



11 August 2023

Rule 9.2 Submission on the implementation of the general measures in the group of cases “*Taganrog LRO and others v. Russia*” prepared by the NGOs Memorial Human Rights Defence Centre and SOVA Center for Information and Analysis

Introduction

This submission is prepared by the NGOs Memorial Human Rights Defence Centre and SOVA Center for Information and Analysis.

Memorial Human Rights Defence Centre is a non-governmental organization founded in June 2022 by supporters of Memorial Human Rights Centre (dissolved on 29 December 2021) to continue the work of the latter NGO. It was founded in 1993 in Moscow and became one of the first human rights NGOs in modern Russia. It worked with grave human rights violations in (post-)conflict areas, civil and political rights and vulnerable groups. It represented hundreds of victims both domestically and before the European Court of Human Rights.

SOVA Center for Information and Analysis is a public organization founded in 2002. SOVA Center focuses primarily on the issues of xenophobia and nationalism in various forms from hate crimes to intolerant publications in media, freedom of religion and belief and the secularity of society, and anti-liberal tendencies, paying most attention to misuse of anti-extremism law and policies. SOVA Center produces everyday news, regular reviews and reports, publishes books, provides legal support, and is involved in domestic and international discussion and advocacy. SOVA Center was enlisted as ‘foreign agent’ in 2016. In 2023 the Ministry of Justice requested the liquidation of SOVA Center, and the final court decision is coming soon.

The submission focuses on the non-implementation by the Russian authorities of the general measures in the above-mentioned group of cases concerning violation of various rights of the

Jehovah's Witnesses in Russia. For instance, it focuses on the continuing practice of criminal prosecution of the Jehovah's Witnesses in Russia which did not stop since the last consideration of this group by the Committee of Ministers in December 2021.

I. Main findings of the ECtHR and of the Committee of Ministers

1. During its last consideration of this group the Committee of Ministers noted the main general problems identified by the ECtHR,¹ such as:

- The dissolution of all religious organisations of Jehovah's Witnesses in Russia disclosed indications of a policy of intolerance by the Russian authorities towards the religious practices of Jehovah's Witnesses. The Court in particular deplored the use of excessively broad wording of the extremism legislation, the breaking-up of their religious meetings, the confiscation of their publications, searches in their homes, and surveillance by the security services.
- The Court highlighted that a blanket ban on the activities of a religious community belonging to a known Christian denomination was an extraordinary occurrence and concluded that the sanction in the form of blanket ban was disproportionate to any legitimate aim that might be pursued.
- The Court indicated in the operative part of its judgment that the authorities are to take all necessary measures to secure the discontinuation of pending criminal proceedings against Jehovah's Witnesses and release of the imprisoned Jehovah's Witnesses. It further indicated that the authorities are to ensure that the properties are returned to the applicants.

2. The Committee of Ministers also noted that according to the latest information available by December 2020 the consequences of the 2017 ban included some 420 criminal prosecutions of individual Jehovah's Witnesses, based on the anti-extremism legislation; over 1 230 police raids; 42 individuals were in prison and 31 others under house arrest.²

II. The current situation with the implementation of this group of cases

3. We would like to note that the ECtHR's judgment and recommendations of the Committee of Ministers are still not implemented by Russian authorities. For instance, we would like to note the following:

- Russian authorities have still not abolished the blanket ban on the activities of Jehovah's Witnesses.

¹ <https://hudoc.exec.coe.int/eng?i=004-61031>

² *ibid*

- Russian authorities have still not reconsidered the old criminal cases against the Jehovah's Witnesses and have not released the convicted.
- Russian authorities initiated new criminal prosecutions of the Jehovah's Witnesses after the last consideration of this group of cases by the Committee of Ministers in December 2021.
- Russian authorities continue to use the excessively broad interpretation of the extremism legislation, although the Russian Supreme Court noted in its observation in October 2021 that ordinary religious activities should be differentiated from the continuation of the activities of extremist organisations. The domestic courts delivered several acquittal sentences to the Jehovah's Witnesses on the basis of this observation of the Supreme Court. However, these decisions were subsequently reversed on the basis of the complaints of the Prosecutor's Office and the cases were sent for the new consideration. Some individuals were convicted later.
- Russian authorities accuse the Jehovah's Witnesses of formal violations related to the formal participation in the activities of the prohibited organization without real prejudice to the security. However, the courts often sentence the accused to long term imprisonment.
- The criminal prosecutions of the Jehovah's Witnesses are conducted in different Russian regions which shows that this is a systemic problem.
- Some of the persecuted Jehovah's Witnesses are seniors and persons with serious health problems. For this reason, the consequences of this unfair prosecution are even graver for them.

4. A large-scale campaign of criminal prosecution of Jehovah's Witnesses was launched in 2018 - a year after the banning of all such organizations as extremist. This campaign continued during the following years. The believers were accused of continuing the activities of banned organisations. Activities in all cases were the usual activities of religious communities - prayer meetings, sermons, distribution of religious literature, etc. Soon, they were also accused of financing the same banned organizations (the first sentences were handed down in 2020).

5. According to the statistical data of the SOVA Center for Information and Analysis, in 2019 new criminal cases on the continuation of the activities of banned organizations of Jehovah's Witnesses and their financing (Articles 282.2 and 282.3 of the Criminal Code) were initiated against at least 213 believers, in 2020 - against at least 146 believers, in 2021 - against at least 142 believers, in 2022 - against at least 77 believers, in 2023 (January-July) - against at least 50 believers.

