(Translated from Russian)

Permanent Mission of the Russian Federation

No. 3767


The Permanent Mission takes this opportunity to convey to the Office of the High Commissioner the renewed assurances of its highest consideration.

Geneva, 30 October 2020

Office of the United Nations High Commissioner for Human Rights
Information from the Russian Federation in connection with the joint communication from the special procedures of the Human Rights Council on the interpretation of the term “extremist activities” in the case of the Danish citizen Dennis Ole Christensen and the situation in respect of other followers of the Jehovah’s Witnesses doctrine in the Russian Federation

Reference: AI RUS 5/2020

The Russian Federation, having considered the above joint communication from the special procedures of the Human Rights Council, has the honour to provide the following information.

1. In the Russian Federation, the term “extremist activity (extremism)” is defined in article 1 (1) of Federal Act No. 114 of 25 July 2002 on combating extremist activity, according to which it is understood to mean:

   • Violent change of the fundamental constitutional order or violation of the territorial integrity of the Russian Federation (including alienation of a part of the territory of the Russian Federation), excepting the delimitation, demarcation or redemarcation of the State border of the Russian Federation with neighbouring states
   
   • Public condonation of terrorism or other terrorist activities
   
   • Incitement of social, racial, ethnic or religious hatred
   
   • Advocacy of exclusiveness or the superiority or inferiority of individuals on the basis of their social, racial, ethnic, religious or linguistic identity or attitude to religion
   
   • Violation of the rights, freedoms and legitimate interests of persons and citizens on the basis of their social, racial, ethnic, religious or linguistic identity or attitude to religion
   
   • Obstruction of the electoral rights of citizens or of their right to participate in a referendum, or violation of the secrecy of voting, involving the use or threat of use of violence
   
   • Obstruction of the lawful activities of State bodies, local self-government bodies, electoral commissions, public and religious associations or other organizations, coupled with the use or threat of use of violence
   
   • Commission of crimes motivated by grounds specified in article 63 (1) (f) of the Criminal Code of the Russian Federation
   
   • The use of Nazi paraphernalia or symbols, or paraphernalia or symbols similar to Nazi paraphernalia or symbols to the extent that they could be confused with them, or paraphernalia or symbols of extremist organizations, except where such Nazi paraphernalia or symbols, or paraphernalia or symbols similar to Nazi paraphernalia or symbols to the extent that they could be confused with them, or paraphernalia or symbols of extremist organizations are used to form a negative attitude towards the ideology of Nazism and extremism and do not represent propaganda or condonation of Nazi or extremist ideology
   
   • Public incitement to extremist acts or mass distribution of materials known to be extremist, or the production or storage of such materials for mass distribution
   
   • The levelling of a public accusation known to be false against a State official of the Russian Federation or a constituent entity of the Russian Federation of having committed the above-mentioned criminal acts during his or her term of office
   
   • The organization or preparation of, or incitement to carry out, such acts
   
   • The financing of such acts or other assistance in their organization, preparation or execution, including through the provision of training, printing or physical facilities, telephones or other means of communication or information services

The fight against extremist activities is conducted along the following main lines:
• Taking measures aimed at preventing extremist activities, including identifying and then eliminating the causes and conditions conducive to extremist activities

• Detecting, preventing and suppressing extremist activities by public and religious associations, other organizations and individuals (article 3 of the Federal Act on Combating Extremist Activities)

A new version of the Strategy to Combat Extremism in the Russian Federation up to 2025 was approved by presidential decree on 29 May 2020. It was developed to ensure the implementation of State policy on combating extremism in the Russian Federation and to lay out in detail the provisions of the Federal Act on Combating Extremist Activities.

Thus, to facilitate its application, the Strategy provides the following definitions:

“Radicalism” is an uncompromising commitment to an ideology of violence, characterized by a desire to decisively and radically change the foundations of the constitutional order of the Russian Federation or to violate the country’s unity and territorial integrity;

“Extremist ideology” is a set of views and ideas representing violent and other illegal actions as a primary means of resolving political, racial, national, religious and social conflicts;

“Manifestations of extremism (extremist manifestations)” are illegal acts that pose a danger to the public, committed on grounds of political, ideological, racial, ethnic or religious hatred or enmity or of hatred or enmity towards a specific social group, that contribute to the emergence or aggravation of inter-ethnic, interfaith or regional conflicts or threaten the constitutional order of the Russian Federation and the unity and territorial integrity of the country.

