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RUSSIA: European Court of Human Rights "obviously ignored"

By Rosemary Griffin, Forum 18 (<https://www.forum18.org>)

Russian Jehovah's Witnesses and Armenian Catholics continue to struggle to gain registration – and so legal status – from the authorities of the capital Moscow, Forum 18 News Service has learned. A court has decided not to change a decision to close the Jehovah's Witnesses Moscow branch – despite a European Court of Human Rights (ECtHR) ruling against this. Jehovah's Witnesses lawyer Artur Leontyev said this "obviously ignored the ruling of the European Court", and said an appeal will be made. ECtHR mandated damages and costs have also not been paid to the Jehovah's Witnesses. Also Moscow's Armenian Catholic congregation continues to be unable to gain registration. A court hearing was postponed until 11 April, when the authorities failed to appear. The Armenian Catholics' lawyer, Vladimir Ryakhovsky of the Slavic Centre for Law and Justice, told Forum 18 beforehand that a negative ruling "would give us the chance to take the issue to the Constitutional Court and challenge the Religion Law". His colleague Inna Zagrebina told Forum 18 that nationwide illegal state interference in communities' internal life is "an integral part of life for religious organisations".

Russian Jehovah's Witnesses and Armenian Catholics continue to struggle to register with Moscow city authorities. Their difficulties registering in the capital are in contrast to recognition of both communities at a federal level, as well as local authorities' willingness to register their communities in other parts of Russia. For the Jehovah's Witnesses, this fits a pattern of nationwide repression, including intimidation and criminal prosecution of their followers. Meanwhile Vladimir Ryakhovsky of the Slavic Centre for Law and Justice, the lawyer for the Armenian-rite Catholic community, told Forum 18 News Service that he is not optimistic about their next court hearing. However, he relishes the prospect of taking the case to the Constitutional Court as he thinks the current Religion Law is unconstitutional.

Ryakhovsky's colleague Inna Zagrebina has also identified a trend of nationwide interference in religious organisations' activity, with the authorities increasingly demanding information religious communities are not legally bound to provide.

"Obviously ignored the ruling of the European Court"

The Jehovah's Witness community in Moscow was dealt a blow on 15 February 2011, when Judge Elena Novikova at the Golovinsky District Court ruled that it would not reassess a decision to close the organisation taken on 26 March 2004.

The ruling is the first such decision taken on the community's right to exist since the European Court of Human Rights (ECtHR) in Strasbourg on 10 June 2010 ruled in favour of the Jehovah's Witnesses of Moscow. The ruling was in response to their October 2001 appeal against a ban on the community (Application No. 302/02). The ruling – which became final on 22 November 2010 - included damages to be paid to the Jehovah's Witnesses of 20,000 Euros (781,500 Roubles, 160,870 Norwegian Kroner, or 25,280 US Dollars) plus costs of 50,000 Euros (1,953,200 Roubles, 402,225 Norwegian Kroner, or 63,200 US Dollars). Two other ECtHR cases brought by the Jehovah's Witnesses against Russia are ongoing (see F18News 12 July 2010 http://www.forum18.org/Archive.php?article_id=1466).

Following the Golovinsky District Court ruling, Jehovah's Witnesses lawyer Artur Leontyev complained that the decision "obviously ignored the ruling of the European Court." He added that the community will appeal.

In light of the ECtHR ruling, the Jehovah's Witnesses contacted three Moscow courts which had ordered the community to disband, in an attempt to overturn these court rulings. In December 2010 the community lodged appeals by post with three Moscow district courts, Golovinsky, Butyrsky and Presnensky, with this aim. Grigory Martynov of the Jehovah's Witnesses told Forum 18 on 28 February that they were expecting a response within one month. So far the Golovinsky District Court is the only one to respond to the request.

