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March 11, 2011

From The European Association
of Jehovah's Christian Witnesses

Contribution to the Report of the U.N. High
Commissioner for Human Rights on the
implementation of the new review mechanism of the
Human Rights Council, established by GA Resolution
60/251 and by the Human Rights Council in Resolution
5/1 of 18 June 2007 for the 12th session 2011 of the UPR
(Dates of the WG: October 2011).

MOLDOVA

Marcel Gillet

Chairman of the Religious Freedom Subcommittee

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JEHOVAH'S WITNESSES—MOLDOVA

January 1, 2010 to December 31, 2010

MOLDOVA **BACKGROUND**

Jehovah's Witnesses began their activity in Moldova in the late 19th century and were registered as a religion on July 27, 1994. Today, over 40,000 of Jehovah's Witnesses and their associates worship in 244 congregations throughout Moldova.

An emerging pattern of religious discrimination has been seen where local officials obstruct the efforts of Jehovah's Witnesses to register a legal entity or to obtain, build, renovate, or use their Kingdom Halls (houses of worship). Cases of verbal and physical abuse continue to occur against Jehovah's Witnesses while they are engaged in religious activity. When conciliatory measures have failed to resolve these difficulties, Jehovah's Witnesses have sought legal recourse to protect their religious freedom rights.

RESTRICTIONS ON RELIGIOUS FREEDOM

Restrictions on religious freedom generally involved interference with Kingdom Halls (houses of worship). This included interference with the purchase of property, the acquisition of permits, or with the actual construction.

2000-Present	Chisinau (Case No. 3- 260/2010)	Construction Permit Delays, Illegal Protests
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In 2000, the legally registered Chisinau Albisoara Religious Community of Jehovah's Witnesses (Community) was granted a plot of land. Due to excessive requirements for the execution of the project by the Mayor's Office, construction could not commence until 2009. Approximately 30 neighbours blocked the construction by protests, destruction of property, and harassment of workers on the site. In response to a neighbour's requests, the Mayor's Office annulled the construction permit. Representative of the Community filed necessary complaints with the police, an application with the courts, and later an appeal in order to continue construction. Although the Chisinau Court of Appeals satisfied the Community's claim and ordered the Mayor's Office to reimburse the Community, the neighbours sent an appeal to the Supreme Court. On December 9, 2010, the Supreme Court decided in favor of the Community.

2006- Present	Mereni (Anenii Noi Region) (Case No. 3CA - 11/2007)	Refusal to Issue an Urban-Planning Certificate for Construction
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In 2006, the Religious Association of Jehovah's Witnesses in Moldova obtained property in the village of Mereni to construct a house of worship. Despite numerous applications sent to the Mereni Village Council, a Court of Appeal's decision and numerous appeals to the Bailiff's Office, approval has not been obtained as of this reporting period. In 2009, an explanation was even issued from the Bender Court of Appeals. However, the Mayor of the village of Mereni sent an appeal to the Supreme Court against the Bender Court of Appeal's explanation. On November 24, 2010, the Supreme Court accepted the Mayor's appeal and instructed the Bender Court of Appeals to issue a new explanation.

2006-Present	Sangera (Chisinau Municipality) (Case No. 3 - 93/2009)	Refusal to Issue Occupancy Permit
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In 2009, an application was filed with the mayor of Sangera for an occupancy permit, but authorization was not received within 30 days as mandated by law. The Association also submitted a preliminary application to the Sangera City Council requesting a zoning change from a private dwelling to a Kingdom Hall. Despite Municipal Court rulings in favor of the Association for issuance of a zoning change, appeals to the Bailiff's Office, and fines, no zoning changes were made. In 2010, the Public Prosecutor's Office forwarded the documents to the police so as to determine whether a criminal case should be initiated.

2010- Present	Tapala (Ialoveni Region)	Refusal to Issue an Urban-Planning Certificate for Construction
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On December 21, 2010, a request was sent to the mayor of Tapala for an Urban Planning Certificate, which, is to be issued within 20 working days as required by law. When the Certificate was not issued within time period, the Association called the mayor. The mayor stated that he would not issue the Certificate because the local residents are opposed to Jehovah's Witnesses building a place of worship in Tapala. On March 3, 2011, the Organization sent the statements of the Tapala Mayor and Council Secretary, and the Head Architect of Ialoveni County to the Ialoveni Region Court. The date of the hearing is not yet known.

