



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 6 March 2014

FIRST SECTION

Application no. 32401/10  
TAGANROG LRO and others against Russia  
and 21 other applications  
(see list appended)

**STATEMENT OF FACTS**

1. Lists of the applications and applicants are set out in Annexes 1 and 2. The circumstances of the individual cases are set out below.

**A. Background information on Jehovah's Witnesses in Russia**

2. Jehovah's Witnesses have been present in Russia since 1891. They were banned soon after the Russian Revolution in 1917 and criminally persecuted in the Soviet Union.

3. After the USSR Law on Freedom of Conscience and Religious Organisations was enacted in 1990, on 27 March 1991 the RSFSR Ministry of Justice registered the charter of the Administrative Centre of The Religious Organisation of Jehovah's Witnesses in the USSR. On 11 December 1992 the Ministry of Justice of the Russian Federation registered the charter of the Administrative Centre of the Regional Religious Organisation of Jehovah's Witnesses. In 1998, the Administrative Centre was granted re-registration for the purposes of the new Religions Act (Federal Law no. 125-FZ of 26 September 1997).

4. In order to carry out their religious worship and practice throughout Russia, under the auspices of the Administrative Centre, religious associations of Jehovah's Witnesses are formed into groups or communities, called "congregations".

5. In January 2007, a deputy Prosecutor General of the Russian Federation sent a letter to all prosecutors' offices of the Russian Federation in which he claimed that Jehovah's Witnesses represented a public threat:

"There are various branches of foreign religious and charitable organisations within the territory of Russia whose activities do not formally violate the provisions of Russian legislation but quite often promote the growth of tension in society. Representatives of foreign religious associations (Jehovah's Witnesses, Unification

Church, Church of Scientology, etc.), followers of various eastern faiths, and followers of Satanism form branches that frequently carry out activities that damage the moral, mental, and physical health of their members.”

He directed the subordinate prosecutors as follows:

“To investigate whether territorial agencies of the Federal Service for oversight of compliance with the mass communications law ... properly fulfil their legal duty to detect extremist material in the media owned by religious associations (Church of Scientology, Jehovah’s Witnesses, and other religious organisations that have their own printing agencies).”

## **B. Russian Jehovah’s Witnesses before the Court**

6. The Court has so far examined three applications from Jehovah’s Witnesses in Russia.

7. The case *Kuznetsov and Others v. Russia* (no. 184/02, 11 January 2007) concerned disruption of a religious meeting of Jehovah’s Witnesses from the Chelyabinsk congregation by the Regional Ombudswoman with the assistance of the police. Observing that the actions of the local officials lacked any legal basis, the Court found a violation of Article 9 of the Convention. A similar complaint concerning disruption of a Jehovah’s Witness’ meeting in the Moscow Region is now pending before the Court (see *Krupko and Others v. Russia*, no. 26587/07).

8. In the case of *Jehovah’s Witnesses of Moscow v. Russia* (no. 302/02, 10 June 2010), the Court found that the refusal to allow the Moscow congregation of Jehovah’s Witnesses to obtain re-registration for the purposes of the new Religious Act and its subsequent liquidation by a judicial decision and the banning of its activities had been in breach of Articles 9 and 11 of the Convention.

9. Most recently, the Court found a violation of Article 8 of the Convention arising from the disclosure of the applicants’ medical records for the purposes of an investigation conducted by the prosecutor’s office into the activities of Jehovah’s Witnesses in St Petersburg (see *Avilkina and Others v. Russia*, no. 1585/09, 6 June 2013).

## **C. The liquidation of the Taganrog organisation, confiscation of its meeting hall and the ban of 34 publications (application no. 32401/10)**

10. The first applicant in this application, the Taganrog local religious organisation of Jehovah’s Witnesses (the “Taganrog LRO”), was first registered by the Department of Justice of the Rostov Region as a religious association of Jehovah’s Witnesses in the city of Taganrog on 22 May 1992. On 15 December 1998 it was re-registered by the Rostov Region Department of Justice as a local religious organisation operating within the structure of the second applicant, the Administrative Centre of Jehovah’s Witnesses in Russia. The third and fourth applicants are publishers of Jehovah’s Witnesses religious literature. The fifth to sixteenth applicants are the twelve congregations which share the same place of worship (the “Kingdom Hall”) with the first applicant.

11. In response to the circular letter from the deputy Prosecutor General (see paragraph 5 above), on 13 September 2007 a deputy Rostov Regional Prosecutor directed all town and district prosecutors to carry out inspections of the religious organisations of Jehovah's Witnesses:

“Structures of the foreign religious organisation (FRO) of Jehovah's Witnesses, registered ... in the Rostov Region, are actively functioning in the territory of Rostov Region (RR). The organisation, as a matter of course, refuses to recognise the State authority in the countries in which its branches are located. The activity of the FRO has been banned in several jurisdictions.

Despite having official registration, in the course of carrying out their cult activity followers of the FRO of Jehovah's Witnesses regularly commit violations of Russian law. In particular, they preach refusal to fulfil civil responsibilities (serving in the army, paying taxes, commission of administrative and criminal offences). They forbid their adherents from accepting medical assistance in the form of blood transfusions resulting in death or serious harm being caused to their health, including that of children. An outstanding feature of the organisation is the aggression it openly displays towards representatives of other religious confessions, and the active propaganda of the teachings of the FRO and activity in recruiting new adherents to the organisation, the number of which in the territory of the region already exceeds 5,000 persons. The given circumstances are grounds for the possible rise of serious conflicts in the interfaith sphere ...

The findings of a religious expert study of several printed publications that had been distributed by the Jehovahists in the Rostov Region, carried out in August of this year by the Rostov Center for Court Expert Studies indicate that they contain indications of incitement to religious enmity.

On the basis of the above, it is necessary for you to organise and conduct thorough investigations of local religious organisations of Jehovah's Witnesses located in your jurisdictions, together with the territorial agencies of the Federal Security [Service] and the registration service, and to take all possible reactive measures, including examining the question of preparing and sending to courts applications to liquidate local organisations in connection with committed violations of law, and to inform the regional prosecutor's office with details of reactive measures by 10 October 2007.”

12. The expert study to which the deputy prosecutor referred, had been commissioned on 2 August 2007 by the acting prosecutor of the Tarasovskiy district of the Rostov Region with a view to determining whether or not a number of Jehovah's Witnesses' books and magazines contained “indications of inciting hatred or hostility, or of debasing human dignity on account of one's attitude toward religion, or of advocating the exclusivity of one religion in comparison with another”. An expert from the Rostov Centre for Forensic Studies found that, while the texts studied contained elements of hatred towards the “Christendom”, that is all religious movements recognising Jesus Christ and the Bible except Jehovah's Witnesses, there were no expressions inciting hostility which could encourage readers to take action aimed at the destruction of the object of hatred. The texts also advocated the exclusivity of one religion, inasmuch as the Jehovah's Witnesses' movement pronounced itself to be the only true religion, whereas all other Christian religions were seen to be Satanic.

13. In pursuance of the Rostov Regional prosecutor's letter of 13 November 2007 and referring to the findings of the expert study, on 31 October 2007 the acting deputy Taganrog prosecutor issued a warning to the Taganrog LRO, advising it “to stop extremist activities”. The Taganrog LRO sent a written reply, considering the warning to be unlawful; however, it did not challenge the warning in court.

14. The Taganrog prosecutor's office also pursued other lines of investigation into the activities of Jehovah's Witnesses in the region. Thus, on 17 October 2007 a senior assistant to the Taganrog prosecutor requested the head doctor of the city hospital to provide a copy of the medical record of Ms T. Salnikova who had been treated in the hospital in 2004, as well as the contact details of the doctor in charge of the treatment and the head of the intensive care unit at that time. Ms Salnikova had been one of the founding members of the Taganrog LRO; on 17 March 2004 she had been admitted to the hospital following a serious motor vehicle accident. Throughout her treatment, she requested that the doctors should refrain from administering blood products. On 8 April 2004, Ms Salnikova died due to her extensive injuries. Both the post-mortem diagnosis and the medical examiner who conducted forensic autopsy for the purposes of a criminal investigation against the driver concurred that her death had been caused by trauma, posthemorrhagic anemia and multiple organ failure.

15. On 9 June 2008 the Rostov Regional Prosecutor's office filed a claim in the Rostov Regional Court to liquidate the Taganrog LRO. The stated grounds for liquidation were:

(a) the death of Ms Salnikova which was alleged to have been the consequence of her refusal of blood transfusion;

(b) the continued distributed of religious literature which the expert study had found to contain indications of extremism;

(c) the fact that the Taganrog LRO had held services of worship outside the city of Taganrog;

(d) the materials of a criminal case against Mr G. who had been convicted, by judgment of 1 November 2005, of refusing to accept alternative civilian service which was to be carried out at a factory connected with the military. Mr G. was not a member of the Taganrog LRO;

(e) the failure to amend the list of founders of the Taganrog LRO following Ms Salnikova's death;

(f) the omission of the full details of the publishing religious organisation in selected printed materials of Jehovah's Witnesses.

16. At the first hearing the prosecutor asked the Regional Court to appoint a composite psycho-linguistic religious expert study that should be carried out at the Southern Regional Centre of Forensic Studies by the expert Mr A. who would have the task of determining whether or not sixty-eight publications of Jehovah's Witnesses incited religious discord, gave a negative assessment of other religions, contained calls to refuse medical assistance, etc. The representatives of the Taganrog LRO proposed to the court a different set of questions for the study and a selection of institutions to whom it could be assigned. The Regional Court granted the prosecutor's request, endorsing all of the prosecutor's and some of the defendant's questions and assigning the study to the Southern Region Centre "for the sake of expediency". The Taganrog LRO's appeal against the Regional Court's determination was rejected on 9 September 2008 by the Supreme Court of the Russian Federation. The study was completed on 15 July 2009.

17. The Taganrog LRO sought by oral and written motions to join the Administrative Centre (the second applicant), Wachturm Germany (the third applicant), and Watchtower New York (the fourth applicant) as parties to the proceedings, since collectively they were responsible for the printing,

publishing, and distribution of the religious literature of Jehovah's Witnesses in Russia. All such motions were denied.

18. On 11 August 2009, the prosecutor supplemented his claim in the case with the request that the sixty-eight publications of Jehovah's Witnesses (as per the same list that had been submitted for a composite study) be declared extremist material. Then, on 7 September 2009, the prosecutor again amended its claim by requesting that the Taganrog LRO not only be liquidated but also be declared an extremist organisation, that its property be turned over to the Russian Federation, and that sixty-eight religious publications be confiscated.

19. By judgment of 11 September 2009, the Rostov Regional Court granted the prosecutor's claim, ordering the liquidation of the Taganrog LRO as an extremist organisation and the banning of its activities. The Regional Court founded its judgment on the following evidence.

20. The Regional Court fully endorsed the findings of the composite expert study which established that thirty-four publications of Jehovah's Witnesses contained "indications of inciting religious discord, refusal of blood or refusal of civil duties":

"Assessing the research conducted by the experts and taking into account their oral statements at the trial, the court has reached the conclusion that part of the literature and printed publications distributed by the [Taganrog] LRO contain a number of expressions ... demonstrating the negative attitude of Jehovah's Witnesses toward various elements of traditional Christianity, a negative image of Catholicism as a traditional Christian denomination, and a sharply negative assessment by one religious group, including accompanying illustrations directed at the Roman Catholic Church and the Russian Orthodox Church. The literature contains information capable of undermining the reader's respect for Christian religions (except Jehovah's Witnesses) and for their Christian religious figures, and also contains expressions and content urging [people] to leave other Christian religions (false religions) and to join the religion of Jehovah's Witnesses. Such appeals are expressed in various forms—declarations of intent, directives, pleading, appeals, and advice. To exert psychological influence on the consciousness of the perceiver, manipulative devices are used."

The Regional Court referred to the statements by two Orthodox priests and five Orthodox believers who claimed having been offended by the Witnesses' criticism of Orthodox Christianity. On the basis of their testimony, the Regional Court found that the Witnesses' literature and views "outrage religious feelings, provoke conflict on interreligious grounds, and inflame religious discord".

21. On the charge of incitement to refuse medical assistance, the Regional Court took evidence from Ms Salnikova's husband and the head of emergency unit. They confirmed that after the accident Ms Salnikova had been repeatedly offered blood transfusion which she had firmly refused, citing her religious duty as a Jehovah's Witness. In the doctor's opinion, the medicine her fellow believers had brought for her had not been the kind of the blood substitutes that she had needed. On the basis of the above-mentioned expert study, the testimony by witnesses and Ms Salnikova's medical record, the Regional Court considered it established that –

"...the refusal of a blood transfusion did lead to a fatal outcome since other methods of treatment turned out to be ineffective. [The court] takes into account that the establishment of the fact that harm caused to the health of at least one person is a proven gross violation of law, which would exclude further activity of the LRO."

22. On the issue whether the Taganrog LRO advocated abandonment of civic duties, the Regional Court again referred to the expert study and also heard an official of the Taganrog military drafting office. He stated that in 2007 Mr G. had been one of ten conscripts who professed the religion of Jehovah's Witnesses. He had learnt of the existence of the Taganrog LRO from two young men who were on their way to serve when "attempts were made to influence them not to serve". Mr G. had refused a specific assignment to perform alternative civilian service, for which he was found criminally liable. The Regional Court found this evidence sufficient to conclude that a breach of the law on the part of Mr G. had been the product of the influence of the Taganrog LRO:

"...the evidence produced at the trial confirms the fact that the Taganrog LRO committed actions inciting citizens to refuse to fulfill civic duties established by law. Those actions included distributing among believers of literature containing such appeals ... and the influencing of citizens of conscription age not professing the said religion to refuse to perform military service. The last allegation is based on the testimony of the witness ... from the Taganrog military drafting office [who] testified that he learned of the existence of conscripted believers in the spring of 2007 during the spring call-up, when conscripted young men approached him and said that other conscripted persons were influencing them to refuse to undergo service in the army."

23. The Regional Court further considered the prosecutor's allegation that the Taganrog LRO involved minors in its activities. The prosecution produced two witnesses: Mr S., former husband of a Jehovah's Witness, stated that his former wife involved their child in the religious activities, despite his objections. He had sought a judicial order for amending the custody arrangements but it had been refused because his former wife and a child had "excellent living conditions". The second witness, Ms B., an official of the Child Protection Authority, related the case of a sixteen-year-old student who had fallen behind in her studies because she had missed classes twice a week to visit a Sunday school. In the end the child was helped and the girl finished school. Two witnesses for the respondent, the former wife of Mr S. and another Witness mother, told the court that they read Bible together with their children and attended religious meetings twice a week but they did not celebrate birthdays or State holidays. The Regional Court drew the following conclusion from the testimony before it:

"The testimony ... objectively confirms the arguments in the application regarding minor children being lured into the organisation's activity, including into the preaching activity, as small or minor children are being obliged, together with their parents, regardless of weather or time of year, to go on the streets and to apartments with the goal of distributing literature, and to be present for long periods of time at discussions at meetings ...

The circumstances established during the trial testify to the violation by the religious organisation and its members of the provisions of the Convention on the Rights of the Child, the Russian Constitution, and the Russian Family Code, as they involve very young children in the religious organisation without the consent of the other parent, who has equal rights and duties in the upbringing of the children, and do not consider the opinion and interests of the children.

The actions of the members of the Taganrog LRO constitute a direct violation of the provisions of Article 31 of the Convention on the Rights of the Child, which establishes that the States Parties recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child, and to participate freely in cultural life and the arts.

The testimony of the witnesses who are members of the organisation, to the effect that they visit the park with their children, take trips to the zoo, and spend time with their children in nature, does not attest to the parents' ensuring conditions for the full and comprehensive development of the children, since all these activities only take place with the participation of other members of the organisation. Not one of the witnesses demonstrated that their children actively participate in sports or in any type of sports leagues, are receiving a musical education, or are interested in and attending hobby groups of any kind, all of which are necessary for a comprehensive development of personality, abilities, and interests."

24. The Regional Court also found that the activities of the Taganrog LRO led to destruction of family relations on account of religious differences. The court referred to the findings of the expert study to the effect that "faith in God takes priority over family relationships" and that "non-belief on the part of a spouse or children is considered to be a basis for marital instability ... and also for termination of relations with the non-believing family member". It also took evidence from Mr St., director of the Consultative Centre, an entity aligned with the Orthodox Church, who told the court that Mr S. (see above) and Mr K. had sought his advice on how to prevent their families from breaking-up because of their wives' involvement in Jehovah's Witnesses' work. Mr S. and Mr K. confirmed that before the court. Five witnesses who testified about their harmonious relationships with their spouses were deemed unreliable by the Regional Court: according to the court, Mr V., a non-believer, did not speak the truth because "his wife was in attendance in the courtroom during his testimony" and the four religious witnesses had a vested interest in "continuing the activities of the organisation, of which they were members".

25. Finally, the Regional Court considered it established that the Taganrog LRO "had encroached on the personality, rights and freedoms of citizens". That charge had two facets: on the one hand, the Taganrog LRO "determined how the believers' free time [was to be] spent and forbade them to celebrate holidays and birthdays", and on the other hand, the members of the LRO preached at homes without an invitation, "without giving heed to the opinion of persons whom they visited and with whose private life they interfered".

26. On the strength of the above evidence, the Regional Court pronounced the Taganrog LRO to be an extremist organisation and ordered that it be liquidated, banned in its activities and removed from the Rostov register of legal entities and that its property, including a building in Taganrog (known as the "Kingdom Hall") and the adjacent plot of land, be confiscated and transferred to the State. Thirty-four publications of Jehovah's Witnesses were declared extremist material and also confiscated (see the list in Annex 2).

27. The Taganrog LRO filed a 125-page statement of appeal, in which it dissected every aspect of the Regional Court's judgment and complained in particular that the Jehovah's Witnesses had been singled out for persecution and discrimination. It referred to the prosecutor's letters which explicitly targeted the organisation, to the press publications about the trial, and to the fact that the Regional Court took evidence from Orthodox priests, avowedly Orthodox Cossacks and the director of an Orthodox-affiliated centre Mr St.

28. On 8 December 2009 the Supreme Court of the Russian Federation rejected the appeal in a summary fashion, without addressing its arguments

in detail. On the same day it rejected an application by the Administrative Centre requesting that it be heard as a party to the proceedings.

#### **D. Banning of religious publications**

##### *1. Banning of eighteen publications in the Altay Region (application no. 44285/10)*

29. The applicants are the local religious organisation of Jehovah's Witnesses Gorno-Altaysk ("the Gorno-Altaysk LRO"), the Administrative Centre of Jehovah's Witnesses in Russia, the German and US publishers of Jehovah's Witnesses literature, the Gorno-Altaysk congregation of Jehovah's Witnesses comprising 34 members, and a Russian national Ms Irina Aleksandrovna Rogovaya, born in 1960 and resident in Gorno-Altaysk, who is a member of the Gorno-Altaysk congregation.

30. On 22 December 2008, the Gorno-Altaysk town prosecutor filed an application with the Gorno-Altaysk Town Court to declare extremist 27 religious publications of Jehovah's Witnesses. He relied on the findings of a study by unidentified experts who had found that the publications of Jehovah's Witnesses proclaim the superiority of their religion and exercise negative influence on a person's "willpower and conduct ... with the use of methods of Neuro-Linguistic Programming".<sup>1</sup>

31. The Gorno-Altaysk LRO and the Administrative Centre of Jehovah's Witnesses in Russia were authorised to join the proceedings as interested parties.

32. On 10 February 2009 the prosecutor successfully applied to increase the list of religious publications comprising his claim to 29. At the prosecutor's further request, the court commissioned a composite psycholinguistic religious expert study of the 29 religious publications.

33. Upon completion of the expert study on 4 May 2009, the prosecutor reduced his claim from 29 to 23 religious publications. The court further reduced the number of religious publications under scrutiny to 18, by withdrawing from consideration 5 religious publications previously held to be extremist by the Rostov Regional Court on 11 September 2009.