At the start of 2011 the Jehovah's Witnesses also asked the Ministry of Justice in Moscow to re-register their Moscow branch. Martynov told Forum 18 that a request was filed with the Moscow Ministry of Justice in person on 11 January 2011. The Jehovah's Witnesses were expecting a response within ten days, but by 23 February the Ministry had still failed to respond. Requests for information made by Forum 18 to the Moscow Ministry of Justice went unanswered.

Compensation not yet paid

The ECtHR mandated damages and costs have not been paid to the Jehovah's Witnesses, spokesperson Martynov told Forum 18. He stated though that the government was in the process of resolving the issue. "It's not a problem that they haven't paid yet, we're sure that they will pay us eventually," he said. Under the terms of the ECtHR verdict, the deadline for payment was 22 February. The Russian government is now obliged to pay interest on the outstanding sum.

Separately, the criminal trial in Gorno-Altai of Jehovah's Witness Aleksandr Kalistratov on extremism-related charges is continuing. Other Jehovah's Witnesses are facing similar charges. Also continuing in Dagestan is the criminal trial of Ziyavdin Dapayev, a reader of the works of Muslim theologian Said Nursi. Publications from the Jehovah's Witnesses and Russian translations of the works of Said Nursi are among the banned publications on the Federal List of Extremist Materials (see F18News 11 February 2011 http://www.forum18.org/Archive.php?article_id=1539).

Russia must also under the ECtHR ruling rectify the conditions which led to the violations the Jehovah's Witnesses in Moscow experienced – which would also affect the case of Moscow's Armenian Catholics.

Armenian Catholics still unregistered

Meanwhile, Moscow's Armenian Catholic congregation continues to be unable to register as a religious organisation. In June 2010 the Meshchansky District Court ruled that the Moscow Justice Department's refusal to consider an October 2009 registration application from the parish of St Gregory the Illuminator was unlawful. The Justice Department appealed immediately and its lawyers maintain that refusal to register the religious community is due to its failure to produce a document proving that it has been operating for 15 years (see F18News 12 July 2010 http://www.forum18.org/Archive.php?article_id=1466). Such a document is a requirement of the 1997 Religion Law (see F18News 14 April 2005 http://www.forum18.org/Archive.php?article_id=543).

Vladimir Ryakhovsky of the Slavic Centre for Law and Justice, the community's lawyer, told Forum 18 on 22 February that such a document was submitted with the original October 2009 registration application. An appeal hearing, scheduled to take place at Meshchansky Court on 28 February was postponed earlier this week, according to the court's website. This was because a representative of the local authorities failed to appear in court. The next hearing is set to take place on 20 April 2011. Speaking before the postponement, Ryakhovsky was not optimistic that the court will rule in the community's favour. But he saw this as an opportunity to take the issue to a higher level.

"On the one hand any negative ruling would be bad for the Armenian Catholic community in Moscow," Ryakhovsky said. "On the other hand, it would give us the chance to take the issue to the Constitutional Court and challenge the Religion Law, which has been in force for 13 years and we think is unconstitutional."

The Armenian Catholic community continues to worship every week in Moscow. It has been meeting in the capital since the mid 1980s, and since 1991 has held services at the Catholic Cathedral of the Immaculate Conception. The Armenian Catholic parish is separate from the structures of Moscow's Catholic Archdiocese, and is subject to the Armenian Catholic bishop based in Armenia. Ryakhovsky said that registration has only been a problem for Armenian Catholics in Moscow, with other communities in Russia granted legal status by local authorities. The largest concentration of Armenian Catholics in Russia is in the Krasnodar Region of southern European Russia.

The Moscow Ministry of Justice has repeatedly refused to talk to Forum 18 about problems with registering minority religious communities in the capital, most recently on 28 February.

State interference "an integral part of life for religious organisations"

For some lawyers working in the field, the problems of Jehovah's Witnesses and Armenian-rite Catholics are part of a pattern in Russia today of state interference in the activity of minority religious communities - whether or not that interference is legal. The targets of nationwide harassment and trials have mainly been Jehovah's Witnesses (see eg. F18News 11 February 2011 http://www.forum18.org/Archive.php?article_id=1539), and Muslim readers of the works of theologian Said Nursi (see eg. F18News 4 February 2011 http://www.forum18.org/Archive.php?article_id=1536).

