



## Multiple violations in case brought by Jehovah's Witnesses in Russia

The case [Taganrog LRO and Others v. Russia](#) (application nos. 32401/10 and 19 others) concerned various actions taken by the State against Jehovah's Witnesses religious organisations in Russia over a ten-year span, including a requirement to re-register, amendments to anti-extremist legislation leading to the banning of their religious literature and international website and the revocation of their permit to distribute religious magazines, and eventually to a nation-wide ban on Jehovah's Witnesses religious organisations in Russia, the criminal prosecution of hundreds of individual Jehovah's Witnesses, and the confiscation of their property.

In today's **Chamber judgment**<sup>1</sup> in the case, the European Court of Human Rights held, by six votes to one, that there had been **violations of:**

- **Article 9 (freedom of thought, conscience and religion), Article 10 (freedom of expression) and Article 11 (freedom of assembly and association) of the European Convention on Human Rights read in the light of Article 9 or 11;**

and also **violations of:**

- **Article 5 (right to liberty and security) and Article 1 of Protocol No. 1 (protection of property) to the European Convention.**

The Court found that the definition of "extremism" was overly broad in Russian law and had been misused for the prosecution of believers or religious ministers on the basis of the content of their beliefs alone.

In addition, under **Article 46 (binding force and enforcement)**, the Court held, by four votes to three, that Russia was to take all necessary measures to discontinue pending criminal proceedings against Jehovah's Witnesses and to release those in prison.

### Principal facts

In 1990, the Administrative Centre of the Religious Organisations of Jehovah's Witnesses in the USSR was registered as a national religious entity. In April 1999, under Russia's new Religions Act, it was re-registered as the Administrative Centre of Jehovah's Witnesses in Russia ("the Administrative Centre"), an umbrella organisation for Russian Jehovah's Witnesses. In the early 2000s, there were approximately 400 congregations of Jehovah's Witnesses and 175,000 individual Jehovah's Witnesses in Russia.

In January 2007 a deputy Prosecutor General asserted that Jehovah's Witnesses, "form branches that frequently carry out activities harmful to the moral, mental, and physical health of their members." Alleging that they represented a public threat, he directed prosecutors to make sure that any extremist material was being unearthed. Ultimately, that led to inspections of the local religious organisations of Jehovah's Witnesses and their publications, and to measures being taken for alleged violations of law committed. These measures included the forced dissolution of Jehovah's Witnesses organisations, the banning and confiscation of their religious publications, the prosecution of hundreds of applicants for distributing "extremist literature", and the confiscation of their property.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

Following unsuccessful appeals, 20 applications against the Russian Federation were lodged with the Court. The applicants are religious organisations of Jehovah's Witnesses, publishers of religious literature and individual Jehovah's Witnesses. The full list is annexed to the judgment.

A summary of the applications follows.

**Forced dissolution of the Taganrog organisation, confiscation of its property and banning of publications** (1 application)

The Taganrog local religious organisation (LRO) of Jehovah's Witnesses was originally registered in 1992 as an independent religious association. In 1998 it was re-registered as a local religious organisation operating within the structure of the Administrative Centre.

Following the instructions of the deputy Prosecutor General, inspections of Jehovah's Witnesses books and magazines found that they advocated that the Jehovah's Witnesses were the only true religion and considered all other Christian religions to be Satanic, although they did not incite hostile actions against them. Further study into the Taganrog LRO revealed that one of its founding members had died after refusing a blood transfusion, that it advocated not performing civic duties such as military service, that faith in God was to take priority over family relationships, and that minors were forced to take part in religious activities and were not allowed to take part in sports or leisure activities with non-Jehovah's Witnesses. The Regional Court subsequently pronounced the Taganrog LRO and 34 of its publications to be extremist and ordered that it be dissolved, its activities banned, and its property and publications confiscated.