34. On 7 June 2009 the police searched the place of worship of Jehovah's Witnesses in Gorno-Altaysk confiscating hundreds of items of religious literature. They also searched the private homes of Mr Aleksandr Kalistratov, the representative of the Gorno-Altaysk LRO, and Ms Irina Rogovaya, the sixth Applicant, confiscating religious literature and personal property.

35. On 1 October 2009 the Town Court declared extremist eighteen religious publications of Jehovah's Witnesses (one brochure, seven *Awake!* magazines, and ten *Watchtower* magazines, see Annex 2). The court

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1. According to the Wikipedia, neuro-linguistic programming (NLP) is an approach to communication, personal development, and psychotherapy created by two Americans in the 1970s. Its creators claim a connection between the neurological processes ("neuro"), language ("linguistic") and behavioral patterns learned through experience ("programming") and that these can be changed to achieve specific goals in life. The balance of scientific evidence reveals NLP to be a largely discredited pseudoscience. Scientific reviews show it contains numerous factual errors, and fails to produce the results asserted by proponents. ([http://en.wikipedia.org/wiki/Neuro-linguistic\\_programming](http://en.wikipedia.org/wiki/Neuro-linguistic_programming)).



endorsed in their entirety the findings of the expert study of 4 May 2009 and held as follows:

“Evaluating the research conducted by the experts and taking into consideration their statements before the court, the court has come to the conclusion that the printed publications, including the magazines *Awake!* and *The Watchtower*, and the brochure *What Does God Require of Us?*, contain a series of expressions demonstrating a negative attitude on the part of Jehovah’s Witnesses toward various elements of traditional Christianity and a negative image of Catholicism as a branch of traditional Christianity; contain a sharply negative assessment of a particular religious group and contain information capable of undermining the respect of the reader for a Christian religion – other than that of Jehovah’s Witnesses –and its Christian religious figures; and also contains incitement to leave other Christian religions (false religions) and join the religion of Jehovah’s Witnesses, those incitements being expressed in various forms of declaration of will: directives, wishes, appeals, counsel ... Based on the psychological analysis of the texts, it was unequivocally concluded that they were negative propaganda, containing advocacy of the superiority of Jehovah’s Witnesses’ teachings and the inferiority of other religions.”

The Town Court ordered that these religious publications be confiscated and also included on the federal List of Extremist Materials.

36. The Gorno-Altaysk LRO and the Administrative Centre of Jehovah’s Witnesses in Russia submitted an appeal in which they exposed, in particular, a biased choice of the experts and defective methods that were used for conducting the study. They also pointed out that, although the Town Court had commissioned a composite study that should have included a religious component, no expert in religious studies had taken part in the study.

37. On 27 January 2010 the Supreme Court of the Altay Republic rejected the appeal in a summary fashion, endorsing the judgment of the Town Court.

*2. Banning of three publications in the Rostov Region (application no. 2269/12)*

38. The applicants are the local religious organisation of Jehovah’s Witnesses in the city of Salsk (“the Salsk LRO”), the Administrative Centre of Jehovah’s Witnesses in Russia as the importer and distributor of the religious literature of Jehovah’s Witnesses, and the German and US publishing houses.

39. Following a complaint by a member of the public asserting that certain publications of Jehovah’s Witnesses proclaim the superiority of their religion over others, on 27 August 2008 the Salsk Town Prosecutor ordered a linguistic expert study to be conducted on the literature concerned. On 18 September 2008 the expert concluded that the texts did not contain signs of extremism but that they “may cause the incitement of hostility to other religions” and “contain traces of propaganda of the superiority of one religion over others”. These tentative findings were sufficient for the two prosecutor to file, on 18 December 2008, filed an application with the Salsk Town Court to declare extremist twelve religious publications of Jehovah’s Witnesses. The Salsk LRO was designated as the defendant and the Administrative Centre was admitted, at its request, as a co-defendant.

40. The prosecutor motioned for the court to order a psychological linguistic religious expert study on the twelve publications, to be performed

by the Southern Regional Centre for Forensic Studies in Rostov-on-Don, which at the time was in the process of conducting a similar expert study in the case concerning the liquidation of the Taganrog LRO (see paragraph 20 above). Upon the defendants' request, the Town Court ruled to commission the study to the Federal Centre for Forensic Studies of the Ministry of Justice in Moscow. However, the Regional Court quashed that decision and the study was entrusted to the Rostov Centre, as requested by the prosecutor.

41. On 30 March 2011 the study was completed. The experts concluded that four publications contained statements capable of “undermining respect, or of evoking hostile feelings, towards religions other than Jehovah’s Witnesses” and information “about the exclusivity and moral superiority of Jehovah’s Witnesses”.

42. At the hearing on 1 June 2011, the Town Court dismissed motions requesting the participation of the German and US publishers of the Jehovah’s Witnesses literature as co-defendants or third parties, finding that the proceedings did not determine their rights or obligations.

43. On 27 June 2011 the Town Court granted the prosecutor’s application in part, ruling to pronounce the nine of the twelve publications extremist, in spite of the fact that six of them had already been pronounced extremist by the Rostov Regional Court (see paragraph 26 above) or the Zavodskiy District Court of Kemerovo (see below). In so ruling, the Town Court extensive quoted from, and fully endorsed the findings of, the expert studies of 18 September 2008 and 30 March 2011.

44. The Salsk LRO, the Administrative Centre, the publishers and three individual Jehovah’s Witnesses all filed statements of appeal; however, only those by the Salsk LRO and the Administrative Centre were accepted for examination.

45. On 13 October 2011 the Regional Court heard the appeals with the same judge-rapporteur who had previously ruled to pronounce 34 publications extremist and to liquidate the Taganrog LRO (see paragraph 26 above). The applicants’ objections as to her partiality were dismissed as unfounded.

46. The same day, the Regional Court quashed the part of the Town Court’s judgment pronouncing extremist five of the six publications that were already on the Federal List of Extremist Materials, but upheld the judgment regarding the remaining four publications pronounced extremist and the three pronounced not extremist.

### *3. Banning of four publications in Krasnodar (application no. 2269/12)*

47. The applicants are the local religious organisation of Jehovah’s Witnesses in the city of Krasnodar (“the Krasnodar LRO”), Mr Vasilii Dmitrievich Chukan and Mr Aleksandr Vasilyevich Tkachenko who are Jehovah’s Witnesses from Krasnodar, as well as the Administrative Centre of Jehovah’s Witnesses in Russia, and the German and US publishers.

48. On 11 March 2009 the Krasnodar regional prosecutor filed an application with the Pervomayskiy District Court of Krasnodar, requesting that four publications of Jehovah’s Witnesses – which had been allegedly discovered in a public park – be pronounced extremist: the 15 March 2007,

15 August 2007, and 15 October 2007 editions of *The Watchtower* magazine, and the book *Draw Close to Jehovah*. The claim was based on the findings of a linguist from the Krasnodar regional police. The Krasnodar LRO was listed as being an interested party in the case.

49. The 15 March 2007 edition of *The Watchtower* magazine and the book *Draw Close to Jehovah* were among the publications already being examined by Rostov Regional Court, which on 11 September 2009 pronounced them extremist (see paragraph 26 above and Annex 2). By the same judgment, the 15 August 2007 edition of *The Watchtower* magazine was pronounced as *not* containing signs of extremism.

50. The Administrative Centre and four individual Jehovah's Witnesses including the applicants Mr Chukan and Mr Aleksandr filed motions to be admitted to the proceedings as interested parties. The District Court granted the motion of the Administrative Centre and rejected those by individuals.

51. On 29 June 2009 the District Court appointed a complex psychological linguistic expert study of the publications, to be carried out by the Southern Regional Centre for Forensic Studies in Rostov. The study was completed on 18 February 2011. The experts found that the literature contained indications of disrespectful or hostile attitude to religions other than Jehovah's Witnesses and of their superiority over other religions, but that there were no statements inciting religious hatred or calls for enmity or violent acts against any other social or religious group.

52. Relying on the findings of the expert study, on 22 April 2011 the District Court granted the prosecutor's application in full and pronounced the four publications extremist. It rejected the expert studies that had been supplied by the defence on the grounds that the experts had not been advised of criminal liability and that the studies had been carried out at the request of a party to the case.

53. The Krasnodar LRO and the Administrative Centre filed statements of appeal. Further appeals were lodged by the individual applicants who alleged a violation of their right to use religious literature for worship, and the publishing houses.

54. On 16 August 2011 the Krasnodar Regional Court examined the appeals and dismissed them, endorsing the judgment of the District Court in its entirety. It rejected as unfounded, without elaboration, the complaints by the individual applicants and the publishing houses that the District Court's judgment determined their rights and obligations without giving them an opportunity to take part in the proceedings. The Regional Court's judgment is silent on the issue that three of the four publications had already been ruled upon by the Rostov Regional Court in its judgment of 11 September 2009.

#### 4. *Banning of six publications in Kemerovo (application no. 2269/12)*

55. The applicants include the local religious organisation of Jehovah's Witnesses "Tsentralnaya" in the city of Kemerovo ("the Kemerovo LRO"), five individual Jehovah's Witnesses: Mr Igor Yuryevich Ananyin from the city of Asbest in the Sverdlovsk Region, Mr Sergey Mikhaylovich Kuzovlev and his wife, Ms Marina Iskandarovna Ivannikova, from the town of Rezh in the Sverdlovsk Region, Mr Aleksandr Anatolyevich Bulkin, Mr Viktor Ilyich Zvyagin, and Mr Igor Vasilyevich Potapov from

Kemerovo, as well as the Administrative Centre of Jehovah's Witnesses in Russia, and the German and US publishers.

56. In circumstances unknown to the applicants, the Kemerovo town police obtained a number of publications of Jehovah's Witnesses. The deputy chief of the Centre for the Suppression of Extremism sent them to the linguist of the Kemerovo State University for linguistic examination.

57. On 2 August 2010 the linguist returned his findings, according to which the book *The Bible—God's Word or Man's?*, the brochure *Keep on the Watch!*, and four issues of the *Watchtower* and *Awake!* magazines incited to enmity and hatred towards Catholicism and Catholic priests. He acknowledged that the publications did not contain calls to violence or other unlawful actions.

58. The expert's report was sent to the Zavodskiy district prosecutor who filed an application on 22 September 2010 to the Zavodskiy District Court of Kemerovo requesting that the six publications be pronounced extremist. The hearing took place on 28 October 2010. No one of the applicants was summoned to participate as parties to the case. On the basis of the expert's report as the sole piece of evidence, the District Court granted the prosecutor's application and declared the publications extremist.

59. The applicants only became aware of the decision when the publications appeared on the Federal List of Extremist Materials after it had been updated on 18 January 2011 on the Web site of the Ministry of Justice.

60. Between 25 and 27 January 2011, fifteen Jehovah's Witnesses from Kemerovo, including the individual applicants, the Administrative Centre and the publishing houses filed statements of appeal. On 28 March 2011 the District Court rejected the appeals, holding that as the applicants had not participated in the 28 October 2010 hearing, they did not have the right to appeal against the decision.

61. The applicants challenged the refusal to consider their appeals before the Regional Court. On 8 July 2011 the Kemerovo Regional Court rejected the complaint, finding that the District Court's judgment of 28 October 2010 did not interfere with the applicants' right to freedom of religion.

*5. Banning of two further publications in Kemerovo (application no. 2269/12)*

62. The applicants are the same as in the above proceedings, with the exception of Mr Kuzovlev and Ms Ivannikova.

63. The circumstances of these proceedings are similar to those described above. The Centre for the Suppression of Extremism of the Kemerovo police had somehow obtained a number of publications of Jehovah's Witnesses which were then given, on 14 February 2011, to a linguist for expert examination. The expert returned his findings two days later, he concluded that two brochures incited to hatred towards other Christian denominations, without, however, containing calls for any specific action aimed at inciting hatred or enmity.

64. The expert's findings served as the basis for the Zavodskiy district prosecutor's application to the Zavodskiy District Court, requesting it to pronounce the brochures extremist. On 30 May 2011 the District Court granted the application, without summoning the applicants or any other interested parties.

65. After the applicants became aware of that decision from the 18 July 2011 update of the Ministry of Justice’s Federal List of Extremist Materials, they unsuccessfully attempted to lodge statements of appeal which were disallowed by the District Court.

*6. Banning of a new edition of the same book in Krasnoyarsk (application no. 74387/13)*

66. The applicants are Ms Zinich, a Jehovah’s Witnesses from Krasnoyarsk, the Administrative Centre and the German publishing house.

67. On 20 March 2012 the head of the Central Military District of the Federal Security Service wrote to the Sovetskiy district prosecutor in Krasnoyarsk that they had been carrying out “operational-investigative measures aimed at suppressing the extremist activity of followers of the Jehovah’s Witnesses” to prevent them from “recruiting military personnel of military units of the Krasnoyarsk garrison into the destructive activity of the religious organisation of Jehovah’s Witnesses”. As a result of these measures, they seized a copy of the book *What Does the Bible Really Teach?* published in Germany in 2009, that was identical in its contents to the earlier 2005 edition which had already been pronounced to be extremist by the Rostov Regional Court in 2009 (see paragraph 26 above). The FSB requested the prosecutor to institute judicial proceedings to have the 2009 edition also declared extremist.

68. On 28 April 2012 the prosecutor filed such an application with the Sovetskiy District Court of Krasnoyarsk.

69. By judgment of 14 February 2013, the District Court granted the prosecutor’s application, finding that the 2009 edition was identical in its contents to the 2005 edition which had been pronounced extremist.

70. The Administrative Centre appealed against the District Court’s decision and its appeal was examined and rejected by the Krasnoyarsk Regional Court on 20 May 2013. The appeals by the applicant Ms Zinich and the German publishing house were disallowed on the ground that they were not parties to the proceedings.

*7. Banning of one brochure in Krasnoyarsk (application no. 79240/13)*

71. The applicants are two individual Jehovah’s Witnesses (Mr Verish and Mr Zinich) from Krasnoyarsk, the Administrative Centre and the German publishing house.

72. On 13 June 2012 the FSB wrote to the Sovetskiy district prosecutor that they had prevented the Jehovah’s Witnesses from carrying out extremist activities and recruiting military personnel and had seized thirteen publications which had the characteristics of extremist material.

73. On 25 June 2012 the prosecutor filed an application with the Sovetskiy District Court, requesting that the court pronounce extremist the brochure entitled *Will You Follow Jehovah’s Loving Guidance?* By way of justification, the prosecutor referred to the expert opinion:

“Based on clear declarations by Jehovah’s Witnesses in the submitted materials that all non-Christian religions are clearly false and that unnamed movements are false, together with the emphasis on the true nature of the teachings of Jehovah’s Witnesses and the evangelical nature of the submitted literature, it can be asserted that the literature contains calls to reject one’s own religion in favour of that of Jehovah’s

Witnesses. Likewise, the submitted materials contain a number of statements aimed at advocating the exclusivity and superiority of citizens based on religious affiliation (page 7 of the expert opinion).

The content of the materials is aimed at inciting religious discord: a feeling of hostility toward other religious and social groups. The communicative intent of the book is to dispose the reader to adopt the author's religious position (page 8 of the expert opinion).

74. On 24 January 2013 the Sovetskiy District Court of Krasnoyarsk granted the prosecutor's application, fully endorsing the findings contained in the expert opinion and dismissing the testimony by the applicant Mr Zinich on the ground that he was an interested party in the case.

75. The appeals lodged by the applicants Mr Verish and Mr Zinich and five other Jehovah's Witnesses were disallowed because they were not parties to the original proceedings. The appeal by the German publishing house was likewise rejected on the ground that it could not convincingly show that it was the copyright holder in respect of the brochure.

76. The appeals by the Administrative Centre were examined and rejected by the Krasnoyarsk Regional Court on 24 July 2013 and 14 October 2013 (cassation appeal).

#### **E. Revocation of the permit to distribute religious magazines (application no. 76162/12)**

77. On 24 July 1997 the Russian State Committee for the Press issued a permit to Wachtturm Bibel- und Traktat-Gesellschaft, Deutscher Zweig, e.V. (the second applicant) to distribute the *Watchtower* and *Awake!* magazines in the territory of Russia. The Administrative Centre of Jehovah's Witnesses in Russia (the first applicant, the "Administrative Centre") was identified in the permit as the "applicant and distributor of the magazines." The magazines would be produced and made available to the first applicant by the second applicant.

78. On 26 April 2010 the Federal Service for Oversight of Mass Communications (known by its Russian abbreviation "Roskomnadzor") issued an order to revoke the permit. The order specifically referred to the judgments by the Rostov Regional Court and the Gorno-Altaysk Town Court, by which many issues of the magazines had been pronounced extremist (see paragraphs 26 and 35 above).

79. Both applicants challenged the order before a court. The courts at two instances upheld the validity of the order but on 22 June 2011 the Federal Commercial Court of the Moscow Circuit ruled to quash their judgments and remit the matter for retrial. It found in particular that the lower courts had not established the legal grounds granting Roskomnadzor the authority to revoke permits.

80. On 6 October 2011 the Moscow City Commercial Court ruled in the applicants' favour, finding that the order had been unlawful:

"...the law does not authorise [Roskomnadzor] to revoke a permit to distribute a foreign periodical print publication ... the disputed order indicates that distribution of all issues of the magazines in the Russian Federation is prohibited, whereas the court decisions declared only certain issues of these periodical publications extremist.

... [Roskomnadzor] did not present adequate evidence to establish that the court declared extremist all issues of the periodical print publications *Awake!* and *The Watchtower*. Thus, its revocation of the permit to distribute all issues of the periodical print publications *Awake!* and *The Watchtower* in the Russian Federation is illegal.”

81. On 25 January 2012 the Commercial Court of the Ninth Circuit overturned the City Court’s judgment, ruling against the applicants. It held that using mass media for the promotion of extremism was prohibited in the Mass-Media Act and that the functioning of the media promoting extremism should be terminated in accordance with the Suppression of Extremism Act.

82. On 29 May 2012 the Federal Commercial Court of the Moscow Circuit upheld that judgment, referring, for a first time, to section 32 of the Mass-Media Act as the legal basis for Roskomnadzor’s decision:

“In view of the fact that legislation does not directly regulate the revocation of a permit to distribute foreign periodical print publications, Roskomnadzor used an analogy of law, legislation governing a similar situation – section 32 of the Mass-Media Act, ‘Revocation of a License’ – in issuing the order.”

83. On 25 October 2012 the Supreme Commercial Court refused the applicants’ supervisory appeal.

## **F. Administrative proceedings for distribution of extremist literature**

### *1. Ms Chavychalova in the Ryazan Region (application no. 74329/10)*

84. On 26 April 2010 the Rybnoye district prosecutor carried out an inquiry into “unlawful storage of extremist material with the aim of mass distributing” by Ms Chavychalova, an offence under Article 20.29 of the Administrative Offences Code. The inquiry was based on the allegedly unlawful possession of nine items that had been seized from her home on 1 April 2010 (see above).

85. On 6 May 2010 a justice of the peace of the Rybnoye district of the Ryazan Region found Ms Chavychalova guilty of the offence and fined her 1,500 Russian roubles (RUB). The justice relied on the record of the inspection of 1 April 2010 and to several reports by the police officers from the Suppression of Extremism Department of the Ryazan Regional Police who had shown Ms Chavychalova’s photograph to various individuals who had recognised as the person who had attempted to incite them to reading Witnesses literature. Two police officers from the Rybnoye district police department also filed reports, claiming that they had once seen Ms Chavychalova distribute in the street distributing religious literature entitled *The Watchtower Announcing Jehovah’s Kingdom*, and *What Is the Holy Spirit?* (neither title was declared extremist). The justice ordered that the publications that had been recognised extremist, be destroyed.

86. On 16 June 2010 the Rybnoye District Court of the Ryazan Region dismissed Ms Chavychalova’s appeal in final instance.

