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RUSSIA: Property sell-offs, alternative service denials follow Jehovah's Witness ban

By Victoria Arnold, Forum 18 (https://www.forum18.org)

Following the Supreme Court ban on all Jehovah's Witness activity – in force since July - Regional Justice Ministry branches are preparing to sell off their confiscated property. Military call-up offices have denied several army conscripts the option of alternative civilian service. Jehovah's Witnesses experience increased state harassment, plus vandalism and violence.

Jehovah's Witnesses in Russia continue to feel the impact of their liquidation and the nationwide ban on their exercise of freedom of religion or belief. Regional Justice Ministry branches are preparing to sell off confiscated Jehovah's Witness property. Military call-up offices have denied several conscientious objectors to compulsory military service their right to alternative civilian service. Jehovah's Witnesses also experience increased state harassment and incidents of vandalism and violence across the country.

Individual Jehovah's Witnesses remain at risk of criminal prosecution if they engage in any expression of their faith which officials may interpret as "continuing the activities of a banned extremist organisation".

Jehovah's Witness appeals to both Russia's Human Rights Ombudsperson's Office and the European Court of Human Rights (ECtHR) in Strasbourg are pending (see below).

A 14 November Russian Supreme Court resolution advises courts to deprive people of their parental rights in cases of their "involvement [of the children] in the activity of a public or religious association or other organisation which has been liquidated by a court order which has come into force, or whose activity has been banned". Courts could use this against Jehovah's Witnesses, as well as against Muslims who meet to study the writings of the late Turkish theologian Said Nursi (see below).

Meanwhile, Jehovah's Witnesses are also trying to stop the prohibition as "extremist" of their Russian-language New World Bible. Vyborg City Court upheld prosecutors' request to rule the text "extremist" on 17 August 2017 (see F18News 29 September 2017 http://www.forum18.org/archive.php?article_id=2319). The next hearing in the appeal process is due at Leningrad Regional Court on 20 December. The suit is not connected to the Supreme Court's liquidation ruling, as Leningrad-Finland Transport Prosecutor's Office lodged its suit more than a year earlier.

Banned since July 2017

The Supreme Court's ruling that the Jehovah's Witness Administrative Centre be declared an "extremist" organisation and its activities prohibited throughout Russia came into force on 17 July, when an appeal panel upheld the original 20 April decision. Some Jehovah's Witness activities had already been halted by a 15 March suspension order issued by the Justice Ministry when it lodged its liquidation suit (see F18News 18 July 2017 http://www.forum18.org/archive.php?article_id=2297).

Individual Jehovah's Witnesses as well as communities had already begun to suffer the effects of the liquidation ruling, even before it came into force, with a steep rise in vandalism, the prosecution of community elders for leading worship, and Jehovah's Witness workers being fired from their employment. In some instances the FSB security service ordered employers to do this (see F18News 18 July 2017 http://www.forum18.org/archive.php?article_id=2297). There have also been instances of bullying and threats by the authorities against the children of Jehovah's Witness families (see F18News 26 May 2017 http://www.forum18.org/archive.php?article_id=2282) Such incidents continue (see below).

The Jehovah's Witness Administrative Centre and all 395 local communities have now been added to the Justice Ministry's list of banned "extremist" organisations, alongside violent far-right and Islamist groups, Forum 18 notes. They are also included on the Federal Financial Monitoring Service (Rosfinmonitoring) list of "terrorists and extremists" whose assets banks are obliged to freeze (though in the case of Jehovah's Witness organisations, the state has already seized their assets).

Jehovah's Witnesses are in a unique position in Russia as the only centralised religious organisation with a nationwide presence which has been ruled "extremist" and liquidated, thus losing its legal personality and forfeiting its property.

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Some religious associations which have been banned as "extremist" have been unregistered and so lacking the legal status to own or rent property. One such example is the alleged organisation of Muslims who read the works of theologian Said Nursi, called by the authorities "Nurdzhular", which Muslims themselves deny has ever existed. Other banned "extremist" religious associations have been local communities, such as the Muslim congregation of Borovsky in Tyumen Region (see Forum 18's general Russia "extremism" religious freedom survey http://www.forum18.org/archive.php?article_id=2215).

Appeal to European Court of Human Rights

On 1 December 2017, the European Court of Human Rights (ECtHR) ruled the Jehovah's Witnesses' appeal against their liquidation admissible and decided that it should be considered as a priority case.

The appeal challenges the liquidation ruling under three articles of the European Convention on Human Rights and Fundamental Freedoms (ECHR): Article 9 ("Freedom of thought, conscience and religion") in conjunction with Article 11 ("Freedom of assembly and association"), and Article 14 ("Prohibition of discrimination"). Under Article 1 ("Protection of property") of the 1952 Additional Protocol to the ECHR the appeal also challenges Russia's confiscation of Jehovah's Witness properties.

On 1 December, the Court asked the Russian government to respond by 23 March 2018 to the question of whether the liquidation violates Jehovah's Witnesses' rights under these Articles.

"Administrative Centre of Jehovah's Witnesses and Kalin vs. Russia" (Application No. 10188/17) was originally lodged on 3 February 2017 in response to the General Prosecutor's Office warning of "the inadmissibility of extremist activity", issued on 2 March 2016. Jehovah's Witnesses had already challenged this warning unsuccessfully in the Russian courts, lastly at Moscow City Court on 16 January 2017.

The appeal to the ECtHR now also encompasses the Supreme Court's 20 April decision to declare the Administrative Centre an "extremist" organisation and ban all Jehovah's Witness activities.

Council of Europe Committee of Ministers questions to Russia

On 7 December, the Council of Europe's Committee of Ministers, which is responsible for overseeing the implementation of ECtHR judgments, decided to change the monitoring of two earlier rulings against Russia to an "enhanced procedure".

The ECtHR's June 2010 ruling in Jehovah's Witnesses of Moscow and Others vs. Russia (Application No. 302/02) obliged Russia to re-register the Moscow Jehovah's Witness community, which was eventually completed in 2015 (see Forum 18's general Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2246). The ECtHR's June 2014 ruling in Krupko and Others (Application No. 26587/07) v. Russia obliged the Russian authorities to pay damages to Jehovah's Witnesses who were detained when police raided a worship service taking place in a hired hall.

The Committee of Ministers "expressed their serious concern" about the impact of the nationwide Supreme Court ban on Jehovah's Witness activities, the 7 December decisions note. It has asked the Russian government for information on how the Jehovah's Witnesses who lodged these two cases may "continue to enjoy the individual right to freedom of religion".

Appeal to Human Rights Ombudsperson

Jehovah's Witnesses also sent an appeal to Human Rights Ombudsperson Tatyana Moskalkova on 9 October. They asked her to use her right to appeal against court decisions which have come into force. They also drew attention to the "massive, growing violation of human rights that followed the court's ruling", Jehovah's Witnesses stated.

"Believers hope that, after reading the case materials, Tatyana Moskalkova will consider it necessary to apply to the presidium of the Supreme Court of Russia with a demand to overturn the unreasonable and unlawful court decision," Jehovah's Witnesses noted.

Jehovah's Witnesses appear to have received no reply. Forum 18 wrote to the Ombudsperson's office before the start of the Moscow working day of 18 December, asking what answer it had to the Jehovah's Witness appeal, and how it was responding to the violation of their human rights. Forum 18 received no reply by the end of the working day in Moscow on 19 December.

Confiscation of property

- Administrative Centre case

On 7 December, after a four-hour hearing, Judge Natalya Bogdanova of St Petersburg's Sestroretsk District Court ruled that a 17-year-old property contract was invalid, thus allowing the seizure by the state of the Jehovah's Witnesses' principal site in Russia. The court's decision may be appealed within 30 days.

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"This decision casts a shadow over the inviolability of property rights in the Russian Federation, where no organisation, even an international one, can have peace of mind over its transactions, even if they are officially registered by authorised bodies," Jehovah's Witnesses commented on 7 December.

The complex consists of 14 buildings (constructed by the Jehovah's Witnesses) on 10 hectares (25 acres) of land in the village of Solnechnoye. It has a value of more than 881 million Roubles (about 126 million Norwegian Kroner, 13 million Euros or 15 million US Dollars), according to a court press release of 7 December. The Administrative Centre of Jehovah's Witnesses acquired the land in 2000 and transferred its ownership to the Watch Tower Bible and Tract Society of Pennsylvania, which in turn allowed the Administrative Centre free use of the site.

Because the site was owned by a foreign organisation, it did not automatically become the property of the state upon the liquidation of the Administrative Centre, a Russian legal entity. The Kurortny District Prosecutor's Office argued, however, that the contract governing the transfer of the property to the Watch Tower Society's ownership was invalid, as it was the Administrative Centre which continued to use and maintain the land and buildings.

Watch Tower Society lawyer Viktor Shipilov argued in court that federal tax records show that the Society has been paying taxes on the property since 2000. Had the Administrative Centre owned the site, it would not have had to do so, as registered Russian religious organisations are not liable for tax on land or property used for religious purposes. Shipilov also noted that Kurortny District Prosecutor's Office checked the legitimacy of the acquisition of the property and its ownership by the Watch Tower Society in 2007 and found no violations.

The Administrative Centre complex also accommodated almost 400 people, both Russian and foreign nationals, some of whom had made their homes there for more than twenty years. "The move from their homes and the disruption in their voluntary religious service .. have been traumatic," according to a 5 December Jehovah's Witness statement.

Forum 18 telephoned the Justice Ministry's Department for the Affairs of Religious Organisations on 19 December to ask what would happen to the Administrative Centre's property in St Petersburg and whether the people who lived there would receive any compensation. A spokeswoman insisted that all questions must be put to the Ministry's press service.

The Department for the Affairs of Religious Organisations was responsible for submitting the liquidation suit to the Supreme Court in March 2017, and its staff member Svetlana Borisova represented the Justice Ministry during the hearings.

- Locally-owned property

Meanwhile, buildings and land owned by local Jehovah's Witness organisations are now in the process of being sold off. Once creditors have been satisfied, any remaining assets will pass to the state and may then be sold. If a local community had insufficient monetary funds to pay off its debts, and if its property is worth more than 100,000 Roubles, its property will be auctioned to raise more funds.

According to legal documents seen by Forum 18, this process is initiated by regional branches of the Justice Ministry, overseen by regional arbitration courts, and carried out by an executor from the Interregional Self-Regulatory Organisation of Professional Arbitration Managers.

Justice Ministry branches appear to be seeking to appoint the same executor, Sergei Aleksandrovich Kryazhev, to manage the disposal of Jehovah's Witness property across the country. He is to be paid 30,000 Roubles per month from the liquidated community's assets (disposal periods vary between cases).

Regional Justice Ministry branches appear to have begun lodging suits initiating the disposal of Jehovah's Witness property in late September, only two months after the Supreme Court's ruling came into force. According to the Civil Code, Justice Ministry branches have five years to do so after a legal entity is recorded as liquidated in federal tax records. The process of disposal of Jehovah's Witness assets may therefore continue for some time.

The Republic of Karachai-Cherkessiya's Justice Ministry branch lodged its suit to initiate the disposal of the Cherkessk Jehovah's Witness community's property on 21 September at the Arbitration Court of Karachai-Cherkessiya. It was upheld on 6 December. The congregation's property consists of a non-residential building of 298.5 sq.m. and a plot of land of 857 sq.m. Judge Ali Botashev ruled that disposal should take place within six months and agreed to the appointment of Sergei Kryazhev as executor with remuneration of 30,000 Roubles per month from the assets of the liquidated community.

The Judge stipulated that the executor should publish notice of the disposal process in the journal "State Registration Herald" (Vestnik gosudarstvennoy registratsiy) no more than ten working days after the court ruling is issued, and should immediately inform any creditors of the disposal process. Notice of the disposal should also be published in the media within two months of the ruling, and creditors should be given two months (from publication in the press) in which to put forward their claims. The judge has

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scheduled another hearing on 18 May 2018 to examine the executor's report on the results of the disposal process.

Similar proceedings are underway or have recently been completed in other regions. These include: St. Petersburg/Leningrad Region (re. national Administrative Centre, lodged 27 October, first hearing due 26 December); Krasnoyarsk (lodged 24 October; first hearing 20 November, next hearing due 9 January 2018); Saratov (re. Volzhsk community, lodged 13 November, first hearing due 16 January); Vladimir (lodged 24 October, first hearing due 23 January 2018); St. Petersburg/Leningrad Region (re. Kirishi community, lodged 30 October, first hearing due 26 December); Amur (re. Tynda community, lodged 8 December, first hearing due 15 January 2018); Irkutsk (re. Northern, Usolye-Sibirskoye community, lodged 22 September, halted 19 October at Justice Ministry's request because of lack of resources); Irkutsk (re. Vikhorevka community, lodged 22 September, upheld in full 1 November); Republic of Karachai-Cherkessiya (re. Kurdzhinovo community, lodged 21 September, preliminary hearing due 27 December); Sakha Republic/Yakutiya (re. Chulman community, lodged 9 November, upheld in part 11 December); and Rostov (re. Salsk community, lodged 17 November, preliminary hearing due 25 December).

It is theoretically possible under the Civil Code for the founders or former directors of a liquidated organisation to be named as third parties to such arbitration suits, and in cases of organisations liquidated through choice or because of non-viability, remaining assets would be divided between them. In the case of Jehovah's Witness congregations, however, the "extremism" ruling and ban means that they no longer have any right to proceeds from their property, and even appear to be unable to attend court hearings on its disposal.

Forum 18 found one instance, in Krasnoyarsk, of the 20 founding members of a community being named by the court as third parties to the suit. However, the judge removed them as third parties at the first hearing at the request of the regional Justice Ministry. This decision was based on Jehovah's Witness property now being forfeit to the state. Also, two of the founding members had died.

Denial of alternative civilian service

Jehovah's Witnesses worldwide are a pacifist religious community, and their young men conscientiously object to any compulsory military service. But they comply with any requirement to perform alternative genuinely civilian service. Yet in July one Jehovah's Witness conscientious objector, Avel Lukin from Shumerlya in the Chuvash Republic, was denied alternative civilian service and ordered to work with nuclear weapons. The 18-year-old's call up notice directly links the refusal to allow him to carry out alternative service to the Russian Supreme Court's ruling that the Jehovah's Witnesses national Administrative Centre is an "extremist organisation". Lukin's appeals have so far been unsuccessful (see F18News 18 July 2017 http://www.forum18.org/archive.php?article_id=2297).

At least six young Jehovah's Witness male conscientious objectors either have been or potentially will be denied their right to perform alternative civilian service. Of the six conscientious objectors to military service in five different regions across Russia known to Forum 18, three conscientious objectors so far received official refusals and have been called up to the army. Military authorities have yet to make a final decision regarding the other three conscientious objectors.

Individuals whose beliefs do not allow them to engage in military activity may apply to local military call-up offices for permission to perform "alternative civilian service" (see Forum 18's Russia religious freedom survey http://www.forum18.org/archive.php?article_id=2246).

The military call-up office for the Central and Komintern Districts of Voronezh now obliges conscripts to fill out a form about their "attitude to religion" and "attitude to religious trends of an extremist nature", the portal-credo.ru news website reported on 30 November. Conscripts must state whether they "belong to", "are acquainted with", or "defend the activities of" such movements.

The form gives "Wahhabism" as an example of such extremist religious beliefs, but after the Supreme Court ban it is now likely that Jehovah's Witnesses would also be regarded as a "religious trend of an extremist nature". This would force young Jehovah's Witness men to disclose their religious affiliation.

The insistence that people must reveal their beliefs violates both their Constitutional rights and international human rights standards. Article 29, Part 3, of Russia's Constitution declares: "No one can be forced to declare their opinions and beliefs or to deny them."

General Comment 22 of the United Nations Human Rights Committee on Article 18 ("Freedom of thought, conscience and religion") of the International Covenant on Civil and Political Rights (ICCPR) notes that: "no one can be compelled to reveal his [sic] thoughts or adherence to a religion or belief". General Comment 22 also notes that this right is in accordance with both ICCPR Article 18, paragraph 2, and ICCPR Article 17 ("Right to privacy").

The duty officer at Voronezh Region military call-up office put the phone down on 19 December as soon as Forum 18 asked about conscripts being given a form about their attitude to religion. The telephones at the military call-up office for the Central and Komintern Districts went unanswered each time Forum 18 called the same day.

Deprivation of parental rights

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On 14 November, the Plenum of the Supreme Court issued a resolution on the application of legislation to disputes affecting the rights of children. This included advice to courts to deprive people of their parental rights if they "involved [the children] in the activity of a public or religious association or other organisation which has been liquidated by a court order which has come into force, or whose activity has been banned".

The resolution mentions no specific organisation, but the measure could apply to Jehovah's Witnesses and to Muslims who read the works of Said Nursi (frequently prosecuted for involvement with the banned "extremist" organisation Nurdzhular, the existence of which Muslims in Russia deny).

The resolution also does not explain what is meant by "involvement" (vovlecheniye), which could be subject to a wide range of interpretation by officials.

Forum 18 is not aware of any instances of this measure being used against Jehovah's Witnesses or Muslims who read Nursi's works, as of 19 December.

Arrests, detentions, raids

On 14 December, around 40 officials, including some from the fire brigade, entered the Hall of Congresses, a large worship building in northern St Petersburg, Jehovah's Witnesses stated the same day. Officers then sealed the building. The congregation, abiding by the Supreme Court's ruling, has not used the building since April.

Throughout November alone, police detained Jehovah's Witnesses, required them to disclose their religion, often took them to police stations, obliged them to submit to photographing and fingerprinting, and confiscated their personal belongings, the Moscow-based SOVA Center reported on 12 December. Such incidents have occurred in Dmitrov (Moscow Region), Severnaya Ferma (Vologda Region), Chapayevsk (Samara Region), and Diveyevo (Novgorod Region), and in the Yamalo-Nenets Autonomous District.

Police, sometimes accompanied by FSB security service officers, have also raided homes, Jehovah's Witnesses reported. In the village of Uyskoye in Chelyabinsk Region, police took down the details of anyone who entered a flat in which Jehovah's Witnesses lived. In Kuchva in Sverdlovsk Region, police searched a house without permission, insulted the owner and a visiting friend, and "expressed their scorn for their faith". A Jehovah's Witness couple from Belgorod claims that police illegally entered their flat and installed audio and video surveillance equipment. In Naberezhnyye Chelny (Republic of Tatarstan), police and FSB security service officers went to a holiday complex which had been rented by 100 Jehovah's Witnesses, inspected their documents, and took their details. Police in Novosibirsk also visited a Jehovah's Witness at work and allegedly planted religious literature in his office.

So far, no prosecutions are known to have arisen from these incidents.

Vandalism and violence

On 23 November in Moscow, a man allegedly pushed a 54-year-old Jehovah's Witness down the stairs of his block of flats. Her tablet computer broke in the fall.

On 16 September, in Chunsky village in Irkutsk Region, "unknown persons" broke into the building formerly used for Jehovah's Witness worship, Jehovah's Witnesses stated on 20 September. The intruders smashed the building's internal doors, set off fire extinguishers, destroyed sound equipment, and broke the burglar alarm. Jehovah's Witnesses reported the incident to the police, and "have no doubt" that it was provoked by the Supreme Court decision.

Prosecutions

After the Justice Ministry issued its 15 March suspension order, several Jehovah's Witness leaders were prosecuted under Administrative Code Article 20.28, Part 1 ("Organisation of or participation in the activities of a public or religious association, in relation to which a decision on the suspension of its activities is in force"). Most of these prosecutions led to fines. The prosecutions were launched despite the fact that the order did not apply to worship (see F18News 18 July 2017 http://www.forum18.org/archive.php?article_id=2297).

After the Supreme Court's liquidation ruling came into force on 17 July, these prosecutions ceased, as Jehovah's Witness activities are now banned, not merely suspended. Individuals are therefore now at risk of criminal prosecution under Criminal Code Article 282.2 ("Organisation of" or "participation in" "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity").

Danish Jehovah's Witness Dennis Ole Christensen remains in pre-trial custody on charges of "organising the activities of a banned extremist organisation" (Criminal Code Article 282.2, Part 1) (see F18News 8 December 2017

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http://www.forum18.org/archive.php?article_id=2339). He will appeal against his detention for the third time at Oryol Regional Court on 22 December. Christensen is accused of "continuing the activities" of the Oryol Jehovah's Witness community, which was ordered liquidated in June 2016.

The next hearing in the trial of Jehovah's Witness elder Arkadya Akopovich Akopyan is due on 10 January 2018 at Prokhladny District Court in Kabardino-Balkariya. Akopyan's case is also not directly connected to the Supreme Court's liquidation ruling; he was charged under Article 282, Part 1 ("Actions directed at the incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of an individual or group of persons on the basis of sex, race, nationality, language, origin, attitude to religion, or social group") for allegedly giving sermons in which he "degraded the dignity of adherents of other religions" (see F18News 23 June 2017 http://www.forum18.org/archive.php?article_id=2290). (END)

For more background see Forum 18's surveys of the general state of freedom of religion and belief in Russia at http://www.forum18.org/Archive.php?article_id=2246, and of the dramatic decline in this freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=2215.

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis http://www.sova-center.ru, about the systemic problems of Russian anti-extremism legislation, is at F18News 19 July 2010 http://www.forum18.org/Archive.php?article_id=1468.

A personal commentary by Irina Budkina, Editor of the http://www.samstar.ucoz.ru Old Believer website, about continuing denial of equality to Russia's religious minorities, is at F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

More reports on freedom of thought, conscience and belief in Russia can be found at http://www.forum18.org/Archive.php?query=&religion=all&country=10.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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