

*(Translated from Russian)*

**Permanent Mission of the Russian Federation**

No. 3582

The Permanent Mission of the Russian Federation to the United Nations Office at Geneva and other International Organizations presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to letter AL/RUS 15/2018 containing a joint enquiry by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on minority issues, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism regarding the situation of the Church of Scientology of Moscow and individual members of this religious organization, has the honour to transmit herewith the following information.

The Permanent Mission of the Russian Federation takes this opportunity to convey to the Office of the United Nations High Commissioner for Human Rights the renewed assurances of its highest consideration.

Geneva, 4 October 2018

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**Information from the Russian Federation in response to the enquiry from the special procedures of the United Nations Human Rights Council regarding the situation of the Church of Scientology of Moscow**

*Reference: AL RUS 15/2018*

The Russian Federation has considered the enquiry by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the freedom of peaceful assembly and association, the Special Rapporteur on minority issues, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the promotion and protection of human rights while countering terrorism regarding the situation of the Church of Scientology of Moscow and individual members of that religious association and wishes to state the following.

The Church of Scientology of Moscow has committed gross and systematic violations of the law of the Russian Federation governing the procedures for running non-profit and religious organizations.

For example, as part of a monitoring (supervisory) exercise over the activities of religious organizations, in November 2012, the Main Department of the Ministry of Justice of the Russian Federation for Moscow conducted a regular audit of the documents on the activities of the Church of Scientology. The investigation uncovered violations of the requirements of Russian legislation and of the provisions of the association's own charter. There were also breaches involving the naming of the association and its organizational and legal form for carrying out activities. For example, the association worked in the Saint Petersburg area, which lies outside the bounds of the area declared by the association for its activities. Moreover, the teachings of the faith were spread not by representatives of the religious organization but by business actors on a commercial basis.

A report was drawn up following the audit showing violations of the law of the Russian Federation and a warning was issued on 30 November 2012. The legality of this warning was confirmed by a decision of the Gagarin District Court of Moscow on 24 May 2013.

In January 2013, in accordance Federal Act No. 125-FZ of 26 September 1997 on Freedom of Conscience and Religious Associations, the Main Department of the Ministry of Justice for Moscow took the decision to have the Expert Advisory Council on State Theological Expert Examinations attached to the Main Department of the Ministry of Justice for Moscow conduct a State theological expert examination of the Church of Scientology of Moscow.

The Council found that the actual activities of the Church of Scientology of Moscow were not fully in keeping with the forms and methods and information on the fundamental teachings of faith provided during its State registration. For these reasons, it found that the association could not be recognized as a religious organization.

Under these circumstances, and considering that the violations found have not been addressed, in July 2014, the Main Department of the Ministry of Justice for Moscow refused to enter into the State register the amendments made to the founding documents of the Church of Scientology of Moscow. The refusal to register them was recognized as justified by a decision of the Izmailovo District Court of Moscow on 1 July 2015.

In addition, on 29 June 2011, by a decision of the Shchelkovo City Court of Moscow province, a number of the works of L. Ron Hubbard that form the basis of the Scientological faith and philosophy and are distributed by the Church of Scientology of Moscow were deemed to be extremist material that incited religious hatred and were included in the federal list of extremist materials by the Ministry of Justice.

This decision was taken pursuant to the provisions of Federal Act No. 114-FZ of 25 July 2002 on Combating Extremist Activity, which prohibits the establishment and activities in the Russian Federation of voluntary and religious associations and other organizations whose aims and actions are aimed at carrying out extremist activities, including incitement to social, racial, ethnic or religious hatred and advocacy of exclusiveness and the superiority or inferiority of a person on the grounds of his or her

social, racial, ethnic, religious or linguistic background or attitude towards religion. The Act expressly prohibits the dissemination, production and storage of extremist materials for the purpose of distribution. The distribution of such materials by the Church of Scientology of Moscow was thus deemed to be a violation of the provisions of Russian law.

These facts prompted the Main Department of the Ministry of Justice of Moscow to apply to the courts for the dissolution of the religious association and its removal from the Uniform State Register of Legal Entities, as the association does not have the required characteristics of a religious organization and in fact does not carry out religious activities.

This application was approved by a decision of the Moscow City Court on 23 November 2015.

The court decision was upheld in a ruling of the Administrative Division of the Supreme Court of the Russian Federation on 29 June 2016.

The fact that the Church of Scientology of Moscow is in the process of dissolution has now been recorded in the Uniform State Register of Legal Entities.