### *2. Mr Boltnyev and Mr Mardonov in Tatarstan (applications nos. 3488/11 and 3492/11)*

87. The applicants Mr Igor Vladimirovich Boltnyev and Mr Farkhod Ashurovich Mardonov are Russian and Uzbekistani nationals respectively

who live in the Nizhnekamsk town in the Tatarstan Republic. They are members of a local Jehovah's Witnesses group.

88. On 21 May 2010 Mr Boltnyev and Mr Mardonov were together engaged in the evangelising ministry at an apartment block in Nizhnekamsk. Both carried a small amount of religious literature. At noon they decided to rest and sat down on a bench outside a building in which there is, coincidentally, a police department. About five minutes later a police car drove up to the building and two police officers got out and started toward the building. On seeing the applicants they approached and requested to see their documents. After checking documents, officers demanded to see the contents of their bags and when they saw the literature of Jehovah's Witnesses the police officers further demanded that the applicants accompany them into the police station. Inside the police station they were told that the police had received orders to detain Jehovah's Witnesses and to confiscate literature in order to turn it over to "competent authorities who will deal with you". All the literature in their possession, including their personal Bibles and notepads, was seized and their photographs and fingerprints were taken.

89. The applicants later found out that in the following days police officers went from door to door questioning individuals to whom they had spoken about the Bible.

90. On 26 May 2010 the police major filed a report with his superior. He reported as follows:

"An analysis of the obtained information shows that representatives of the religious organisation Jehovah's Witnesses have divided the territory of Nizhnekamsk into districts. The districts are then subdivided into sections, with someone being responsible for each section ... Records are kept for each territory about the results of the discussions held with residents of the building and information about them, which is apparent from the instructions and notes in the notebooks seized from the adherents. In the Bibles seized from both of the adherents were found inconsistencies with the existing Bible of the Orthodox Church—several verses in the paragraphs are completely missing.

In this way, while making their rounds on the residents of Nizhnekamsk, representatives of the Jehovah's Witnesses church collect information about the [residents'] personal lives without their knowledge, dividing the city territory into zones, which is a violation of Russian laws".

91. On 28 May 2010 the Nizhnekamsk town prosecutor instituted administrative proceedings against both applicants on the charge of distribution of extremist literature under Article 20.29 of the Administrative Offences Code.

92. Although the facts of the cases were inextricably linked, the cases against Mr Boltnyev and Mr Mardonov were heard by different justices of the peace. On 9 June 2010 both applicants were found guilty as charged and fined RUB 1,000. The charge was founded on the reports by the police officers and the fact that they had in their possession the book *What Does the Bible Really Teach?* which had been previously declared extremist. The justices also ordered confiscation of the material that had been seized from the applicants.

93. On 7 July 2010 the Nizhnekamsk Town Court rejected both applicants' appeals against their conviction.



3. *Mr Aliyev in Birobidjan (application no. 14821/11)*

94. The applicant, Mr Alam Abdulaziz ogly Aliyev, is a Russian national who lives in Birobidjan in the Yevreyskiy Region. He is the chairman of the local religious organisation of Jehovah's Witnesses.

95. On 27 January 2010 the head of the Constitutional Protection and Anti-Terrorism Department of the Federal Security Service (FSB) ordered the Birobidjan town prosecutor to investigate the activities of the local organisation of Jehovah's Witnesses. He claimed that Jehovah's Witnesses had been recruiting new members into the organisation and, by doing so, "provoke[d] the incitement of hatred or enmity on account of religious orientation". He continued that members of the congregation kept at their homes the literature that had been pronounced extremist by the Rostov Regional Court and also distributed it to fellow believers with a view to further disseminating it among the local population.

96. On 26 February 2010 the deputy prosecutor reported to the Federal Security Service that Mr Aliyev had been told that he could be brought to justice for distributing extremist literature and that the activity of the local organisation could be suspended.

97. On 4 March 2010 a certain Mr M., posing as a member of the public, attended a meeting of Jehovah's Witnesses with the stated aim of "studying the religion". He audio recorded the meeting and provided the recording to the Birobidjan prosecutor, allegedly because he was concerned about distribution of extremist literature. Referring to this information, the prosecutor wrote to the town police department and the Federal Security Service, asking them to provide manpower for executing a joint operation against Jehovah's Witnesses.

98. On 31 March 2010 the applicant was attending a meeting of some 40 to 50 Jehovah's Witnesses to study material from a religious textbook "Come be my Follower". Since it had been previously pronounced extremist, members of the congregation came to the meeting with a computer printout of five pages from the book. At about 7 p.m. the prosecutor, accompanied by officers from the police and FSB, entered the meeting hall and told Mr Aliyev that it was illegal to use that material. He seized the pages from Mr Aliyev and submitted them for expert examination by the FSB who confirmed that it was a copy of the book that had been pronounced extremist.

99. On 27 April 2010 the prosecutor opened administrative proceedings against the applicant on the charge of distributing extremist literature (Article 20.29 of the Administrative Offences Code), claiming that he had distributed extracts from the extremist publications among fellow believers.

100. By judgment of 26 May 2010, a justice of the peace found Mr Aliyev guilty as charged, noting that he had allowed the text to be distributed and commented upon in his presence. The justice fined him RUB 3,000 and ordered confiscation of the printouts.

101. On 11 August 2010 the Birobidjan Town Court confirmed the conviction on appeal.

*4. Mr Fedorin in the Rostov Region (application no. 17552/11)*

102. The applicant Mr Aleksey Nikitovich Fedorin was born in 1925 and has been a Jehovah's Witness since 1959. In 1972 he was sentenced to six years' imprisonment for refusing to renounce his faith.

103. On 19 July 2010 a police inspector from the Tselinskiy district police department in the Rostov Region filed a report to the police chief, claiming he had uncovered facts of the distribution by Mr Fedorin in the village of Sredniy Yegorlyk, Tselinskiy District, Rostov Region, of religious literature containing "indications of extremism."

104. On the following day, five residents of the village, allegedly of their own motion, provided the assistant district prosecutor with sixteen religious publications (fourteen different titles) that they claimed Mr Fedorin had given them. The assistant prosecutor accepted the literature in the presence of attesting witnesses. On the same day the same five persons gave statements to the police inspector, claiming they had received the literature from Mr Fedorin between 11 and 20 June 2010.

105. On 26 July 2010 at 7:30 a.m. the police inspector arrived at the home of Mr Fedorin and told him he must report to the prosecutor in Tselina (a distance of 30 km from Sredniy Yegorlyk) for questioning. He then took Mr Fedorin by car to the district police station in Tselina where the prosecutor questioned him for eight hours (from 8 a.m. to 4 p.m.) about his religious beliefs. After taking Mr Fedorin's statement, the prosecutor gave him a copy of a decision to institute administrative proceedings under Article 20.29 of the Administrative Offences Code, for the mass distribution of extremist materials.

106. On 28 July 2010 a very short hearing was held before justice of the peace of Tselinskiy District of Rostov Region. On the strength of the statements by the village residents, the justice found Mr Fedorin guilty of mass distribution of materials that have been pronounced extremist and punished him with a fine of RUB 1,000. All of the literature handed over by the witnesses for the prosecution was to be confiscated and destroyed, including the five titles that were not on the Federal List of Extremist Materials.

107. On 21 September 2010 the Tselinskiy District Court dismissed the appeal while amending the decision of the justice of the peace to read that only the publications that were on the Federal List of Extremist Materials should be confiscated and destroyed.

*5. Ms Chekhovskaya in Belgorod (application no. 17552/11)*

108. Ms Yelena Sergeevna Chekhovskaya lives with her husband and daughter in a three-room apartment in the town of Belgorod. They are Jehovah's Witnesses.

109. On 9 June 2010 Ms Chekhovskaya's grandfather, Mr R., who is a co-owner of the apartment but does not live there, informed the police that religious literature was being stored in the apartment and requested they conduct an inquiry. On the same day two police officers from the Centre for Suppression of Extremism inspected the apartment. Mr R. let them in without a search warrant in the absence of, and without the knowledge of, Ms Chekhovskaya or her husband. The officers seized Ms Chekhovskaya's

entire personal library of religious literature, including books, journals, hymnbooks and Bibles.

110. On 8 July 2010 Ms Chekhovskaya and her husband were summoned to the Belgorod town prosecutor's office for questioning and were served with written warnings, advising them that continued distribution of extremist literature would lead to their prosecution. On the same day administrative proceedings were instituted against Ms Chekhovskaya for storing extremist materials with the purpose of their mass distribution, an offence under Article 20.29 of the Administrative Offences Code.

111. The charge was heard on 27 July 2010 by a justice of the peace of the Vostochniy Circuit of Belgorod. The justice found Ms Chekhovskaya guilty as charged and fined her RUB 2,000 for storing extremist materials with the purpose of its mass distribution. He also ordered the items of literature that were on the Federal List of Extremist Materials to be confiscated, but did not rule on what was to be done with the remaining items of literature that were not on the list.

112. On 14 September 2010 the Sverdlovskiy District Court of Belgorod examined and rejected Ms Chekhovskaya's appeal. It took statements from Mr R. and Ms Chekhovskaya's former husband, both of whom testified that she had been engaged in the distribution of "hostile literature". The District Court's judgment is silent on what was to be done with the publications that had not been pronounced extremist. They were never returned to Ms Chekhovskaya.

*6. Ms Savelyeva in Yoshkar-Ola (application no. 17552/11)*

113. The applicant Ms Vera Ivanovna Savelyeva lives in Yoshkar-Ola in the Republic of Mariy El. On 31 July 2010 she travelled, along with three fellow believers, to the village of Oreshkina in the Medvedevskiy District of the Republic of Mariy El to discuss Bible with local residents. She spoke to several people, including K. whom she had given the religious publication entitled *Knowledge That Leads to Eternal Life*.

114. Ms Savelyeva was not aware that Jehovah's Witnesses had been placed under surveillance by the Centre for Suppression of Extremism (CSE) of the Mariy El Police Department. At about noon Ms Savelyeva and her three friends were detained in a joint operation that was carried out by an officer of the Mariy El division of the FSB, the chief, deputy chief and a senior officer from the CSE, and an officer from the Department for the Protection of the Constitution. The CSE and FSB officers questioned Ms Savelyeva, her friends and also residents of Oreshkina and seized the religious literature that had been given to them that day.

115. On 25 August 2010 the Medvedevskiy district prosecutor's office initiated a case against Ms Savelyeva under Article 20.29 of the Administrative Offences Code, charging her with distributing one extremist publication and intending to distribute two others.

116. On 12 October 2010 a justice of the peace in Yoshkar-Ola found the applicant guilty of distributing three titles of extremist literature, fined her RUB 1,200 and ordered confiscation of the literature.

117. On 22 December 2010 Ms Savelyeva's appeal was dismissed by the Yoshkar-Ola Town Court and her conviction became final.

7. *Ms Ebenal in the Samara Region (application no. 17552/11)*

118. The applicant Ms Svetlana Anatolyevna Ebenal lives in the settlement of Roshchinskiy in the Samara Region. In the spring of 2010 she visited the home of M. to discuss the Bible with her and gave her the publication *What Does the Bible Really Teach?*

119. On 29 September 2010 an officer of the Samara division of the FSB inspected M.'s apartment and seized the publication *What Does the Bible Really Teach?* M. told him that she had received the publication from Ms Ebenal.

120. On 7 October 2010 an officer from the Department for the Protection of the Constitution of the Samara division of the FSB arrived with three other individuals at Ms Ebenal's apartment, showed her a court order dated 4 October 2010 authorising the inspection of her apartment and asked her to hand over her religious literature. He explained that this search was in connection with the fact that she had distributed the publication *What Does the Bible Really Teach?* in the spring of that year. The officers seized the entire personal library of religious publications belonging to Ms. Ebenal.

121. On 26 October 2010 an administrative case was initiated against Ms Ebenal under Article 20.29 of the Administrative Offences Code on the grounds that she had distributed extremist literature.

122. On 15 November 2010 a justice of the peace of Circuit no. 130 of the Samara Region held a hearing, in the applicant's absence. Ms Ebenal was found guilty of storing and distributing extremist materials and fined RUB 1,000. The justice also ordered the confiscation of all religious literature that had been pronounced extremist.

123. The Volzhskiy District Court of Samara Region confirmed the conviction on appeal on 29 December 2010.

8. *Ms Belimova in Tver (application no. 17552/11)*

124. The applicant Ms Lyubov Panteleymonovna Belimova lives in Tver. She studied Bible with F. and brought her religious publications to read. F. lives with her daughter Z. who does not share her mother's religious convictions. Z. repeatedly complained to the law-enforcement authorities, urging them to investigate the activities of Jehovah's Witnesses.

125. On 11 October 2010 a senior assistant prosecutor of the Zavolzhskiy district prosecutor's office came to F.'s home. They spoke to Z. who gave them her mother's entire library of religious literature, amounting to 471 different religious publications. F., for her part, told them that she obtained the literature at congregation meetings when she was physically well enough to attend them.

126. On 29 November 2010 and again on 17 December 2010 Ms Belimova was summoned to the prosecutor's office for questioning. She was interrogated about her religious activities in general and specifically whether she had supplied F. with literature. Ms Belimova stated that she had only given F. one brochure at her request when she was in the hospital.

127. On 23 December 2010 the prosecutor of the Zavolzhskiy district prosecutor's office charged Ms Belimova, under Article 20.29 of the Administrative Offences Code, for having distributed thirty-eight extremist publications to F.

128. On 29 December 2010 a justice of the peace of the Tsentralniy District of Tver, without questioning F. or Z., found Ms Belimova guilty of the mass distribution of extremist materials and fined her RUB 1,000. The justice also ruled that F.'s entire religious library should be confiscated and destroyed, even though only 38 of the 471 publications confiscated are on the Federal List of Extremist Materials.

129. The applicant filed an appeal. On 18 March 2011 the Tsentralniy District Court of Tver upheld the judgment of the justice of the peace, but ordered that only 38 publications be confiscated and destroyed. No order was made regarding the remainder of F.'s library which has been retained by the police and never returned to F.

### **G. Administrative proceedings for distribution of unregistered mass media**

#### *1. Mr Sirotyuk in the Primorskiy Region (application no. 17552/11)*

130. Mr Vasilij Vladimirovich Sirotyuk is a member of a small group of Jehovah's Witnesses in the village of Kamen-Rybolov in the Khankayskiy District of the Primorskiy Region in the far east of Russia. From April 2010, by verbal agreement between Mr Sirotyuk and the management of the Tsentralniy District Culture Centre, the group held its regular weekly Christian meetings in a rented room in the building.

131. On 29 August 2010 a religious meeting was in progress with seven members in attendance, including Mr Sirotyuk. At approximately 2 p.m. an employee of the Culture Centre asked Mr Sirotyuk for some religious literature for government officials who had arrived at the building. These included the head of the Kamen-Rybolov Village Administration and the Khankayskiy District Senior Assistant Prosecutor. Mr Sirotyuk provided six copies of *The Watchtower* and *Awake!* magazines to the officials.

132. On 11 October 2010 Mr Sirotyuk was summoned to the Khankayskiy District Prosecutor's Office for questioning where he was informed of administrative proceedings against him for "distributing" the six unregistered magazines he provided in response to the officials who asked for literature.

133. On 26 October 2010 a justice of the peace of the Khankayskiy District of the Primorskiy Region heard the administrative case in the absence of Mr Sirotyuk who had not been informed of the date and place of the hearing. Referring to the Federal Mass Communications Service decision of 26 April 2010, the Justice found Mr Sirotyuk guilty, under Article 13.21 of the Administrative Offence Code, of distributing unregistered mass media and fined him RUB 1,000. The justice also ordered the magazines given to the officials by Mr Sirotyuk to be confiscated.

134. On 19 November 2010 the Khankayskiy District Court of the Primorskiy Region upheld the conviction in a summary fashion.

#### *2. Mr Ebeling in the Smolensk Region (application no. 17552/11)*

135. On 11 June 2010 Mr Nikolay Yuryevich Ebeling, a Jehovah's Witness, discussed the Bible with his neighbours in the town of Gagarin in Smolensk Region. On his way home two police officers stopped him and

told him to show the contents of the bag. They said they had been ordered to detain anyone distributing “banned literature”. Mr Ebeling carried one copy of *Awake!* dated June 2010, one copy of *The Watchtower* dated 1 January 2011 and one dated 1 June 2010. The police took him to the Gagarinskiy district police station.

136. At the station, a police inspector initiated a case against Mr Ebeling under Article 13.21 of the Administrative Offences Code for the alleged unlawful distribution of unregistered mass media, and seized the three magazines as evidence.

137. On 16 August 2010 a justice of the peace of the Gagarinskiy District of the Smolensk Region guilty of distributing unregistered mass media on the strength of evidence given by the police officers, fined him RUB 1,200, and ordered that the seized religious literature be confiscated.

138. Mr Ebeling appealed to the Gagarinskiy District Court and his appeal was dismissed on 13 September 2010.

### 3. *Mr Konyukhov in the Primorskiy Region (application no. 17552/11)*

139. The applicant Mr Sergey Vladimirovich Konyukhov and his colleague Mr K., who is not an applicant before the Court, are Jehovah’s Witnesses. On 1 July 2010 they moved to the small town of Pogranichniy in the Primorskiy Region where they rented an apartment for three months. They discussed the Bible with residents and distributed religious literature of Jehovah’s Witnesses.

140. On 18 August 2010 a police inspector of the Pogranichniy district police department filed a report to the police chief, alleging that unidentified individuals were distributing extremist religious literature. On an unknown date prior to this, a local resident T. who had previously discussed Bible with K., agreed to assist the police in identifying K. as an individual who distributed extremist religious literature.

141. On the same day the police set up, in a car parked near the building, a video surveillance of the apartment where Mr Konyukhov and K. were living. At approximately 10:40 a.m. T. called K. asking to come to their home because he had some questions. T. arrived an hour later with a friend. They asked for religious literature, and K. gave them copies of two brochures, *The Origin of Life—Five Questions Worth Asking and Was Life Created?* Mr Konyukhov was also at home at the time and participated in the discussion. He gave T. and his friend two copies of the *Awake!* magazine (dated January and March 2010). At 4 p.m. the same day, T. again called K. and told him that in a few minutes he would again be visiting their apartment. Instead of T., however, the police inspector and another officer arrived. After checking Mr Konyukhov’s and K.’s identification documents, the police officers took them to the police station for questioning.

142. At the station Mr Konyukhov and K. were photographed and fingerprinted. Mr Konyukhov was told he had violated the law by distributing unregistered *Awake!* magazines. Administrative proceedings were launched against him under Article 13.21 of the Code.

143. On 1 September 2010 a justice of the peace of the Pogranichniy District of the Primorskiy Region found Mr Konyukhov guilty as charged and fined him RUB 1,000. An order was made to destroy the magazines.

144. On 30 September 2010 the Pogranichniy District Court of the Primorskiy Region upheld the conviction on appeal.

4. *Ms Bondareva in the Kamchatka Region (application no. 17552/11)*

145. In June 2010 Ms Alyona Mikhaylovna Bondareva, a Jehovah's Witness, moved to the town of Ust-Bolsheretsk in the Kamchatka Region. She discussed the Bible with neighbours and distributed religious literature to those who express an interest.

146. On 24 and 25 June 2010 the police found and seized religious literature distributed by Jehovah's Witnesses in the homes of M. and T. Both of them told the police that they had received the publications from Ms Bondareva.

147. On 15 September 2010 the regional division of the Federal Mass Communications Service issued two protocols of administrative violations against Ms Bondareva for distributing *The Watchtower* and *Awake!* unregistered magazines, an offence under Article 13.21 of the Code.

148. On 5 October 2010 a justice of the peace of Circuit no. 28 of the Kamchatka Region found the applicant guilty of distributing unregistered magazines "by way of handing them out", fined her RUB 1,100 and ordered confiscation of the literature.

