

**Mandates of the Special Rapporteur on freedom of religion or belief; the Working Group on Arbitrary Detention; 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 the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on minority issues; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
AL RUS 2/2020

5 June 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on minority issues; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 40/10, 42/22, 34/18, 41/12, 42/16, 34/6, 40/16 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **systematic criminalisation and detention of Jehovah's Witnesses, since the Supreme Court's ruling of April 2017, which declared their religious organization an "extremist organization" and banned all its activities in the territory of the Russian Federation. Specific reference is made to the cases of Messrs. Aleksey Vladimirovich Budenchuk, Gennadiy Vasilyevich German, Roman Aleksandrovich Gridasov, Aleksey Petrovich Miretskiy and Feliks Khasanovich Makhammadiyev from Saratov, and that of Mr. Vadim Kutsenko from Chita, members of this religious minority, who have been charged with organizing and participating in activities of an "extremist organization" under article 282.2 of the Criminal Code of the Russian Federation, and allegedly subjected to torture and other cruel, inhuman or degrading treatment or punishment by law enforcement officers and prison guards.**

Concerns at the continued persecution of Jehovah's Witnesses in the Russian Federation, the liquidation of the Administrative Center of Jehovah's Witnesses in St. Petersburg and the banning of religious activities of all of its 395 branches in the country, have been raised in previous communications to your Excellency's Government by several Special Procedures mandate holders on 11 November 2015 (ref. no RUS 6/2015), on 28 July 2016 (ref. no RUS 7/2016), on 23 March 2017 (ref. no RUS 2/2017), on 14 September 2018 (ref. no RUS 19/2018), and on 20 December 2018 (ref. no RUS 22/2018). We thank your Excellency's Government for the replies to these

communications received on 21 December 2015, 12 October 2016, 25 May 2017, 5 October 2018 and 16 January 2019 respectively, and for the information contained therein. We remain concerned, however, at the continued and systematic persecution of the members of this religious minority, in particular in the context of existing legal provisions and policies that appear to securitize religious and other expressions or activities, by qualifying them as “extremist”. Moreover, the Working Group on Arbitrary Detention has rendered two opinions over the past 12 months concerning the Jehovah’s Witnesses in Russia (see Opinions 11/2019 and 34/2019). In these opinions the Working Group concluded that the detention of the concerned Jehovah’s Witnesses was based purely on their legitimate exercise of their rights protected by the [ICCPR] and therefore arbitrary. The Working Group called upon your Excellency’s Government to release the concerned individuals immediately.

According to the information received:

In March 2017, the Ministry of Justice of the Russian Federation filed an application with the Supreme Court to institute administrative proceedings against the Administrative Center of Jehovah’s Witnesses in St. Petersburg and its 395 local branches, for the purpose of declaring it an “extremist organization” and banning all its activities in the territory of the Russian Federation. On 20 April 2017, Russia’s Supreme Court ruled in favour of this application and since then the Russian authorities have embarked on a nationwide campaign to monitor and suppress the activities of an estimated 175,000 members, including through hundreds of home raids and searches, opening of criminal cases, arrests and detentions.

The Supreme Court’s ruling was a determinant factor in the launch of a systematic repressive campaign against this religious minority. The 2002 Federal Law No. 114-FZ “On combating extremist activity” defines an “extremist organization” as a public or religious association, or any other organization in relation to which a court of law has adopted a decision that took legal effect concerning its liquidation or the prohibition of its activity in connection with extremism. The Federal Law No. 114-FZ does not provide for a clear definition of the term “extremist activity/extremism”. Instead, it refers to the “stirring up of social, racial, ethnic or religious discord”, and “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 religions”. Such formulations leave ample room for different interpretations, which may lead to arbitrary and discriminatory enforcement, targeting and criminalizing in particular any expression of dissenting views, including with regard to religion or belief, which would be suspected of threatening the “foundations of the constitutional system and the integrity of the Russian Federation” (Article 1 of the Federal Law No.114-FZ).

Between February and May 2020, authorities have reportedly conducted up to 920 raids and searches of Jehovah’s Witnesses homes in different regions and cities.