As noted in the Strategy, there is currently a trend towards the further spread of radicalism among certain groups of the population and an exacerbation of external and internal extremist threats.

Internal extremist threats include attempts by nationalist, radical social, religious, ethnic or other organizations and associations and individuals to carry out extremist activities for the purposes of realizing their goals, disseminating an ideology of violence, inducing, recruiting or otherwise involving Russian citizens or foreign nationals present in the country into the activities of extremist associations or other illegal activities, and the formation of closed ethnic or religious communities.

Internal threats also include inter-ethnic and territorial contradictions and conflicts in certain constituent entities of the Russian Federation, which are caused by historical or socioeconomic specificities and lead to separatist manifestations, such as attempts to violate the territorial integrity of the country, including the separation of part of its territory, the disintegration of the State, or the organization, preparation, aiding and abetting of such acts.

Thus, given the detailed definition of the term “extremist activity” in Russian legislation, and the use in the definition of terms generally accepted as defining crimes that violate fundamental human and civil rights and freedoms, undermine State and public security and pose a real threat to the sovereignty, unity and territorial integrity of the country, to the preservation of the country’s constitutional basis and to inter-ethnic or interfaith unity, political or social stability, there can be no arbitrary interpretation of the term.

A criminal case was opened on 23 May 2017 against Dennis Ole Christensen, a citizen of the Kingdom of Denmark, born on 18 December 1972, by the investigating agency of the Orel Province department of the Federal Security Service on the grounds of an offence under article 282.2 (1) of the Criminal Code of the Russian Federation (organization of the activities of an extremist organization).

On 6 February 2019, Mr. Christensen was convicted by the Zhelezodorozhny District Court, Orel Province, under article 282.2 (1) of the Criminal Code to 6 years’ imprisonment, to be served in a general regime correctional colony, for organizing the activities of the Orel Jehovah’s Witnesses religious organization, recognized as extremist pursuant to a decision of Orel Provincial Court of 14 June 2016.
Mr. Christensen is serving his sentence in correctional colony No. 3, a federal penal institution of the Kursk Province Department of the Federal Penal Service.

In the correctional colony, he has been put on the watch list of persons who “study, propagandize, preach or spread extremist ideology”. While serving his sentence, he has gained a negative reputation: he does not take part in cultural or sporting events, he is indifferent to educational events and he does not always keep himself clean and tidy. He has not admitted his guilt for the crime committed and in conversation he does not express any firm intention to find a job and lead a law-abiding life upon release.

There has been no use of physical force or special means of restraint against Mr. Christensen while he has been serving his sentence, nor is there any record of him having bodily injuries. He has not made any oral or written statements about threats to his security being made by representatives of the institution’s administration. While he has been in the correctional colony, Mr. Christensen has had 535 telephone conversations, 15 meetings with lawyers and 3 long meetings with his wife (on 27 July 2019, 1 November 2019 and 10 February 2020).

Mr. Christensen is under observation in the clinic of the colony’s medical unit because of chronic diseases of the urogenital system and the spine. This includes, inter alia, clinical laboratory tests and instrumental examinations, including monitoring of clinical and biochemical blood counts over time, radiography of the chest and musculoskeletal system, ultrasound examinations of the abdominal and pelvic organs, and consultations with doctors and specialists: a general practitioner, a surgeon, a neurologist, a dermatovenerologist and otorlaryngologist.

Checks carried out by specialists from the local agency of the Federal Health-Care Oversight Service for the procuratorial agencies found no violations of the law in Mr. Christensen’s medical care. His state of health is assessed as satisfactory. The medicines he needs are available in sufficient quantities and issued on prescription by specialist doctors, as is documented.

Any allegations that Mr. Christensen’s rights to decent living conditions have not been respected are unsubstantiated. Sanitary and hygiene requirements are respected, as are the provisions of article 99 of the Penal Enforcement Code concerning the necessary living space. Convicted prisoners are provided with individual beds and the necessary bedding.

