed with the court a claim seeking the reversal of the 10 May 2016 Declaration of the Commencement of the Construction. This was done after the construction of the house of worship was completed.

(3) Village of Onufriivka, Kirovohrad Region.

On 29 December 2016, the regional DSABI reversed the 7 July 2015 approval for the developing of a design for a house of worship. Then, on 13 January 2017, it reversed the 31 October 2015 approval for the commencement of the construction. This was done after the construction of the house of worship was completed.

II.C. Arson and Vandalism of Houses of Worship

12. During 2014 through 2016 there were 135 incidents of vandalism against the Kingdom Halls of Jehovah's Witnesses, including 10 arson attacks. None of the perpetrators has been held liable.
13. **Town of Krolevets, Sumy Region.** On the nights of 11 and 15 March 2016, an unidentified person desecrated the local Kingdom Hall by throwing human excrement onto the walls. The

Kingdom Hall was desecrated in this way nine times. The last two incidents were classified as petty hooliganism (Article 173 of the Code of Administrative Offenses of Ukraine), and no criminal proceedings were initiated.

14. **City of Kyiv.** On the night of 24 April 2016, and again on 30 April 2016, unidentified persons using Molotov cocktails attempted to set fire to the Kingdom Hall at 64 Pozharskoho Street. A married couple were in the building on the first occasion but were not injured because the fire was quickly extinguished. The crimes remain unresolved.
15. **City of Odesa.** During the night of 1 May 2016, a group of people, using four Molotov cocktails, tried to set fire to the Kingdom Hall at 45 Orlovska Street. The attempt failed, and the crime remains unresolved.
16. **Town of Lozova, Kharkiv Region.** On 17 May 2016, unidentified individuals wrote offensive slogans on the Kingdom Hall at 14B Sevastopolskyi Boulevard. A similar incident took place on 11 August 2014. In both cases the police failed to identify and charge the perpetrators.

II.D. Positive Developments With Respect to Religious Freedom

II.D.1. Recognition of the Right of Conscientious Objection to Military Service

17. In its 23 June 2015, decision, the High Specialized Court of Ukraine for Civil and Criminal Cases acquitted Mr Vitaliy Shalaiko of the charge of evading mobilization and upheld the right of conscientious objection to military service. State authorities are applying this decision in order to avert prosecutions of other Witnesses for their conscientious objection.

II.D.2. Ministry of Internal Affairs Gives Support to Combating Hate Crimes

18. In December 2015, the Ministry of Internal Affairs (MIA) compelled its subordinate agencies to consider at all times the recommendation of the UN Human Rights Committee (August 22, 2013, UN Document CCPR/C/UKR/CO/7, para. 11) regarding hate crimes. The Committee recommended that authorities thoroughly investigate, prosecute, and punish acts of ethnic, racial, and religious hate crimes under Article 161 of the Criminal Code of Ukraine (CCU), not merely treating them as acts of hooliganism. The recommendation specifically mentioned physical assaults and acts of vandalism targeting Jehovah's Witnesses.
19. In March 2015, the MIA similarly directed that acts of vandalism must be classified under Article 178 of the CCU ("damage or destruction of a place of worship").

II.D.3. Freedom of Assembly

20. In October 2015, the Ombudsman lodged a constitutional submission with the Constitutional Court of Ukraine concerning the non-conformity of Article 21 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations." State authorities have repeatedly referred to Article 21 in order to restrict the rights of Jehovah's Witnesses to conduct religious services in rented premises.

On 8 September 2016 the Constitutional Court of Ukraine ruled (no. 1-13/2016) that the contested Part 5 of Article 21 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" is unconstitutional.

III. CERTAIN TERRITORIES IN THE DONETSK AND LUHANSK REGIONS

EXECUTIVE SUMMARY

Jehovah's Witnesses suffer persecution and arbitrary detentions in certain territories of the Donetsk and Luhansk regions in Eastern Ukraine. During the last year, 15 of Jehovah's Witnesses, including some elderly members, were detained because they are not members of the Orthodox Church and because of their conscientious objection to military service.

Eleven Kingdom Halls of Jehovah's Witnesses have been seized in the towns of Horlivka, Perevalsk, Krasnyi Luch, Telmanove, Yenakieve, Brianka, and Donetsk. As a result of the misapplication of the recently adopted Donetsk People's Republic (DPR) Law on Freedom of Religion and Religious Organizations, two Kingdom Halls were seized in the town of Horlivka in July 2016. Although there is no procedure for registration and to date no religious organization can get registered after the adoption of the aforesaid law, Jehovah's Witnesses have been accused and threatened for carrying unlawful religious activity.