In addition, a total of 343 Jehovah's Witnesses are currently under investigation, nine are detained in penal colonies in Orenburg, Dimitrovgrad, Tomsk and Lgov, nineteen are held in pre-trial detention in Chekhov, Lipetsk, Novozybkov, Kursk, Rostov-on-Don, Dzhankoy, Sochi, Makhachkala, Pechora, Kazan, and Novosibirsk, and twenty-two are under house arrest. Most of them have been charged with organizing or participating in activities of an "extremist community" under article 282.2 of the Criminal Code of the Russian Federation, which, following the latest amendments, carries a maximum of six to ten years of imprisonment, a ten-year prohibition to occupy certain – undefined – positions, and fines. Detained Jehovah's Witnesses often suffer harsh detention conditions, ill-treatment and other physical and psychological violence that may amount to torture, due to their religious beliefs. Some of these cases are presented below:

#### Case of Jehovah's Witnesses in Saratov

Following a number of Jehovah's Witnesses religious services, which took place in Saratov city on 16 and 17 December 2017, and which were recorded by the local authorities via a hidden camera, the Federal Security Service (FSB) launched investigations against the Jehovah's Witnesses' community in the city. It was reported that the purpose of these investigations was to identify persons who were "propagating the religious teachings of the Jehovah's Witnesses", "carrying out missionary activity", and "organizing the activity of the local Jehovah's Witnesses' religious association in the city of Saratov".

On 9 June 2018, the FSB opened a criminal case under article 282.2(1) of the Russian Federation Criminal Code for "organizing the activity of an extremist organization". On 12 June 2018 police special forces conducted raids on the homes of Jehovah's Witnesses, including those of Messrs. Aleksey Vladimirovich Budenchuk (38), Gennadiy Vasilyevich German (51), Roman Aleksandrovich Gridasov (42), Aleksey Petrovich Miretskiy (45) and Feliks Khasanovich Makhammadiyev (36). Messrs. Budenchuk and Makhammadiyev were arrested and by decision of the Frunzenskiy District Court of Saratov dated 14 June 2018, they were placed on pre-trial detention in the Detention Center No.1 of the Russian Federal Penitentiary Service, in Saratov, while Messrs. German, Gridasov and Miretskiy were ordered not to leave the city.

On 20 May 2019, Messrs. Budenchuk and Makhammadiyev were released from pre-trial detention, but with movement and communication restrictions, including the wearing of ankle bracelets and the prohibition of the use of telephone or internet.

On 19 September 2019, the Saratov District Court convicted all five Jehovah's Witnesses under article 282.2(1) of the Criminal Code, and sentenced them to terms of two to three-and-a-half years of imprisonment. In September, October and December 2019, respectively, the five Jehovah's Witnesses appealed the District Court's decision to the Saratov Regional Court. On 20 December 2019,

that court upheld their conviction and their sentence and on 4 February 2020, Messrs. Budenchuk, German, Gridasov, Miretskiy and Makhammadiyev were transferred to Penal Colony No.1, in Orenburg.

Upon their arrival at the Penal Colony No.1, they were severely beaten by the prison guards and were placed in solitary confinement for several days. All five men suffered serious injuries. Mr. Makhammadiyev suffered a broken rib, collapsed lung and kidney damage. The prison's doctor demanded that Mr. Makhammadiyev be sent to the hospital for urgent medical treatment, but the prison administration called an ambulance only after Mr. Makhammadiyev had consented under duress to sign a document stating that he had "slipped in the bathroom and fell". At the hospital, Mr. Makhammadiyev underwent surgery to insert a stent into his lung to drain accumulated fluids.

Despite the prosecutor's appeal against such measures, the prison authorities continued to impose solitary confinement on the five men as a punishment on the slightest occasions, such as suspicions of "smoking cigarettes outside of the designated area", despite that smoking is against Jehovah's Witnesses religious beliefs.

On 23 April 2020, Mr. Makhammadiyev's Russian citizenship was revoked on the grounds of his criminal conviction, which raises serious concerns about his fate after the completion of his sentence, including the risk of becoming stateless, because his country of origin, Uzbekistan, does not recognize dual citizenship.