Mr. Christensen has committed 15 violations of the internal regulations, resulting in five disciplinary punishments in a disciplinary unit and 10 reprimands. The measures were applied in respect of the prisoner in accordance with the provisions of the Penal Enforcement Code of the Russian Federation, taking into account his personality, his conduct and the seriousness of the violations.

However, five of the punishments imposed on Mr. Christensen – on 19 June 2019, 24 July 2019, 1 August 2019, 13 November 2019 and 26 June 2020 (four reprimands and one punishment in a disciplinary unit) – were cancelled by the procuratorial unit supervising compliance with the law in correctional institutions in Kursk Province because of violations by the correctional colony administration of paragraph 9 of the Correctional Institutions Internal Regulations, approved under Order No. 259 of the Ministry of Justice of 16 December 2016, and article 17 (1) of the Penal Enforcement Code: not providing the convicted person, against signature, in a timely manner, with the procedures and conditions for serving sentences, his rights and responsibilities and the daily schedule of the correctional facility, together with not providing a foreign national with assistance with written explanations (not providing a translator).

The administration of the correctional colony did the following to comply with the law when imposing the disciplinary measures: Mr. Christensen was informed, against signature, of the procedures and conditions for serving sentences, as well as his rights and responsibilities, the daily schedule of the correctional facility and the procedure for using audiovisual, electronic and other technical means of supervision and control in the colony. The information on violations of the procedures for serving a sentence committed by the prisoner has been translated into Danish and given to him for information.
As concerns the cancellation by the procuratorial authorities of the disciplinary penalties imposed on Mr. Christensen on 26 June 2020 in the form of a reprimand and a 10-day punishment in the disciplinary unit, an official investigation is being conducted by the Kursk Province Department of the Federal Penal Service. The prisoner was examined by the colony’s medical staff before being taken to the disciplinary unit, and no contraindications were found to his detention in locked premises. While he was held in the disciplinary unit, Mr. Christensen was examined by medical staff every day, and no contraindications were found to his continued detention in locked premises. The cells in the disciplinary unit have a centralized input and extraction ventilation system and can also be aired using the window openings. The sanitary conditions in the cell are satisfactory.

Under article 79 of the Criminal Code of the Russian Federation, as of 25 May 2020, Mr. Christensen was entitled to apply to the court for conditional early release. Although he is aware of the procedure for submitting such an application, he has not yet contacted the administration of the correctional colony. However, while Mr. Christensen has been serving his sentence, he and his lawyer have submitted four petitions to the Lgov District Court requesting that the unserved portion of his sentence be replaced with a milder form of punishment.

The court returned two of the petitions to the author on 5 November 2019 and 28 November 2019, respectively, for errors in the submissions to be rectified: in the first case, certified copies of court decisions were not attached; in the second case, there was no translation of the text of the appeal into the prisoner’s native language. As the court decisions were properly substantiated, neither of them was challenged in appeal or in cassation.

The third of the petitions was returned by the Lgov District Court to Mr. Christensen’s lawyer, on 24 December 2019 for errors to be rectified: there was no translation of the documents into the prisoner’s native language. On 17 February 2020, this decision was upheld by the Kursk Provincial Court.

However, on 25 June 2020, the Criminal Division of the First General Jurisdiction Court of Cassation annulled the rulings of 24 December 2019 and 17 February 2020, transmitting the case file for a new hearing, as, under article 18 (3) of the Code of Criminal Procedure, only court documents that are subject to mandatory delivery to the convicted person must be translated into Mr. Christensen’s native language; the documents in question were submitted as attachments to petitions and so are not concerned by that requirement. No final court decision has been taken on the petition.

In addition, on 23 June 2020, the Lgov District Court granted Mr. Christensen’s petition (the fourth of those submitted) for the unserved part of the sentence, of 1 year 11 months and 1 day, to be replaced with a milder penalty – a fine of 400,000 roubles. The deputy procurator for monitoring compliance with the law in prisons in Kursk Province, who participated in the court session, supported the petition, but the procurator for monitoring compliance with the law in prisons in Kursk Province did not agree with his position, and appealed against it on 25 June 2020.