**Banning and confiscation of religious publications** (8 applications)

The applicants include local religious organisations of Jehovah's Witnesses, individual members, the Administrative Centre, and the German and US publishers of Jehovah's Witnesses' literature. Following the search of places of worship and confiscation of property in several towns and regions, the resulting reports alleged that religious publications of Jehovah's Witnesses, albeit not containing calls to violence, did proclaim the superiority of their religion over others and contained disrespectful or hostile attitudes to religions other than their own. The publications were pronounced as extremist, and were subsequently banned and confiscated.

**Prosecution of applicants for distributing "extremist" literature** (4 applications)

In the second half of 2010, individual Jehovah's Witnesses from various parts of Russia were prosecuted and found guilty of "mass dissemination of extremist material" and were fined.

**Forced dissolution of the Samara organisation and confiscation of its property** (1 application)

In 2013-14, the 13 Jehovah's Witnesses congregations in the Samara Region had a total of more than 1,500 members. During an inspection of two of their premises, ten issues of brochures and seven copies of four books that had been declared extremist were seized. An "elder" – a religious minister – and the association were subsequently charged with "possession of extremist material with intent to mass dissemination" and were fined. The association was ultimately declared to be an "extremist organisation"; it was dissolved, and its property was confiscated.

**Withdrawal of the distribution permit and prosecution of applicants for the distribution of unregistered media** (2 applications)

In 1997 the Russian media regulator had granted the German publisher of the Jehovah's Witnesses' *The Watchtower* and *Awake!* magazines a permit for them to be distributed in Russia. In April 2010 the successor media regulator withdrew the permit, as certain issues had been pronounced extremist, and using mass media for the promotion of extremism was prohibited in the Mass Media Act. Later that year, the authorities managed to obtain some copies of the magazines. The German publishing house and the Administrative Centre were found guilty on charges of distributing unregistered magazines and were fined between 1,000 to 1,200 Russian roubles (RUB). The court decisions included an order to confiscate and destroy the publications.

**A shipment of religious literature seized (1 application)**

In 2010 the Administrative Centre received a free gift of religious publications from a German organisation of Jehovah's Witnesses. It sent more than a ton of the publications by train to Kemerovo for use by local Jehovah's Witnesses. Not one of the publications included in the shipment had been pronounced extremist. After collecting the material, applicants Mr Gareyev and Mr Rashevskiy were intercepted by the armed police, who confiscated all the packages.

**Blocking of access to Jehovah's Witnesses' website (jw.org) (1 application)**

In August 2013 the Tsentralniy District Court pronounced the Jehovah's Witnesses' website as extremist on the ground that it contained copies of brochures which had been declared extremist and copies of publications, including *Awake!* and *The Watchtower* magazines whose distribution permit had been revoked. The following month, the Watchtower Bible and Tract Society of New York – the owner of the Jehovah's Witnesses' international website –, the Administrative Centre, and ten individual Russian Jehovah's Witnesses with visual or hearing impairments – lodged separate unsuccessful appeals, complaining that they had not had an opportunity to take part in the proceedings, that the decision to block access to the entire website prevented worshippers in Russia from accessing other material and that the website was the only source of religious materials with sign language commentaries or audio recordings for blind users. In July 2015 the Ministry of Justice put the website on the Federal List of Extremist Materials.

**Forced dissolution of the Administrative Centre and local religious organisations (2 applications)**

In March 2016, the Administrative Centre was warned to cease all "extremist activity" or face liquidation. A year later, the Ministry of Justice asked the Supreme Court to declare the Administrative Centre an "extremist organisation", to liquidate it, together with all 395 LROs of Jehovah's Witnesses, and to confiscate their property. In April 2017, the Supreme Court, "seeking to guarantee national security and public order", ordered that the Administrative Centre and the local organisations of Jehovah's Witness in Russia be dissolved and that their property be seized. Their subsequent appeals were not considered.

As of September 2021, the Russian authorities had confiscated: (i) the 21 properties that were owned by the Administrative Centre on the date of the liquidation decision; (ii) the 97 properties owned by the local organisations on the date of the liquidation decision; and (iii) 128 of 269 properties that the local organisations had transferred to foreign organisations of Jehovah's Witnesses in the months prior to the liquidation decision.