#### Case of Mr. Vadim Kutsenko in Chita

On 10 February 2020, at 6.30am, FSB and Investigative Committee officers raided the home of Mr. Vadim Kutsenko, a 31-year old car mechanic and furniture manufacturing worker, in Chita. At around 1pm, he was taken to the Investigation Department of the Investigative Committee of Zabaykalsky Krai and released after having received a written summons for an interrogation to take place the following day.

However, later that evening, Federal Security Service (FSB) and Investigative Committee officers visited again his home and without presenting an arrest warrant, they demanded that he accompanied them for interrogation. On the way to the Investigative Department, the officers took him to a remote forest area where they beat him up and applied electric shocks to his stomach and legs for the purpose of extracting information on other Jehovah's Witnesses living in the region. He was then taken to the Investigative Department for further interrogation and was informed that he was suspected of committing a crime under article 282.2(1) of the Criminal Code, for organizing activities of an "extremist organization" in the city of Chita. On 12 February 2020, the Ingodskiy District Court decided to extend his detention for 72 hours at the temporary detention centre of the Office of the Ministry of Internal Affairs, in the city of

Chita. On 15 February 2020, at 10.10am, he was released without being officially charged. While in detention, he was able to consult with his lawyer, but he was prevented from meeting with family members.

On 6 March 2020, the Chita garrison military investigation division launched an investigation on the allegations of torture of Mr. Kutsenko, and on 6 April 2020 closed it by concluding that there was no evidence.

While we do not wish to prejudge the accuracy of this information, we express serious concerns at what appears to be a pattern of nationwide repression against Jehovah's Witnesses' communities through the criminalisation of their peaceful activities, following the 2017 Supreme Court's ruling, which declared the Jehovah's Witnesses Administrative Centre as an "extremist organization" and banned all its activities in the country. In this regard, we reiterate our concern about the vague definition of "extremism", the application of which undermines the ability of individuals to enjoy their rights to freedom of religion and belief, to freedom of association and assembly, to freedom of expression, to own and disseminate religious materials, and to engage peacefully in other public forms of religious expression. We note with concern that the use of these vaguely formulated legal provisions in the name of national security have been invoked to prohibit any religious activity by Jehovah's Witnesses, instil fear among them, interfere with their privacy through police interventions and searches at their homes, to take some of their members into custody for the purpose of interrogation, and in some cases to convict and imprison them.

Freedom of religion and belief is a universally recognized right, an intrinsic aspect of a person's integrity and humanity, which allows everyone to hold and practice their beliefs, individually and in community with others, in private or in public. Such a right exists independently of any administrative approval. The use of an ambiguously formulated definition of "extremism" to systematically restrict the peaceful exercise of this right is contrary to Russia's obligations under international human rights law, notably the International Covenant on Civil and Political Rights (ICCPR).

Our concern in this case is heightened by the fact that the criminalisation of Jehovah's Witnesses' activities has reportedly led to the police or judicial investigation of more than 300 members of these communities across the country, and in a number of cases to their arrest, detention and their prosecution under legislation that carries disproportionate penalties of imprisonment. In this regard, we are further concerned that the detention of some of these persons has been accompanied by beatings and other forms of ill-treatment and in some cases, by torture. These allegations are exemplified by the treatment reportedly inflicted on Mr. Kutsenko in Chita, and on the five men incarcerated in Penal Colony No.1, in particular on Mr. Makhammadiyev with regard to the withholding of urgent medical care, the interference with clinical decisions that should have only been taken by healthcare professionals, the cover up of the ill-treatment he was subjected to by prison authorities, as well as the reported revocation of his citizenship.

Should the facts alleged be confirmed, they would constitute severe violations of international human rights law, including the rights to liberty and security, to freedom of

thought, conscience, religion or belief, to freedom of expression, association and peaceful assembly, and to physical and psychological integrity, as well as the principle of non-discrimination, and the rights of persons belonging to minorities, the violations of which are prohibited under articles 7, 9, 10, 17, 18, 19, 21, 22, 26 and 27 of the International Covenant on Civil and Political Rights (ICCPR) to which Russia is a party.