ABUSES OF RELIGIOUS FREEDOM

During 2010, several physical assaults on Witnesses engaged in their public ministry (and related police unresponsiveness) presented a cause for concern. Other attacks from 2009 have never been prosecuted by the police, despite complaints filed. Complaints have been submitted to the authorities requesting criminal proceedings against the aggressors in the following regions: Abaclia, and Iordanovca (Basarabasca Region); Medveja (Briceni Region); Cascalia, Circaesti, and Salcuta (Causeni Region); Batir, Cenac, and Lipoveni (Cimislia Region); Boscana, and Corjova (Criuleni Region); Marcauti (Dubasari Region); Pietrosu (Falesti Region); Napadova, and Vertiujeni (Floresti Region); Bardar (Ialoveni Region); Ciocilteni, Lucaseuca, Peresecina, and Piatra (Orhei Region); Carnatenii Noi, and Trifesti (Rezina Region); Peciste (Soldanesti Region); Vadeni (Soroca Region); Brezoaia, Caplani, and Tudora (Stefan Voda Region); Budai, and Chitcanii Vechi (Telenesti Region). However, a number of the complaints are pending, or have been rejected or closed "due to lack of any criminal or administrative violations."

May 22, 2010	Boltun (Nisporeni Region)	Assault
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A Jehovah's Witnesses couple were threatened with physical harm and cursed at by Gheorghe Andronachi, the local Orthodox priest. The priest grabbed the husband by his shoulder, waved his fist in his face, and threatened that if he returned he would suffer harm. The wife, who was 5 months pregnant, became quite frightened by the brutal behavior of the priest. On May 26, 2010, a complaint was filed with the police and the Nisporeni Prosecutor's Office and Mr. Andronachi was fined 300 MDL (23 USD).

April 24, 2010	Bocsa (Falesti Region)	Assault
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Six Jehovah's Witnesses were threatened by the Orthodox priest of the village of Bocsa. The priest organized a crowd of drunken individuals who became agitated against the Witnesses and threatened them with physical harm. On May 20, 2010, a complaint was filed with the police. Numerous appeals to the police and the Public Prosecutor's Office have brought no results.

March 20 and 27, 2010	Salcuta (Causeni Region)	Threats/Interference with Public Ministry
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Three of Jehovah's Witnesses were threatened by Ion Bacal and the Salcuta School principal. A mob of some 50 people, both young and old, had been gathered by Mr. Bacal and the school principal. Two carloads of people followed them as they left the village. Two complaints have been filed with the Causeni Region Public Prosecutor's Office, which were subsequently refused on June 9, 2010. On June 15, 2010, the Association sent an appeal to the Head of the Causeni Region Public Prosecutor's Office, which was refused on June 30, 2010. On July 14, 2010, the Association filed a complaint with the Causeni Regional Court against the Causeni Region Public Prosecutor's Office for their refusal to satisfy the Association's appeal. On October 11, 2010, the Causeni Regional Court accepted the Association's complaint and obliged the Causeni Region Public Prosecutor's Office to re-examine the case.

2009-2010	Bravicea (Calaras Region)	Assault/Police Unresponsiveness
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On August 16, 2009, the mayor of the village of Bravicea, Mr. Zatic, together with a local police officer entered the apartment of one of Jehovah's Witnesses, Mr. Mihai Chisleac, against his wishes. Mr. Zatic then threatened Mr. Chisleac, and called him a Satanist, while the police officer simply stood by. Complaints were filed with the Commissariat and the Prosecutor and on January 22, 2010, the Calaras City Court dismissed the case in their Decision No. 10-8/2010. On February 23, 2010, Mr. Zatic filed a claim with the Calaras Public Prosecutor accusing Mr. Chisleac of making illegal renovations to his home. On March 31, 2010, the Prosecutor's Office invited the Association to intervene against the Mayor's Office. The Association is currently pursuing this avenue.

POSITIVE DEVELOPMENTS IN RESPECT FOR RELIGIOUS FREEDOM

A delegation of the European Parliament visited Moldova in September 2010. This was the first time that an official delegation of the European Parliament visited the authorities not only in Moldova but also in Transnistria, which provided an opportunity for Jehovah's Witnesses to present their concerns to the parliamentarians in person.

RELIGIOUS FREEDOM OBJECTIVES

Jehovah's Witnesses in Moldova and as a worldwide association call upon the government of Moldova to:

- (1) Allow Jehovah's Witnesses to construct and occupy their houses of worship without interference.
- (2) Enforce laws allowing them to publicly share their beliefs with others without fear of harm or arrest.

TRANSNISTRIA REGION (TMR)

BACKGROUND

Jehovah's Witnesses have registered local religious communities in Tiraspol and Rybnita. However, the activity of these communities is virtually paralyzed because of the attempts of the TMR authorities to liquidate the legal entities of Jehovah's Witnesses and discontinue their activities.