The Kursk Provincial Court annulled the decision of 23 June 2020 of the Lgov District Court and submitted material for a new hearing in the same court with a different composition. Thus, no final decision has yet been taken on the petition. In addition, Mr. Christensen’s lawyer, filed a complaint with the First General Jurisdiction Court of Cassation.

Thus, the claims brought by Mr. Christensen and his counsel have not yet been considered on the merits within the procedure established by Russian legislation.

In 2019 and 2020, Mr. Christensen received two visits from representatives of the Embassy of the Kingdom of Denmark in the Russian Federation.

3. As regards the situation concerning Jehovah’s Witnesses in the Russian Federation as a whole, a number of key points should be highlighted.

Pursuant to article 14 of the Constitution, the Russian Federation is a secular State in which no religion may be established as a State or compulsory religion, and religious associations are separate from the State and equal before the law.
The Constitution of the Russian Federation therefore includes a ban on the activities of voluntary associations whose goals or actions are aimed at changing by force the foundations of the constitutional order or violating the integrity of the Russian Federation, undermining State security, forming armed units or inciting discord based on social, racial, ethnic or religious grounds.

Under article 28 of the Constitution, everyone is guaranteed freedom of conscience and religion, including the right to practise any religion individually or with others or not to profess any faith, and to freely choose, hold and disseminate religious and other beliefs and act in conformity with them.

Article 29 guarantees freedom of thought and speech, declaring inadmissible any propaganda or campaigning in favour of superiority or incitement to hatred or enmity on social, racial, ethnic or religious grounds. No one may be compelled to express or to renounce his or her opinions or convictions.


According to article 55 (3) of the Constitution, any restriction of the rights and freedoms of citizens and their associations must be based on federal law and is only permissible to the extent necessary to protect the foundations of the constitutional order, morality, health or the rights and lawful interests of other persons, or to ensure the defence and security of the country.

All these provisions are fully in line with international standards, including the provisions of article 19 of the International Covenant on Civil and Political Rights, which govern the right of everyone to “freedom of expression” and “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his or her choice”.

According to the same article, the exercise of this right carries with it “special duties and responsibilities” and may be “subject to certain restrictions, but these may only be such as are provided by law and are necessary”.

Under article 14 of the Federal Act on Freedom of Conscience and Religious Associations, religious organizations may be dissolved by court order if they repeatedly violate the Constitution or federal law.

Furthermore, pursuant to article 7 of the Federal Act on Combating Extremist Activities, religious organizations whose activities, including in the activities of any of their regional or other organizational units, are found to show evidence of extremism are issued with a written warning that such activities will not be tolerated.

The Act provides that, if no judicial appeal against the warning is made under the established procedure, if the warning is not ruled unlawful by a court, if no remedial action is taken during the period specified in the warning or if new evidence of extremism in the activities of the religious organization emerges within 12 months of the date of issuance of the warning, then the religious organization is subject to dissolution, in accordance with established legal procedure.

The competent authorities have identified repeated cases of violations of Russian law in the activities of the Administrative Centre of Jehovah’s Witnesses in Russia, a centralized religious organization with 395 local branches. For example, publications were found to contain information inciting religious strife or promoting the exclusivity, superiority or inferiority of citizens on the basis of their attitude to religion. As a result, a number of paper and electronic materials, including issues of the Awake! and The Watchtower magazines, were declared extremist by court decisions. The Jehovah’s Witnesses’ website, online library and a number of online publications were similarly qualified.

Order No. 268 of the Federal Service for Supervision in the Sphere of Communications, Information Technologies and Mass Media of 26 April 2010 rescinded the permission that had been granted to the organization on 24 July 1997 to distribute the foreign
publications *Awake!* and *The Watchtower* in the Russian Federation. However, the Administrative Centre of Jehovah’s Witnesses continued to distribute the materials.