We are particularly surprised about this apparent state policy of repression of the religious freedom of this minority, given the multi-ethnic and multi-confessional nature and composition of the Russian Federation and its constitutional commitment to uphold and protect the rights of all the components of its society, including persons belonging to religious minorities to peacefully exercise their beliefs.

The international human rights norms relevant to these allegations may be found in the attached **Annex on Reference to international human rights law**.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Your Excellency's Government's response of 25 May 2017 indicates that the Administrative Center of Jehovah's Witnesses published and disseminated printed material "found to contain information inciting religious strife or promoting the exclusivity, superiority or inferiority of citizens on the basis of their attitude to religion", and that this was evidence that led to the decision to designate it as an "extremist organization" and for dissolving its organisation and banning its activities. Please provide factual elements, including specific examples from these publications that provided the ground and rationale for the Supreme Court's ruling of 20 April 2017 declaring the Administrative Center of Jehovah's Witnesses and its local branches an extremist organisation.
3. Please indicate the safeguards adopted to ensure that the 2002 Federal Law on Combating Extremist Activity does not unduly infringe upon the constitutional rights of individuals to freedom of thought, conscience, religion or belief, expression, association and peaceful assembly, as well as the principle of non-discrimination and the rights of persons belonging to minorities.
4. Please provide information about the Russian Federation's policy and the measures to ensure its implementation that the Jehovah's Witnesses, like any other religious minority in the country can freely exercise their rights to freedom of religion, freedom of peaceful assembly and association and freedom of expression.

5. Please provide detailed information and examples on how the national courts interpret the term “extremist activity” when considering cases of minority religions and minority religious organizations, and how this interpretation is compatible with the international norms and standards on freedom of religion or belief and freedom of expression. In addition, please explain the legal and factual grounds for qualifying Jehovah’s Witnesses’ religious activities as “extremist” or as a threat to the “foundations of the constitutional system” and to “the integrity of the Russian Federation”, as per article 1 of the 2002 Federal Law on Combating Extremist Activity.
6. Please provide the factual and legal grounds for the arrest, conviction and detention of Messrs. Aleksey Vladimirovich Budenchuk, Gennadiy Vasilyevich German, Roman Aleksandrovich Gridasov, Aleksey Petrovich Miretskiy and Feliks Khasanovich Makhammadiyev.
7. Please provide information as to whether the allegations of ill-treatment against them have been investigated as required under the Convention against Torture (CAT), to which the Russian Federation is State party since 3 March 1987. If no investigation or inquiry has been carried out, or if they have been inconclusive, please explain why and how this is consistent with your Excellency’s Government’s international human rights obligations under the CAT.
8. Please explain the reasons for the alleged withholding of medical care to Mr. Feliks Khasanovich Makhammadiyev to urgently treat severe injuries resulting from ill-treatment inflicted upon him by the prison guards upon entry in the Penal Colony No.1, in Orenburg.
9. Please provide information on the factual and legal grounds for placing the five above-mentioned Jehovah’s Witnesses in solitary confinement, as well as information on their current condition of detention, including their access to timely and adequate healthcare, to their families and lawyers, and on how these conditions are consistent with the provisions of the UN Standard Minimum Rules for the Treatment of Prisoners (“The Mandela Rules”).
10. Please explain the legal and factual grounds for the revocation of Mr. Makhammadiyev’s Russian citizenship, and this is compatible with Russian Federation’s obligations under international law, in particular ICCPR. Please indicate the measures undertaken to ensure that he does not face the risk of statelessness due to this revocation.
11. Please explain the factual and legal grounds for the arrest and interrogation of Mr. Vadim Kutsenko.

12. Please provide detailed also information on the reported investigation by the Chita garrison military investigation division that examined the allegations of torture of Mr. Kutsenko by members of the Federal Security Service (FSB) and the Investigative Committee in Chita.
13. Please explain how Russian Federation's counter-terrorism legislation and policies ensure the protection of all human rights, including the rights to freedom of expression, peaceful assembly and association and freedom of religion or belief, and the rights of persons belonging to religious minorities, in compliance with international human rights law and the relevant United Nations Security Council resolutions.