149. On 7 December 2010 the Ust-Bolsheretskiy District Court of the Kamchatka Region upheld the conviction on appeal.

5. *Mr Komarov in Udmurtiya (application no. 17552/11)*

150. On 28 August 2010 the applicant Mr Konstantin Sergeyevich Komarov, who is a Jehovah's Witness, travelled by car with his mother, sister, and two other friends to villages in the Kiyasovskiy District of the Republic of Udmurtia to speak about the Bible with neighbours and to offer religious literature to those who expressed interest.

151. During their visit to the village of Kosolapovo, a woman who is opposed to Jehovah's Witnesses threatened to call the police. A short time later, the police stopped Mr Komarov and his friends, checked their papers and searched the car. When the police officer saw that they had religious literature in the trunk of the car, he ordered them to go to the police station. At the police station, the religious literature was seized. These included 187 *Awake!*, 13 religious books, 161 tracts entitled *Could It Happen Again? A Question for the Citizens of Russia*.

152. On 30 August 2010 the police inspector initiated administrative proceedings against Mr Komarov under Article 13.21 of the Administrative Offences Code for distributing magazines for which the distribution permit had been revoked.

153. On 1 November 2010 a justice of the peace of the Oktyabrskiy District of Izhevsk heard the case. The justice found the applicant guilty of distributing unregistered media, fined him RUB 1,000 and ordered confiscation of the *Awake!* magazines.

154. On 21 December 2010 the Oktyabrskiy District Court of Izhevsk dismissed the appeal against the conviction.

## H. Administrative proceedings for conducting religious events

155. In 2010 and 2011 the Administrative Centre of Jehovah's Witnesses in Russia, planned a series of approximately 100 three-day religious conventions throughout Russia, for public worship, collective study, and discussion of the Bible and religious texts on the theme "Remain Close to Jehovah!" These three-day religious conventions are called "district conventions" by Jehovah's Witnesses. As is usually the case with district conventions, which are conducted annually worldwide, the programme included hymns, prayers, discussions based on the Bible, interviews and a Bible drama.

### *1. Mr Nabokikh in Kirov (application no. 19428/11)*

156. The applicant Mr Aleksandr Borisovich Nabokikh lives in the city of Kirov and has been one of Jehovah's Witnesses since 1999. In 2003 he was appointed chairman of the registered local religious organisation of Jehovah's Witnesses in Kirov.

157. On 24 June 2010 Mr Nabokikh on behalf of the Administrative Centre of Jehovah's Witnesses rented a plot of land in the village of Slobodino in the Yuryanskiy District of Kirov Region to conduct the district convention on 16-18 July 2010.

158. On 15 July 2010 the deputy Yuryanskiy district prosecutor served Mr Nabokikh with a written warning, indicating that he was required by law to inform the local authorities in advance of the upcoming district convention.

159. On 16 July 2010 the district convention programme began as planned, with approximately 1,200 persons in attendance. At approximately 3:00 p.m. the deputy district prosecutor arrived at the convention along with the deputy chief of the district police, a police inspector from the Department for Suppression of Extremism, and an official from the FSB who did not identify himself. The deputy prosecutor questioned Mr Nabokikh and handed him another warning, stating that it was suspected that the Administrative Centre would be distributing literature that had been pronounced extremist. Mr Nabokikh later appealed against the two warnings and the Kirov regional prosecutor's office set them aside, pronouncing them invalid.

160. On 16 July 2010 the deputy police chief instituted administrative proceedings against Mr Nabokikh for violating Article 20.2(1) of the Administrative Offences Code, claiming that he had organised a district convention that was being held at a location that was not designated for religious events and that he had failed to inform the authorities in advance of plans to conduct the district convention.

161. By judgment of 10 September 2010, a justice of the peace of Circuit no. 66 of the Kirov Region found the applicant guilty as charged and fined him RUB 1,500. The justice did not hear any witnesses or officials.

162. On 4 October 2010 the Oktyabrskiy District Court of Kirov dismissed the applicant's appeal against the conviction. It held, in particular, that the convention should have been conducted in accordance with the Public Assemblies Act because it had been held in a public place:



“The event is public, since it was open, accessible to anyone, held on a land plot in the village of Slobodino and not in buildings or structures of worship or in the territories adjoining thereto, or other premises. This land plot cannot be considered an ‘other place’ made available to religious organisations for the purposes [of worship].”

*2. Mr Akhmatov in the Rostov Region (application no. 19428/11)*

163. The applicant Mr Aleksandr Vasilyevich Akhmatov lives in Volgodonsk in the Rostov Region and has been one of Jehovah’s Witnesses since 1994.

164. On 24 May 2010 Mr Akhmatov, acting on behalf of the Administrative Centre, rented the Donskiye Zori leisure centre in Volgodonsk for conducting district conventions on 5-6 June and 6-8 August 2010. In the morning of 5 June 2010 the district convention programme began as scheduled. At approximately 1:00 p.m. a detachment of police arrived and began filming and photographing the religious proceedings. The police questioned Mr Akhmatov, the director of the centre and the centre employees.

165. On 21 July 2010 the Volgodonsk city prosecutor instituted administrative proceedings against Mr Akhmatov under Article 20.2(1) of the Administrative Offences Code on the ground that he had failed to notify the authorities in advance of the convention.

166. On 16 August 2010 a justice of the peace of Circuit no. 1 of Volgodonsk found the applicant guilty as charged and fined him RUB 1,000. On 28 September 2010 the Volgodonsk District Court upheld the conviction on appeal.

*3. Mr Tumakov in Kabardino-Balkaria (application no. 19428/11)*

167. The applicant Mr Vyacheslav Viktorovich Tumakov lives in the town of Prokhladnyy in the Republic of Kabardino-Balkaria and has professed the religion of Jehovah’s Witnesses since 1993.

168. In 2010 the Administrative Centre planned to hold three district conventions in the Kingdom Hall owned by Jehovah’s Witnesses in the Nezlobnaya village in the Georgiyevskiy District of the Stavropol Region. District conventions went ahead at the Kingdom Hall over the weekends of 9-11 July and 16-18 July 2010 without any interference from the authorities.

169. Another district convention was planned for the weekend of 23-25 July for Jehovah’s Witnesses from the Republic of Kabardino-Balkaria, including Mr Tumakov. On 23 July 2010 at approximately 6:00 a.m. a police vehicle from the Georgiyevskiy district police department arrived at the Kingdom Hall and blocked access to the vehicle and pedestrian entrances to the building. At approximately 7:00 a.m. participants began arriving but the police refused to allow them to enter the Kingdom Hall. The deputy chief of the Public Security Police Department ordered the convention to be cancelled in view of an order banning mass events issued by the local authorities. Officials from the local and district administration also arrived at the scene, as did the Georgiyevsk district prosecutor and an FSB officer. Nevertheless, at 1:00 p.m. the convention programme began, although the officials from the local and district administrations continued to order that it be stopped and the participants be sent home. At 3:00 p.m. the chief police inspector ordered that the electricity supply to the building

be switched off, which shortened and ended the district convention programme for the day at 6:30 p.m.

170. On the following day at 6:00 a.m., three garbage trucks arrived at the Kingdom Hall under the direction of the chief police Inspector and blocked the entrances. The inspector also ordered that no participant be given access to the complex. At 7:00 a.m. a police officer with a sniffer dog arrived and examined the premises of the Kingdom Hall and the adjacent plot of land, purportedly looking for explosives. On the plot of land they found what they claimed to be a suspicious device with wires in a bag, and the police officers began forcibly pushing the considerable number of participants who had by now arrived for the second day of the convention up the approach road away from the Kingdom Hall, ostensibly “for their own safety.” At 8:00 a.m. fire trucks, first aid vehicles and explosive experts arrived at the scene to examine the bag. The bag’s contents turned out to be an empty can. Despite this, the participants were not permitted to return to the Kingdom Hall.

171. As a result the venue of the convention had to be changed at the last minute. A representative of the Administrative Centre made a verbal agreement with the director of a private company which owns a depot (a large plot of land with a roof) in the town of Georgiyevsk, a distance of eight km from Nezlobnaya. Some 1,600 participants were transported from Nezlobnaya to Georgiyevsk, and second day of the convention began at 1:00 p.m.

172. At 4:00 p.m. a rapid-response police force arrived at the depot with a group of security guards, followed by the police and FSB officers and by officials from the prosecutor’s office. They ordered Mr Tumakov to stop the event immediately. Mr Tumakov explained that he was not authorised to take this action, as he was only in charge of the cleaning arrangements and had no administrative authority with regard to the district convention. He explained that the authorised representative of the Administrative Centre was then being questioned by police in Nezlobnaya and could not be contacted.

173. For refusing to stop the proceedings, Mr Tumakov along with another Jehovah’s Witness, were detained and taken by police officers to the Georgiyevskiy district police station where the inspector instituted administrative proceedings against Mr Tumakov under Article 20.2(1) of the Administrative Offences Code for failing to inform the Georgiyevsk authorities in advance of plans to conduct the convention.

174. Immediately thereafter, Mr Tumakov was taken to the justice of the peace of Circuit no. 1 of Georgiyevsk who found him guilty as charged and fined him RUB 1,000, without hearing any witnesses or affording the applicant time to prepare for the hearing.

175. On 22 September 2010 the Georgiyevsk Town Court dismissed Mr Tumakov’s appeal.

#### *4. Mr Tsarkov in Vladimir (application no. 19428/11)*

176. The applicant Mr Aleksey Georgievich Tsarkov lives in the city of Vladimir and is chairman of the registered religious organisation of Jehovah’s Witnesses in Vladimir.

177. On 31 May 2010 the Administrative Centre concluded an agreement with the director of a private company to rent a plot of land from 1-6 July 2010 in the Mosino district of Vladimir to hold the annual district convention.

178. On 1 June 2010, upon receiving information from the Vladimir division of the FSB, the deputy Vladimir regional prosecutor ordered the deputy Vladimir town prosecutor to investigate where Jehovah's Witnesses were planning to hold a district convention. He sent inquiries to various authorities and the Vladimir town mayor responded that a convention was being planned from 2-4 July 2010 and that the authorities had not been notified in advance of plans to hold it.

179. At approximately noon on 1 July 2010, the town prosecutor arrived at the district convention site and handed Mr Tsarkov a warning, advising him that it was not permissible to conduct public events without notifying the authorities in advance.

180. On 2 July 2010 the district convention began on schedule with approximately 1,500 persons in attendance. At 9:30 a.m. the town prosecutor arrived at the convention site together with the town police chief, officials from the district administration, the Vladimir town police and the Vladimir division of the FSB. At 11:30 a.m. the officials entered the premises where the district convention was taking place. At 4:00 p.m. a bomb disposal team arrived. They claimed that they had received information that an explosive device had been planted on the premises. Following a search, they found a fake explosive device. Mr Tsarkov was handed a summons to appear at the prosecutor's office.

181. On 3 July 2010, the second day of the convention, police and FSB officers again came to the convention site and filmed the proceedings. The police officers recorded the registration numbers of all the vehicles and buses that had brought the participants.

182. On 6 July 2010 the deputy town prosecutor initiated a case against Mr Tsarkov for violating Article 20.2(1) of the Administrative Offences Code by failing to inform the authorities in advance of plans to conduct a religious assembly.

183. On 14 September 2010 a justice of the peace of Leninskiy District of Vladimir found the applicant guilty as charged and fined him RUB 1,000. On 26 November 2010 the Leninskiy District Court upheld the conviction on appeal.

#### *5. Mr Ablayev in Ufa (application no. 19428/11)*

184. The applicant Mr Vasim Yusupovich Ablayev lives in Ufa and is chairman of the local religious organisation of Jehovah's Witnesses.

185. On 21 April 2010 Mr Ablayev on behalf of the Administrative Centre signed a contract with a private company for the rental of the Ogni Ufy leisure centre in Ufa, from 30 July to 1 August 2010 and from 6-8 August 2010. This centre had been used in 2009 for a similar district convention without any interference from the authorities.

186. On 30 July 2010 the district convention programme began at 9:30 a.m. At approximately 10:00 a.m. an assistant district prosecutor arrived at the site and asked for a copy of the rental agreement. On seeing that Mr Ablayev had signed the agreement, the assistant prosecutor told him and

asserted that he should have informed the local authorities in advance of plans to conduct the district convention.

187. On 2 August 2010 the deputy district prosecutor initiated a case against Mr Ablayev for violating Article 20.2(1) of the Administrative Offences Code by failing to inform the local authorities in advance of plans to hold the district convention.

188. On 23 August 2010 a justice of the peace of the Sovyetskiy District of Ufa heard the administrative case. The justice found Mr Ablayev guilty as charged and fined him RUB 1,000. On 17 November 2010 the Sovyetskiy District Court dismissed his appeal against the conviction.

*6. Mr Zinchenko in Smolensk (application no. 73036/11)*

189. The applicant Mr Kirill Andreyevich Zinchenko lives in Smolensk. He is a Jehovah's Witness.

190. In May 2010 the Leninskiy district prosecutor instituted administrative proceedings against Mr Zinchenko for his failure to notify the authorities in advance of plans to hold the assembly in March 2010. However, the justice of the peace discontinued the proceedings because the three-month prescription period had expired.

191. In September 2010 Mr Zinchenko concluded a contract with a private company to hold an assembly of Jehovah's Witnesses in a large restaurant. In view of the problems encountered in March, his fellow believer wrote to the Smolensk town hall to ask if the authorities needed to be informed in advance of plans to hold a religious assembly. On 26 September 2010, the deputy town head replied to him that services of worship are regulated by the Religions Act which, unlike the Public Assemblies Act, does not require advance notice to hold religious services of any kind or size.

192. On 18 October 2010 a law enforcement brigade, including police officers, officers of the Smolensk Regional Centre for the Suppression of Extremism, officials of the prosecutor's office, and the rapid-response special police went to the venue of the assembly while it was taking place, entering the auditorium and photographing the proceedings. They initiated an administrative case against Mr Zinchenko, again alleging that he should have informed the authorities in advance of plans to conduct the assembly. The police requested that the town hall inform them of whether they had been notified in advance of the event and whether such notification was required by the law. On 26 October 2010 the deputy town head replied that the Public Assemblies Act *did* require that the authorities be notified in advance of plans to hold religious events. The Promyshlenniy district prosecutor then charged Mr Zinchenko with violating Article 20.2(1) of the Code, but once again the case was closed by a justice of the peace as the prescription period had expired.

193. On 17 March 2011 Mr Zinchenko concluded an agreement with the owner of a club to conduct there a religious assembly of Jehovah's Witnesses on 26-27 March. Just after the start of the assembly the police arrived. They tried to enter the building, but the security guards did not let them inside. In the following days the police questioned staff and management of the club and seized documents relating to the assembly and video recordings made by the security cameras on the days of the assembly.

They also requested that the city administration inform them of whether they had been notified in advance of the event.

194. Sensing that another administrative case would be initiated against him, Mr Zinchenko wrote to the Federal Ombudsman, and he received a reply dated 15 April 2011 from the Head of the Department for Defending Freedom of Worship, who opined that his prosecution for an alleged violation of Article 20.2(1) would be unlawful. He added that the Ombudsman had prepared and sent to the Smolensk regional prosecutor and to the Smolensk town police the explanations concerning the correct interpretation of norms of the Public Assemblies Act.

195. Notwithstanding the Ombudsman's intervention, on 21 April 2011 the Promyshlenniy district prosecutor once again initiated an administrative case against Mr Zinchenko. On 6 June 2011 a justice of the peace of Court Circuit no. 12 of Smolensk found the applicant guilty of violating Article 20.2(1) of the Code and fined him RUB 1,500. On 6 September 2011 the Promyshlenniy District Court of Smolensk dismissed the appeal, and the ruling of the justice of the peace became final.

*7. Mr Pokryvaylo in Perm (application no. 73036/11)*

196. The applicant Mr Viktor Naumovich Pokryvaylo lives in the city of Perm and has been one of Jehovah's Witnesses since 1993. Jehovah's Witnesses in Perm have a registered local religious organisation.

**(a) Proceedings in connection with a service of worship in February 2011**

197. From October 2009 the Perm religious organisation of Jehovah's Witnesses rented the auditorium of a hostel for conducting the weekly services of worship. In February 2011 the authorities began carrying out operational-investigative activities in the form of secret surveillance of Jehovah's Witnesses. On 7 February 2011 an agent from the Perm division of the FSB filmed a religious service of one of the congregations in Perm, and on 15 February 2011 the head of the Perm division sent information about the allegedly unlawful services of worship to the Industrialniy district prosecutor.

198. On 16 February 2011 a service of worship was in progress, with approximately 50 Witnesses in attendance, including the applicant Mr Pokryvaylo who served as a religious minister. Earlier that day, unknown to the congregation members and without having obtained any judicial or hierarchical authorisation, an officer of the Perm division of the FSB had set up secret video monitoring equipment in the hostel on the alleged ground that Mr Pokryvaylo was carrying out "possible unlawful activity". The video recording was later submitted to the officer's superior.

199. On 11 March 2011 the deputy Industrialniy district prosecutor initiated an administrative case against Mr Pokryvaylo under Article 20.2(1) of the Code for failing to inform the authorities in advance of plans to conduct the religious services. The decision did not refer to any specific event but rather to the fact that services were held at least twice a week in the period from January 2011 to 28 February 2011.

200. On 4 April 2011 a justice of the peace of the Industrialniy District of Perm found the applicant guilty as charged and fined him RUB 1,000. The justice relied in particular on the secret video recording that had been

carried out by the FSB. The appeal was dismissed on 20 May 2011 by the Industrialniy District Court of Perm.

**(b) Proceedings in connection with the congregation in July 2011**

201. On 10 July 2011 Mr Pokryvaylo, acting on behalf of the Administrative Centre of Jehovah's Witnesses, signed a contract with the owner to use a plot of land in the Dobryanskiy District near for holding a district congregation from 22-24 July.

202. On 21 July 2011 the chief of the Dobryanskiy district police reported to the Perm regional police that secret surveillance activities revealed that Jehovah's Witnesses were planning to hold a convention and that they had signed a rental contract.

203. The convention opened on 22 July 2011 with an audience of approximately 1,500 persons. Shortly thereafter the police arrived along with officers from the regional Centre for the Suppression of Extremism. They demanded that the convention be stopped. However, after they were shown copies of documents confirming the lawfulness of the proceedings, they left the site without further interference. The police nevertheless sent an inquiry to the local district administration to ask if they had been informed in advance of the plans to conduct the convention. Upon receiving a negative response, the police sent information to the district prosecutor, advising him that the convention had been unlawful and that the applicant had organised it.

204. On 10 August 2011 the Dobryanka town prosecutor initiated an administrative case against the applicant under Article 20.2(1) of the Code. On 7 October 2011 a justice of the peace of Court Circuit no. 2 of Perm found him guilty as charged and fined him RUB 1,500. The applicant Mr Pokryvaylo appealed, and on 27 January 2012 the Dzerzhinskiy District Court of the City of Perm dismissed his appeal.

*8. Mr Artyushevskiy in Kazan (application no. 73036/11)*

205. The applicant Mr Rifat Ravilyevich Artyushevskiy lives in the city of Kazan in the Republic of Tatarstan. A Jehovah's Witness himself, on several occasions he signed contracts for religious assemblies of Jehovah's Witnesses in Kazan.

206. On 19 November 2010 Mr Artyushevskiy concluded a contract to rent of a culture hall in Kazan for an assembly to be held on the weekend of 20-21 November 2010. The assembly began as planned, with approximately 700 persons from Kazan and nearby towns attending. While the programme was underway, the Lieutenant G. from the Kazan town police arrived at the building with another officer from the FSB. They inspected the building, filmed the proceedings, and questioned some of the staff of the centre. On 23 November 2010 Lieutenant G. also questioned Mr Artyushevskiy with regard to the assembly.

207. On the same date Lieutenant G. sent a report to his superiors expressing his view that the religious service had been conducted in violation of the law. He also enclosed a copy of a memorandum containing personal details and photographs of prominent Jehovah's Witnesses from different cities in Tatarstan and information on their teachings supplied by anti-cult organisations.