Accordingly, on 2 March 2016, the Deputy Procurator General of the Russian Federation issued the Centre a warning that illegal activities would not be tolerated. An appeal was submitted, but the warning was subsequently found to be lawful and justified, according to a decision of the Tverskoy District Court, Moscow, of 12 October 2016, and a decision on appeal taken by the Administrative Division of Moscow City Court on 16 January 2017.

However, by the end of the period specified in the warning for action to be taken to remedy the violations identified, new violations had come to light. Specifically, a number of local Jehovah’s Witnesses religious organizations, as well as individual chairpersons of the branches concerned, were found guilty by the courts of offences under article 20.29 of the Code of Administrative Offences (mass distribution of extremist materials and their production or storage for the purpose of mass distribution).

On a request of the Office of the Procurator General dated 27 January 2017, and in accordance with an order of the Ministry of Justice of 1 February 2017, an investigation of the Administrative Centre of Jehovah’s Witnesses in Russia was conducted from 8 to 27 February to assess whether its activities were consistent with the principles and purposes set forth in its statutes and with the legislation of the Russian Federation.

During the investigation, evidence was found of multiple breaches of the law, including mass dissemination by the Centre of materials already judged by the courts to be extremist, and of the declared aims and objectives set forth in the organization’s statutes. It was also established that, in the period 2014–2017, the Centre had continued to provide funding to a number of local branches that had been ordered to be closed down by decision of the courts.

On the basis of those results and federal legislation, the Ministry of Justice filed an application with the Supreme Court to institute administrative proceedings to find the Centre and its local branches to be extremist and order their closure. The application was granted on 20 April 2017 and was upheld on appeal by a decision of the Supreme Court on 17 July 2017.

In the ruling on the dissolution of the Centre and the local religious organizations that were part of its structure, the Court emphasized that, in considering the case, it had not evaluated the legality of the religious beliefs of the Jehovah’s Witnesses or their means of expression, but had merely verified the legality of the Centre’s activities in respect of Russian law. The Supreme Court, referring to the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms, drew attention to the fact that restrictions on the right to freedom of association are allowed “in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”.

The Supreme Court noted that international instruments having universal effect “do not impede the prohibition, by law, of any demonstration of support for ethnic, racial or religious hatred that constitutes incitement to discrimination, hatred or violence, if such a prohibition is necessary for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and general well-being in a democratic society”. The Court found that “the dissolution of the Administrative Centre of Jehovah’s Witnesses in Russia is aimed at a defined social objective – that of countering extremist activities – and, accordingly, at the protection of human and civil rights and the legitimate interests of the population, and at ensuring State security and public order”.

The Supreme Court, having studied the evidence submitted by the parties and taking into account the precedents in the practice of the European Court of Human Rights, concluded that the dissolution of the Centre, as a measure of public and legal responsibility, would “not constitute arbitrary interference or an unacceptable restriction of citizens’ right to association and freedom of religion”.
The Court considered that the following facts justified the interference, highlighting that they were corroborated by evidence given by the parties and examined by the court in accordance with the procedure established under the Code of Administrative Procedure.

(a) It has been established by legal procedure every year for seven years that the Centre, including its branches, has engaged in extremist activities.

(b) On the basis of enforceable decisions issued by the courts of the Russian Federation, 88 newsletters published by Jehovah’s Witnesses organizations and 95 printed publications distributed by those organizations have been deemed to be extremist and many of them have been included on the federal list of extremist materials.

(c) In the Republics of Kalmykia, Kabardino-Balkaria and Karachayev-Cherkessia, in Krasnodar and Primorsky territories, in Belgorod, Kemerovo, Kurgan, Novosibirsk, Rostov and Tyumen Provinces, in the Jewish Autonomous Province and the Khanty-Mansi Autonomous Area-Yugra, procurators have issued the governing bodies of local Jehovah’s Witnesses branches with 15 warnings that extremist activities and the dissemination of extremist materials will not be tolerated.

(d) During an unscheduled check of the Centre carried out at the request of the Procurator General of the Russian Federation, it was established that the Centre is conducting its activities in violation of its statutory objectives and goals and of current Russian legislation, including the Federal Act on Combating Extremist Activities.