We would like to inform your Excellency's Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the allegation letter procedure and the regular procedure.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting website. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Ahmed Shaheed  
Special Rapporteur on freedom of religion or belief

Elina Steinerte  
Vice-Chair of the Working Group on Arbitrary Detention

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
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Fernand de Varennes  
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Nils Melzer  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment

**Annex**  
**Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation above.

We would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by the Russian Federation on 16 October 1973, and in particular articles 2, 6, 7, 9, 10, 17, 18, 19, 21, 22, 26 and 27, which provide for the right to life, liberty and security of person, the right to an effective remedy by the competent national tribunals for acts violating their fundamental rights, freedom of thought, conscience, religion or belief, freedom of expression, freedom of association and peaceful assembly, privacy, the principle of non-discrimination, guarantees of humane treatment while in detention, the rights of persons belonging to minorities and the protection against arbitrary arrest or detention, and protection against torture and other cruel, inhuman or degrading treatment or punishment.

We wish to recall that the prohibition of torture under article 5 of UDHR is universally binding, absolute and may not be derogated under any circumstance. It is a peremptory norm that your Excellency's Government has accepted by also ratifying the Convention against Torture (CAT) on 3 March 1987, and it includes also timely and appropriate healthcare and medical treatment while in detention. The Committee against Torture has considered the right to be subjected to an independent medical examination as a fundamental legal safeguard from the moment of deprivation of liberty. Prisoners should be able to have prompt access to an independent doctor at any time when requested by them, without conditioning such access on the permission or request of officials and irrespective of their detention regime. Access to timely and appropriate healthcare and medical treatment, including psychosocial services, are of particular importance in the context of complaints and allegations of torture or ill-treatment, for the purpose of assessing, documenting and promptly reporting on injuries or other health related consequences stemming from torture or ill-treatment (CAT/C/51/4).

Moreover, we would like to refer to article 9 ICCPR enshrining the right to liberty and security of person and establishing in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law. Article 9 (4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. In its General Comment No 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), freedom of association (art. 22) and freedom of religion (art. 18). It has also stated that arrest or detention on discriminatory grounds in violation of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary.

In addition, Article 6 of the ICCPR imposes obligations on States to particularly protect the lives and bodily integrity of individuals deprived of their liberty, including

through the provision of the necessary medical care and appropriate regular monitoring of their health (Human Rights Committee, in its General Comment No. 36 (CCPR/C/GC/36)). Moreover, under Article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by Russia on 16 October 1973, States also have an obligation to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health services.

We would like to further refer to the United Nations Standard Minimum Rules for the Treatment of Prisoners (“the Mandela Rules”), adopted in General Assembly resolution 790/175, and in particular to Rules 24 to 35 regarding States responsibility to provide health care for prisoners, including access to medication and treatment facilities, and examinations for signs of torture. Rule 27 in particular establishes that prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals and that clinical decisions may only be taken by health-care professionals and may not be overruled or ignored by non-medical prison staff.

The right of the Jehovah’s Witnesses to religious practices and manifestations is provided by article 18 (1) of the ICCPR that stresses “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” Human Rights Committee General Comment No. 22 further explains that “[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship [...] the display of symbols [...] In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.” (CCPR/C/21/Rev.1/Add.4, para. 4).

In addition, we wish also to recall that while the manifestation of religion or belief may be restricted as per Article 18(3) of the ICCPR, to protect public safety, order, health, morals and the fundamental rights and freedoms of others, any such limitation must fulfil a number of obligatory criteria of legality, proportionality and necessity, including being non-discriminatory in intent or effect and constitute the least restrictive measure.

We moreover refer to article 19 of the ICCPR, which guarantees the right of everyone to freedom of opinion and expression, which includes “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 choice”.

In its General Comment No. 34 on the right to freedom of opinion and expression, the Human Rights Committee has found that restrictions of the right to freedom of opinion and expression that a government seeks to justify on grounds of national security

and counter-terrorism should adhere to the principle of proportionality, be designed and implemented in a way that respects the universality of human rights and the principle of non-discrimination, and should not be used to prosecute human rights defenders (CCPR/C/GC/34).