208. On 6 December 2010 the acting Vakhitovskiy district prosecutor initiated an administrative case against Mr Artyushevskiy under Article 20.2(1) of the Code for failing to inform the authorities in advance of plans to hold a public event.

209. On 28 February 2011 a justice of the peace of Sovetskiy District of Kazan found the applicant guilty as charged and fined him RUB 1,000. On 23 May 2011 the Sovetskiy District Court dismissed his appeal against the conviction.

*9. Mr Tyumentsev in the Primorskiy Region (application no. 73036/11)*

210. The applicant Mr Sergey Aleksandrovich Tyumentsev lives in the town of Yaroslavskiy, in the Khorolskiy District of the Primorskiy Region and, as one of Jehovah's Witnesses, has regularly attended congregation meetings since 2002.

211. In March 2011 Mr Tyumentsev made a verbal agreement to rent the local culture centre to hold the religious event known as the Memorial of Christ's Death on 17 April 2011. During the two weeks leading up to the event, Jehovah's Witnesses in the area distributed printed invitations to local residents. One of the recipients turned out to be a FSB agent.

212. The Memorial service took place as planned, with approximately 100 persons in attendance, including Mr Tyumentsev. A FSB agent was also in the audience, and he made a secret audio recording of the proceedings.

213. On 29 April 2011 Mr Tyumentsev was summoned for questioning by the police, and a police inspector initiated an administrative case against him under Article 20.2(1) of the Code for failing to inform the authorities in advance of plans to conduct the Memorial event.

214. On 8 July 2011 a justice of the peace of the Khorolskiy District of the Primorskiy Region found Mr Tyumentsev guilty and fined him RUB 1,000. On 28 July 2011 the Khorolskiy District Court dismissed his appeal.

*10. Mr Ter-Avanesov in Kaliningrad (application no. 73036/11)*

215. The applicant Mr Nikolay Grigoryevich Ter-Avanesov lives in the city of Kaliningrad and has been appointed chairman of the registered local religious organization of Jehovah's Witnesses since 2008.

216. On 21 February 2011 Mr Ter-Avanesov concluded a contract with the management of the local sports facility to hold an assembly of Jehovah's Witnesses on 13 March 2011 which coincided with the date of regional elections. On 2 March 2011 a town hall official wrote to the facility director, advising him that the use of sports facilities for services of worship and especially planning them for the election day was objectionable. The applicant and the facility director agreed to postpone the assembly to 20 March 2011.

217. On 15 March 2011 Mr Ter-Avanesov met with the director and representatives of the police, the FSB, and the Centre for the Suppression of Extremism, who informed him that, in their view, the city administration should be informed in advance of plans to hold the assembly, though they added that they would not take any steps to stop the event. They came once again on the day of the event and insisted that it is against the law for

religious services to be held in sports facilities. On the same day a police inspector initiated an administrative case against Mr Ter-Avanesov under Article 20.2(1) of the Code for failing to inform the local authorities of plans to conduct the assembly.

218. On 26 May 2011 a justice of the peace of the Leningradskiy District of Kaliningrad heard the administrative case and found Mr Ter-Avanesov guilty, fining him RUB 1,500. On 17 August 2011 the Leningradskiy District Court of Kaliningrad dismissed the appeal.

219. In October 2011, Mr Ter-Avanesov acted as legal representative in an administrative case initiated against his fellow-worshipper Z. for failing to inform the authorities of plans to conduct a convention in Kaliningrad Region in the summer of 2011. Mr Ter-Avanesov used exactly the same arguments as in his own case, but on this occasion the Polesskiy District Court of the Kaliningrad Region reversed the conviction pronounced by the justice of the peace, ruling that Z. was not guilty and that the law did not require that the authorities be notified in advance of plans to conduct religious services. The District Court considered it relevant that the rental contract explicitly specified that the premises had been made available for a service of worship.

*11. Mr Svarichevskiy in Blagoveshchensk (application no. 73036/11)*

220. The applicant Mr Adam Mikhaylovich Svarichevskiy is a Jehovah's Witness who had been imprisoned in the USSR a result of his conscientious objection to military service. He lives in the city of Blagoveshchensk in the Amur Region.

221. On 25 May 2011 Mr Svarichevskiy signed a contract on behalf of the Administrative Centre with a private company to rent a plot of land in the grounds of the Dzerzhinskiy Children's Health Camp to conduct the convention from 29 to 31 July 2011. On 27 July 2011 the director of the facility told the applicant that the FSB had demanded a copy of the contract and intended to visit the event.

222. On 28 July 2011 an assistant town prosecutor arrived at the site and issued Mr Svarichevskiy with a written warning about the illegality of conducting the convention without a fifteen-day advance notification to the authorities. On the following day the religious service began as planned with an audience of approximately 1,300 persons. At around 10:30 a.m. officials from the town hall and the Ministry of Justice arrived along with many police officers. A town hall official handed Mr Svarichevskiy a written order to discontinue the service of worship on the grounds that it was illegal in the absence of a prior notification. After observing the service for a while, a police inspector initiated an administrative case against Mr Svarichevskiy for violating Article 20.2(1) of the Code.

223. On 30 July 2011 a justice of the peace of Court Circuit no. 5 of Blagoveshchensk heard the case against Mr Svarichevskiy in his absence. The justice found him guilty as charged and fined him RUB 1,500.

224. On 9 September 2011 the Blagoveshchensk Town Court dismissed his appeal against the conviction.



*12. Mr Shchendrygin in Belgorod (application no. 73036/11)*

225. The applicant Mr Aleksandr Ivanovich Schendrygin has been chairman of the local religious organisation of Jehovah's Witnesses in the town of Belgorod since 2008.

226. For at least eight years, Jehovah's Witnesses in Belgorod had been holding religious assemblies in a large room at a factory owned by a company which belongs to B., also a Jehovah's Witness. In May 2010, an assembly took place at the factory. A police inspector of the Belgorod Regional Centre for the Suppression of Extremism (CSE) secretly filmed, from a vehicle parked outside the entrance, delegates going into and leaving the premises. The CSE chief then informed the Belgorod town prosecutor who initiated an administrative case against Mr Shchendrygin for failing to inform the authorities in advance of plans to conduct the assembly. However, a justice of the peace closed the case on the grounds that there was no evidence that Mr Schendrygin had organised the assembly.

227. On 11 May 2011 the new CSE chief informed the town prosecutor that Jehovah's Witnesses were planning to hold an assembly at the factory on 14 and 15 May 2011, and claimed that the assembly would discuss the question of "opposing the authorities and law-enforcement agencies for banning the activity of religious organisations in Russia." On the first day of the assembly two police officers arrived, took statements from two participants and left; on the following day CSE officers secretly filmed delegates arriving at the factory and noted the registration plates of their vehicles. They attempted to enter the building but B. told them that it was private property.

228. On 15 June 2011 the town prosecutor issued B. a written warning, advising him that letting his premises for religious services without a written rental contract violated the law since it made it impossible to establish who had organised the event and since it "fostered terrorist activities".

229. On 27 June 2011 the prosecutor initiated an administrative case against Mr Schendrygin under Article 20.2(1) of the Code. On 3 August 2011 the case was heard by the same justice of the peace who had heard a similar administrative case initiated against the applicant a year earlier. On this occasion however the justice found Mr Schendrygin guilty and fined him RUB 1,000. On 27 September 2011 the appeal was dismissed by the Oktyabrskiy District Court of Belgorod.

*13. Mr Kodeu in Voronezh (application no. 73036/11)*

230. The applicant Mr Ramzes Yulianovich Kodeu lives in Voronezh and has been one of Jehovah's Witness since 1992. On 12 April 2011 he signed a contract on behalf of the Administrative Centre with a private company to rent a stadium for a three-day religious convention of Jehovah's Witnesses on 8-10 June 2011. For the previous five years conventions had been held at the same stadium.

231. On 7 July 2011 the regional branch of the People's Council, a non-governmental organisation aligned with the Russian Orthodox Church, complained to the FSB that Jehovah's Witnesses were planning to hold a convention, and requested that they take steps to stop it from taking place.

232. The police officers arrived on the second day of the convention and stayed for the following two days. They also obtained copies of the rental contract and payment receipts from the director of the stadium, and requested that the town hall report on whether they had been informed in advance of plans to hold the convention.

233. On 15 July 2011 Mr Kodeu was questioned by a police inspector who initiated an administrative case against him under Article 20.2(1) of the Code for failing to notify the authorities in advance of plans to hold the convention.

234. On 25 August 2011 a justice of the peace found Mr Kodeu guilty as charged and fined him RUB 1,000. The Levoberezhniy District Court of Voronezh dismissed his appeal on 19 October 2011. The decision of the court was hailed on the web site of the People's Council as a victory achieved by the movement in their battle with Jehovah's Witnesses and a step on the road to the liquidation of the religious organisation.

## **I. Searches in private residences and seizure of religious literature**

### *1. Mr and Ms Cheprunov in Tambov (application no. 74320/10)*

235. The applicants are a family of Jehovah's Witnesses living in Tambov.

236. In January and February 2010 two Jehovah's Witnesses (not the applicants) visited the apartment of a Ms P., discussed Bible with her and left with her Bible study aids, including the book *What Does the Bible Really Teach?* and a brochure that describes the religious doctrine of the Trinity. Both the book and the brochure had been included by the Rostov Regional Court on the list of extremist materials.

237. On 16 March 2010 an investigator with the Tambov Division of the Investigations Committee instituted criminal proceedings "upon discovery of indications of a crime under Article 282 of the Criminal Code", without naming any specific suspects. The ground for the investigation was distribution of extremist literature to Ms P. "for the purpose of degrading the dignity of a person on the basis of religious orientation ... with the use of the literature that advocates superiority of one religion above others".

238. On the same day the investigator applied to the Leninskiy District Court of Tambov and was granted a search warrant, authorising a search of the apartment where the applicants, who had been identified as Jehovah's Witnesses as a result of the operational-search measures, lived. The investigator stated to the court that their apartment could "contain items, literature, and electronic media, advocating religious hatred and enmity, as well as other records of the activity of the religious group of Jehovah's Witnesses". The court endorsed his claim, without further enquiry.

239. The applicants were unaware of these developments until the search was executed at their home on 17 March 2010. The home was extensively searched and the following materials were amongst a large number of items seized: copies of books and brochures that were included on the Federal List of Extremist Materials; literature that the Rostov Court had not categorise as extremist and it was accordingly not on the banned list; a quantity of other publications not on the Federal List, including more

than 400 issues of *The Watchtower* and *Awake!* magazines and five Bibles; Larisa Cheprunova's personal writing pads with personal notes; Mikhail Cheprunov's personal notebook computer.

240. On 26 March 2010 the applicants challenged the search warrant before the appeal court. By judgment of 15 April 2010, the Tambov Regional Court found that the decision authorising the search had not been sufficiently reasoned. Thus, it did not specify why the District Court considered that instruments of crime could be found in the applicants' residence as there was no evidence before it linking the persons who had visited Ms P. with the applicants. The Regional Court however did not quash the search warrant but directed that the lower court should re-examine the investigator's application.

241. On 26 April 2010 the District Court issued a new (retrospective) authorisation of the search at the applicant's home, noting the operative intelligence to the effect that Ms D. (one of the Witnesses who had visited Ms P.) "associates with members of the Jehovah's Witnesses group, including Mikhail Cheprunov and his wife, from whom she had possibly received the literature for distribution and preaching". The court also referred to the testimony of an unidentified witness who claimed that "boxes [had been] unloaded" near the applicants' block of flats.

242. On 6 May 2010 the applicants filed a further appeal, which was rejected, in a summary fashion, by the Regional Court on 10 June 2010.

*2. Ms Chavychalova and Ms Novakovskaya in the Ryazan Region  
(applications nos. 74329/10 and 74339/10)*

243. The applicants Ms Yelena Aleksandrovna Chavychalova and Ms Yelena Vladimirovna Novakovskaya are Russian nationals who live in the Rybnoye town in the Ryazan Region. They are members of a local Jehovah's Witnesses group.

244. On 30 March 2010 the acting chief of the Ryazan Regional Police Department applied to the deputy president of the Ryazan Regional Court for orders authorising operational-search measures against both applicants in the form of an "inspection of living premises". The police officer submitted that each applicant was a leader of an unregistered Jehovah's Witnesses group and was suspected of committing crimes stipulated in Articles 239 and 282 of the Criminal Code. The source of that information was given as the intelligence from unidentified informers. According to that intelligence, activities of the group inflicted harm on the health of citizens, incited them to refuse to fulfil civic duties, and to commit other unlawful actions, and its members distributed "extremist religious literature" that contained appeals to incite religious hatred, refuse to fulfil civic duties, and break up family ties. The order was sought "for the purpose of establishing, documenting, and preserving evidence of unlawful actions, and the seizure of documentation, literature, and devices containing information pertaining to or indicating unlawful activity".

245. On the following day the Regional Court examined the application *ex parte* and granted the requested orders on the basis of the chief's submissions, without examining any pieces of evidence. Both orders were identically worded, save for the applicants' names and their addresses.

246. On 1 April 2010 the police first searched the home of Ms Novakovskaya from 7.23 p.m. to 8.45 p.m. and then proceeded to search the home of Ms Chavychalova. Copies of the Bible, issues of *The Watchtower* and *Awake!* magazines, Witnesses books and brochures were removed from both locations. They were described in the inspection report as printed publications that were “harmful for moral health”.

247. On 12 April and 20 May 2010 the applicants challenged the Regional Court’s orders before the Supreme Court of the Russian Federation. On 28 June 2010 the Supreme Court rejected Ms Chavychalova’s appeal in a summary fashion; Ms Novakovskaya’s appeal was disallowed as belated.

248. The literature that was seized from Ms Novakovskaya’s home has been retained by the police and has not been returned to her.

### 3. *Mr Pekshuyev and five others in Karelia (application no. 60771/13)*

249. The six individual applicants live in the Karelia Republic and belong to the Kalevala congregation of Jehovah’s Witnesses. The applicant Mr Pekshuyev is the religious minister of the congregation who, at the time of the events, travelled every week from Kostomuksha to Kalevala to hold services. Services were held in an apartment where Mr Pekshuyev had a private room that he used for lodging.

250. On 21 June 2012 the acting chief of the Border Control Department of the Federal Security Service (“FSB”) applied to the Supreme Court of the Karelia Republic, seeking authorisation for an operative inspection of premises in which the applicant Mr Pekshuyev and his fellow believer V. were believed to store religious literature. The application was justified as follows:

“According to the collected intelligence, Mr Pekshuyev and V. are organisers of the religious group of Jehovah’s Witnesses in Kalevala. The primary objective of Mr Pekshuyev and V. is to escalate the propaganda that involves attracting new followers into their ranks using various means, based on advocating the exclusivity of that religion compared to other religions. This creates a persistent condition of strong animosity by neophytes of the group toward other religions. This condition is achieved by potential candidates studying religious literature, music, and electronic copies of religious books and magazines distributed by Pekshuyev and V. This religious literature has officially been declared extremist and its distribution is banned on the territory of the Russian Federation.”

251. On the same day a deputy president of the Supreme Court granted all the requested inspection warrants. They did not contain any specifics as to the objects to be examined or seized during the search.

252. At 8.30 a.m. on 13 July 2012, several FSB officers armed with automatic weapons and wearing balaclava masks cut across the way of the applicant Mr Korolkov who cares for and holds the keys to the apartment used for religious meetings. He was on his way out after verifying the apartment was in order for the next service. The officers pushed him face-down on the hood of his car, twisting his arms behind his back. They then forced him to give them access to the apartment and held him while they searched the apartment. The officers also searched the private room where Mr Pekshuyev occasionally lodges. They broke open the door of the room using an axe, cleaver and mount, smashing the door and the lock. Religious publications and personal items were seized from the apartment.

253. The same morning the FSB officers raided the homes of the other applicants. They seized large quantities of religious literature, including Bibles, magazines and books, a computer, video materials and personal items and files.

254. During September 2012, many of the seized items were returned. However, a computer belonging to the applicants Mr Naumov and Ms Zharikova, as well as some publications, were never returned. The applicants never received an official list of the seized items and the items returned.

255. All the applicants first filed individual appeals, challenging the inspection warrant of 21 June 2012. By separate decisions of 29 August and 19 September 2012, the Supreme Court of the Karelia Republic rejected their appeals, finding that the warrant had no formal defect.

256. The applicants subsequently challenged the lawfulness of the raid and the continued surveillance of Jehovah's Witnesses. On 29 January and 4, 12 and 13 February 2013 the Kostomuksha Town Court of the Karelia Republic dismissed their complaints, finding that the raid had been lawful because it had been authorised by a judicial decision. Their appeals against the City Court's decision were rejected in a summary fashion by the Supreme Court of the Karelia Republic on 11, 21 and 14 March and 1 and 4 April 2013.

## **J. Searches in places of worship and disruption of religious services**

### *1. Ms Martynenko and six others in Yoshkar-Ola (application no. 44363/11)*

257. The seven applicants live in Yoshkar-Ola. They have been Jehovah's Witnesses for several years.

258. On 6 August 2010 an investigator for particularly important cases of the Yoshkar-Ola division of the Investigations Committee instituted, on the basis of certain information received from the FSB, a criminal case into the activities of the local Jehovah's Witnesses on suspicion that they "engaged in public activities undermining the dignity of ... representatives of other Christian faiths". On 9 August 2010 the investigator applied to the Yoshkar-Ola Town Court for a search warrant of the home of M. – who is a Jehovah's Witness but not an applicant in this case – where Jehovah's Witnesses assembled for worship.

259. At 6:00 p.m. on 10 August 2010 a meeting of Jehovah's Witnesses began in M.'s apartment. About 100 persons in total were gathered together for worship, including all of the applicants.

260. Thirty minutes later a group of approximately 30 officers from the police, the FSB and the armed OMON Special Force arrived at the house. The group included the investigator of the Investigations Committee, accompanied by an investigator and three officers from the Mariy El division of the FSB, a police inspector from the Department for Matters Involving Minors, a forensic expert, and armed officers from the Yoshkar-Ola rapid-response police force.

261. Some officers formed a cordon from the gate of the area surrounding the house to the entrance to the house itself in order to ensure

that no one could leave the premises. The remaining 10 officers entered the foyer of the house in which the religious service was taking place and announced to stop the religious service because the search would be carried out. The police grabbed some of the Witnesses, holding them in stranglehold and arm lock positions.

262. The police recorded the proceedings on video. The search continued throughout the night, until 06:50 a.m. the following day. None of the Witnesses was permitted to leave the house until the search was over. The officers seized personal items and religious literature from the worshippers, including copies of the Bible.

263. The seven applicants filed a complaint with the Yoshkar-Ola Town Court, contesting the lawfulness of the investigator, the police and FSB officers who disrupted the religious service. On 9 December 2010 the Town Court rejected their claim, finding that the constitutional rights of the applicants had not been interfered with.

264. On 26 January 2011 the Supreme Court of the Mariy El Republic rejected their appeal against the Town Court's decision.

*2. Mr Burenkov and twelve others in Salekhard (application no. 78114/11)*

265. The thirteen applicants are Jehovah's Witnesses who live in the city of Salekhard in the Yamalo-Nenets Region in the north of Russia.

266. In late 2009 the Investigations Committee for the Yamalo-Nenets Region began secret surveillance of the local congregation of Jehovah's Witnesses in order to gather information on their activities. The investigator found that days and times when religious services were held in private apartments. From November 2009 and throughout 2010, the services were secretly recorded, and audio and video recordings were sent for expert examination with a view to identifying elements of extremism.

267. On 6 September 2010 an investigator of the Investigations Committee initiated a criminal case under Article 282 § 1 of the Criminal Code and applied to the Salekhard Town Court for a search warrant in respect of one of the private apartments at which religious services were held and where the applicants Ms Smetanik, Ms Buzko and Ms Tsykalova lived.

