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## **HUMAN RIGHTS IN RUSSIA**

### **Jehovah's Witnesses in Russia: once exonerated, now objects of renewed persecution**

#### STATEMENT

We, representatives of civic organizations in harmony with the initiative of an international human rights network in support of conscripts, military servicemen, and those performing alternative service, express concern over violations of the rights of communities of Jehovah's Witnesses in the Russian Federation.

This international human rights network points out that the Jehovah's Witnesses have always been the most consistent in refusing to take part in military service and make up a considerable number of those performing alternative service in the countries of the former Soviet Union where such service exists. Where there is no such possibility, or where alternative service is little different from military service, the Jehovah's Witnesses stay true to their beliefs, even to the point of criminal prosecution and imprisonment.

Major hindrances to freedom of worship for Jehovah's Witnesses, as well as for a number of other "untitled" religious communities, are occurring not only in Russia but also in Armenia, Azerbaijan, Belarus, and other countries of the region. In Tajikistan, Turkmenistan, and Uzbekistan the activities of Jehovah's Witnesses are banned. Their refusal to perform military service is used as one of the justifications for the State waging a battle against them.

It is critical to protect religious believers from illegal persecution (even when legitimized and sanctioned by a biased court) wherever it may occur. We consider it a matter of greatest importance to draw particular attention to the position of Jehovah's Witnesses in Russia, where the situation is steadily deteriorating, progressing from numerous violations of their constitutional rights and freedoms to outright persecution.

To provide the Russian authorities with a semblance of legality, the charge of extremist activity has been used as grounds for prosecution of Jehovah's Witnesses. The charges are based solely on the declaration by law enforcement agencies that the religious literature (the *Watchtower* and *Awake!* magazines) of Jehovah's Witnesses is extremist. That determination was based on dishonest, "made to order" studies conducted by experts picked by the prosecutor's office.

They have labeled as "extremist" statements by Jehovah's Witnesses of the superiority of their religion, the Witnesses' criticism of other denominations, and passages in their literature containing negative appraisals of Orthodox and other clergy. The typical assertion of exclusivity found in all Semitic religions (Judaism, Christianity and Islam) is treated by the prosecutor's office and the court as incitement to religious enmity and hatred, propaganda of religious superiority, and insulting the feelings of believers (which constitute signs of extremism according to the Federal Law on Counteracting Extremist Activity).

This turns tens of thousands of believers into criminals falling under Articles 280 and 282-2 of the Russian Federation Criminal Code. (On the basis of these articles, public calls to carry out extremist activity or the participation in the activity of a religious association concerning which a court decision to declare it extremist has already entered into legal force are punished.) Such decisions have already been passed by courts and one has entered into legal force. Criminal prosecution for one's faith could at any time become a reality.

On 11 September 2009, the Rostov Region Court, on an application from the prosecutor's office, declared Jehovah's Witnesses in Taganrog to be an extremist religious organization and banned their activity. Thirty-four of their religious publications, taken from the community, were declared extremist. On 8 December 2009, that decision was affirmed by the Supreme Court of the Russian Federation and entered into legal force.

The following kind of text was declared extremist: *"The false religions, including Christendom, have long had illicit dealings with 'the kings of the earth,' but this will end in the desolation of those religions. [...] We have for many decades been urging people to get out of false religion and to take up true worship. (Revelation 18:4, 5)"* (*The Watchtower*, May 1, 1999, issue)

The conclusion of the expert, included as a basis of the court's decision: [The literature] "creates a negative image of traditional Christianity and develops the idea that one needs to distance oneself from this religion and other religions that differ from the teachings of Jehovah's Witnesses. Consequently, the text contains propaganda promoting the superiority of the teachings of Jehovah's Witnesses and the inferiority of other religions."

Similar cases are being initiated by the prosecutor's offices throughout the country. Thus, on 1 October last year, the Supreme Court of the Republic of Altay adopted a decision finding another 18 publications of Jehovah's Witnesses extremist. This decision is disputed, and as of this writing the current application has not entered into legal force. On 23 December 2009, the Teuchezhsky District Prosecutor's Office in the city of Adygeisk, Republic of Adygeya, based on the results of an inspection of the Witnesses' local religious organization, issued 11 warning notifications on the impermissibility of extremist activities, with these all related purely to cases in which publications declared extremist by the Rostov Regional Court had been distributed.

On 28 December 2009, a similar warning notification was issued by the Arkhangelsk Region Prosecutor's Office. Again, the only "extremism" discovered relates to the religious literature taken from believers, which is legally distributed throughout the world in 180 languages, with a monthly circulation of over 76 million copies.