Local law-enforcement authorities refuse to investigate the reports of hate crimes or the actions of armed groups.

Jehovah's Witnesses in the Donetsk and Luhansk regions and as a worldwide organization respectfully request the Donetsk and Luhansk regions to:

- (1) Allow Jehovah's Witnesses to carry out their worship peacefully, including their volunteer community service of talking to their neighbours about God's Word
- (2) Allow Jehovah's Witnesses to assemble peacefully for worship
- (3) Return all illegally seized Kingdom Halls (houses of worship)

III.A. Interference With Manifestation of Belief

21. On 14 July 2016 the DPR Law on Freedom of Religion and Religious Organizations was adopted by the parliament of the DPR and came into effect. The law stipulates the right to practice one's religion in private or together with others. It also guarantees alternative service if military service conflicts with one's religious beliefs. At the same time, the law obligates all existing religious communities, with the exception of the Russian Orthodox Church, to register in the DPR and forbids their activity without this registration. The authorities are given a wide range of authority in issuing registration permits.
22. Local authorities impose restrictions on religious freedom. For example, in Dokuchaievsk on 24 June 2016 a representative of the Ministry of State Security prohibited local Jehovah's Witnesses from "engaging in their education activities, that is, conversing with people on religious subjects" beyond the territory of the Kingdom Hall. He said that the Witnesses caught engaging in this activity would be arrested and detained for 30 days.

III.B. Abductions and Torture

23. During the last several years, 15 of Jehovah's Witnesses, including some elderly, were abducted. The victims were punished because they are not members of the Orthodox Church and because of their conscientious objection to military service. When they were freed, they were strictly forbidden to continue their religious activity or to spread their religious beliefs. On many occasions, local officials ordered Jehovah's Witnesses to stop their religious activity under threat of arrests and fines.
24. On 17 January 2016 in Horlivka three armed men in camouflage uniforms and balaclavas burst into the Kingdom Hall. Their commander arrested 19-year-old Pavlo Dmitriev and 33-year-old Oleksandr Stadnik. The 30 present were ordered to disperse. Over the next hour, the Kingdom Hall was searched, and all of the religious literature was confiscated as "extremist." Serhii Rakita, 49 years old, was also arrested.
25. The Combating Organized Crime Unit later stated that all three detainees were placed in temporary detention because of their "involvement with an extremist organization whose activity is prohibited in the territory of the DPR by the order of the Head of the Republic." The families of the three men were unable to learn the name of the investigator responsible for the detention and were unable to challenge the arrest.
26. On 30 January 2016 all three were detained in Makiivka until their release on 16 February 2016, without ever being informed of the reasons for their arrest.

III.C. Seizure of Houses of Worship

27. Throughout these territories in 2014 through mid-2016, armed men seized 18 Kingdom Halls of Jehovah's Witnesses; 8 of the buildings remain in the possession of armed groups.
 - (1) In the town of Horlivka, armed men arrested 46-year-old Volodymyr Popkov on 25 July 2016. Referring to the newly published DPR Law on Freedom of Religion, they stated that Jehovah's Witnesses are prohibited and they confiscated the Kingdom Hall. Mr Popkov was taken to the Combating Organized Crime Unit, interrogated, and threatened that if he did not stop his religious activity, he would be shot. That evening, the Kingdom Hall was plundered by armed men. All the furniture and the audio and video equipment were removed. Police refused to respond to the victims' crime reports.
 - (2) On 22 July 2016, during a religious service in a Kingdom Hall, five armed men intruded and ordered all 60 people in attendance to vacate the building immediately. The men stated that Jehovah's Witnesses are a forbidden religion. Oleksandr Ihnashov, 53 years old, was arrested and taken to the Combating Organized Crime Unit. He was interrogated and informed of the seizure of the Kingdom Hall, allegedly by the order of the head of the Republic.

III.D. Hate Speech

28. On 17 November 2015, the Deputy Head of the People's Council of DPR, Olga Makeeva, made a blatantly false claim on the TK Union TV channel that Jehovah's Witnesses are directly involved in terrorist attacks and the murder of civilians.