**Criminal prosecution of Jehovah's Witnesses***Prosecution of applicants in Taganrog and Rostov-on-Don (1 application)*

Between August 2011 and May 2012, three criminal cases were opened against persons who allegedly sought to resume the activities of the banned Taganrog LRO, with them being made to undertake not to leave their place of residence. The joint judgment of 30 November 2015 held that the applicants, while aware that the Taganrog LRO had been banned, had resumed and continued its activities. The "elders" of the community were sentenced to five years' imprisonment conditional on five years' probation and fined RUB 100,000 each. The others were fined for being members of an extremist religious organisation.

*Imprisonment of an applicant for "continuing the activities of an extremist organisation" (2 applications)*

Dennis Christensen, a Dane, was married to a Russian national and lived in Oryol. He was a member of the Tsentralnoye religious group, not a member of the Oryol local organisation of Jehovah's Witnesses which had been dissolved in 2016 and banned for possession of "extremist" publications. In February 2017 covert surveillance of the Kingdom Hall of Jehovah's Witnesses in Oryol recorded Mr Christensen taking part in Bible-themed discussions. Mr Christensen was arrested on charges of continuing the activities of an extremist organisation and was remanded in custody on the ground that his ten-year-long legal residence in Russia, stable income and a Russian wife were all insufficient guarantees against absconding in view of his foreign nationality and despite a letter from the Danish

embassy in Moscow stating that it would not issue him with a new passport or otherwise help him leave Russia. On 9 February 2019 Mr Christensen was sentenced to a six-year term in a general regime penal colony.

#### *Further criminal proceedings against Jehovah's Witnesses*

By September 2021, 559 Jehovah's Witnesses in Russia had been charged for allegedly organising, participating in, or financing the activity of an "extremist" organisation; 133 Jehovah's Witnesses had been convicted and sentenced under Article 282.2 of the Criminal Code; at least 255 Jehovah's Witnesses had been placed in pre-trial detention or under house arrest; and more than 1,547 homes of Jehovah's Witnesses had been searched by the police.

## Complaints, procedure and composition of the Court

Most of the applicants complained that the designation and banning of Jehovah's Witnesses' religious literature as "extremist material", the forced dissolution of their organisations and the prosecution of individual Jehovah's Witnesses had breached their rights to freedom of religion, expression and association guaranteed by Articles 9 (freedom of thought, conscience and religion), 10 (freedom of expression) and 11 (freedom of assembly and association) of the Convention. Some complained that the withdrawal of the permit to distribute religious magazines and the decision to declare the Jehovah's Witnesses' international website "extremist" had had no basis in Russian law and had not been necessary in a democratic society. Relying on Article 1 of Protocol No. 1 (protection of property), some complained that the decisions to confiscate their publications, places of worship and other property had violated their right to peaceful enjoyment of possessions. Mr Christensen complained that his pre-trial detention had been incompatible with the requirements of Article 5 (right to liberty and security) of the Convention.

The 20 applications were lodged with the European Court of Human Rights between 1 June 2010 and 20 August 2019.

Having regard to the similar subject matter of the applications, the Court examined them jointly in a single judgment.

Judgment was given by a Chamber of seven judges, composed as follows:

Georges Ravarani (Luxembourg), *President*,  
Georgios A. Serghides (Cyprus),  
Darian Pavli (Albania),  
Peeter Roosma (Estonia),  
Andreas Zünd (Switzerland),  
Frédéric Krenc (Belgium),  
Mikhail Lobov (Russia),

and also Milan Blaško, *Section Registrar*.

## Decision of the Court

### [Article 9 read in the light of Article 11](#)

The Court held, by six votes to one, that there had been a **violation** of Article 9 of the European Convention on Human Rights read in the light of Article 11 **on account of the forced dissolution of the Taganrog LRO**. When considering the charges raised against the Taganrog LRO, the Court found that the Russian authorities had failed to put forward any elements which warranted interference with the applicants' rights to freedom of religion, expression or association. It concluded that the interference was not "prescribed by law" in so far as it was based on the provisions of the Suppression of Extremism Act, which fell short of the lawfulness requirement with its overly broad definitions of "extremism"; under it, any conduct, even if devoid of hatred or animosity, could be

categorised as “extremist” and censured. The Extremism Act had been misused for the prosecution of believers or religious ministers on the basis of their beliefs alone.