The TMR Adviser on Affairs of Religions and Interconfessional Relations (formerly the Commissioner for the Affairs of Religions and Cults) and the Tiraspol Prosecutor have been particularly aggressive toward Jehovah's Witnesses. Transnistrian authorities are attacking the legal status of Jehovah's Witnesses on several fronts.

Court cases are intentionally delayed by State parties. Those court victories obtained by Jehovah's Witnesses have been overturned and new trials have been ordered. The situation is precarious and dangerous, with no provision to secure freedom of religion and belief.

RESTRICTIONS ON RELIGIOUS FREEDOM

Restrictions fell into four categories: I.) discriminatory laws, II.) liquidation of religious communities, III.) registration difficulties and IV.) interference with houses of worship and religious literature.

I. Discriminatory Laws

On March 4, 2009, the new TMR Religion Law went into effect. Article 11, pt. 2, of this law stipulates that for a Society to be registered it is necessary to provide a "document, confirming its existence on the territory for an extent of not less than ten years, issued by the administration of the *local government*." In 2010, local governments have refused to issue this document in various communities.

II. Liquidation of Religious Communities

2002- Present	Tiraspol (Case No. 2 - 682/2008)	Liquidation of Community
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In 2002, the Tiraspol City Prosecutor filed a claim regarding the liquidation of the Religious Community of Jehovah's Witnesses in the City of Tiraspol and in 2007; the Prosecutor filed a new claim regarding the liquidation of the Tiraspol Community. Despite procedural errors, the Community was unable to terminate the case. The court has repeatedly dismissed the Community's petitions and showed extreme bias over the years of this legal battle. On September 28, 2010, after many appeals made to the president of Tiraspol City Court by the Community, it was decided that this case be examined by a board of three judges. The next hearing is scheduled for March 11, 2011.

III. Registration Difficulties

September 10, 2010	Dnestrovsc	Charter Registration Refusal
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September 10, 2010: The religious group filed a statement with the authorities requesting that they issue a document confirming the existence of their religious group in the city of **Dnestrovsc** for not less than 10 years. On October 12, 2010, the religious group received a letter from the authorities stating that they are

gathering information and that the religious group will be informed of the results of their consideration of their statement. If the authorities have not issued the document by January 11, 2011, the Community will file a complaint in the Tiraspol City Court.

2009-Present	Parcani	Refusal to Issue Confirmation of Existence
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(Case No. 2 – 116/2010):

March 2009: The founders of the Religious Community of “Jehovah’s Witnesses of Parcani” requested that the Slobozia Administration issue a confirmation document regarding the existence of the religious group of Jehovah’s Witnesses in the city of Parcani. A refusal letter was received from the head of the Slobozia Administration.

May 2009: The religious group sent a complaint to the Slobozia City Court; it was dismissed on March 31, 2010.

March 31, 2010: The religious group submitted a short appeal to the TMR Supreme Court.

April 29, 2010: The religious group submitted a full appeal, which the court rejected on May 27, 2010.

(Case No. 3k - 630/2010):

August 6, 2010: The founders of the Religious Community of “Jehovah’s Witnesses of Parcani” filed a statement with the Slobozia City Court regarding the establishing of the existence of the religious group of Jehovah’s Witnesses in the city of Parcani.

August 31, 2010: The Slobozia City Court refused to accept the statement.

September 6, 2010: The founders submitted a short appeal to the TMR Supreme Court.

September 13, 2010: The founders submitted a full appeal to the TMR Supreme Court.

October 7, 2010: The TMR Supreme Court annulled the decision of the city court and returned the case to the lower court to be considered once again. The hearing is scheduled for March 15, 2011.

2009-Present	Dubasari	Refusal to Issue Confirmation of Existence
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(Case No. 2 – 1256/2009):

July 2009: The founders of the Religious association of “Jehovah’s Witnesses of Dubasari” requested that the Dubasari Administration issue a confirmation document regarding the existence of the religious group of Jehovah’s Witnesses in the city of Dubasari. A refusal letter was received from the Head of the Dubasari Administration, so on August 26, 2009, a complaint was sent to the Dubasari City Court.

December 17, 2009: An appeal was submitted to the TMR Supreme Court.

March 18, 2010: The Supreme Court annulled the decision of the city court and returned the case to the lower court to be considered once again. **January 21, 2011:** The Dubasari City Court partially admitted the Community’s complaint. **January 31, 2011:** The Community submitted a short appeal to the TMR Supreme Court and on **March 2, 2011** a full appeal was submitted. The date of the hearing is not yet known.