We consider it necessary to take particular note of the accusation, appearing in the decision on the Taganrog case, of inciting members of the organization to refuse to carry out civic duties. Such actions are not considered extremist, but according to Article 14 of the Federal Law on Freedom of Conscience and Religious Associations, they result in the liquidation of a religious organization and the banning of its activity. In the opinion of the court, the evasion of alternative civilian service by one believer serves as proof of such "incitement." At the same time, hundreds of Jehovah's Witnesses who are sent for alternative civilian service (ACS) every year, including some from the Rostov Region, have served and do serve without refusal, despite the hardships and poor pay. There are cases of people refusing ACS, but this is because of the failings of the Federal Law on Alternative Civilian Service, which allows for it to be carried out in organizations under the military. Jehovah's Witnesses sent to military factories, even if to departments not linked with military

production, are guided by their own conscience as to whether they can agree to this. They do not refuse ACS but demand true civilian service, not its profanation. (especially since the law does not exclude the possibility that those sent for ACS select for themselves where that service will be carried out, within the limits of the approved list of places for such service.)

In addition to court and prosecutor pressure, Jehovah's Witnesses also experience severe pressure from regional and local executive bodies. In violation of Article 28 of the Russian Constitution, which guarantees the right of each person to profess his own religion including the right to disseminate religious teachings and to act in accordance with them, the authorities obstruct believers from spreading the word and holding assemblies, coerce those leasing properties to break lease agreements with the religious communities, seize land previously allocated for construction, oppress through endless checks, organize raids and break up meetings. These actions in the light of international antidiscrimination rights may be categorized as degrading treatment, since a threatening, hostile, degrading, insulting, or intimidating atmosphere is created around "disliked" believers.

The upholding of the liquidation of the Taganrog organization by the Supreme Court of the Russian Federation has moved the campaign against the Jehovah's Witnesses to a new level. Now they can be legally detained, not only in the Rostov region but throughout the country, for distributing "extremist material." Reports of such incidents are already coming in. For example, on 8 January 2010, in Pochep, Bryansk region, two believers were detained and taken to the police station for "unlawful preaching" and "distribution of extremist literature."

Jehovah's Witnesses were victims of criminal State violence both in Hitler's Germany and in the USSR. Thousands of families were exiled by the Soviet regime to Siberia and Kazakhstan. Large numbers of believers were arrested and served time in camps for belonging to a "fanatical anti-Soviet sect." Jehovah's Witnesses were exonerated in 1991 when the Russian Federation Law on the Rehabilitation of Victims of Political Repression was passed. The law declared the judicial and extrajudicial persecution of Jehovah's Witnesses to be an element of the despotism of the totalitarian regime.

This law has not been revoked, yet believers, many of whom have certificates confirming their exoneration, are again being dragged to court. It is only that the outdated word "anti-Soviet," with which their faith was branded, has been replaced by the modern term "extremist."

Russian human rights organizations have worked hard for adoption of the Federal Law on Alternative Civilian Service, for improving the terms and conditions of service, and for the legal education of conscripts. Today, when the term for ACS is 21 months, more young people are selecting civilian service for nonreligious reasons. But until 2007, when the term for ACS was the longest in the world, 42 months, human rights advocates did not believe they had the right to recommend such an alternative, which was more like a punishment for refusing military service.

Jehovah's Witnesses were not intimidated by the length of such a term. Russian citizens should be grateful to them for enduring and testing by experience the first, most difficult phase of developing ACS in Russia.

We call on all branches and levels of Russian government to see how outrageous and sacrilegious it is to subject Jehovah's Witnesses to religious persecution once more after all they have endured in the 20<sup>th</sup> century.

We call on the President of Russia to use all legal and political means at his disposal to stop the repressive measures against believing citizens of Russia and to act as guarantor of their religious freedom.

We call upon the Prosecutor General to stop the department under his charge from turning into a religious inquisition, to recognize the priority of human rights and freedoms and to initiate supervisory appeals over unlawful court decisions in relation to Jehovah's Witnesses.

We call on the Human Rights Ombudsman, The Russian Federation's Civic Chamber, and the Council under the Russian Federation President for the Promotion of Institutes of Civic Society and Human Rights to put forth efforts to stop the State harassment of religious minorities.