6. At the same time there was an increase in the number of verdicts delivered on the criminal cases started before. In 2020, 25 sentences were delivered against 46 believers. In 2021, 68 sentences were delivered against 105 believers, 33 persons were convicted to real imprisonment. In many cases it was at least a 6-years imprisonment term. In several cases persons were convicted to the imprisonment of 7-8 years. 66 persons were convicted to suspended sentences. In 2022, 62 sentences were delivered against 124 persons, 49 persons were convicted to real imprisonment terms, including 7-7,5 years of imprisonment. In 2023, (January-July) 73 persons were convicted. 32 persons were convicted to real imprisonment, including 6-8 years of imprisonment.

7. From January 2021 to July 2023, 292 Jehovah's Witnesses were convicted. By the end of July 2023, 45 persons (including 3 women) are serving their sentences in the colonies and 82 persons (including 3 women) are in the detention centers awaiting their sentences.

8. Below we provide some examples of the recent prosecutions of the Jehovah's Witnesses that occurred after December 2021.

9. In October 2022, security forces conducted searches at 12 households of Jehovah's Witnesses from the village of Yaroslavsky in the Primorye region. Three persons were arrested in the framework of a criminal case on extremism. Among them was a 71-years-old Boris Andreyev who is currently in a detention center where he is deprived of medical care.³

10. On 19 December 2022, the Birobidzhan District Court of the Jewish Autonomous Region sentenced four Jehovah's Witnesses to actual prison terms ranging from 3,5 to 7 years of imprisonment for organizing and financing extremist activities.⁴

11. On 23 June 2023, the Tynda District Court of the Amur Region sentenced four Jehovah's Witnesses to 6-years real prison terms. The sentence was based on the testimonies of an agent of the Russian Federal Security Agency who had secretly attended the home meetings of the believers where they spoke about the Bible.⁵

12. On 4 July 2023, the prosecutor requested real prison terms from 4 to 8 years for four Jehovah's Witnesses from Yaroslavl city. They are accused of holding religious meetings and promoting forbidden teachings.⁶

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<https://ovd.news/express-news/2023/07/20/71-letnemu-svidetelyu-iegovy-iz-primorya-ne-dayut-obsledovatsya-v-sizo>

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<https://ovd.news/express-news/2022/12/19/v-birobidzhane-sud-prigovoril-chetveryh-svideteley-iegovy-k-realny-m-srokam>

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<https://ovd.news/express-news/2023/06/23/chetyrem-svidetelyam-iegovy-iz-amurskoy-oblasti-vnov-naznachili-s-vyshe>

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<https://ovd.news/express-news/2023/07/14/prokuror-zaprosil-realnye-sroki-dlya-chetveryh-svideteley-iegovy-iz>

13. On 12 July 2023, the Savelovsky District Court of Moscow sentenced three Jehovah's Witnesses to real prison terms ranging from 4,5 to 6,5 years of imprisonment. Their legal counsel noted that ordinary religious activities like worship or spreading of religious beliefs were being considered a crime on the sole basis that they were carried out by Jehovah's Witnesses.⁷

14. On 24 July 2023, security forces conducted searches at the houses of Jehovah's Witnesses in Tver city. A criminal case was opened against three persons including 68-year-old Valery Tolmazov. According to the security forces, they continued to “carry out extremist activities” by holding meetings of believers via video link.⁸

15. On 24 July 2023, during a court hearing in the Kovrov City Court, the prosecutor requested to sentence Boris Simonenko, a 68-year-old Jehovah's Witness, to six years of imprisonment. He is accused of organizing religious meetings. Several witnesses heard by the court insisted that he had never called for violence. In addition, he has serious health problems.⁹

III. Recommendations to the Committee of Ministers

16. On the basis of the stated above we would like to make the following recommendations to the Committee of Ministers:

- to adopt an interim resolution underlying the systemic grave and mass violations of the human rights in this group of cases;
- to condemn the continuing practice of criminal prosecution of Jehovah's Witnesses occurred in Russia after the last consideration of the case by the Committee of Ministers in December 2021;
- to propose to the Russian authorities to adopt an amnesty of the convicted Jehovah's Witnesses as a first quick step allowing to liberate the convicted. This step should be followed by others steps necessary for the implementation of this group of cases;
- to repeat the past recommendations to the authorities made by the Committee of Ministers. For instance, to strongly urge the authorities to immediately reverse the Supreme Court decision of 20 April 2017 dissolving all Jehovah's Witnesses' organisations in Russia, banning their activities and confiscating their property, and having an alarming effect of mass persecution of the Jehovah's Witnesses in Russia; to

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<https://ovd.news/express-news/2023/07/13/v-moskve-troim-svidetelyam-iegovy-vynesli-prigovory-ot-45-do-65-let-kolonii>

⁸ <https://ovd.news/express-news/2023/07/27/v-tveri-vozbudili-ugolovnoe-delo-protiv-svideteley-iegovy>

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<https://ovd.news/express-news/2023/07/24/prokuror-zaprosil-shest-let-kolonii-dlya-68-letnego-svidetelya-iegovy-iz>

review the anti-extremism legislation declaring Jehovah Witnesses extremist organisations as this legislation had served as a basis for that decision; to discontinue all criminal proceedings against Jehovah's Witnesses and to release those imprisoned, fully erase the consequences of their convictions, as well as to return the applicant's withheld property or pay compensation for it, and to inform the Committee immediately of the measures taken.;

- to consider again this group of cases during one of the next sessions of the Committee of Ministers.