268. On 21 October 2010 the Town Court granted the investigator's request for a search warrant, holding as follows:

“Taking into account that the suspicion of the investigation – that persons from among Jehovah's Witnesses might have committed crimes encroaching upon the fundamental principles of the constitutional structure and the safety of the State – is corroborated by the criminal case file that has been submitted to the court, and taking into account that the [search] is intended to discover evidence to ensure an impartial and comprehensive preliminary investigation, to establish the perpetrators of the crimes, and to avoid bringing innocent parties to criminal liability, I find the motion subject to being granted.”

269. On the same day a religious service began at Ms Smetanik's place at 7 p.m. The service was scheduled to end at 8:45 p.m. Approximately thirty people were in attendance, including all of the applicants.

270. At about 8 p.m. a senior investigator from the Centre for the Suppression of Extremism, along with three other unidentified officials,

arrived at the apartment. When the applicant Ms Smetanik opened the door ajar and asked them what they wanted, the investigator forced open the door, knocking her aside, and the officials entered the apartment. He announced that he had a warrant to search the apartment and told those present to remain in their places and to surrender all extremist material. The investigator did not give heed to the applicant Mr Burenkov's objection that a religious service was in progress.

271. Once four attesting witnesses (*понятые*) arrived, the investigator ordered everyone to empty the contents of their bags and pockets on the table. Mr Burenkov reminded him that the warrant only authorised a search of the apartment, not personal searches of everyone in attendance, to which the investigator replied with threats.

272. All of those in the apartment, including several minors (among whom were four children of the applicants Viktor and Oksana Leys, between 10 and 16 years of age) were frisked, and the contents of their bags and pockets were also searched. Some women were frisked in the presence of two male attesting witnesses.

273. The applicants Ms Bozhkova, Ms Orekhovskaya, Ms Terentyeva, Ms Oksana Leys and her 10-year-old daughter, and Mr Burenkov were then ordered to go into the kitchen where they were frisk searched a second time. No records of personal searches were compiled.

274. At approximately 2 a.m. the officers began to search the apartment, including the bedrooms, kitchen, balcony, and corridor. They seized approximately 20 boxes of religious literature. The search ended at 3.30 a.m. Most of the applicants were allowed to leave once their belongings were searched and their personal details recorded. However, a few male applicants and the occupants of the apartment were forced to stay until the apartment search had been completed.

275. The applicants filed claims to the Salekhard Town Court under Articles 123 and 125 of the Code of Criminal Procedure, contesting the lawfulness of the officers' actions during their disruption of the religious service and personal searches of the applicants. Following an initial decision rejecting their claims which was overturned on appeal, on 16 and 17 May 2011 the Town Court held hearings.

276. On 18 May 2011 the Town Court ruled to dismiss the applicants' complaint. It held that the search of the apartment had been authorised by a judicial decision and had been therefore lawful that it was also lawful to carry out personal searches without a judicial warrant because there had been a pressing need "to discover and seize items and documents relevant to the criminal case". The disruption of the religious service was likewise lawful because it resulted from "the need to conduct a search of the apartment on the basis of a court order" and because "conducting the search without terminating the religious service could have led to a violation of the requirements of criminal procedure law establishing the procedure for conducting a search". The decision stated that after the search Jehovah's Witnesses continued to meet together freely, and therefore their rights had not been affected by the disruption of the religious service on this one occasion.

277. On 20 June 2011 the Yamalo-Nenets Regional Court dismissed the applicants' appeal against the Town Court's decision, finding in particular as follows:

“Conducting a search on the day of issue of the judicial decision reflects the requirements on a reasonable time-period for criminal proceedings. Once a search warrant has been issued, the search cannot be delayed, since this contravenes the purposes and objectives of [the search].

... it was established that the religious service was disrupted as a result of the search itself and not because those conducting the search forbade the religious service. After the search concluded, nothing prevented the religious service from continuing.

Under such circumstances, the correlation between the public interest of the State in conducting criminal proceedings and the private interest of individuals in conducting religious rites affirms that the rights of citizens were limited to a necessary extent.”

*3. Mr Golovko and sixteen others in Kemerovo (application no. 5571/12)*

278. The applicants are seventeen individuals from Kemerovo who are Jehovah's Witnesses. They have held religious services at their place of worship, known as the Kingdom Hall, in Kemerovo. The Kingdom Hall was built specifically for the purpose of holding religious services and is owned by the officially registered local religious organization of Jehovah's Witnesses “Kemerovo, Tsentralnaya” (the “Kemerovo LRO”). The Kemerovo LRO is not an applicant in this case.

279. Throughout 2010, the Centre for the Suppression of Extremism of the Kemerovo regional police carried out covert investigations and surveillance of Jehovah's Witnesses. On 22 October 2010 the Centre provided a summary of their intelligence to an investigator in the Department for Investigating Particularly Serious Cases involving Crimes against the State Authority of the Investigations Committee. The opening part of the summary read as follows:

“From February 2010 until the present, officers of the Center ... have deployed measures aimed at documenting criminal activities by members of the local religious organisation of Jehovah's Witnesses on the territory of the Kemerovo Region.

As a result of the operational-investigative and operational-technical activities ... officers of the Center established that an organised extremist group carries out its activity in the Kemerovo Region under the guise of the local religious organisation of Jehovah's Witnesses.

It was established that Jehovah's Witnesses are one of the largest and most destructive religious movements in the Russian Federation with a membership of approximately 200,000 citizens, about 5,000 on the territory of the Kemerovo Region.

On the territory of the Kemerovo Region, members of the said religious organisation distribute religious literature of an extremist nature. All members of the organisation distribute this literature, both elders and ordinary members ...”

280. On 25 October 2010 the investigator instituted a criminal case under Article 282 § 1 of the Criminal Code and ordered a search of the Kingdom Hall which was justified in the following terms:

“[Taking into account] that between 2005 and March 2006 in the city of Kemerovo, unidentified persons wilfully created for the purpose of preparing and carrying out crimes of an extremist nature the extremist community – the Kemerovo LRO - based on the ideas inciting religious hatred and enmity ...



For the commission of the crimes stipulated in Article 282 of the Criminal Code, during the active period of this extremist community, its participants, with the goal of advocating [their ideas], distributed to the general public the printed publications entitled *What Does the Bible Really Teach?* and *Questions Young People Ask—Answers That Work*, which were declared extremist by the decision of the Rostov Regional Court dated 11 September 2009 ...

...

The investigation ... collected materials that give sufficient grounds to believe that the residence ... which is used by the Kemerovo LRO may contain desktop computers, laptops, flash drives, CDs and DVDs, and religious literature relevant to the criminal case.”

281. On 26 October 2010 a religious service in the Kingdom Hall was scheduled to begin at 6:00 p.m and end at 7:45 p.m. The applicants Mr Golovko and Mr Gareyev arrived early in order to prepare for the service.

282. At approximately 5:15 p.m. two armed officers of the special police force (OMON) of the Kemerovo City Police burst into the building, shouting: “Everybody stay put! Don’t move!” One of the officers pointed his weapon at Mr Golovko. Ten minutes later the investigator arrived and announced that the hall would be searched.

283. By this time, other Jehovah’s Witnesses began arriving at the Kingdom Hall to attend the service. The police officers blocked the entrance and refused to allow anyone in or out. The Jehovah’s Witnesses who were inside the premises were subjected to personal searches. Approximately seventy worshippers were forced to stand outside the Kingdom Hall in 0°C temperatures for at least one hour, without being given any information on what was going on.

284. The search of the building lasted over five more hours until after midnight. None of those inside were allowed to leave until the search was over. Mr Golovko and others inside the hall on several occasions asked the investigator to delay their search in order to allow the service to go ahead. Their requests were refused.

285. The police seized a personal flash drive from Mr Golovko, as well as his personal Bible, his religious songbook, and several other publications. Personal Bibles and songbooks, and other publications were seized from the applicants Mr Akhunzyanov and Mr Gareyev.

286. On 17 February 2011 all the applicants filed a complaint with the Zavodskiy District Court of Kemerovo contesting the lawfulness of the actions of the officials involved in the raid and of the special police force in preventing the religious service from taking place.

287. On 31 March 2011 the District Court rejected the applicants’ complaint. It found that the investigator had lawfully authorised and conducted the search and that his objective had been to collect evidence in the criminal case rather than to disrupt the religious service. In the District Court’s view, the search was also justified from the standpoint of Article 9 of the Convention because it pursued the legitimate aim of the protection of rights of others.

288. On 14 July 2011 the Kemerovo Regional Court rejected the applicants’ appeal and endorsed the decision of the District Court.

*4. Mr Shaikhiev and seven others in Tatarstan (application no. 65838/12)*

289. The eight individual applicants live in the city of Naberezhniye Chelny in the Republic of Tatarstan and profess the religion of Jehovah's Witnesses.

290. On 15 December 2011 a religious meeting in the Tatar language began at 5:30 p.m. in the premises rented from a private company. Approximately sixty persons, including all the applicants, were in attendance.

291. At 6:40 p.m. five police officers in plain clothes arrived at the premises. The officers stated they intended to record the names and addresses of all those in attendance. The applicants Mr Gabaidulin and Mr Galiev asked them on what grounds they were demanding such information, to which the officers replied they had the right to check anyone's identity documents regardless of whether or not there were grounds. The applicants asked the police officers to wait until the conclusion of the religious meeting, but they ignored the request and ordered everyone to produce their identity documents for inspection.

292. Some ten minutes later three more police officers in uniform and carrying hand guns, arrived at the building. They blocked the exit from the room so that no one could leave. The police inspector then announced that those who had given their names and addresses could leave the premises and go home. The police detained the applicants Mr Gabaidulin, Mr Galiev, and Mr Gayfullin, taking them to the police station where they were questioned, photographed, and fingerprinted.

293. On 23 January 2012 the applicants filed a claim to the Naberezhniye Chelny Town Court, requesting that the court pronounce unlawful the actions of the police officers in disrupting the religious meeting and recording the identities of the worshipers in attendance.

294. On 31 January 2012 the Town Court dismissed their claim. It held that because the religious meeting had been conducted outside a religious building in non-residential premises, the police officers had the duty to verify the information they had received about a "gathering of suspicious individuals". On 29 March 2012 the Supreme Court of the Republic of Tatarstan endorsed that decision, rejecting the applicants' appeal.

*5. Mr Khilyuta and eight others in the Moscow Region (application no. 65838/12)*

295. The nine individual applicants live in the city of Dubna in the Moscow Region and profess the religion of Jehovah's Witnesses.

296. Unbeknown to the applicants, on 14 March 2011 the Main Moscow Region police department issued an order on conducting operative and prophylactic measures in the Moscow Region. The order was adopted pursuant to the classified conclusions of two meetings that had been held by the Moscow Region police in February and November 2010. The order required the Center for the Suppression of Extremism, the Criminal Investigations Directorate, and other police departments, as well as the local police chiefs in the Dubna city and the Orekhovo-Zuyevo and Istrinskiy districts to conduct an operation code-named "Apostates" («Отступники»)

from 16 to 18 March 2011. The operation specifically targeted the congregations of Jehovah's Witnesses in the Moscow Region and implied the identification of their locations and leaders, their sources of financing and their rental conditions, an inspection of their registration and founding documents, visits to their premises, identification of those in attendance, and flagging of persons of interest in the police database under the category of extremists. The annex to the order listed the addresses and time of meetings of Jehovah's Witnesses in the Moscow Region.

297. On 16 March 2011 the applicants, along with fifty fellow believers, attended a religious meeting in the building owned by the registered local religious organisation of Jehovah's Witnesses in Dubna. The meeting began at 6:00 p.m.

298. At 7:50 p.m., nine police officers arrived at the building. Some officers blocked the exit from the building. A police inspector announced that they would search the building and check the identity documents of those present. He refused to show a copy of the warrant. Another officer filmed the police operation and those in attendance. The inspection lasted for about an hour, disrupting the religious meeting of the congregation so that it could not continue.

299. On 15 June 2011 the applicants filed a claim to the Dubna Town Court, requesting that the actions of the police officers be pronounced unlawful. At their request, the Town Court required the police to produce a copy of the order of 14 March 2011 which they did. Before the court, the police claimed that they decided to visit the premises because they had received information that there might be missing persons or fugitives from justice among the attendees.

300. By judgment of 20 December 2011, the Town Court rejected the applicants' claim, endorsing without reservations the version of the police that they had inspected the premises searching for fugitives from justice.

301. On 21 June 2012 the Moscow Regional Court endorsed, in its turn, the Town Court's decision and dismissed the applicants' appeals.

#### **K. Seizure of a consignment of religious literature (application no. 5547/12)**

302. The applicants are seven individual Jehovah's Witnesses from Kemerovo. In the circumstances described in the preceding section, the Kemerovo congregation of Jehovah's Witnesses was targeted by a police investigation.

303. During August and September 2010, the Administrative Centre of Jehovah's Witnesses in Russia received from *Jehovas Zeugen in Deutschland, K.D.O.R.*, Berlin (Germany) a free gift of Bible publications (printed and audio products). After having gone through customs formalities, these publications were released for unrestricted distribution in the territory of Russia. The Administrative Centre sent a portion of the publications by railway to Kemerovo for the applicants and other Jehovah's Witnesses.

304. On 26 October 2010, the consignment of Bible literature arrived at the railway station in Kemerovo. The sender was indicated as the Administrative Centre, and the applicant Mr Gareyev was listed as the

recipient. Not one of the publications included in the shipment had been pronounced extremist by a court anywhere in Russia or entered into the Federal List of Extremist Materials. Moreover, the books *Organized to Do Jehovah's Will* and *The Secret of Family Happiness*, the brochures *The Divine Name That Will Endure Forever*, *Jehovah's Witnesses and Education*, and *Does God Really Care About Us?*, which were among the publications in the consignment, had been examined and pronounced *not* extremist by the Rostov Regional Court decision of 11 September 2009.

305. The applicants Mr Gareyev and Mr Rashevskiy collected the literature and loaded it into the private vehicle of their acquaintance Mr D. with the intention of delivering it to Jehovah's Witnesses in several local congregations. When travelling through the Yuzhniy district of Kemerovo, they parked the vehicle at the side of the road, as they had personal matters to attend to. Mr Rashevskiy went into a nearby café for lunch. Suddenly four armed police officers in uniform and one in plain clothes entered the café, seized Mr Rashevskiy, and marched him out onto the street to the parked vehicle. Other police officers then arrived at the vehicle with Mr D., and they ordered them to get into the vehicle and go with them to the headquarters of the Investigations Committee for questioning.

306. After they had been questioned, the investigator ordered that the religious literature from the vehicle be seized. The order stated:

“During the investigation of this criminal case, materials were collected that provide sufficient grounds to believe that the vehicle Isuzu Elf, state registration number ..., owned by ..., may contain religious literature relevant to the criminal case.”

307. Between 8:40 p.m. and 11:40 p.m. on that day, the police seized all of the religious literature from the vehicle. There were over 100 packages of religious literature seized and confiscated weighing a total of more than one ton. It has never been returned to the applicants.

308. On 17 February 2011 the applicants complained to the Zavodskiy District Court, contesting the lawfulness of the order authorising the seizure and the seizure of the entire consignment of Bible literature from D.'s vehicle. The complaint drew attention to the fact that the seizure order was unlawful as it did not indicate what specific literature was of relevance to the criminal case and should thus be seized (title, year published, publishing details), and that none of the religious literature in the vehicle had been pronounced extremist or was subject to any restriction under Russian law. The applicant had told the police officers at the time of the seizure that none of the literature was on the Federal List of Extremist Materials, and that thus their action in seizing them was unlawful.

309. On 1 April 2011 the District Court rejected the applicants' complaints. It found that the seizure order had been issued by the investigator lawfully, that the applicants had not been the legal owners of the religious literature because the Administrative Centre had not handed it over to them, that the objective of the seizure was to seize religious literature “for the purpose of forming an objective view on the activities of the organisation” rather than to uncover extremist literature, and that the applicants' right to freedom of religion did not suffer any impairment as they continued holding services of worship.

310. On 19 July 2011 the Kemerovo Regional Court upheld the District Court's decision at final instance.

**L. Detainment of a Jehovah’s Witness for preaching (application no. 17715/12)**

311. The applicant Ms Yekaterina Zharinova lives in the town of Ivanteyevka in the Moscow Region. She has been one of Jehovah’s Witnesses since 2000.

312. On 17 March 2011 Ms Zharinova and her fellow believer K. were talking about the Bible with local residents when a Ms P. called the police and asked them to “take action against the unknown women who were knocking on doors ... [and] distributing religious literature of Jehovah’s Witnesses.” Two officers from the Pushkinskiy district police department were sent to investigate the incident.

313. When the police arrived at approximately 5:45 p.m., Ms Zharinova and Ms K. were standing outside the building. Having examined their passports, the officers told the women to get into the police car. The women were taken to the police station where they were separated and questioned in different rooms by inspectors from the Investigations Department. The inspectors followed the orders of officers from the Centre for the Suppression of Extremism who had arrived at the police station and proceeded to tell them what to do.

314. The officers photocopied the women’s passports. At approximately 9 p.m. they called in a female officer to conduct a body search. The women were stripped down to their underwear in the presence of two lay witnesses (*понятые*). The women were also ordered to take off their shoes and remove the insoles. The female officer then emptied the contents of the women’s bags, seized personal items and religious literature, including their Bibles. None of the seized literature had been pronounced extremist by a Russian court. The women were finally released at approximately 10 p.m., after being held for four and a half hours. Their request for a copy of the search and seizure record was refused.

315. On 24 March 2011 the applicant was again summoned to the police for an interview. She was questioned for approximately two hours about her private life and religious beliefs. The items that had been seized from her were submitted to the Pushkino town division of the Investigations Committee.

316. Following a complaint to the chief of the Ivanteyevka town police, the applicant was invited to come to the police station to collect a copy of the record which she did on 4 May 2011.

317. The applicant complained to the town prosecutor and the Ivanteyevka Town Court about her unlawful detainment and retention of personal items. On 30 June 2011 the prosecutor replied that the police officers had acted lawfully, in the framework of investigating an administrative violation and in accordance with the provisions of the Police Act, which required the police “to come to the aid of everyone in need of protection from criminal or other unlawful offenses”. As to the applicant’s request for the return of the seized material, the prosecutor wrote as follows:

“This is to explain that the Pushkino town division of the Investigations Committee for the Moscow Region is presently conducting an investigation to establish whether the texts of the religious literature are aimed at the liquidation of the social structure of society in all its forms, both independent and institutional. All of the postulates and conclusions in the texts of the religious literature seized during your personal search

are of a global (supra-regional and supra-governmental) nature. They do not have any regional cultural connections and thus promote the destruction of ethno-cultural identity. The disregard for the very concept of the State and the declaration of “neutrality” are aimed at eroding civic identity and promote an undermining of national and State security.”

318. On 19 August 2011 the Town Court dismissed the applicant’s complaint, finding that the police officers acted lawfully and that they had the authority to act in that way since their aim was to discover indications of a crime or an administrative violation and to stop unlawful activities. In the Town Court’s assessment, the applicant’s personal search and the seizure of her literature were likewise lawful because they complied with the procedural norms.

319. On 20 September 2011 the Moscow Regional Court dismissed the applicant’s appeal in a summary fashion.

## II. RELEVANT DOMESTIC LAW AND PRACTICE

### A. Suppression of Extremism Act (Law no. 114-FZ of 25 July 2002)

320. The Suppression of Extremism Act provides as follows:

#### Article 1. Basic notions

“For the purposes of the present Act the following basic notions are used:

##### 1) **extremist activity/extremism:**

- forcible change of the foundations of the constitutional system and violation of the integrity of the Russian Federation;
- public justification of terrorism and other terrorist activity;
- stirring up of social, racial, ethnic or religious discord;
- propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their social, racial, ethnic, religious or linguistic affiliation or attitude to religion;
- violation of human and civil rights and freedoms and lawful interests in connection with the person’s social, racial, ethnic, religious or linguistic affiliation or attitude to religion;

...