With respect to the banning of religious material, we reiterate the principle enunciated by Human Rights Council Resolution 12/16, calling on States to refrain from imposing restrictions which are not consistent with article 19(3), including practices such as the banning or closing of publications and the abuse of administrative measures and censorship. The same Resolution, referring to the right to freedom of thought, conscience or religion as an intrinsically linked right to freedom of opinion and expression, calls on States to take all necessary measures to put an end to violations of these rights and to create conditions to prevent their recurrence.

We would also like to refer to Human Rights Council resolution 24/5 in which the Council “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections and including persons espousing *minority or dissenting views or beliefs*, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions of the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law” (OP2, emphasis added).

We would like to respectfully remind your Government of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55), which in its Article 2 (1): “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief.” In Article 4 (1), the General Assembly further states that: “All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]” Furthermore, we would like to refer your Government to Article 4(2) according to which: “All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter. According articles 6 (d) and (e), the right to freedom of thought, conscience, religion or belief includes also the freedom “to write, issue and disseminate relevant publications in these areas”, and the freedom “to teach a religion or belief in places suitable for these purposes” and read in conjunction with the principles contained in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4), any statement or expressed opinion should fulfil the six part threshold test of context, content and form, speaker, intent, extent of the speech act, and likelihood/imminence, in order to be considered as a criminal offence.

Furthermore, we would like to recall that the General Assembly, in its resolution 63/181 paragraph 9 (j) urges States “To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of fulfilling their official duties, respect all religions or beliefs and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate education or training is provided.”

With respect to the use to counter terrorism and extremism justifications to restrict the legitimate exercise of freedom of expression, we would like to underline that any restriction on expression or information that a government seeks to justify on grounds of national security and counter terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (CCPR/C/GC/34). We would like to stress that counter terrorism legislation with penal sanctions should not be misused against individuals peacefully exercising their rights to freedom of expression and freedom of peaceful association and assembly. These rights are protected under ICCPR and non-violent exercise of these rights is not a criminal offence. Counter terrorism legislation should not be used as an excuse to suppress peaceful minority groups and their members. We consequently urge the government to maintain a definition of extremism and terrorism consistent with the core legal meanings adopted by States and commends the definition of terrorism developed by the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for your consideration (A/HRC/16/51).

We also recall the relevant provisions of the United Nations Security Council resolutions 1373 (2001), 1456(2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); as well as Human Rights Council resolution 35/34 and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180. All these resolutions require that States must ensure that any measures taken to combat terrorism and violent extremism, including incitement of and support for terrorist acts, comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law.

We would like to recall that the right to a nationality is recognized and protected under international law. The Universal Declaration of Human Rights recognizes a general right to a nationality under its Article 15. In addition, Article 5 (d) (iii) of the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), to which the Russian Federation is a party since 4 February 1969, explicitly obliges State parties to guarantee the right of everyone before the law, including in the enjoyment of the right to nationality, without discrimination on any prohibited grounds.

Furthermore, Article 27 of the ICCPR establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, “to enjoy their own culture, to profess and practice their own religion, or to use their own language”.

We wish to refer to the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4). Article 2 further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them.

Furthermore, we also would like to draw your Excellency's Government attention to the recommendations of the sixth session of the Forum on Minority Issues on "Guaranteeing the rights of religious minorities" (A/HRC/25/66) and in particular Recommendation 17, which calls on States to ensure that "there is no discriminatory treatment in regard to the legal and administrative recognition of all religious and belief groups. Any registration and administrative procedures, including those relating to the property and the functioning of places of worship and other religious-based institutions, should be conducted according to non-discrimination standards. International standards do not allow non-recognition of religious or belief groups to result in denial of their rights. Such standards require an inclusive approach to be taken".

Finally, we remind your Excellency's Government about recommendations addressed to the Russian Federation during its UN Universal Periodic Review from 14 May 2018, which notably urged your Government to refrain from outlawing religious groups, including Jehovah's Witnesses as "extremist" (recommendations no. 147.199; 147.200; 147.201; 147.202; 147.203; and 147.204).