In the course of the proceedings, including by means of the forensic theological expert examination and the review of the findings of the State theological expert examination, the court established that: the Church of Scientology of Moscow was not carrying out religious activities; its actual activities were not of a religious but rather a social nature; and the form and methods and fundamental teachings of faith were not in keeping with those stated by the organization in its founding documents.

The question of whether the Scientology movement itself constituted a religion or whether the Church of Scientology of Moscow should be recognized as an extremist organization was not examined in the present case.

The judicial decision to dissolve the religious association does not restrict the right of citizens to freedom of religion. Members of the dissolved organization may worship on their own, including as part of religious groups that do not require registration. However, these activities must not involve the distribution of extremist literature or engagement in other unlawful activity.

The facts of the case are borne out by the following. In accordance with article 7 of Federal Act No. 125-FZ, on 20 July 2016, the Main Department of the Ministry of Justice of the Russian Federation for Saint Petersburg received information that the Church of Scientology of Saint Petersburg had begun to conduct services and other religious rites and ceremonies [REDACTED] in Saint Petersburg.

On 21 July 2016, the Department received information that the “Northern” Church of Scientology of Saint Petersburg had begun to conduct services and other religious rites and ceremonies [REDACTED] in Saint Petersburg.

These religious groups did not apply to the regional authorities to be registered as religious organizations in the State register.

Furthermore, the Main Department of the Ministry of Justice for Moscow was informed that three Scientological religious groups, including the Moscow Church of Scientology, were conducting religious services and other rites and ceremonies [REDACTED] in Moscow.

We wish to point out the following with respect to the situation of the members of the Church of Scientology of Saint Petersburg [REDACTED].

These persons were charged with offences covered under the following provisions of the Criminal Code of the Russian Federation: paragraph 2 of article 171 (Illicit entrepreneurship carried out by an organized group involving very large profits); paragraph 2 of article 282 (Incitement to hatred or enmity and degradation of human dignity committed by an organized group); and paragraph 1 of article 282.1 (Establishment of an extremist confederacy).

The preliminary investigation into the case that was brought on 20 April 2016 lasted 30 months, i.e. until 20 October 2018, because of the particularly complex nature of the criminal case, with a high number of accused persons being investigated and large volume of investigative acts, including complex and lengthy forensic examinations, and the great quantity of court materials.

Given that those persons are suspected of committing three intentional offences, two of which are classified under the Criminal Code as serious crimes that pose a high level of danger to society, preventive measures were taken against suspects [REDACTED] in the form of remand in custody and against [REDACTED] in the form of house arrest, with the remand in custody of [REDACTED] being replaced with house arrest on 19 October 2017 and 4 June 2018 respectively.

The investigation of this criminal case is ongoing.

The courts reviewed the preventive measures against the suspects and confirmed that the judicial proceedings were objective and comprehensive and in keeping with the requirements of the Code of Criminal Procedure of the Russian Federation and the clarifications of all the legally relevant circumstances for granting the investigators' applications. The adversarial principle and principle of equality of arms were observed during the trial. The court provided for the necessary conditions for the parties to carry out their procedural duties and exercise the rights granted to them. There were no violations of the provisions of criminal procedural law that could have affected the legality and validity of the decision at the trial.

On the basis of the relevant judicial decisions, the period of remand in custody of [REDACTED] and house arrest of [REDACTED] were extended until 19 October 2018. The earlier remand in custody of [REDACTED] as a preventive measure was changed on 4 June 2018 to a restricted residence order and pledge of good conduct. The preventive measures against the accused were recognized as being commensurate with the nature and level of danger to the public posed by the alleged offence and the principle of the reasonable need to restrict the rights to freedom of the accused was observed.

In view of the foregoing, the Russian Federation categorically rejects the Special Rapporteurs' unfounded allegation of so-called repressive actions on the part of the competent Russian authorities, which is not in keeping with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, including the principles of objectivity, impartiality, transparency and even-handedness.

Regarding the Special Rapporteurs' conception of countering violent extremism, it is worth mentioning that there is still no definition of the notion of "violent extremism" in the relevant international counter-terrorism instruments.

Moreover, the international community does not have a clear-cut understanding or recognition of the concept of countering violent extremism.

Along with other States, Russia considers the concept of such extremism to be ambiguous and elusive and, to a large extent, to play down the cause of countering terrorism. The Russian Federation believes that cooperation in combating extremism is an integral part of the wider international efforts to prevent terrorism. At the national and international levels, it is States and their authorized bodies that are to play a decisive role in that cause, while civil society organizations may be involved only as additional supporting players.

Sovereign States, which bear the primary responsibility for ensuring that society remains safe from terrorism and extremism, must protect their citizens from the spread of dangerous extremist ideologies and practices in their territories.