

**SECRETARIAT GENERAL**

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRETARIAT DU COMITE DES MINISTRES

COMMITTEE  
OF MINISTERS  
COMITÉ  
DES MINISTRES



Contact: Clare Ovey  
Tel: 03 88 41 36 45

Date: 29/11/2017

**DH-DD(2017)1349**

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1302<sup>nd</sup> meeting (December 2017) (DH)

Communication from a NGO (The European Association of Jehovah's Witnesses) (21/11/2017) in the case of JEHOVAH'S WITNESSES OF MOSCOW AND OTHERS v. Russian Federation (Application No. 302/02).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1302<sup>e</sup> réunion (décembre 2017) (DH)

Communication d'une ONG (The European Association of Jehovah's Witnesses) (21/11/2017) dans l'affaire TEMOINS DE JEHOVAH DE MOSCOU ET AUTRES c. Fédération de Russie (Requête n° 302/02)  
**[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S CHRISTIAN WITNESSES

RELIGIOUS FREEDOM SUBCOMMITTEE

Chairman: Tony Brace [tbrace@jw.org](mailto:tbrace@jw.org)  
Telephone: + 44 20 8371 3416; Fax: + 44 20 8343 0201

20 November 2017

Department for the Execution of Judgments of the ECHR  
Directorate General of Human Rights and Rule of Law – DIG  
Council of Europe  
F-67075 STRASBOURG CEDEX  
FRANCE

Re: NGO Communication Under Rule 9.2 of the Rules of the Committee of Ministers in  
the Case of *Jehovah's Witnesses of Moscow v. Russia* (no. 302/02, 10 June 2010)

Dear Sir or Madam,

On 4 April 2017, we filed a communication requesting the Committee to change the monitoring of the above *Jehovah's Witnesses of Moscow v. Russia* judgment to the “enhanced procedure”.

The *Moscow* judgment was released on 10 June 2010, at which time the Court clearly stated that the banning of a religion without “lawful basis” (§§ 159 & 180 of the judgment) violated the rights guaranteed by the Convention. However, on 20 April 2017 the Supreme Court of Russia issued a decision liquidating the Administrative Centre of Jehovah's Witnesses and all of their 395 local religious organizations, effectively banning the Witnesses' religious activity in Russia. This was widely condemned by the international community including organs of the Council of Europe.

The Supreme Court's decision will result in the largest nationalization of private property in post-Soviet Russia. Confiscation of properties has already begun. Further consequences include:

- (1) Human suffering in lost jobs, police intimidation, frozen bank accounts, harassment of children at school;
- (2) All places of worship to be closed and billions of roubles in assets frozen, depriving people of the fundamental freedom to meet openly for worship;
- (3) Increase in families fleeing Russia for asylum in Europe, America and other countries:

Furthermore, on November 14, 2017, the Plenum of the Russian Supreme Court passed a resolution that threatens Jehovah's Witnesses parents with the arbitrary loss of their children if they involve them “in the activity of a public or religious association (...) regarding which there are enforceable court decisions concerning their liquidation or concerning a ban on their activity”. This contradicts the recent reply of the Committee of Ministers (Doc 14408 – October 2017) that reminds of “The states' obligation (...) to respect

the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions”.

Following the *Moscow* judgment, Russia should have put in place general measures to prevent the future banning of Jehovah’s Witnesses in Moscow and elsewhere without a “lawful basis.” Instead, the government has relied on a vague definition of “extremism” to arbitrarily ban Jehovah’s Witnesses.<sup>1</sup> Russia has failed to implement the principles set out by the Court in the *Moscow* judgment.

We therefore request that monitoring of the *Moscow* judgment be changed to the “enhanced procedure.”

In this exceptional circumstance of the first nationwide ban on a major religion by a Member State of the Council of Europe and the largest nationalization by Russia of private property in post-Soviet history, it would be appropriate for the Committee of Ministers to consider bringing infringement proceedings against Russia under Rule 11 of the Rules of the Committee of Ministers.

Please accept an expression of our appreciation for your consideration of this communication.



Paul Gillies



Marc Hansen

Contact address: Rue d'Argile 60, 1950 Kraainem (Brussels), Belgium  
Tel.: ++ 32-2-782 00 15 - Fax: ++ 32-2-782 05 92 - E-mail: [JWitnesses@be.jw.org](mailto:JWitnesses@be.jw.org)

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<sup>1</sup> “This ambiguous definition of “extremism” allows for arbitrary action by the law enforcement agencies.” (Monitoring Committee, doc. 13018, 14 September 2012, § 498). Also, “In the Commission’s view, the Extremism Law, ... , gives too wide discretion in its interpretation and application, thus leading to arbitrariness.” (Venice Commission, CDL(2012)011rev, 1 June 2012, § 77)