- public calls inciting the carrying out of the aforementioned actions or mass dissemination of knowingly extremist material, and likewise the production or storage thereof with the aim of mass dissemination;

...

- organisation and preparation of the aforementioned actions and also incitement of others to commit them;
- financing of the above-mentioned activities or any assistance for their organisation, preparation and carrying out, including by providing training, printing and material/technical support, telephonic or other types of communications links or information services;

2) **extremist organisation:** a public or religious association or other organisation in respect of which and on grounds provided for in the present Act, a court has made a

ruling having entered into legal force that it be liquidated or its activity be banned in connection with the carrying out of extremist activity;

3) **extremist materials**: documents intended for publication or information on other media calling for extremist activity to be carried out or substantiating or justifying the necessity of carrying out such activity, including works by leaders of the National Socialist worker party of Germany, the Fascist party of Italy, publications substantiating or justifying ethnic and/or racial superiority ...”

**Article 9. Liability of public or religious associations or other organisations for carrying out of extremist activity**

“The creation and functioning of public or religious associations or other organisations whose objectives or activities are aimed at carrying out extremist activity shall be prohibited in the Russian Federation.

In the event ... of the carrying out by public or religious associations ... of extremist activity resulting in a violation of human and civil rights and freedoms, damage to an individual, citizens’ health, the environment, public order, public safety, property, the lawful economic interests of physical individuals and/or legal entities, society and the State or creating a real threat of causing such damage, the corresponding public or religious association or other organisation may be liquidated and the activity of the public or religious association that is not a legal entity may be banned by a judicial decision on the basis of an application by the Prosecutor General of the Russian Federation or the respective regional prosecutor.

...

The property of the public or religious organisation or other organisation that was liquidated on the grounds provided for in the present Act which remains after settlement of the demands of creditors shall be confiscated as the property of the Russian Federation. The decision on the confiscation of that property ... shall be pronounced by the court at the same time as the decision to liquidate the public or religious organisation ...”

**Article 13. Liability for dissemination of extremist materials**

“Dissemination of extremist materials and also the production or storage of such materials with the aim of dissemination shall be prohibited on the territory of the Russian Federation. ...

Information materials shall be declared as extremist by the federal court having jurisdiction over the location in which they were discovered or disseminated or the location of the organisation having produced such materials, on the basis of an application by the prosecutor ...

A decision concerning confiscation shall be taken at the same time as the decision of the court pronouncing information material as extremist.

A copy of the court decision declaring information materials extremist which has entered into legal force shall be sent to the federal State registration authority.

A federal list of extremist materials shall be posted on the "Internet" worldwide computer network on the site of the federal State registration authority. That list shall also be published in the media.

A decision to include information materials in the federal list of extremist materials may be appealed against in court under the procedure established by Russian Federation legislation.”

## B. Criminal Code

321. The relevant provisions of the Criminal Code read as follows:

### **Article 282: Incitement of hatred or enmity as well as abasement of human dignity**

“1. Acts aimed at the incitement of hatred or enmity, as well as abasement of dignity of a person or a group of persons on the ground of their sex, race, nationality, language, origin, attitude to religion, as well as affiliation to any social group, if these acts have been committed in public or with the use of mass media, shall be punishable ... or by imprisonment for a term of up to two years.

2. The same acts committed:

(a) with the use of violence or with the threat of its use;

(b) by a person through his official position;

(c) by an organised group

shall be punishable ... by imprisonment for a term of up to five years”.

### **Article 239. Organisation of an association that infringes on the person and rights of citizens**

“1. Creation of a religious or public association whose activity entails violence against individuals or the infliction of harm to their health, or with inducement of individuals to refuse to discharge their civil duties or to commit other unlawful acts, and likewise the leadership of such an association,

shall be punishable by a fine ... or by restriction of freedom for a term of up to three years, or imprisonment for the same term.

2. Participation in the activity of said association, and also promotion of deeds provided for by the first part of this Article,

shall be punishable by a fine ... or by restriction of freedom for a term of up to two years, or imprisonment for the same term.”

## C. Administrative Offences Code

322. The relevant provisions of the Administrative Offences Code read as follows:

### **Article 13.21: Violation of the procedure for producing or disseminating a publication**

“1. Production or dissemination of an unregistered publication ... –

shall be punishable with an administrative fine of between 1,000 and 1,500 roubles for individuals, with confiscation of the object of the administrative offence ...

### **Article 20.2: Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, march or picket [in force at the material time, until amended on 8 June 2012]**

“ ...

2. Violation of the established procedure for conducting a gathering, meeting, demonstration, march or picket –

shall be punishable with an administrative fine of between 1,000 and 2,000 roubles for the organisers, and the fine of between 500 and 1,000 roubles for the participants ...”



**Article 20.29: Production and dissemination of extremist materials**

“The mass dissemination of extremists materials included in the published Federal List of Extremist Materials, as well as their production or storing for the purpose of mass dissemination –

shall be punishable with an administrative fine ... or and an administrative arrest for a term up to fifteen days accompanied by confiscation of the materials and equipment used for their production ...”

**D. Public Assemblies Act (Law no. FZ-54 of 19 June 2004)**

323. Public assembly is an open, peaceful gathering accessible to all, organised at the initiative of citizens of the Russian Federation, political parties, other public associations or religious associations. The aims of a public assembly are to express or develop opinions freely and to voice demands on issues related to political, economic, social or cultural life in the country, as well as issues related to foreign policy (section 2 (1)).

324. A gathering (*собрание*) is an assembly of citizens in a specially designated or arranged location for the purpose of collective discussion of socially important issues (section 2 (2)).

325. No earlier than fifteen days and no later than ten days before the intended public assembly, its organisers must notify the competent regional or municipal authorities of the date, time, location or itinerary and purposes of the assembly, its type, the expected number of participants, and the names of the organisers. This requirement does not apply to gatherings (section 7 § 1).

**E. Mass-Media Act (Law no. 2124-1 of 27 December 1991)**

326. Section 4 establishes that mass media may not be used for illegal purposes and, in particular, for disseminating extremist materials.

327. Section 32 – which was abrogated on 10 November 2011 – provided that a licence of a periodical may be annulled if (i) it was obtained fraudulently; (ii) if the conditions of the licence were breached more than one and written warnings were issued in that connection, (iii) if the licence was ceded to a third party. The licence could be annulled by the authority that had issued it. Section 31.7 – which replaced former section 32 – provided that a licence may only be annulled by a judicial decision.

**III. RELEVANT COUNCIL OF EUROPE MATERIAL**

328. On 20 June 2012 the European Commission for Democracy through Law (Venice Commission) issued Opinion no. 660/2011 on the Russian Suppression of Extremism Act which had been adopted by the Venice Commission at its plenary session on 15 and 16 June 2012. The Venice Commission made the following observations on the definition of activities that are to be considered extremism in accordance with the Act:

“Article 1.1 point 3: “stirring up of social, racial, ethnic or religious discord””

35. Extremist activity under point 3 is defined in a less precise manner than in a previous version of the Law (2002). In the 2002 Law the conduct, in order to fall within the definition, had to be “associated with violence or calls to violence”. However the current definition (“*stirring up of social, racial, ethnic or religious discord*”) does not require violence as the reference to it has been removed. According to non-governmental reports, this has led in practice to severe anti-extremism measures under the Extremism Law and/or the Criminal Code.

...

36. The Venice Commission is of the opinion that in order to qualify “stirring up of social, racial, ethnic or religious discord” as “extremist activity”, the definition should expressly require the element of violence. This would maintain a more consistent approach throughout the various definitions included in article 1.1, bring this definition in line with the Criminal Code, the Guidelines provided by the Plenum of the Supreme Court<sup>17</sup> and more closely follow the general approach of the concept of “extremism” in the Shanghai Convention.

Article 1.1 point 4: “propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their social, racial, ethnic, religious or linguistic affiliation or attitude to religion”

37. At first sight, this provision reiterates the usual non-discriminatory clauses in international treaties and national laws, which prohibit a difference in treatment of persons on the basis of their inherent or inherited qualities, such as race, ethnic origin, religion or language. Nevertheless, under the headings contained therein, all kinds of propaganda activities including preaching such difference in treatment, whether or not they are associated with violence or calls to violence, are deemed “extremism”.

38. In the view of the Venice Commission, to proclaim as extremist any religious teaching or proselytising activity aimed at proving that a certain worldview is a superior explanation of the universe, may affect the freedom of conscience or religion of many persons and could easily be abused in an effort to suppress a certain church thereby affecting not only the freedom of conscience or religion but also the freedom of association. The ECtHR protects proselytism and the freedom of the members of any religious community or church to “try to convince” other people through “teachings”. The freedom of conscience and religion is of an intimate nature and is therefore subject to fewer possible limitations in comparison to other human rights: only manifestations of this freedom can be limited, but not the teachings themselves.

39. It therefore appears that under the extremist activity in point 4, not only religious extremism involving violence but also the protected expressions of freedom of conscience and religion may lead to the application of preventive and corrective measures. This seems to be confirmed by worrying reports of extensive scrutiny measures of religious literature having led, in recent years, to the qualification of numerous religious texts as “extremist material”.

40. In the Commission’s view, the authorities should review the definition under article 1.1 point 4 so as to ensure/provide additional guarantees that peaceful conduct aiming to convince other people to adhere to a specific religion or conception of life, as well as related teachings, in the absence of any direct intent or purpose of inciting enmity or strife, are not seen as extremist activities and therefore not unduly included in the scope of anti-extremism measures.”

#### IV. COMPLAINTS

329. The applicants in all cases complain under Article 9 of the Convention, taken alone and in conjunction with Article 14, about a violation of their right to freedom of religion and about the discriminatory treatment of Jehovah’s Witnesses on account of their faith.

330. Invoking Article 10 of the Convention in conjunction with Article 9, the applicants complain that the Jehovah's Witnesses' literature was declared extremist material, banned from distribution in Russia and confiscated.

331. The Taganrog LRO and the individual applicants in application no. 32401/10 complain under Article 11 of the Convention in conjunction with Article 9 and under Article 1 of Protocol No. 1 about the liquidation of their organisation and the confiscation of their place of worship.

332. The Administrative Centre and the Wachtturm Bibel- und Traktat-Gesellschaft complain under Articles 9 and 10 of the Convention that the revocation of the permit to distribute religious magazines did not have a legal basis and was also an excessive broad restrictive measure.

333. The applicants whose homes were searched and whose chattel was seized complain under Article 8 of the Convention about an unjustified interference with their right to respect for their home. Those applicants who were subjected to personal searches and frisk searches also point to a deficient legal basis for that measure.

334. The applicants whose property, literature and personal items were seized complain under Article 1 of Protocol No. 1 about a violation of their right to peaceful enjoyment of possessions.

335. The applicant Ms Zharinova complains under Article 5 of the Convention about her arbitrary detention by the police.

336. All the applicants finally complain under Article 6 of the Convention about arbitrary findings of the domestic courts, arbitrary rejection of the evidence for their defence, manifest breaches of the equality of arms requirement, and the Russian appeal courts' failure to give specific reasons for rejecting the arguments raised in the statement of appeal.

337. The applicants in cases involving a forceful disruption of services of worship complain under Article 3 of the Convention about their ill-treatment in the hands of the police officers and other officials.

### **QUESTIONS TO THE PARTIES**

1. In respect of all applicants, was there a violation of Article 9 of the Convention, either taken on its own or in combination with Article 14 of the Convention?

2. In respect of all applicants, was there a violation of Article 10 of the Convention, read in the light of Article 9, on account of the judicial decisions by Russian courts pronouncing the religious literature of Jehovah's Witnesses to be extremist material, confiscating it and banning it from being disseminated in Russia? In particular, did any of the publications contain calls to violence or incitement to violence? Furthermore, was it compatible with Article 6 of the Convention that the applicants who wished to join proceedings as interested parties were denied that possibility?

3. In respect of the Taganrog LRO and the individual applicants in application no. 32401/10, was there a violation of Article 11 of the Convention, read in the light of Article 9, on account of the liquidation of the religious organisation and the banning of its activities? Additionally, was there a violation of Article 1 of Protocol No. 1 in respect of the Taganrog LRO in connection with the confiscation of its property?

4. Was the revocation of the permit to distribute religious magazines compatible with Article 10 of the Convention, read in the light of Article 9? In particular, what was the specific legal basis for the revocation?

5. In respect of the applicants who were subjected to administrative liability for conducting religious events, was there a violation of Article 11 of the Convention, read in the light of Article 9? In particular, was the interference based on a sufficiently foreseeable and accessible interpretation of the law?

6. In respect of the applicants, both individual applicants and organisations, in whose premises searches or inspections were carried out and in respect of the applicants who were subjected to personal searches and frisk searches, was there a violation of Article 8 of the Convention? In particular, what was the legal basis for that measure and was it proportionate to a legitimate aim?

7. In respect of the applicants, both individual applicants and organisations, whose chattel, property, literature or personal possessions were seized, removed or taken away, whether temporarily or permanently, was there a violation of Article 1 of Protocol No. 1? In particular, what was the legal basis for those measures and did they pursue any public interest?

8. In respect of the applicants who participated in the religious events or services that were disrupted because of the arrival of the police, was there a

violation of Articles 9 and 11 of the Convention? As regards the proportionality of the interference, what considerations of urgency prevented the police from waiting until the service of worship had been concluded?

9. Was the applicant Ms Zharinova deprived of her liberty “in accordance with a procedure prescribed by law”, as required by Article 5 of the Convention? Which of the subparagraphs of Article 5 § 1 applied in her situation?

**APPENDIX****Annex 1 : List of applications**

	<b>File No</b>	<b>Case Name</b>	<b>Date of lodging</b>	<b>Name of Representative</b>
1.	32401/10	TAGANROG LRO and others v. Russia	01/06/2010	Petr Muzny
2.	44285/10	GORNO-ALTAYSK LRO and others v. Russia	23/07/2010	Petr Muzny
3.	74320/10	CHEPRUNOV and CHEPRUNOVA v. Russia	06/12/2010	Petr Muzny
4.	74329/10	CHAVYCHALOVA v. Russia	06/12/2010	Petr Muzny
5.	74339/10	NOVAKOVSKAYA v. Russia	06/12/2010	Petr Muzny
6.	3488/11	BOLTNYEV v. Russia	03/01/2011	Petr Muzny
7.	3492/11	MARDONOV v. Russia	03/01/2011	Petr Muzny
8.	14821/11	ALIYEV v. Russia	08/02/2011	Petr Muzny
9.	17552/11	FEDORIN and others v. Russia	11/03/2011	Petr Muzny
10.	19428/11	NABOKIKH and others v. Russia	21/03/2011	Petr Muzny
11.	44363/11	MARTYNENKO and others v. Russia	18/07/2011	Petr Muzny
12.	73036/11	ZINCHENKO and others v. Russia	18/11/2011	Petr Muzny
13.	78114/11	BURENKOV and others v. Russia	15/12/2011	Petr Muzny
14.	2269/12	CHUKAN and others v. Russia	05/01/2012	Petr Muzny
15.	5547/12	GAREYEV and others v. Russia	10/01/2012	Petr Muzny
16.	5571/12	GOLOVKO and others v. Russia	10/01/2012	Petr Muzny
17.	17715/12	ZHARINOVA v. Russia	14/03/2012	Petr Muzny
18.	65838/12	SHAIKHIYEV and others v. Russia	26/09/2012	Petr Muzny
19.	76162/12	ADMINISTRATIVE CENTRE OF JEHOVAH'S WITNESSES OF RUSSIA and WACHTTURM BIBEL-UND TRAKTAT-GESELLSCHAFT DER ZEUGEN JEHOVAS E.V. v. Russia	21/11/2012	Petr Muzny
20.	60771/13	PEKSHUYEV and others v. Russia	11/09/2013	Petr Muzny
21.	74387/13	ZINICH and others v. Russia	19/11/2013	Petr Muzny
22.	79240/13	VERISH and others v. Russia	11/12/2013	Petr Muzny

**Annex 2. List of applicants**

No	Application No	Applicant Date of birth Place of residence
1.	32401/10	<p><b>TAGANROG LRO</b> Taganrog</p> <p><b>ADMINISTRATIVE CENTRE OF JEHOVAH’S WITNESSES IN RUSSIA</b> St Petersburg</p> <p><b>WACHTTUM BIBEL- UND TRAKTAT-GESELLSCHAFT DER ZEUGEN JEHOVAS</b> Selters</p> <p><b>WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK</b> New York</p> <p><b>TAGANROG YUZHNOYE CONGREGATION OF JEHOVAH’S WITNESSES</b> Taganrog</p> <p><b>TAGANROG TSENTRALNOYE CONGREGATION OF JEHOVAH’S WITNESSES</b> Taganrog</p> <p><b>TAGANROG SEVERNOYE CONGREGATION OF JEHOVAH’S WITNESSES</b> Taganrog</p> <p><b>TAGANROG PRIMORSKOYE CONGREGATION OF JEHOVAH’S WITNESSES</b> Taganrog</p> <p><b>TAGANROG PRIVOKZALNOYE CONGREGATION OF JEHOVAH’S WITNESSES</b> Taganrog</p> <p><b>TAGANROG POLYAKOVSKOYE CONGREGATION OF JEHOVAH’S WITNESSES</b> Taganrog</p> <p><b>TAGANROG NIKOLAYEVSKOYE CONGREGATION OF JEHOVAH’S WITNESSES</b> Taganrog</p> <p><b>TAGANROG ZAPADNOYE CONGREGATION OF JEHOVAH’S WITNESSES</b> Taganrog</p> <p><b>TAGANROG VOSTOCHNOYE CONGREGATION OF JEHOVAH’S WITNESSES</b> Taganrog</p> <p><b>TAGANROG ARMENIAN CONGREGATION OF JEHOVAH’S WITNESSES</b> Taganrog</p>

No	Application No	Applicant Date of birth Place of residence
		<p><b>VESYOLOYE CONGREGATION OF JEHOVAH'S WITNESSES</b> Russkiy Kolodets</p> <p><b>MATVEYEV-KURGAN CONGREGATION OF JEHOVAH'S WITNESSES</b> Russkiy Kolodets</p>
2.	44285/10	<p><b>GORNO-ALTAYSK LRO</b> Gorno-Altaysk</p> <p><b>ADMINISTRATIVE CENTRE OF JEHOVAH'S WITNESSES IN RUSSIA</b> St Petersburg</p> <p><b>WACHTTUM BIBEL- UND TRAKTAT-GESELLSCHAFT DER ZEUGEN JEHOVAS</b> Selters</p> <p><b>WATCHTOWER BIBLE OF PENNSYLVANIA</b> New York</p> <p><b>GORNO-ALTAYSK CONGREGATION OF JEHOVAH'S WITNESSES</b> Gorno-Altaysk</p> <p><b>Irina Aleksandrovna ROGOVAYA</b> 28/07/1960 Gorno-Altaysk</p>
3.	74320/10	<p><b>Mikhail Yuryevich CHEPRUNOV</b> 02/01/1977</p> <p><b>Larisa Vladimirovna CHEPRUNOVA</b> 08/09/1974 Tambov</p>
4.	74329/10	<p><b>Yelena Aleksandrovna CHAVYCHALOVA</b> 21/10/1975 Rybnoye</p>
5.	74339/10	<p><b>Yelena Vladimirovna NOVAKOVSKAYA</b> 22/10/1971 Rybnoye</p>
6.	3488/11	<p><b>Igor Vladimirovich BOLTNYEV</b> 15/10/1969 Nizhnekamsk</p>
7.	3492/11	<p><b>Farkhod Ashurovich MARDONOV</b> 20/01/1969 Nizhnekamsk</p>
8.	14821/11	<p><b>Alam Abdulaziz Ogly ALIYEV</b> 14/01/1963 Birobidzhan</p>



