



THE EUROPEAN ASSOCIATION OF
JEHOVAH'S CHRISTIAN WITNESSES

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From The European Association of Jehovah's Christian Witnesses

**Complementary Submission to the UN Human Rights Committee
subsequent to the adoption of the List of Issues**

Seventh report of the

Russian Federation

(113th Session of the Human Rights Committee - 16 March to 2 April 2015)

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Summary of the Submission

The present complementary submission to the Human Rights Committee intends to provide observations on the *Written Replies to the List of Issues* submitted by the Russian Federation (CCPR/C/RUS/Q/7/Add.1). It also aims to briefly update the Committee on serious ongoing violations.

The European Association of Jehovah's Christian Witnesses (EACJW) noted with great appreciation that the concerns raised in their initial submission were incorporated in the *List of Issues* in their entirety (CCPR/C/RUS/7).

I. Observations on the Russian Federation *Written Replies to the List of Issues*

1. The Russian Federation has been ignoring the Committee's previous Concluding Observations (CCPR/C/RUS/CO/6, para. 25) requesting the Russian authorities to revise the Federal Law on Combating Extremist Activity with a view to making the definition of "extremist activity" more precise so as to exclude any possibility of arbitrary application.
2. In its *List of Issues* (CCPR/C/RUS/Q/7, para. 27) adopted in connection with the consideration of the seventh report of the Russian Federation, the Committee requested the Russian Federation comment on steps taken to amend the Federal Law on Combating Extremist Activity of 25 July 2012, in order to clarify the definition of extremism.
3. In their *Written Replies to the List of Issues*, Russia simply avoided the CCPR's concerns indicating that the "*current Russian legislation has a detailed definition of extremism which does not conflict with the international obligations of the Russian Federation and is duly applied by law-enforcement agencies and courts*" (CCPR/C/RUS/Q/7/Add.1, para. 165). This shows that Russia does not have any intention to follow the Committee's recommendations.
4. The Committee also requested Russia's comments on reports of interference with Jehovah's Witnesses' right to profess their religion throughout the country.
5. The Russian Government replied that "*Only a few of them (religious organizations affiliated with the religion 'Jehovah's Witnesses') have had their activity suspended or terminated by decision of Russian courts in connection with violations of current legislation committed by these religious organizations*" (CCPR/C/RUS/Q/7/Add.1, para. 166).
6. Russia denies violating Jehovah's Witnesses' rights as protected by the ICCPR.
7. It is worth mentioning that the Parliamentary Assembly of the Council of Europe (PACE) took a similar approach as the CCPR. PACE was compelled to comment on Russia using the anti-extremism law to violate the religious freedom of Jehovah's Witnesses and declared Russia's actions unacceptable. It sent the Law of Extremism to its advisory body (The Venice Commission) for their opinion. On 20 June 2012, the Commission issued a comprehensive report stating that the Extremism Law is "*too broad, lack[s] clarity, and may open the way to different interpretations. [...] As such, the Extremism Law has the capacity of imposing disproportionate restrictions of fundamental rights and freedoms as enshrined in the European Convention on Human Rights [...]*". Following the Commission's opinion, PACE adopted a resolution urging Russia to "*refrain from applying the law on extremist activities against all religious communities, especially Jehovah's Witnesses*" (PACE Resolution 1896 [2012]; 25:31 – Appendix 4 initial submission).

8. Russia's reply is confirmation that it has ignored European and United Nations bodies' recommendations and continues to misapply the law on extremist activities against Jehovah's Witnesses. This has resulted in serious ongoing human rights violations.

II. Update on ongoing violations of the International Covenant on Civil and Political Rights (ICCPR – Articles 2, 18, 19, 20, 21, 22, 26, and 27)

9. Our initial submission that was filed on 25 April 2014, commented on several issues related to Jehovah's Witnesses (criminal prosecutions of Jehovah's Witnesses accused of engaging in extremist activity, attempts to declare the religious literature and the official Web site of Jehovah's Witnesses as extremist, difficulties to obtain land for houses of worship, disruptions of religious meetings, investigations of Local Religious Organizations).
10. We greatly appreciate the Committee taking this information into consideration and including it in its *List of Issues* (CCPR/C/RUS/7, para. 27).
11. We would like to emphasize that our office in Russia informed us that the issues mentioned above are ongoing. Similar covenant violations have been observed during the past year confirming that no improvements have been made and the situation has even deteriorated. The EACJW feels compelled to briefly update the Committee on the following issues.

Freedoms of Religion and Expression (ICCPR – Articles 18, 19, 26 and 27)

The official Web site of Jehovah's Witnesses declared extremist

12. On 22 January 2014, the Tver Regional Court reversed a lower court's decision that declared the Web site of Jehovah's Witnesses "extremist" (<http://www.jw.org>). The regional court concluded that the Web site did not contain any "extremist" material. The Russian government appealed the decision of the Tver Regional Court.
13. On 2 December 2014, the Supreme Court of the Russian Federation reversed the Regional Court's decision and ruled that the Web site was "extremist." The [jw.org](http://www.jw.org) Web site address will be posted on the Federal List of Extremist Materials. This constitutes an unprecedented violation of freedoms of religion and expression. The Russian Federation is the only country that declared the [jw.org](http://www.jw.org) extremist.
14. The Web site is available worldwide and contains general interest and Bible-based advice on a range of topics in over 700 languages, including 24 languages indigenous to Russia and 79 sign languages. It is used by Jehovah's Witnesses throughout the world in congregation, personal, and family Bible study and in discussions with interested persons. It is an integral part of their worship.
15. This ruling means that anyone who advertises the Web site in the Russian Federation—even to read the Bible—may be subject to criminal prosecution for "extremist activity." Also anyone distributing literature or items with a [jw.org](http://www.jw.org) logo or hyperlink could face criminal charges.