IV. Interference with Houses of Worship and Religious Literature

1996-Present	Rybnita (Case No. 2 - 951/2008):	Refusal to Issue Occupancy Permit
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In 1996, the State Administration of Rybnita (Administration) assigned a piece of property to the Rybnita Community (Community) for the construction of a Kingdom Hall. Construction was completed in 2001, and the Community submitted an application to the Administration to obtain an occupancy permit. However, the Administration further required a registration certificate. After numerous hearings in various venues, the TMR Supreme Court heard the case and the judge proposed that the parties resolve their problem amicably. Since then, the Administration has delayed issuing this occupancy permit in harmony with the judge’s proposal. In May 2010, the Community’s representatives met with the Deputy Head of the Administration. **January 13, 2011:** The Rybnita City Court admitted the Community’s complaint. **January 20, 2011:** The Administration sent an appeal to the Supreme Court. The hearing is scheduled for March 3, 2011.

2008-Present	Slobozia	Roadblocks to Construction Based on Bias
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In 2008, three of Jehovah’s Witnesses purchased a house in Slobozia to be renovated and used as a Kingdom Hall. The construction started and is continuing up to the present. In March 2010, the Head of the State

Administration of Slobozia City came to inspect the building and asserted that he found serious deviations from the design plans. The Witnesses learned that some neighbors filed a complaint to the SCA and to the President's Administration informing them that they are opposed to the construction project. In 2010, the owners of the house received letter No. 01-30/81 dated March 22, 2010, from the SCA, and Notice No. 3 dated March 18, 2010, from the State Architecture and Building Control (SABC). Letter No. 01-30/81 required the owners to appear before the Administration on March 24, 2010. However, the letter was received on March 25, 2010, as per the postage stamp on the envelope. Notice No. 3 required the owners to perform additional construction work by April 1, 2010, but did not provide specific violations of the building code. Previous building inspections found that the work was in conformity with the building plan and code. In April 2010, the owners of the house filed a complaint against the SCA with the Slobozia City and Regional Court. As the Administration issued an occupancy permit for the renovated building on December 24, 2010, the case against the Administration was dropped on December 27, 2010.

ABUSES OF RELIGIOUS FREEDOM

Abuses fell into two categories: disruption of worship, and denial of right to conscientious objection.

I. Disruption of Worship

2009	Rybnita	Illegal Arrest and Detention
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In September 2009 18 members of the Religious Community of Jehovah's Witnesses of Rybnita were performing maintenance work on the Kingdom Hall property in Rybnita. They were ordered to stop working by 5 police officers, and were then arrested and detained by the police. They were accused of performing arbitrary repairs on a building that is under construction. [Article 175 of the TMR Code of Administrative Violations] Since the Witnesses refused to sign the protocols, they were subjected to physical and mental mistreatment. Most of them were detained for over 12 hours and were not released until 3:00 a.m. by order of the Rybnita City Court. They were denied food and water during their detention. Two required medical treatment after their detention. In September 2009, the Administrative Commission annulled the charges against them because there was no proof of any violation. The Rybnita City Court also dropped the additional charge against the four Witnesses who were detained in iron cages. Claims were filed with the Rybnita City Prosecutor and the TMR Presidential Representative for Human Rights, but the Prosecutor refused to initiate criminal proceedings against the police officers. The TMR Supreme Court considered the private complaints of four Witnesses, which were dismissed. In August 2010, Igor Azizov (one of the four Witnesses) sent to the Presidium of the TMR Supreme Court a statement about bringing a protest against the TMR Supreme Court's decision of May 11, 2010, but in October, the TMR Supreme Court rejected Igor Azizov's statement.

II. Denial of Right to Conscientious Objection

Transnistria has no law providing alternative civilian service. Consequently, between 1995 and 2010, more than 30 of Jehovah's Witnesses have been prosecuted because of their conscientious objection to military service for religious reasons. Some have been sentenced to a one-year prison term to be served on probation and others have been fined in an amount equivalent to 450 USD.

RELIGIOUS FREEDOM OBJECTIVES

Jehovah's Witnesses in Transnistria and as a worldwide association respectfully request the government of Transnistria to:

- (1) Allow them to legally register their association as granted under the Law of the Transnistria Moldavian Republic.
- (2) Protect the right to profess one's religious beliefs individually or jointly with others as enshrined in the International Covenant on Civil and Political Rights.
- (3) Permit them to obtain, build, renovate, and use their Kingdom Halls (houses of worship) free from fear of harassment.
- (4) Respect their refusal to bear arms because of their Bible-based consciences.
- (5) Open a transparent and constructive dialogue with the Jehovah's Witnesses.