



# General Assembly

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## Human Rights Council

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Agenda item 4

**Human rights situations that require the Council's attention**

### **Written statement\* submitted by the Fundacion Vida - Grupo Ecologico Verde, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 July 2017]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-15581(E)



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## **Peril in the Russian Federation for Freedom of Belief, Expression and Assembly of religious minorities**

The rights to freedom of belief, expression and assembly are endangered in The Russian Federation for religious minorities while the government fosters an atmosphere of intolerance and discrimination throughout the country against targeted religious communities and members.

Jehovah's Witnesses, Muslims, Evangelicals, Lutherans, Baptists, Pentecostals, Methodists, Presbyterians, Hindus, Scientologists, Buddhists and others are targeted. The Scientology religion, its parishioners and its religious and social organizations are a primary target of this Russian national campaign of religious repression.

Despite criticism towards the "Russian Extremism law" by the UN Human Rights Committee (28 April 2015), the PACE Monitoring Committee of the Council of Europe (14 September 2012, and the Venice Commission (1 June 2012), which found the law and its use against religions violated human rights and called on The Russian Federation to correct the law, officials in the Russian Federation continue to misuse it against minority religions.

It has increasingly been misused by the Russian officials to seize and improperly target and suppress peaceful religious minorities.

The current wide-ranging crack down on religious literature, minority religion and their members in The Russian Federation disregards the principles of non-discrimination and equality of the UN Bill of Rights and is negatively affecting the freedom of expression, belief and assembly.

The law is systematically being abuse to:

- 1) seize and censor peaceful religious scriptures read without incident the world over;
- 2) arrest and detain members of minority faiths for reading and disseminating them; and
- 3) initiate liquidation procedures and shut down religious organizations to disrupt and suppress their right to conduct religious activities, violating religious freedom.

Over fifty cases regarding The Russian Federation's misuse of that Law against religions are filed before the ECHR.

The Moscow Church of Scientology filed one of them regarding nine distinct Scientology materials that were improperly placed on the "extremist materials" list.

Scientology is a peaceful religious organization. Officially recognized by Spain, South Africa, Colombia, Canada, Argentina, Brazil, Portugal, the United Kingdom, Italy, United States, Australia, New Zealand amongst many others and by courts all over the world.

Through the misuse of the "Extremist Activities Law", on June 6, 2017, over 60 Russian FSB officials and SWAT police raided the premises of the Church of Scientology in St. Petersburg and the homes of its religious leaders.

Five leaders of the religious group were arrested, interrogated and detained by the FSB. From those, Anastasia Terentieva, Galina Shurinova, Ivan Matsitskiy and Sakhib Aliev were sentenced to two months pretrial detention by the Court (the maximum pretrial sentence) – the same pretrial sentence handed down against Dennis Christensen, a Danish Jehovah's Witness, for practicing his faith in The Russian Federation). The fifth local leader, lawyer Konstanci Esaulkova, was sentenced to two months house arrest to be able to take care of her elderly mother.

The four imprisoned filed appeals contesting their pretrial detention as an arbitrary deprivation of liberty which violates Article 5 of the ECHR<sup>(1)</sup> and violates their right to freedom of religion, expression and association under its Articles 9, 10 and 11, however the sentences have all been upheld.

They all could face a six to ten-year prison term. Search warrants and public statements by the FSB, say the raid was for charges concerning Article 171<sup>(2)</sup> and Articles 282 and 282.1 of the criminal code<sup>(3)</sup>. More extremism charges have been added under Article 282.2<sup>(4)</sup> of the criminal code since the defendants detention.

### **Extremist interpretation of the extremism**

In the pre-trial detention hearings, the Court accepted the prosecutor's unsupported argument, forwarded by the FSB, that the Church of Scientology is an "extremist organization" even though no Court has ever made such a finding. This is an erroneous finding, with no evidence whatsoever, that groundlessly sustained the pretrial sentencing, imprisoning religious leaders of a peaceful and lawful religious group on the fallacious grounds that they were "dangerous extremists".

Scientology is a worldwide peaceful, law-abiding group that, as instructed by its Founder L. Ron Hubbard, abide by the laws of the country where they operate.

Scientologists of St. Petersburg have, in the past six months have:

- Held dozens of community events
- Distributed over 20,000 The Way to Happiness booklets, a guidebook to live a peaceful and moral life respecting and support all religions, from Russian Orthodox to Buddhism.
- Over 120,000 drug prevention education leaflets.
- worked to improve society for all.

Russian Constitution guarantees every citizen the right to practice the religion of his/her choice. Scientologists have peacefully practiced in The Russian Federation for over thirty years, participating in solving urgent problems of society.

### **Illegal Commercial Activity Without Proper Registration**

The charge of performing illegal commercial activity without proper registration of a legal entity is spurious. It has been Russian failure to fulfill the mandate of the ECHR to register the Church of Scientology, violating thus their right to religious freedom and freedom of association guaranteed by HR treaties that The Russian Federation has signed and is obliged to follow.