Freedoms of Religion, Assembly and Association (ICCPR – Articles 18, 21, 22, 26 and 27)

Criminal prosecutions of Jehovah's Witnesses accused of extremist activity

16. The following information provides updates on two major criminal cases.

17. **Taganrog, Rostov Region.** On 30 July 2014, the 15-month long criminal trial against 16 Jehovah's Witnesses ended when the Taganrog City Court convicted and sentenced 7 of the accused for attending and organizing their peaceful religious meetings. The 16 were prosecuted under the Law on Extremism merely for carrying out the same religious activity that Jehovah's Witnesses perform around the world.
18. The judge sentenced each of the four congregation elders to prison terms of five to five and a half years and to pay a fine of RUB 100,000 (USD 2,500). He sentenced three other Witnesses to pay fines of RUB 50,000 to 60,000 (USD 1,250 to 1,500) each. The judge waived all of the fines because the investigation and trial exceeded the statute of limitations, and he suspended the prison sentences. The remaining nine Witnesses were acquitted.
19. The judge relied on the September 2009 ruling of the Rostov Regional Court that liquidated the legal entity of Jehovah's Witnesses in Taganrog as an extremist organization. Although the 2009 ruling targeted only the legal entity, the judge expressed his opinion that there is a complete ban on the religious activity of all of Jehovah's Witnesses in Taganrog and nearby areas. His decision stated that the congregations in that region are "forbidden" to "prepare and hold religious services, religious meetings, and religious events" and among other things, to "obtain, or distribute religious literature." This verdict sets a dangerous precedent in restricting religious freedom for Jehovah's Witnesses throughout Russia.
20. For those sentenced, their resolve to continue their religious activity means that they face the possibility of imprisonment as repeat offenders. The Witnesses appealed the decision to the Rostov Regional Court. The prosecutor also appealed asking that all 16 Jehovah's Witnesses be found guilty. It appears that the Rostov Regional court upheld the prosecutors appeal and does not want to acquit some of the Witnesses. Thus the case was sent back to the Taganrog City Court for consideration by a new judge. The next hearing is scheduled for 3 March 2015, and will continue thereafter.
21. **Samara, Samara Region.** The authorities in Samara are mimicking the pattern of the Taganrog authorities to restrict Jehovah's Witnesses in Samara by liquidating their legal entity, or Local Religious Organization (LRO), labelling it as an extremist organization.
22. On 21 January 2014, four officials posed as electricians and entered a rented building in Samara that Jehovah's Witnesses use for worship and conducted a clandestine search of the premises a few hours before the religious meeting was scheduled to begin. When the first Witness arrived, the officials presented them with a search warrant. During the search which the officials filmed, they "found" in one plastic package seven publications that are on the Federal List of Extremist Materials. The Witnesses maintain that the officials planted the publications during the alleged electrical inspection. The Samara Prosecutor's Office filed administrative charges against the LRO for the alleged offense.
23. On 7 March 2014, the Sovyetskiy District Court found the LRO guilty and ordered a fine of RUB 50,000 (USD 1,250) for storage of publications on the Federal List of Extremist Materials with the purpose of mass distribution. On 17 April 2014, the Samara Regional Court upheld the 7 March 2014 ruling by the district court.
24. On 22 April 2014, the Samara Regional Prosecutor ordered to suspend the activity of the LRO and filed a claim with the Samara Regional Court to liquidate the LRO for extremist activity. The regional court granted the Prosecutor's request on 29 May 2014. The LRO, local Jehovah's Witnesses, and EAJCW filed appeals with the RF Supreme Court. The latter dismissed the local Jehovah's Witnesses' and the EAJCW appeals on the grounds that the decision did not affect their rights.

25. On 12 November 2014, the RF Supreme Court dismissed the LRO's appeal. The decision to liquidate it has now come into force and the liquidation process was finalized on 25 December 2014.

III. Conclusions and Recommendations

26. Jehovah's Witnesses in Russia and as a worldwide organization restate the concerns conveyed in their initial submission in their entirety (please see initial submission). It is their hope that Russia takes positive steps to stop human rights violations against all peaceful citizens, including Jehovah's Witnesses.
27. The EACJW would like to reiterate the following recommendations in line with the requirements of the ICCPR:
- (1) Refrain from misapplying the law on extremist activities against the well-known religious organization of Jehovah's Witnesses [PACE Resolution 1896 (2012)] and terminate all legal cases and criminal investigations against Jehovah's Witnesses based on extremist charges; to protect the right of Jehovah's Witnesses to profess their religious beliefs individually or jointly with others as guaranteed by the Russian Constitution and the ICCPR;
 - (2) Train the local authorities to respect the rights of the members of the legally acknowledged religious organizations and to promote "tolerance in Russian society across the country" (ECRI Report on the Russian Federation of 20 June 2013). Prevent further illegal police interference with Jehovah's Witnesses' peaceful exercise of their freedom of religion and freedom of assembly;
 - (3) Remove Bible-based religious publications of Jehovah's Witnesses from the Federal List of Extremist Materials; and
 - (4) Following the 2010 ECHR *judgment in the case of Moscow and Others v. Russia*, register the Moscow Community of Jehovah's Witnesses and allow them to peacefully enjoy their worship as guaranteed by the ICCPR.