The Court held, by six votes to one, that there had been a **violation** of Article 9 of the European Convention read in the light of Article 11 **on account of the forced dissolution of the Administrative Centre and local religious organisations (LROs)**. The Court noted that the dissolution had stripped the organisations of their legal personality, preventing them from exercising a wide range of rights reserved under Russian law to registered religious organisations. It had also deprived the individual members of the right to meet as a congregation and to carry out activities which were an integral part of their religious practice.

#### Article 10

The Court held, by six votes to one, that there had been a **violation** of Article 10 **on account of the banning and confiscation of religious publications**. The Court found that the decision to declare a number of Jehovah’s Witnesses’ publications as “extremist” resulting in a State-wide ban on their distribution and use in worship interfered with members’ right to freedom of religion and the right of the publishers of Jehovah’s Witnesses’ literature to impart information under Article 10 of the Convention. The Court had already found that the definitions of “extremism” and “extremist activities” in section 1 of the Suppression of Extremism Act, as formulated and applied in practice by the Russian authorities, fell short of the lawfulness requirement.

#### Articles 10 and 11 read in the light of Article 9

The Court held, by six votes to one, that there had been a **violation** of Articles 10 and 11 read in the light of Article 9 **on account of the designation of Jehovah’s Witnesses’ publications as “extremist”, and the prosecution of individual applicants and the forced dissolution of the Samara LRO for using those publications in their religious ministry**.

The Court found that the banning of Jehovah’s Witnesses’ publications, even though they contained no statements advocating violence, hatred or intimidation, was only possible because the definition of “extremism” in Russian law was overly broad and could be applied to entirely peaceful forms of expression. It held that peaceful and non-violent attempts to persuade others of the virtues of one’s own religion and the flaws of others and to urge them to abandon “false religions” and join the “true one” was a legitimate form of freedom of religion and expression. It was also permissible to seek to convince others to prefer alternative civilian service.

The Court has previously identified a number of fundamental procedural flaws in the way in which Russian courts categorised material as “extremist”. The first flaw was that the courts simply endorsed conclusions drawn up by experts selected by the prosecutors and the police and made no attempt to conduct their own legal analysis. The second stemmed from the fact that Russian law did not allow affected parties to participate in the proceedings under the Suppression of Extremism Act which meant that their arguments could not be heard. The applicants had been stripped of the procedural protection that they were entitled to enjoy under Article 10 of the Convention.

As regards those who were convicted on charges of “mass dissemination of extremist literature” for using the previously banned publications in religious ministry, the Court noted that all that it took to be incriminated was for somebody to have a copy of a publication that was on the Federal List of Extremist Material.

#### Article 10 read in the light of Article 9

The Court held, by six votes to one, that there had been a **violation** of Article 10 read in the light of Article 9 **on account of the withdrawal of the distribution permit**. The Court noted that under Russian law, distribution of foreign printed periodicals in Russia required a distribution permit. The decision to withdraw the permit had prevented both the German publisher of the Jehovah’s Witnesses’ magazines and the Administrative Centre from distributing them in Russia and had exposed individual applicants to administrative sanctions. It noted that Russian law did not specify

the conditions under which a permit could be withdrawn. The applicants had not been given any advance warning and had thus been deprived of the opportunity to put right the alleged violation. The measure had also been excessively broad in that it meant that no issues of the magazines could be distributed, whereas only certain issues had been declared extremist.

The Court held, by six votes to one, that there had been **a violation** of Article 10 read in the light of Article 9 **on account of the prosecution of the applicants for disseminating unregistered media**. The Court noted that the proceedings against the individual applicants prosecuted for “distributing” unregistered media had been brought even though the judicial challenge to the withdrawal decision was still being considered. It appeared that the applicants had not been aware that they were breaking the law by continuing to use the magazines in their religious ministry. They were accused of distributing them even though the authorities had obtained copies from locked cupboards and through police measures.