Similarly, both Jehovah's Witnesses and Nursi readers have been targeted in ways that suggest that their believers and communities are closely watched by the police and FSB security service – both within and outside their communities (see F18News 12 August 2010 http://www.forum18.org/Archive.php?article_id=1478).

In an article dated 16 February 2011, Inna Zagrebina, another lawyer at the Slavic Centre for Law and Justice, described illegal interference in communities' internal activity by state authorities as "an integral part of life for religious organisations".

She points to problems with the legal status of religious leaders, but also a trend to interfere in all spheres of an organisation's activity, demanding information which they are not legally obliged to provide. This includes access to correspondence and personal

information, which is protected by both Article 23 of the Russian Constitution, which states:

1. Everyone shall have the right to the inviolability of private life, personal and family secrets, and the protection of their honour and good name.

2. Everyone shall have the right to privacy of correspondence, of telephone conversations, postal, telegraph and other messages. Limitations of this right shall be allowed only by court decision."

Russian national law and the European Convention for the Protection of Human Rights and Fundamental Freedoms also protects the right to privacy. For example, Article 3 paragraph 5 of the 1997 Russian Religion Law states in part: "No one is obliged to provide information about personal religious affiliation, nor can they be subjected to duress for choosing a religious affiliation or confession, or rejecting a religious confession, or for participation or non-participation in religious services, or other religious rites and ceremonies, or the activity of religious associations, or religious education."

Despite this, Zagrebina told Forum 18 on 28 February that "the authorities are interfering in the internal activity of religious organisations. They are asking leaders for information such as passport details and where members of the organisation live, as well as demanding to see financial documents". She said that these requests for information are most commonly made to leaders of Protestant churches and newly established religious organisations. "It is completely illegal, they demand to know details about church services, who attends them and where they take place", Zagrebina stated.

An example was the case of a religious leader who recently contacted the Slavic Centre looking for help, after the Rostov Regional Justice Department demanded he submit information about the place, time, aims and main content of religious services, the church's council, and inter-church prayers.

As well as looking for information, Zagrebina noted that the authorities are increasingly trying to restrict certain organisations' activity. "Some authorities are saying that members of a religious community can only worship in the place which is listed as their place of residence in their passport." If someone lives in a different place to the one listed as their residence in their passport, they are told to either return there to worship, or to give up worshipping. Zagrebina described this as "completely illegal."

Zagrebina said that religious leaders often do not know that these requests are illegal. "Those that do know it is illegal are scared to refuse to comply, in case it causes them more trouble in the future", she told Forum 18.

"The negative impact is that these demands can be used as a warning to religious organisations." Zagrebina said, adding that once these details are in the public realm, anyone influenced by fears and media reports of "sects", which reports are widespread in Russia, could act against "sect" followers.

But there is a positive impact, she noted. "When these demands are made, it forces religious organisations to become more aware of the law and their rights, and to seek help to protect them". The full text of Zagrebina's article in Russian is available at <http://www.sclj.ru/news/detail.php?ID=3221>. (END)

For more background, see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1196.

Analysis of the background to Russian policy on "religious extremism" is available in two articles: - 'How the battle with "religious extremism" began' (F18News 27 April 2009 http://www.forum18.org/Archive.php?article_id=1287 - and - 'The battle with "religious extremism" - a return to past methods?' (F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

A personal commentary by Irina Budkina, Editor of the <http://www.samstar.ru> Old Believer website, about continuing denial of equality to Russia's religious minorities, is at F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis <http://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation, is at F18News 19 July 2010 http://www.forum18.org/Archive.php?article_id=1468.

Reports on freedom of thought, conscience and belief in Russia can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Russia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY