**10 September 2016**

**From the European Association of Jehovah’s Christian Witnesses**

**Submission to the UN Human Rights Committee   
subsequent to the adoption of the List of Issues**

**Third periodic report pursuant to article 40 of the Covenant**

**Republic of Moldova**

**(118th Session of the Human Rights Committee 17 October – 04 November 2016)**

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| SUMMARY OF THE SUBMISSION This submission to the Human Rights Committee on the Republic of Moldova and Transnistria highlights violations of the provisions of the International Covenant on Civil and Political Rights (“ICCPR”) subsequent to the adoptionof the *List of issues* (CCPR/C/MDA/Q/3) prior to the submission of the third periodic report of the Republic of Moldova and the submission of the third periodic report of the Republic of Moldova (CCPR/C/MDA/3).  As described below, serious issues of concern persist. Jehovah’s Witnesses in Moldova respectfully request the government of Moldova to:   1. Allow Jehovah’s Witnesses to privatize land and build houses of worship; 2. Investigate and prosecute threats of violence against Jehovah’s Witnesses; 3. Stop police harassment against Jehovah’s Witnesses who peacefully practice their faith; and 4. Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of the Republic of Moldovaand the ICCPR for all citizens, including Jehovah’s Witnesses.   Additionally, Jehovah’s Witnesses in Transnistria respectfully request the authorities in that region to:   1. Reregister the Tiraspol Religious Community of Jehovah’s Witnesses; and 2. Ensure that Jehovah’s Witnesses are free to practice their faith without police harassment. |

# I. Introduction

* 1. The European Association of Jehovah’s Christian Witnesses is a charity registered in the United Kingdom. It is assisting the adherents of the faith of Jehovah’s Witnesses in various areas of the world.
  2. Jehovah’s Witnesses have been registered in Moldova and Transnistria since 1994. There are currently more than 19,000 persons who share in the worship of Jehovah’s Witnesses in Moldova and Transnistria. While they enjoy religious freedom, some problems persist.
  3. Jehovah’s Witnesses experience opposition from local governmental authorities, often at the request of religious leaders. As a religious minority they are discriminated against when purchasing property and procuring building and occupancy permits. The authorities have also been slow to prosecute individuals who have threatened Jehovah’s Witnesses with physical harm while they engaged in their religious ministry.
  4. This submission provides information subsequent to the adoptionof the *List of issues* (CCPR/C/MDA/Q/3) prior to the submission of the third periodic report of the Republic of Moldova and the submission of the third periodic report of the Republic of Moldova (CCPR/C/MDA/3). It mostly focuses on the rights protected under Articles 2, 18, 19, 21, 22, 26, and 27.

# II. Alleged Violations of the International Covenant on Civil and Political Rights (“ICCPR”) in the Republic of Moldova - Articles 2, 18, 19, 21, 22, 26, and 27

**Refusal to privatize land and issue zoning permits for houses of worship**

* 1. **Chisinau**. On 9 April 2010, the Witnesses filed an application with the Chisinau Municipal Council (CMC) to purchase the land on which their Religious Center is situated. Purchasing the land would restrict the authorities from allocating any portion of it to another entity. On 11 July 2013, the Witnesses filed a complaint with the Chisinau City Court against the CMC for its refusal to privatize the property on which the religious center of Jehovah’s Witnesses is located. There is no legal basis for this refusal. On 15 June 2015, the Supreme Court of Moldova rejected the Witnesses’ final appeal, stating that the courts cannot obligate public administrations to privatize land. However, though all of the courts have stated that they cannot oblige the CMC to privatize land, they have, in fact, done so in a number of other cases. Moreover, the Supreme Court issued a recommendation to the lower courts directing that they should not oblige public administrations to privatize unallocated and undeveloped land, but that the courts can oblige public administrations to privatize land that has been both allocated and developed.
  2. **Sangera**. In 2009, the mayor of Sangera refused to issue an occupancy permit for a house of worship (Kingdom Hall). The Sangera City Council refused to allow a zoning change from that of a private dwelling to that of a Kingdom Hall. Despite favorable municipal court rulings, appeals to the Bailiff’s Office, and the levying of fines against council members, the council has refused to make zoning changes.
  3. **Mereni** (Anenii Noi). In 2006, the Religious Organization of Jehovah’s Witnesses in Moldova obtained property in the village of Mereni so as to construct a Kingdom Hall. Despite numerous applications sent to the Mereni Village Council, a Court of Appeal’s decision, and numerous appeals to the Bailiff’s Office, the mayor refused to issue an Urban Planning Certificate for construction. The mayor filed an appeal with the Supreme Court that was rejected. On 30 September 2011, the Bailiff’s Office initiated legal proceedings in order to compel the mayor to issue the certificate. On 31 May 2012, the mayor of Mereni issued an Urban Planning Certificate, and on 5 July 2012, the Witnesses applied for a construction permit. On 1 August 2012, the mayor refused to issue a construction permit. In October 2012, the Bailiff’s Office filed a complaint in the Bender Court of Appeals against the mayor of Mereni for failure to issue a construction permit. On 30 January 2013, the Bender Court of Appeals rejected the complaint filed by the Bailiff’s Office. On 1 August 2013, the Bailiff’s Office prepared a further complaint against the mayor for not carrying out the court’s order. On 6 February 2014, construction was started as the mayor failed to issue a construction permit within the allotted ten days. On 19 July 2014, the mayor refused to issue an Occupancy Permit (OP), and therefore the building cannot be duly registered. On 14 September 2015, the Anenii Noi City Court (ANCC) admitted the Organization’s complaint and recognized that the mayor’s refusal to sign the OP was illegal, and ordered him to sign it. On 20 January 2016, the Chisinau Court of Appeals annulled the decision of the ANCC and issued a new decision recognizing that the mayor’s refusal to sign the OP was illegal, but did not order him to sign it.
  4. **Olanesti** (Stefan Voda). On 14 January 2016, the Religious Organization of Jehovah’s Witnesses submitted the necessary documents to the village council of Olanesti to request a zoning change for a house that was recently renovated and repurposed as a Kingdom Hall. On 18 February 2016, the council issued their decision and, without motive, refused to grant the zoning change. Therefore, on 16 March 2016, the Witnesses sent a preliminary complaint to the village council regarding their decision. On 22 April 2016, the council refused to grant the preliminary complaint. On 24 June 2016, the Witnesses sent a claim to the Stefan Voda City Court. The next hearing is scheduled for 6 October 2016.
  5. **Ceadar-Lunga** (Autonomous Region of Gagauzia). On 26 January 2016, the mayor issued a building permit for the construction of a Kingdom Hall. A group of people opposed to Jehovah’s Witnesses, all of whom are members of the Orthodox Church, started a petition to prevent the building of the Kingdom Hall. On 22 March 2016, the mayor held a public meeting. At this meeting, those in attendance, all of whom are members of the Orthodox Church, expressed their opposition to Jehovah’s Witnesses in their city and made false accusations against Jehovah’s Witnesses. They not only asked that the building permit be cancelled but also asked that the work of Jehovah’s Witnesses be banned in the city of Ceadar-Lunga. The next day the mayor issued an Order cancelling the building permit and referred the application to the City Council for their review. On 22 April 2016, the Witnesses sent a preliminary complaint to the mayor regarding the Order because he does not have the authority to issue such an Order just because people of another religion do not want the Witnesses to build a Kingdom Hall. On 27 May 2016, the mayor refused to grant the preliminary complaint. On 30 June 2016, the Witnesses submitted a claim to the Ceadar-Lunga City Court. The next hearing is scheduled for 3 October 2016.
* On 31 May 2016, the Witnesses received the decision of the City Council that rejected the mayor’s attempt to modify the city plan so that a Kingdom Hall could be built on the property that they purchased. The City Council listed two reasons for their negative decision: 1) the city plan does not provide for the construction of a house of worship on the property that the Witnesses purchased, and 2) the community is opposed to the construction of a Kingdom Hall in their city. On 29 June 2016, the Witnesses sent a preliminary complaint to the City Council regarding the decision. The City Council did not respond. On 26 August 2016, the Witnesses submitted a claim to the Ceadar-Lunga City Court. The next hearing is scheduled for 27 September 2016.

**Threats of violence against Jehovah’s Witnesses are not being investigated and prosecuted**

* 1. **Village of Cristesti, Nisporeni Region**. On 7 February 2015, Mr. Ion Borş, an Orthodox priest, threatened to harm five of Jehovah’s Witnesses while they were engaged in their public ministry. On 27 February 2015, a complaint was filed with the police. On 27 March 2015, the police stated that Mr. Borş had not broken any laws.
  2. **Village of Marinici, Nisporeni Region**. On 10 May 2015, Mr. Dumitru Ranga, an Orthodox priest, threatened to harm three of Jehovah’s Witnesses while they were engaged in their public ministry. The victims called the police, but the police refused to do anything and told the Witnesses to leave the area. On 29 May 2015, the Witnesses filed a complaint with the prosecutor’s office. On 21 July 2015, they filed a second complaint with the prosecutor’s office. On 31 July 2015, the prosecutor’s office stated that Mr. Borş had not broken any laws. On 24 August 2015, the Witnesses filed a third complaint with the prosecutor’s office. The case is ongoing.
  3. **Village of Hrusova, Criuleni Region**. On 20 June 2015, Mr. Ruslan Grecu, an Orthodox priest, threatened to harm two Witnesses while they were engaged in their public ministry. On 23 June 2015, a complaint was filed with the police. The next day, the police stated that it appears that Mr. Grecu had broken the law but that it was not possible to prove the charge.
  4. **Village of Cateleni, Hancesti Region**. On 13 April 2015, a group of people threatened to harm five of Jehovah’s Witnesses while they were engaged in their public ministry. The group also threatened to damage their car. The Witnesses filed a complaint with the police on 21 April 2015. On 21 July 2015, a complaint was filed with the prosecutor’s office, as the police had not acted on the complaint filed with them. On 29 July 2015, the prosecutor’s office stated that the offenders had broken no laws.
  5. **Village of Balanesti, Nisporeni Region**. On 21 June 2015, Mr. Gheorghe Talpă, who is an Orthodox priest, and a group of between 20 and 25 people threatened to harm four of Jehovah’s Witnesses while they were engaged in their public ministry. The Witnesses filed a report with the police on 7 July 2015, but on 5 August the police stated that Mr. Talpă had not broken any laws.
  6. **Olanesti** (Stefan Voda). On 12 March 2016, the local village Orthodox priest incited the villagers to block the entrance to the property that Jehovah’s Witnesses used as a house of worship. The villagers gathered upwards of 50 people to block the entrance to the Kingdom Hall. The police upon arrival simply stood by and did nothing. Each time the villagers blocked the entrance to the Kingdom Hall, a complaint was submitted to the Stefan Voda Police Inspector’s Office. So far, more than 50 complaints have been submitted asking that criminal proceedings be initiated against those who aincite religious strife and violate the rights of others to meet together.

**Authorities harass Jehovah’s Witnesses engaged in peaceful religious activity**

* 1. **Olanesti** (Stefan Voda). On 18 March 2016, the village held a council meeting to discuss a ban on Jehovah’s Witnesses in the village of Olanesti. The same day, Jehovah’s Witnesses filed a complaint with the Stefan Voda Police Inspector’s Office, asking that criminal proceedings be initiated against the village council for their abuse of power since religious activities can only be banned through the courts. The Witnesses have not received any response to their complaint. On 6 April 2016, a complaint also was submitted to the Inspector General of Police of Moldova. Thus far, these complaints have not affected any changes.
  2. **Village of Napadova, Floresti Region.** On 5 March 2016, six of Jehovah’s Witnesses were stopped on the street and prevented from exercising their religious rights by Mr. Valeriu Budnea, the mayor of the village, and Mr. Ion Marin, a member of the local village council. They verbally threatened the Witnesses with physical violence. The Witnesses filed a complaint with the police on the same day. On 17 March 2016, the police stated that Messrs.  Budnea and Marin had not broken any laws.
  3. **Village of Napadova, Floresti Region.** On 22 May 2016, village council member Mr. Ion Marin and about 10-15 individuals stopped four of Jehovah’s Witnesses from exercising their religious activities. They verbally threatened the Witnesses with physical violence. The Witnesses filed a complaint with the police on the same day. On 12  June 2016, the police stated that Mr. Marin had not broken any laws.

# III. Situation and Concerns in Transnistria

* 1. **Bender.** On 22 September 2015, the police stopped four of Jehovah’s Witnesses who were using a literature cart in their public ministry. The police took the Witnesses to the Bender Police Department (BPD). The police cited both Witnesses for violating Article 20.2 of the Administrative Code regarding the organizing of meetings and rallies. In October, the Bender City Court (BCC) heard the above-mentioned cases and issued a warning to all four Witnesses. On 24 November 2015, all of the decisions were appealed to the Supreme Court of Transnistria (SCT). The SCT refused to hear the appeals.
  2. **Bender**. On 20 October 2015, police took a Witness to the police station for using a literature cart in the public ministry. The Witness was cited for violating Article 20.2. On 22 December 2015, the BCC issued a warning to the Witness. The Witness appealed to the SCT, but the Court refused to hear the appeal.
  3. **Bender**. On 11 May 2016, police issued a written warning to two of Jehovah’s Witnesses who were using a literature cart. The police stated that displaying religious literature in public places is prohibited.
  4. **Tiraspol**. Between 27 January 2015, and 16 February 2015, the Witnesses in Tiraspol reported at least 23 instances in which police stopped the Witnesses while they were publicly manifesting their beliefs. The police checked identities and often detained the Witnesses at the police station for hours. On several occasions, the police confiscated their literature and cited them for violating Article 20.2. Between 20 March and 21 April 2015, the Tiraspol City Court found 16 more Witnesses guilty of violating Article 20.2 and issued each a warning. All but one of these decisions were appealed to the SCT. The SCT refused to hear their appeals.
  5. **Tiraspol.** In March and April 2015, the Tiraspol City Court partially admitted the claims of five Witnesses who filed complaints. The court recognized that the policemen involved had acted illegally but did not find that the Tiraspol Police Department had acted improperly.
  6. **Tiraspol**. On 11 February 2015, police took two Witnesses to the police department. A lawyer went to the police department to assist the Witnesses. The police forcibly removed him from the office, physically assaulted and kicked him in the leg. The Witnesses were released seven hours later after being cited for violating Article 20.2.
  7. **Tiraspol**. On 14 March 2014, the Community submitted their charter to the Public Society Registration Notaries (PSRN) for reregistration. On 1 April 2014, the PSRN refused to reregister the charter. On 26 June 2014, the Community filed a complaint in the Tiraspol City Court against the PSRN. The Tiraspol City Court decided in favor of the Community. On 25 September 2014, the SCT overturned the decision of the Tiraspol City Court and decided that the PSRN is not obligated to reregister the charter of the Community. On 30 June 2016, Dmitri Ostritchi, Gennady Klimentiev, and Sergey Golubenko filed a complaint against Moldova and a complaint against the Russian Federation to the United Nations Human Rights Committee.

# IV. Conclusions and Recommendations

* 1. Jehovah’s Witnesses in Moldova and as a worldwide organization express concerns about serious human rights violations that are being committed with impunity. They respectfully request the government of the Republic of Moldova to:

1. Allow Jehovah’s Witnesses to privatize land and build houses of worship;
2. Investigate and prosecute threats of violence against Jehovah’s Witnesses;
3. Ensure that Jehovah’s Witnesses are free to practice their faith without police harassment; and
4. Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Moldova and the ICCPR for all citizens, including Jehovah’s Witnesses.
   1. Additionally, Jehovah’s Witnesses in Transnistria respectfully request that the authorities in that region:
5. Reregister the Tiraspol Religious Community of Jehovah’s Witnesses; and
6. Ensure that Jehovah’s Witnesses are free to practice their faith without police harassment.