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The Council asks the Prosecutor General's Office to review the legality and validity of the criminal prosecution of Jehovah's Witnesses

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The Russian Presidential Council for Civil Society and Human Rights requested that the Prosecutor General's Office verify the legality and validity of the criminal prosecution of citizens who profess the religion of Jehovah's Witnesses.

Information about the mass prosecution of believers was outlined in a collective petition received by the Council. This situation was studied by human rights experts, who established the following.

On 20 April 2017 the Supreme Court of the Russian Federation rendered a decision to liquidate the religious organization Administrative Centre of Jehovah's Witnesses in Russia and all local religious organizations that were part of its structure. The court decision contained an exhaustive list of legal entities that were to be liquidated. However, that court decision did not state that the religion of Jehovah's Witnesses, as such, should be banned. A similar finding was expressed in the appellate ruling of the Russian Supreme Court on 17 July 2017, which said that the trial court did not rule on the legitimacy of the religious beliefs of Jehovah's Witnesses or the ways in which those beliefs are expressed (page 43 of the ruling).

Adhering to this position, on 23 March 2018 the Government of the Russian Federation in its reply to the ECHR on the admissibility of the application of the religious organization Administrative Centre of Jehovah's Witnesses in Russia, stated: the Russian authorities contend that the above judicial acts of the Russian Supreme Court did not make an assessment of the beliefs of Jehovah's Witnesses and did not impose any restrictions or prohibitions on the ability to profess individually the above teachings (paragraph 91).

Further, on 25 May 2017 the Government of the Russian Federation assured the UN Human Rights Committee that these judicial acts do not limit the right of citizens to freedom of religion, and that members of the liquidated organizations have the ability to independently practice their beliefs, provided they do not distribute extremist literature or otherwise participate in illegal activities. Thus, the Government of the Russian Federation has consistently declared that the constitutional rights of persons professing the beliefs of Jehovah's Witnesses must be observed.

In practice, however, the intelligence services and investigative agencies of the Russian Investigative Committee, the Russian Ministry of Internal Affairs and the Russian FSB use the 20 April 2017 decision of the Russian Supreme Court to criminally prosecute believers.

According to available information, that court decision was cited when at least 17 criminal cases against Jehovah's Witnesses were opened in the following cities:

- * Belgorod (Investigative Directorate of the Directorate of the Russian Ministry of Internal Affairs for the Belgorod Region),
- * Birobidzhan (Investigative Department of the Directorate of the Russian FSB for the Jewish Autonomous Region),
- * Vladivostok (Investigative Department of the Directorate of the Russian FSB for the Primorskiy Territory),
- * Kazan (there is no information on the agency that opened the criminal case),
- * Magadan (Investigative Department of the Directorate of the Russian FSB for the Magadan Region),
- * Naberezhnye Chelny (Investigative Directorate of the Russian Investigative Committee for the Republic of Tatarstan),
- * Oryol (2 cases: Investigative Department of the Directorate of the Russian FSB for the Oryol Region and Investigative Directorate of the Russian Investigative Committee for the Oryol Region),
- * Orenburg (Investigative Directorate of the Russian Investigative Committee for the Orenburg Region),
- * Perm (Investigative Directorate of the Russian Investigative Committee for the Perm Territory),
- * Polyarnyy (Investigative Directorate of the Russian Investigative Committee for the Murmansk Region),
- * Prokhladnyy (Investigative Directorate of the Russian Investigative Committee for the Republic of Kabardino-Balkaria),
- * Pskov (Investigative Department of the Directorate of the Russian FSB for the Pskov Region),
- * Tomsk (Investigative Directorate of the Russian Investigative Committee for the Tomsk Region),

* Ufa (Investigative Directorate of the Russian Investigative Committee for the Republic of Bashkortostan),

* Shuya (2 cases, Investigative Directorate of the Russian Investigative Committee for the Ivanovo Region).

In these criminal cases 19 persons have been arrested. One has been in custody for over a year. More than 20 are under house arrest or have had to sign a recognizance agreement.

In each case, the charges against believers are based on the claim that a group of believers held a religious service.

Citizens are accused because of reading the Bible and praying together, this being interpreted as “continuation of the activities of an extremist organization”. The Council considers that such an interpretation does not harmonize with the legal position of the Russian Supreme Court.

There is a clear contradiction between the stated position of the Government of the Russian Federation and law enforcement practice. This is a cause for concern, as criminal prosecutions and arrests have become endemic. The situation evokes the Soviet period, when Jehovah’s Witnesses were subjected to unjustified repression because of their religion, as a result of which the Law of the Russian Federation dated 18 October 1991 No. 1761-1 on Rehabilitation of Victims of Political Repression was later applied to them.

In this regard the Council requests the Prosecutor General of the Russian Federation to order an investigation into the legality and validity of the criminal prosecution of believers and to take steps to protect their constitutional right to freedom of religion.