No	Application No	Applicant Date of birth Place of residence
9.	17552/11	<p><b>Aleksey Nikitovich FEDORIN</b> 25/06/1925</p> <p><b>Vasiliy Vladimirovich SIROTYUK</b> 27/08/1971 Kamen-Rybolov</p> <p><b>Yelena Sergeyevna CHEKHOVSKAYA</b> 23/09/1985 Belgorod</p> <p><b>Nikolay Yuryevich EBELING</b> 10/10/1980 Gagarin</p> <p><b>Sergey Vladimirovich KONYUKHOV</b> 26/07/1983 Pogranichnyy</p> <p><b>Alyona Mikhaylovna BONDAREVA</b> 12/12/1979 Milkovo</p> <p><b>Konstantin Sergeyevich KOMAROV</b> 01/12/1990 Izhevsk</p> <p><b>Vera Ivanovna SAVELYEVA</b> 06/03/1958 Yoshkar-Ola</p> <p><b>Svetlana Anatolyevna EBENAL</b> 02/09/1954 Vozhskiy</p> <p><b>Lyubov Panteleymonovna BELIMOVA</b> 29/07/1946 Tver</p>
10.	19428/11	<p><b>Aleksandr Borisovich NABOKIKH</b> 16/08/1954 Kirov</p> <p><b>Alexandr Vasilyevich AKHMATOV</b> 09/12/1973 Solnechnyy</p> <p><b>Vyacheslav Viktorovich TUMAKOV</b> 26/03/1963 Prokhladnyy</p> <p><b>Aleksey Georgiyevich TSARKOV</b> 25/05/1972 Vladimir</p>

No	Application No	Applicant Date of birth Place of residence
		<b>Vasim Yusupovich ABLAYEV</b> 05/11/1979 Ufa
11.	44363/11	<b>Dmitriy Yevgenyevich MARTYNENKO</b> 19/06/1980 Yoshkar-Ola  <b>Zhanna Sergeyevna KALININA</b> 01/08/1978 Yoshkar-Ola  <b>Alevtina Gennadyevna KAPITONOVA</b> 22/03/1970 Yoshkar-Ola  <b>Tatyana Ilyinichna GREBNEVA</b> 01/01/1952 Yoshkar-Ola  <b>Marina Anatolyevna MOLCHANOVA</b> 13/05/1971 Yoshkar-Ola  <b>Oleg Vladimirovich RUSINOV</b> 22/10/1975 Yoshkar-Ola  <b>Natalya Anatolyevna RUSINOVA</b> 31/01/1978 Yoshkar-Ola
12.	73036/11	<b>Kirill Andreyevich ZINCHENKO</b> 07/02/1986 Smolensk  <b>Viktor Naumovich POKRYVAYLO</b> 19/02/1952 Perm  <b>Rifat Ravilyevich ARTYUSHEVSKIY</b> 27/05/1977 Kazan  <b>Sergey Aleksandrovich TYUMENTSEV</b> 02/01/1952 Yaroslavskiy  <b>Nikolay Grigoryevich TER-AVANESOV</b> 03/12/1962 Kaliningrad  <b>Adam Mikhaylovich SVARICHEVSKIY</b> 20/09/1963 Blagoveshchensk

No	Application No	Applicant Date of birth Place of residence
		<p><b>Aleksandr Ivanovich SCHENDRYGIN</b> 11/08/1953 Belgorod</p> <p><b>Ramzes Yulianovich KODEU</b> 21/12/1966 Voronezh</p>
13.	78114/11	<p><b>Eduard Aleksandrovich BURENKOV</b> 17/04/1974 Salekhard</p> <p><b>Pavel Vadimovich KORCHAGIN</b> 27/09/1987 Salekhard</p> <p><b>Nalatiya Vladimirovna SMETANIK</b> 10/05/1987 Salekhard</p> <p><b>Olga Petrovna BUZKO</b> 03/02/1984 Salekhard</p> <p><b>Olga Aleksandrovna TSYKALOVA</b> 04/07/1984 Salekhard</p> <p><b>Larisa Karlenovna OREKHOVSKAYA</b> 08/01/1965 Salekhard</p> <p><b>Violetta Vladimirovna PLASTININA</b> 02/09/1976 Salekhard</p> <p><b>Yelena Nikolayevna BOZHKOVA</b> 27/04/1981 Salekhard</p> <p><b>Olga Petrovna RASOVA</b> 21/09/1981 Salekhard</p> <p><b>Gennadiy Viktorovich SKUTELETS</b> 08/05/1976 Salekhard</p> <p><b>Inna Ivanovna TERYENTYEVA</b> 03/07/1979 Salekhard</p> <p><b>Viktor Viktorovich LEYS</b> 17/01/1979 Salekhard</p>

No	Application No	Applicant Date of birth Place of residence
		<p><b>Oksana Vladimirovna LEYS</b> 25/10/1976 Salekhard</p>
14.	2269/12	<p><b>Vasily Dmitriyevich CHUKAN</b> 05/01/1952 Krasnodar</p> <p><b>ADMINISTRATIVE CENTRE OF JEHOVAH'S WITNESSES IN RUSSIA</b> St Petersburg</p> <p><b>WACHTTUM BIBEL- UND TRAKTAT-GESELLSCHAFT DER ZEUGEN JEHOVAS</b> Selters</p> <p><b>WATCHTOWER BIBLE OF PENNSYLVANIA</b> New York</p> <p><b>Aleksandr Vasilyevich TKACHENKO</b> 01/05/1955 Krasnodar</p> <p><b>Igor Yuryevich ANANYIN</b> 05/09/1982 Blagoveshchenka</p> <p><b>Sergey Mikhaylovich KUZOVLEV</b> 16/04/1964 Rezh</p> <p><b>Marina Iskandarovna IVANNIKOVA</b> 14/02/1951 Khanty-Mansiysk</p> <p><b>Aleksandr Anatolyevich BULKIN</b> 20/04/1987 Kemerovo</p> <p><b>Viktor Ilyich ZVYAGIN</b> 21/04/1958 Kemerovo</p> <p><b>Igor Vasilyevich POTAPOV</b> 12/09/1963 Kemerovo</p> <p><b>WATCHTOWER BIBLE OF NEW YORK</b> New York</p> <p><b>JEHOVAH'S WITNESSES OF SALSJK</b> Salsk</p>

No	Application No	Applicant Date of birth Place of residence
		<p><b>JEHOVAH’S WITNESSES IN KRASNODAR</b> Krasnodar</p> <p><b>JEHOVAH’S WITNESSES IN KEMEROVO</b> Kemerovo</p>
15.	5547/12	<p><b>Vitaliy Faritovich GAREYEV</b> 18/01/1982 Kemerovo</p> <p><b>Aleksandr Alekseyevich RASHEVSKIY</b> 14/08/1976 Kemerovo</p> <p><b>Eduard Rafaelovich AKHUNZYANOV</b> 20/06/1973 Kemerovo</p> <p><b>Pavel Konstantinovich GOLOVKO</b> 29/09/1980 Kemerovo</p> <p><b>Andrey Mikhaylovich GOLOVANICH</b> 07/02/1974 Kemerovo</p> <p><b>Viktor Aleksandrovich ZAVYALOV</b> 16/04/1962 Kemerovo</p> <p><b>Nadezhda Petrovna MAKSIMISHINA</b> 29/08/1946 Kemerovo</p>
16.	5571/12	<p><b>Pavel Konstantinovich GOLOVKO</b> 29/09/1980 Kemerovo</p> <p><b>Vitaliy Faritovich GAREYEV</b> 18/01/1982 Kemerovo</p> <p><b>Eduard Rafaelovich AKHUNZYANOV</b> 20/06/1973 Kemerovo</p> <p><b>Nadezhda Petrovna MAKSIMISHINA</b> 29/08/1946 Kemerovo</p> <p><b>Nina Gennadyevna AKHUNZYANOVA</b> 11/04/1973 Kemerovo</p>

No	Application No	Applicant Date of birth Place of residence
		<p><b>Valentina Viktorovna GOLOVKO</b> 17/10/1961 Kemerovo</p> <p><b>Anna Aleksandrovna STOLYAROVA</b> 11/09/1976 Kemerovo</p> <p><b>Margarita Aleksandrovna ANKUDINOVA</b> 06/08/1977 Kemerovo</p> <p><b>Nina Ivanovna VINOGRADOVA</b> 18/08/1937 Kemerovo</p> <p><b>Lyudmila Andreyevna ZHARKOVA</b> 08/08/1937 Kemerovo</p> <p><b>Darya Aleksandrovna KHMYROVA</b> 31/03/1979 Kemerovo</p> <p><b>Liudmila Ivanovna YASAKOVA</b> 04/11/1955 Kemerovo</p> <p><b>Irina Anatolyevna MAKSIMISHINA</b> 09/08/1982 Kemerovo</p> <p><b>Nina Tarasovna BELYAYEVA</b> 29/08/1936 Kemerovo</p> <p><b>Nadezhda Nikolayevna KAMNEVA</b> 11/05/1954 Kemerovo</p> <p><b>Tatiana Fedorovna VASILITSA</b> 30/03/1988 Kemerovo</p> <p><b>Faina Mikhaylovna PANIKOROVSKAYA</b> 02/09/1936 Kemerovo</p>
17.	17715/12	<p><b>Yekaterina Nikolayevna ZHARINOVA</b> 05/09/1983 Ivanteyevka</p>
18.	65838/12	<p><b>Rafail Ravilyevich SHAIKHIYEV</b> 04/02/1971 Naberezhnye Chelny</p>

No	Application No	Applicant Date of birth Place of residence
		<p><b>Rufat Rashidovich GABAYDULIN</b> 14/01/1987 Naberezhnye Chelny</p> <p><b>Ilnur Rashitovich GAYFULLIN</b> 17/07/1980 Zainsk</p> <p><b>Ilgiz Ravilyevich GALIYEV</b> 28/12/1988 Naberezhnye Chelny</p> <p><b>Nailya Faatovna GALIYEVA</b> 22/01/1966 Naberezhnye Chelny</p> <p><b>Ilyusya Ildusovna SADREYEVA</b> 13/12/1982 Naberezhnye Chelny</p> <p><b>Gulshad Grigoryevna SITDIKOVA</b> 01/07/1949 Naberezhnye Chelny</p> <p><b>Railya Midkhatovna FAKHRUTDINOVA</b> 20/04/1964 Naberezhnye Chelny</p> <p><b>Aleksandr Vladimirovich KHILYUTA</b> 03/01/1959 Dubna</p> <p><b>Oksana Pavlovna KHILYUTA</b> 02/12/1961 Nevinnomyk</p> <p><b>Oleg Yevgenyevich IVANOV</b> 15/11/1970 Dubna</p> <p><b>Nataliya Pavlovna MASHCHENKO</b> 06/09/1968 Mtsensk</p> <p><b>Marina Vyacheslavovna TROPINA</b> 06/04/1971 Dubna</p> <p><b>Roberto ERNANDEZ-AGILAR</b> 07/09/1988 Klin</p> <p><b>Galina Vladimirovna RYBAKOVA</b> 11/09/1964 Dubna</p>

No	Application No	Applicant Date of birth Place of residence
		<p><b>Viktoriya Vladimirovna TISHINA</b> 29/10/1965 Dubna</p> <p><b>Anna Aleksandrovna MAMONTOVA</b> 28/11/1976 Verbiliki</p>
19.	76162/12	<p><b>ADMINISTRATIVE CENTRE OF JEHOVAH'S WITNESSES IN RUSSIA</b> ADMINISTRATIVE CENTRE OF JEHOVAH'S WITNESSES IN RUSSIA St Petersburg</p> <p><b>WACHTTUM BIBEL- UND TRAKTAT-GESELLSCHAFT DER ZEUGEN JEHOVAS E.V.</b> Selters</p>
20.	60771/13	<p><b>Andrey Khannesovich PEKSHUYEV</b> 24/06/1953 Kostomuksha</p> <p><b>Aleksandr Aleksandrovich KOROLKOV</b> 21/02/1974 Kalevala</p> <p><b>Galina Aleksandrovna ZHARIKOVA</b> 17/10/1972 Kalevala</p> <p><b>Sergey Shanderivich NAUMOV</b> 02/11/1971 Kalevala</p> <p><b>Nadezhda Anatolyevna ZABOLOTNYKH</b> 07/05/1956 Kalevala</p> <p><b>Lyudmila Stepanovna KOLENEN</b> 17/04/1960 Kalevala</p>
21.	74387/13	<p><b>Maria Yaroslavovna ZINICH</b> 30/05/1965 Krasnoyarsk</p> <p><b>ADMINISTRATIVE CENTRE OF JEHOVAH'S WITNESSES IN RUSSIA</b> St Petersburg</p> <p><b>WACHTTUM BIBEL- UND TRAKTAT-GESELLSCHAFT DER ZEUGEN JEHOVAS</b> Selters</p>



No	Application No	Applicant Date of birth Place of residence
22.	79240/13	<p data-bbox="531 300 890 389"><b>Aleksey Nikolayevich VERISH</b> 17/12/1976 Krasnoyarsk</p> <p data-bbox="531 423 1270 515"><b>ADMINISTRATIVE CENTRE OF JEHOVAH'S WITNESSES IN RUSSIA</b> St Petersburg</p> <p data-bbox="531 546 1254 636"><b>WACHTTUM BIBEL- UND TRAKTAT-GESELLSCHAFT DER ZEUGEN JEHOVAS E.V.</b> Selters</p> <p data-bbox="531 667 903 759"><b>Yevgeniy Nikolayevich ZINICH</b> 17/04/1966 Krasnoyarsk</p>

**Annex 3 : List of banned publications of Jehovah’s Witnesses**

List of publications included in the Federal List of Extremist Materials (FLEM), the distribution and storage of which are banned in the Russian Federation:

	Title	Number on the FLEM
<b>By decision of the Rostov Regional Court dated 11 September 2009: (see application <i>Taganrog LRO and Others v. Russia</i>, no. 32401/10)</b>		
1.	The book <i>What Does the Bible Really Teach?</i> , 2005 edition	510
2.	The book <i>Knowledge That Leads to Everlasting Life</i>	511
3.	The book <i>Revelation—Its Grand Climax at Hand!</i>	512
4.	The book <i>Worship the Only True God</i>	513
5.	The book <i>Questions Young People Ask—Answers That Work</i>	514
6.	The book <i>Mankind’s Search for God</i>	515
7.	The book <i>Draw Close to Jehovah</i>	516
8.	The book “ <i>Come Be My Follower</i> ”	517
9.	The book <i>My Book of Bible Stories</i>	518
10.	The book <i>Life—How Did It Get Here? By Evolution or by Creation?</i>	519
11.	The book <i>Pay Attention to Daniel’s Prophecy!</i>	520
12.	The brochure <i>Should You Believe in the Trinity? “Is Jesus Christ the Almighty God?”</i>	521
13.	The brochure <i>You Can Be God’s Friend!</i>	522
14.	The brochure <i>Jehovah’s Witnesses—Who Are They? What Do They Believe?</i>	523
15.	The tract <i>The End of False Religion Is Near!</i>	524
16.	The brochure <i>How Can Blood Save Your Life?</i>	525
17.	The brochure <i>Will There Ever Be a World Without War?</i>	526
18.	The brochure <i>The Government That Will Bring Paradise</i>	527
19.	The brochure <i>Spirits of the Dead</i>	528
20.	The brochure <i>A Book for All People</i>	529
21.	The brochure <i>Enjoy Life on Earth Forever!</i>	530
22.	The brochure <i>What Is the Purpose of Life?—How Can You Find It?</i>	531
23.	The brochure <i>What Does God Require of Us?</i>	532
24.	The magazine <i>Awake!</i> dated 22 February 2000	533
25.	The magazine <i>Awake!</i> dated January 2007	534
26.	The magazine <i>Awake!</i> dated February 2007	535
27.	The magazine <i>Awake!</i> dated April 2007	536
28.	The magazine <i>The Watchtower Announcing Jehovah’s Kingdom</i> “Who Really Believe the Bible?” dated 15 October 1998	537

29.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> "Christmas—Why Even in the Orient?" dated 15 December 1999	538
30.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> "How to Find Real Happiness" dated 1 March 2001	539
31.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 15 January 2007	540
32.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 1 March 2007	541
33.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 15 March 2007	542
34.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 1 April 2007	543
<b>By decision of the Gorno-Altaysk City Court dated 1 October 2009: (see application <i>Gorno-Altaysk LRO and Others v. Russia</i>, no. 44285/10)</b>		
35.	The brochure <i>What Does God Require of Us?</i> , 1996 edition	556
36.	The magazine <i>Awake!</i> dated 8 April 1998	557
37.	The magazine <i>Awake!</i> dated 8 December 1998	558
38.	The magazine <i>Awake!</i> dated 22 February 1999	559
39.	The magazine <i>Awake!</i> dated 22 September 1999	560
40.	The magazine <i>Awake!</i> dated 22 October 2000	561
41.	The magazine <i>Awake!</i> dated April 2008	562
42.	The magazine <i>Awake!</i> dated January 2009	563
43.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 15 May 1998	564
44.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 1 October 1998	565
45.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 15 February 1999	566
46.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 1 May 1999	567
47.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 1 November 2001	568
48.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 15 February 2002	569
49.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 1 March 2002	570
50.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 1 January 2009	571
51.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 15 January 2009	572
52.	The magazine <i>The Watchtower Announcing Jehovah's Kingdom</i> dated 1 February 2009	573
<b>By decision of the Zavodskiy District Court of the City of Kemerovo dated 28 October 2010: (see application <i>Vasiliy Chukan and Others v. Russia</i>, no. 2269/12)</b>		

53.	The print publication <i>The Bible—God’s Word or Man’s?</i>	752
54.	The brochure <i>Keep on the Watch!</i>	753
55.	The magazine <i>The Watchtower</i> dated 1 January 2008	754
56.	The magazine <i>The Watchtower</i> dated 1 November 2009	755
57.	The magazine <i>The Watchtower</i> dated 1 December 2009	756
58.	The magazine <i>Awake!</i> dated August 2009	757
<b>By decision of the Zavodskiy District Court of the City of Kemerovo dated 30 May 2011: (see application <i>Vasilij Chukan and Others v. Russia</i>, no. 2269/12)</b>		
59.	The brochure <i>Is Religion a Force for Peace?</i>	914
60.	The brochure <i>Be Zealous for True Worship</i>	915
<b>By decision of the Pervomayskiy District Court of the City of Krasnodar dated 22 April 2011: (see application <i>Vasilij Chukan and Others v. Russia</i>, no. 2269/12)</b>		
61.	The magazine <i>The Watchtower</i> “Christ’s Coming—How Does It Affect You?” dated 15 March 2007	975
62.	The magazine <i>The Watchtower</i> “What Does Design in Nature Reveal?” dated 15 August 2007	976
63.	The magazine <i>The Watchtower</i> “Should You Live Only for Today?” dated 15 October 2007	977
64.	The book <i>Draw Close to Jehovah</i>	978
<b>By decision of the Salsk City Court of the Rostov Region dated 27 June 2011: (see application <i>Vasilij Chukan and Others v. Russia</i>, no. 2269/12)</b>		
65.	The magazine <i>The Watchtower Announcing Jehovah’s Kingdom</i> dated 1 December 2007	1042
66.	The magazine <i>The Watchtower Announcing Jehovah’s Kingdom</i> dated 15 December 2007	1043
67.	The magazine <i>Keep on the Watch! For What? Why Is It Especially Urgent Now?</i>	1044
68.	The magazine <i>Awake!</i> dated December 2007	1045
<b>By decision of the Sovetskiy District Court of the City of Krasnoyarsk dated 14 February 2013: (see application <i>Zinich and Others v. Russia</i>, no. 74387/13)</b>		
69.	The book <i>What Does the Bible Really Teach?</i> , 2009 edition	2034
<b>By decision of the Sovetskiy District Court of the City of Krasnoyarsk dated 24 January 2013: (see application <i>Verish and Others v. Russia</i>, no. 79240/13)</b>		
70.	The magazine <i>Will You Follow Jehovah’s Loving Guidance?</i>	Not yet on the FLEM