January 20, 2010

**Lev Levinson**, expert of the Institute of Human Rights, Manager of the Library of Human Rights Literature, member of the Expert Council of the Ombudsman of the Russian Federation (Moscow)

**Elena Tonkachyeva**, Head of the Board of Innovation Foundation for Legal Technologies (Kiev, Ukraine)

**Olga Smolyanko**, Head of the Legal Transformation Center (Minsk, Belarus)

**Alex Postica**, Director of Promo-LEX Association (Kishinev, Moldova)

**Eldar Zeynalov**, Director of the Human Rights Center of Azerbaijan (Baku, Azerbaijan)

**Dilafroz Samadova**, Amparo Association of Young Lawyers (Dushanbe, Tajikistan)

**Khursheda Rakhimova**, Amparo Association of Young Lawyers (Dushanbe, Tajikistan)

**Arseny Roginsky**, Chairman of the International Historical-Enlightenment Human Rights and Humanitarian Society Memorial (Moscow)

**Sergey Krivenko**, Board of the International Historical-Enlightenment Human Rights and Humanitarian Society Memorial, member of the Civil Society Institutions and Human Rights Council under the President of the Russian Federation (Moscow)

**Svetlana Gannushkina**, Chairman of NGO Citizen's Assistance, Board of the International Historical-Enlightenment Human Rights and Humanitarian Society Memorial (Moscow)

**Oleg Orlov**, Chairman of Human Rights Centre Memorial (Moscow)

**Elizaveta Dzhirikova**, Director of the Humanitarian Charitable Center Compassion, Member of the International Council of Rehabilitation Centres for the Victims of Torture (Moscow)

**Lyudmila Vakhnina**, Board of Human Rights Centre Memorial (Moscow)

**Vladimir Shnittke**, Chairman of the St. Petersburg division of Memorial

**Aleksander Kalikh**, Chairman of the Perm Kray branch of International Society Memorial

**Irina Kizilova**, Director of the Perm Youth Memorial

**Igor Sazhin**, Chairman of the Komi Human Rights Commission Memorial (Syktyvkar)

**Vyacheslav Bityutsky**, Chairman of the Voronezh Historical-Enlightenment Human Rights and Humanitarian Society Memorial

**Anna Pastukhova**, Chairman of the Yekaterinburg Society Memorial

**Yelena Makey**, Expert, Yekaterinburg Society Memorial

**Viktor Kucherinenko**, Board of the International Historical-Enlightenment Human Rights and Humanitarian Society Memorial (Moscow)

**Olga Smolenchuk**, Deputy Chairman of the Khibini Society Memorial (Apatity, Murmansk Oblast)

**Lidia Grafova**, journalist and human rights activist (Moscow)

**Yury Dzhibladze**, President of the non-profit organization Center for the Development of Democracy and Human Rights, member of the Civil Society Institutions and Human Rights Council under the President of the Russian Federation (Moscow)

**Andrey Kalikh**, Chairman of the non-profit organization Center for the Development of Democracy and Human Rights (Moscow)

**Aleksander Verkhovsky**, Director of the Sova Center for Information and Analysis (Moscow)

**Galina Kozhevnikova**, Deputy Director of the Sova Center for Information and Analysis (Moscow)

**German Alyotkin**, Director of the Centre for Peace-Keeping and Human Rights (Kazan)

**Ella Polyakova**, Chairman of the Soldiers' Mothers of St. Petersburg Human Rights Organization

**Tatyana Mikhailova**, Chairman of the Committee of Soldiers' Mothers of Orlov Region (Livny)

**Nina Terekhova**, Chairman of the Kostroma division of the Committee of Soldiers' Mothers

**Valentina Starovoytova**, Chairman of the Orlov Council of Soldiers' Mothers

**Tatyana Kotlyar**, deputy of the Legislative Assembly of Kaluga Region (Obninsk)

**Aleksander Nikitin**, Chairman of Saratov Human Rights Center Solidarnost

**Olga Gnezdilova**, Lawyer, Legal Advisor for Interregional Human Rights Group (Voronezh)

**Natalya Karavaeva**, Director of International Standard Bashkortostan (Ufa)

**Emma Feldshtein**, Director of Dzerzhinsk Human Rights Center of Nizhny Novogorod Region

**Tatyana Kharuk**, Consultant for Dzerzhinsk Human Rights Center of Nizhny Novogorod Region

**Vasily Adrianov**, activist (Kaliningrad)

**Kirill Shulika**, Secretary of Union of Right Forces (Moscow)

**Alexey Kozlov**, Director of the Foundation for Social and Ecological Justice, member of the European Federation of Green Parties (Voronezh)

**Natalya Zvyagina**, Interregional Human Rights Group Golos (Voronezh)

**Nina Tagankina**, CEO of the Moscow Helsinki Group (Moscow)

**Vladimir Oyvin**, Deputy Chair of the Glasnost Human Rights Foundation (Moscow)

**Natalya Gusyeva**, Chairman of the Council of the Zlatoust City Women's Public Organization "Civic Initiative"

**Artur Sakunts**, President of the Vanadzor Office of the Helsinki Citizens' Assembly (Vanadzor, Armenia)

**Ucha Nanuashvili**, Director of the Human Rights Center of Georgia (Tbilisi, Georgia)

**Greta Mirzoyan**, Chairman of the Public Organization "Soldiers' Mothers of Armenia" (Yerevan, Armenia)

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