The Court held, by six votes to one, that there had been **a violation** of Article 10 read in the light of Article 9 **on account of the designation of the Jehovah’s Witnesses’ international website as “extremist”**. Preventing access to the Jehovah’s Witnesses website from within Russia had amounted to “interference by a public authority” with the right of the website owner – Watchtower New York – to disseminate information to individual Jehovah’s Witnesses and other interested persons in Russia. It had also prevented the Administrative Centre from receiving and imparting information to its members. For the applicants with visual or hearing impairments, the website had been the only accessible source of downloadable religious materials addressing their specific needs. In examining whether the interference had been legal and necessary, the Court noted that Watchtower New York had been given no prior warning, nor the opportunity to remove the allegedly illegal material from the website. It had also not been invited to participate in the ensuing hearing. The Court found that the decision to block access to the entire website was unlawful and disproportionate, all the more so as Watchtower New York had taken down the offending publications in the meantime.

### Article 9

The Court held, by six votes to one, that there had been **a violation** of Article 9 on account of the **criminal prosecution of Jehovah’s Witnesses**. In so far as the domestic judgments appeared to suggest that it was sufficient for the applicants to practice their religion “individually”, the Court reviewed the findings of the domestic courts and found that the applicants had been sanctioned for having practised their religion as a community. It reiterated that the right to manifest one’s religion “in community with others” was an essential part of the freedom of religion. There had therefore been an interference with the applicants’ rights protected under Article 9 of the Convention. Since the authorities had failed to demonstrate otherwise, the Court held that their prosecution and conviction for peacefully practising the religion of Jehovah’s Witnesses together with others was based on the impermissibly broad formulation and application of the anti-extremist legislation.

### Article 5

In view of its finding of a violation of Article 9 of the Convention on account of the criminal prosecution of the applicants, and having found that the entire criminal procedure was tainted with arbitrariness, the Court held, by six votes to one, that **Mr Christensen’s pre-trial detention and imprisonment for “continuing the activities of an extremist organisation”** were not based on a reasonable suspicion of his having committed any offence and were therefore **in breach** of Article 5 of the Convention.

### Article 1 of Protocol No. 1

The applicants’ complaints about the **confiscation of their property** concerned three types of “possessions”: (i) the allegedly “extremist” publications which were seized from the applicants’ homes, places of worship and other premises; (ii) the publications which had not been declared “extremist” and other personal property of the applicants including their computers, notebooks and

printed material; and (iii) immovable property owned by the Administrative Centre and the LROs.

The Court could not find any legal basis for the domestic authorities' continued retention of the applicants' religious literature and personal property and held, by six votes to one, that there had been a **violation** of Article 1 of Protocol No. 1.

#### Article 46 (binding force and enforcement)

When the Court finds a breach of the Convention, the State has a legal obligation to select, subject to supervision by the Committee of Ministers, the general and/or, if appropriate, individual measures to be adopted in its domestic legal order to put an end to the violation found by the Court and to redress the situation. The Court held, by four votes to three, that Russia was to take all necessary measures to discontinue the pending criminal proceedings against Jehovah's Witnesses and to release those that were in prison.

#### Just satisfaction (Article 41)

The Court held, by six votes to one, that Russia, in order to satisfy the applicants' claim for pecuniary damage incurred through the confiscation of their properties, was to ensure that the properties be returned to the applicants within three months of the present judgment becoming final. Should it fail to do so, it was to pay the amounts specified in Appendix II of the judgment to those applicants resident in Russia.

In addition, it was to pay 15,000 euros (EUR) each to the individual applicants resident in Russia who had been convicted in criminal proceedings; EUR 7,500 each to the dissolved or banned applicant organisations and congregations and to the applicants who had been convicted in administrative proceedings; and, EUR 1,000 each or the smaller amount claimed to the other applicants in respect of non-pecuniary damage. Moreover, it was to pay EUR 125,000 jointly to all applicants in respect of costs and expenses.

*The judgment is available only in English.*

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