Denial to legal entity status represents a grave and impermissible burden on the right to freedom of religion<sup>(5)</sup>. Laws governing incorporation/registration of religious organizations represent an important yardstick for assessing the shape of religious freedom in a given State.

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1 European Convention on Human Rights

2 (illegal commercial activity without registration)

3 extremism

4 leadership of or participation in an extremist organization

5 Freedom of Religion or Belief: Laws Affecting the Structuring of Religious Communities, OSCE Review Conference, September 1999

Laws that mandate religious registration and impose criminal sanctions for non-registered religious activity often constitute draconian State methods to repress religious freedom in violation of HR.

This is condemned by the UN Human Rights Committee<sup>(6)</sup>, the UN Rapporteur for Religious Freedom<sup>(7)</sup>, the OSCE Panel of Religious Experts in consultation with the Venice Commission<sup>(8)</sup>, the E.U.<sup>(9)</sup> and the European Court of Human Rights in numerous cases, including Church of Scientology Moscow v. Russia<sup>(10)</sup>.

Failing to apply the ECHR decision, The Russian Federation forced the now imprisoned to personally:

- act on behalf of the religious group
- create bank accounts
- collect and spend monies to further its religious mission,
- rent a facility as place of worship.
- Produce and distribute peaceful religious literature

Ironically, three of the imprisoned, Anastasia Terentieva, Galina Shurinova and Ivan Matsitskiy, were applicants before the ECHR in the case **Church of Scientology of St. Petersburg and Others v. Russia**. There, the ECHR determined that:

*“A ‘religious group’ without legal personality cannot possess or exercise the rights associated exclusively with the legal-entity status of a registered ‘religious organization’ – such as the rights to own or rent property, to maintain bank accounts, to ensure judicial protection of the community, to establish places of worship, to hold religious services in places accessible to the public, or to produce, obtain and distribute religious literature – which are essential for exercising the right to manifest one’s religion. Thus, the restricted status afforded to ‘religious groups’ under the Religions Act did not allow members of such a group to enjoy effectively their right to freedom of religion, rendering such a right illusory and theoretical rather than practical and effective, as required by the Convention”<sup>(11)</sup>*

The Court found that a refusal by the domestic authorities to grant legal-entity status to the applicant group interfered with the applicants’ rights under the right to freedom of religion (Article9) interpreted in the light of the right to freedom of association (Article11).

Rather than comply with this unequivocal decision by the ECHR, Russian local authorities have refused to register the St. Petersburg religious group as a legal entity. The Russian Federation has imprisoned those who successfully challenged the government at the ECHR for refusing to register the religious organization as a legal entity.

When authorities refused to register the St. Petersburg religious organization despite the favorable ECHR decision, the religious group returned to a Russian Court, seeking to re-open and register the St Petersburg Church on the basis of the ECHR’s order and favorable decision. However, Russian courts continued ignoring the ruling and refused to register them. The church of Scientology has now filed a new application before the ECHR vs Russian authorities for the refusal to register the Church, showing bad faith from those meant to protect the proper application of Law and utterly violates fundamental human rights.

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6 Human Rights Committee Report, Kazakhstan, CCPR/C/Kaz/Q/1, 2 September 2010

7 Report, UN Special Rapporteur, Freedom of Religion or Belief, Para 25, HRC 19/60, 22 December 2011

8 See, e.g., OSCE and Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief, page 16

9 European Union Guidelines on the Promotion or Protection of Religion or Belief, Para. 40-41

10 *Metropolitan Church of Bessarabia v. Moldova*, (App. 4750/99), 2001; *Church of Scientology Moscow v. Russia*, (App. 18147/02).

11 *Church of Scientology of St. Petersburg and Others v. Russia*, Paragraph38,(Application no. 47191/06) (16 February2015)

## Conclusion

International and legal standards mandate that religious minorities be treated fairly and without discrimination as the other religions. Yet, The Russian Federation has contravened these standards through misapplication of the Extremism Law censoring religious materials, arresting and detaining believers for reading or disseminating Scriptures, refusing to register religious groups, prosecuting and harassing religious groups that are refused registration, and liquidating and closing down places of worship for targeted religious faiths. Such oppressive measures have no place in a democratic society.

Millions of Scientologists around the world sincerely believe in freedom of religion and the religious tenets and practices of Scientology. For these individuals, Scientology is their religion. Scientology is fully developed, by definition of religion, in its theology, religious practice and organization. The breadth and scope of Scientology include nearly 8,000 Churches of Scientology, Missions and related organizations with over 20,000 full-time staff in 164 countries, all unified by a common religious goal.

Efforts to suppress the religion violate human rights standards regarding the right to freedom of religion, discrimination, expression and assembly.

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