

INTERIM REPORT

RUSSIA'S ATTACK ON JEHOVAH'S WITNESSES

PERSECUTION OF THE
RELIGIOUS COMMUNITY OF
175,000 IN RUSSIA

OFFICE OF GENERAL COUNSEL
WORLD HEADQUARTERS OF JEHOVAH'S WITNESSES

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How did Russia's campaign to combat terrorism result in the ban on Jehovah's Witnesses as "extremists"?

THE RUSSIAN GOVERNMENT—

Modified the law

Since July 2006, the Federal Law on Counteracting Extremist Activity has not required appeals to violent acts in order to bring a charge of extremism, only alleged "incitement of . . . religious discord" or "advocacy of the exclusivity, superiority, or inferiority of a person on the basis of" religion.

Targeted the Witnesses

In January 2007, the Prosecutor General's Office directed all prosecutors' offices in Russia to investigate Jehovah's Witnesses for signs of extremism.

Ordered "expert studies"

In July 2009, an "expert study" of the Witnesses' religious literature found that it does not incite hostile actions, but the study concluded that "the literature contains information capable of undermining the reader's respect for Christian religions". (Emphasis added.)

On 11 September 2009, the Rostov Regional Court relied on the "expert study" to declare 34 Witness publications "extremist" and to rule that the Local Religious Organisation (LRO) of Jehovah's Witnesses in Taganrog was "extremist"—and thus to order the liquidation of the LRO and seizure of its property. The Supreme Court later upheld the decision.

Numerous other "expert studies" followed, often by the same biased "experts". The courts ignored studies by bona fide experts that confirmed there was no evidence of extremism. Numerous negative court decisions resulted in the posting of 93 Witness publications on the Federal List of Extremist Materials.

Construed worship as extremism

On 30 November 2015, the Taganrog City Court convicted 16 Witnesses on charges of extremism for organising and attending peaceful religious meetings.

Fabricated evidence

Law-enforcement officers fabricated "evidence" by planting the Witnesses' banned literature in places of worship, and then "finding" it in a subsequent search. Prosecutors across Russia liquidated LROs on this basis, the courts having accepted the falsified evidence despite surveillance video showing the officers' illegal actions.

Liquidated legal entities

On 2 March 2016, the Prosecutor General's Office used the courts' contrived decisions to support its warning letter addressed to the Administrative Centre of Jehovah's Witnesses in Russia.

On 20 April 2017, the Supreme Court ruled in favour of the Ministry of Justice—"to liquidate the Religious Organisation Administrative Centre of Jehovah's Witnesses in Russia and the local religious organisations that are part of its structure [and] to turn over to the Russian Federation the property of the liquidated religious organisation".

On 17 July 2017, the Appellate Chamber upheld the 20 April Supreme Court decision.

Banned as "extremists"

By 17 August 2017, the Administrative Centre and all 395 LROs throughout Russia were posted on the List of Extremist Organisations

RUSSIA IS ITSELF GUILTY OF EXTREME RELIGIOUS INTOLERANCE

The General Prosecutor’s Office has grossly misapplied a single law—the Law on Counteracting Extremist Activity—to criminalize the peaceful religious worship of over 175,000 of Jehovah’s Witnesses in Russia.*

Today, any one of Jehovah’s Witnesses in Russia who continues his worship is under the very real threat of criminal prosecution and punishment for “continuing the activity of an ‘extremist’ organisation”.

What “crime” in the activity of Jehovah’s Witnesses compelled the government to ban the Witnesses’ organisations throughout Russia?

None.

In all the court proceedings that led to the ban on the legal entities of Jehovah’s Witnesses in Russia, the **authorities did not identify even one victim** or even one case of religious discord or animosity that threatened Russian society or its institutions.

* Russia’s extremism law is internationally criticized for its formulation and its “capacity of imposing severe restrictions on fundamental freedoms”. See the Venice Commission Opinion no. 660/2011 (CDL-AD(2012)016, 20 June 2012, pars. 73-77; “The honouring of obligations and commitments by the Russian Federation,” Doc. 13018, Parliamentary Assembly of the Council of Europe, 14 September 2012, pars. 497-507; “Concluding observations on the seventh periodic report of the Russian Federation”, UN Human Rights Committee, U.N. Doc. CCPR/C/RUS/CO/7, 28 April 2015, par. 20.

IT IS WRONG TO LABEL JEHOVAH’S WITNESSES AS “EXTREMISTS”

1	Expressing hatred, enmity and violence are contrary to the fundamental tenets of their faith.
2	Jehovah’s Witnesses have existed in Russia since 1891 and have never called for violence, for overthrowing power or for otherwise threatening the security of the State.
3	During the Soviet era, the Witnesses were banned and endured severe persecution for peacefully practising their faith. On 14 March 1996, Presidential Decree No. 378 legally rehabilitated thousands of Jehovah’s Witnesses after the “decades of terror” they endured as victims of repression in the USSR.
4	Based on outright lies, the Moscow courts liquidated the Religious Community of Jehovah’s Witnesses in Moscow. The Witnesses then appealed to the European Court of Human Rights (ECHR). On 10 June 2010, the ECHR judgement declared the ban on the Moscow Community a violation of human rights and found no substance to the charges. Thereafter, State authorities began fabricating evidence to incriminate the Witnesses. “The applicant community of Jehovah’s Witnesses had existed and legally operated in Moscow for more than twelve years, from 1992 to 2004. During the entire period of its lawful existence the applicant community, its elders and individual members had never been found responsible for any criminal or administrative offence or a civil wrong.”— <i>Jehovah’s Witnesses of Moscow and Others v. Russia</i> , ECHR judgment no. 302/02, 10 June 2010, par. 158.

1

ATTACK ON THE RELIGIOUS COMMUNITY OF JEHOVAH'S WITNESSES—DENYING THEIR FREEDOM OF EXPRESSION

On 17 August 2017, the Vyborg City Court declared “extremist” the *New World Translation of the Holy Scriptures* in the Russian language. This is the first time that the Bible has been banned in a country where the majority of its citizens claim to be Christian.

The Vyborg City Court relied exclusively on an “expert” study as the basis for its case, but the study did not identify a single quotation from the *New World Translation* that it considered to be “extremist”. As in other cases, the court ignored expert studies that came to the opposite conclusion.

The court focused on the study’s conclusion that the *New World Translation* is “extremist” because of its use of the divine name, Jehovah—the name derived by transliteration (in English, YHWH), which occurs 6,828 times in the original Hebrew and Aramaic texts of the Bible.

Lawyers representing Jehovah’s Witnesses presented evidence to challenge this reasoning, including ten other Russian Bibles that use the name Jehovah, as well as poetry by Tsvetaeva and Pushkin and books by Kuprin, Goncharov and Dostoyevsky and also excerpts from other classic Russian literature. They also pointed to the 19th-century Russian-language Makarios Bible, produced by Orthodox translators, in which the name Jehovah occurs more than 3,500 times.

The “expert” study groundlessly claimed that the *New World Translation* is “not a Bible”, thus circumventing the Law on Counteracting Extremist Activity, which forbids declaring “extremist” sacred texts such as the Bible.

Yaroslav Sivulskiy, a representative for the European Association of Jehovah’s Witnesses, stated: “For as often as Russian authorities have misapplied the law on extremism to our religious worship, now they are trying to bypass it—claiming that the *New World Translation* is not a Bible so that they can declare it extremist. It’s just another example of how far Russian authorities will go to malign Jehovah’s Witnesses.”

On 20 December 2017, the Leningrad Regional Court upheld the decision banning the *New World Translation* in the Russian language.

The decision is now enforceable—and is a threat to Witnesses who possess this Bible.

This ban on the Bible will be used by Russian authorities as another weapon to harass and repress Jehovah’s Witnesses in Russia



2

ATTACK ON THE RELIGIOUS COMMUNITY OF JEHOVAH'S WITNESSES—SEIZING THEIR PROPERTY

The 20 April 2017 Supreme Court decision ordered all the Witnesses' legal entities to be liquidated and their properties confiscated.

National headquarters in Solnechnoye—court proceedings to seize property under way

On 7 December 2017, the Sestroretskiy District Court ruled in favour of the prosecutor and annulled a long-standing contract—in 2000, the Administrative Centre property had been legally transferred to Watch Tower Bible and Tract Society of Pennsylvania (WTPA), a U.S. entity.

The contract was never questioned prior to the 20 April 2017 Supreme Court decision, and the time limit to contest the transaction expired years ago.

WTPA paid the taxes on the property and granted use of the property to the Administrative Centre for it to direct the religious activity of Jehovah's Witnesses in Russia.

If upheld on appeal, the district court's ruling provides Russian authorities with a legal veneer to confiscate the property of WTPA located in Solnechnoye, near St. Petersburg.

Large Assembly Hall in St. Petersburg—confiscated and given away

On 14 December 2017, Russian authorities broke into the Kolomyazhskiy Assembly Hall of Jehovah's Witnesses in St. Petersburg, cordoned off the building and took control of the property. The Russian government confiscated the property and then gave it to a new owner.

Houses of worship confiscated

Authorities have seized houses of worship across Russia.

This action by the Russian Federation is unprecedented in the Council of Europe—a member State imposes a nationwide ban on a peaceful religious organisation that is active in all member States and in most countries worldwide, seizes the national headquarters belonging to a foreign entity, and desecrates their sacred places of worship by converting them to secular purpose. This seizure of religious buildings of Jehovah's Witnesses is the largest nationalisation of private property in Council of Europe history

Vasily Kalin, the former chairman of the Administrative Centre, expressed his feelings on being forced to leave the Administrative Centre. He stated: "I was heartbroken. This is where we lived and worshipped for 24 years. Of course it was hard to leave and no longer be able to provide spiritual support to our fellow believers throughout Russia. It felt as though someone ripped apart a piece of my heart."



3

ATTACK ON THE RELIGIOUS COMMUNITY OF JEHOVAH'S WITNESSES—PROSECUTING THEIR WORSHIP AS CRIMINAL ACTIVITY

One of Jehovah's Witnesses is in jail—detained merely for practising his faith, as in the Soviet era. Others are under criminal investigation, facing prosecution for alleged extremist activities.

Dennis Christensen is a citizen of Denmark and an elder in the Oryol Congregation and has been in pre-trial detention since the 25 May 2017 raid on the congregation's worship services.

The prosecutor alleges that by meeting for worship, the Witnesses are continuing the activity of an extremist organisation—the Oryol LRO had previously been liquidated. The Sovietskiy District Court of Oryol ordered that Mr Christensen be detained during the investigation. If convicted, he faces a prison term of six to ten years. His pre-trial detention has been extended twice, and he remains in detention, even though the investigation is completed and Danish authorities have assured the Russian government that they will not provide Mr Christensen with travel documents.

Sixteen of Jehovah's Witnesses in Taganrog were criminally convicted under the extremism law merely for their worship.

Similar to the experience of Mr Christensen, a number of Witnesses in Taganrog were criminally charged because they continued to meet for peaceful worship after authorities had liquidated the LRO. In November 2015, the 16 Witnesses were convicted, and in March 2016, the convictions were upheld on appeal. However, because the lengthy proceedings exceeded the statute of limitations, their sentences and fines were suspended.



Mr Christensen's detention and the criminal convictions in Taganrog show that the authorities intend to deny Jehovah's Witnesses any right to worship in Russia

4

ATTACK ON THE RELIGIOUS COMMUNITY OF JEHOVAH'S WITNESSES—DEPRIVING WITNESSES OF THEIR PARENTAL RIGHTS

The 14 November 2017 resolution of the Plenum of the Supreme Court of the Russian Federation, point 16(c), states that parents may be deprived of their parental rights for involving their children “in the activity of a public or religious association or other organisation regarding which there are enforceable court decisions concerning their liquidation or concerning a ban on their activity.”

This resolution can be invoked as law by domestic courts in cases filed by prosecutors to deprive individuals of parental rights.

On 23 November 2017, the Ministry of Education issued its recommendations on “resocialisation of adolescents who have been subjected to destructive psychological influence.” The document identifies only two groups of children for State-imposed “resocialising”—children of ISIS members and “tens of thousands of children and adolescents” in families of Jehovah’s Witnesses.

The Ministry of Education directive sets out a program of monitoring families, creating centres for psychological resocialisation and education and using “corrective” measures for “recovery” from “personality deformations”.

Thousands of Witness parents are shocked by the implications of this move by the Russian government and are vitally concerned for the safety and welfare of their children.

The Ministry of Education’s recommendations echo the program of re-educating dissidents during the Soviet era and the Nazi regime. If this program moves forward on a large scale, it will bring great trauma to the families concerned



STATE ATTACK ON THE 175,000 OF JEHOVAH'S WITNESSES IN RUSSIA—ATTEMPTING TO EXTERMINATE A PEACEFUL RELIGIOUS COMMUNITY

COMPLETE LOSS OF RELIGIOUS FREEDOM

ATTACK ON FREEDOM OF EXPRESSION

- Ban on the *New World Translation of the Holy Scriptures* in the Russian language
- All religious publications of Jehovah's Witnesses banned or denied import
- JW.org website banned as "extremist"

DENIAL OF THE RIGHT TO CONSCIENTIOUS OBJECTION

- Government takes stance that Jehovah's Witnesses, who are considered "extremists," must serve in the military

ABROGATION OF PARENTAL RIGHTS

- Resolution of 14 November 2017 of the Plenum of the Supreme Court and 23 November 2017 directive of the Ministry of Education threaten to seize and re-educate children of Jehovah's Witnesses

ATTACK ON FREEDOM OF RELIGION AND BELIEF

- Stripped of legal recognition by the 20 April 2017 Supreme Court decision
- Administrative Centre and all 395 LROs of Jehovah's Witnesses in Russia liquidated and placed on Federal List of Extremist Organisations
- Stripped of substantial property, including houses of worship
- WTPA property used by the Administrative Centre under threat of State seizure

ATTACK ON FREEDOM OF PEACEFUL ASSEMBLY

- Witnesses denied use of their houses of worship; government seizes them
- Criminal convictions on charges of extremism merely for worship
- Mr Dennis Christensen in pre-trial detention since 25 May 2017
- Sixteen Witnesses in Taganrog criminally convicted in March 2016
- Other criminal investigations against individual Witnesses under way

RELIGIOUS DISCRIMINATION

NEGATIVE MEDIA

- Media slander and marginalisation of Jehovah's Witnesses

ABUSES SUFFERED BY WITNESSES

- Assaults, arson, employment dismissals and other abuses

Jehovah's Witnesses respectfully request the Russian Federation to honour its obligation to protect fundamental freedoms and to stop the persecution