(e) Order No. 268 of 26 April 2010 of the Federal Service for the Supervision of Communications, Information Technology and Mass Media (as amended by order No. 308 of 18 May 2010) rescinded the permission that had been granted on the application of the Centre to distribute the foreign publications Awake! and The Watchtower in the Russian Federation.

(f) The federal list of extremist materials also includes several Internet sites that belong to the Jehovah’s Witnesses.

(g) The Centre imported into the Russian Federation print publications which were found by court decision to be extremist and were included on the federal list of extremist materials, including, in 2014 and 2015, 14,881 copies of Benefit From Theocratic Ministry School Education, a publication found to be extremist and included in the federal list on the basis of a ruling of the Starooskol Municipal Court, Belgorod Province, of 27 November 2014.

(h) Eight local religious organizations that are part of the Centre have been dissolved under enforceable judicial decisions on the grounds set out in the Federal Act on Combating Extremist Activities.

(i) Recipients funded by the Centre included local Jehovah’s Witnesses religious organizations that had previously been dissolved because of illegal activities (in Belgorod, Birobidzhan and Orël); thus their direct funding was in violation of Russian law.

(j) Since the warning issued by the Procurator General of the Russian Federation on 2 March 2016, which was not found to be illegal, it has been established that local branches within the structure of the Centre have committed new violations directly related to their activities. Under court rulings that have entered into force, the Centre’s local branches in [redacted] and [redacted] and the chair of the committee of the Jehovah’s Witnesses local branch in [redacted] have been found guilty of committing administrative offences covered by article 20.29 of the Code of Administrative Offences.

In 2016, the procuratorial authorities issued warnings to the leaders of the [redacted] and [redacted] local branches that extremist activities would not be tolerated.

The law enforcement agencies have found cases of leaders and members of Jehovah’s Witnesses local branches who knew that judicial decisions declaring them to be extremist and dissolving them had entered into force, and who actually had the opportunity to halt the illegal activity and their personal participation in it, collecting contributions on behalf of the prohibited organizations and providing such organizations with funding.
In addition, leaders and members of local Jehovah’s Witnesses religious organizations continued to violate the law in the following ways: on behalf of the liquidated organizations, they took action that incited religious discord, they promoted the superiority of their doctrine, disparaging other religions; they arranged for the recruitment of new members, including through the use of psychological techniques that constituted attacks on the person and against human rights and freedoms; they called on citizens to destroy families and break up kinship relationships; they encouraged citizens to refuse to fulfil their legal duty to perform military service or alternative civilian service; and they encouraged citizens to refuse to provide medical care to persons whose lives were in danger. These unlawful acts have been assessed accordingly, and those who have been found guilty have been brought to justice, as provided by law.

The above information shows that the dissolution of the Centre did not exceed the bounds of what was necessary. The Supreme Court’s decision did not restrict the right of citizens to freedom of religion. Under article 7 of the Federal Act on Freedom of Conscience and Religious Associations, freedom of religious belief may be exercised through both registered religious associations and religious groups that do not require registration. Thus, the members of the dissolved organization may worship independently, including as part of religious groups that do not require registration, on the understanding that such activity is not related to the dissemination of literature with extremist content or other illegal activities.

A criminal case opened on [redacted] 2020 by the Investigation Department for Transbaikal Territory, a unit of the Investigative Committee of the Russian Federation, under article 282.2 (1) of the Criminal Code, concerning the organization of illegal activities by the [redacted] branch of the Centre is currently pending.

The Investigation Department for Voronezh Province is working on combined criminal cases, initiated on [redacted] 2020 under article 282.2 (1) of the Criminal Code, concerning the organization of illegal activities by the [redacted] local branch of the Centre.

Furthermore, the Investigation Department for [redacted] Province currently has pending a criminal case opened on [redacted] 2020 under article 282.2 (1) and (2) of the Criminal Code concerning the organization of illegal activities by the local branch of the Centre.

Investigations in these cases are ongoing. No violations of the law have been found in the opening or the investigation of these cases, including during searches by the procuratorial agencies of the relevant constituent entities of the Russian Federation.

No cases have been recorded of violence or other unlawful acts by the Russian law enforcement agencies against members of the Jehovah’s Witnesses cult on the grounds of their religious affiliation.