

29 September 2021

RUSSIA: Rosfinmonitoring List violates presumption of innocence

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

Prosecutors and investigators have had hundreds of Jehovah's Witnesses and Muslims who meet with others to read Said Nursi's works added to Rosfinmonitoring's "List of Terrorists and Extremists", many even before they have been charged with any crime. This blocks their bank accounts, and causes problems in finding formal employment, obtaining insurance, buying and selling property, and a range of other financial activities. Those convicted remain on the list until their active criminal records (sudimost) expire, often eight years or more after their release. Those on the list – and those who have been removed – face reputational damage as they are publicly identifiable as being "terrorists or extremists".

Hundreds of Jehovah's Witnesses and Muslims who meet with others to read the works of Said Nursi have been added to a financial "List of Terrorists and Extremists". This blocks their bank accounts and creates difficulties in many aspects of everyday life, as well as publicly listing them as "extremists" – in most cases, before trial, and often before they are charged with any crime.

The Moscow-based Sova Center for Information and Analysis describes the practice of including not only convicted persons, but also those who have not yet been tried or even charged, as "an extremely harsh measure", which "contradicts the principle of the presumption of innocence".

Individuals who are convicted remain on the list until their active criminal records (sudimost) (https://www.forum18.org/archive.php?article_id=2681) expire. For those who are imprisoned, this could be eight years or more after their release. The primary consequence of being added to the Rosfinmonitoring List is the blocking of bank accounts. This means that individuals cannot use their bank cards for purchases or ATM withdrawals, cannot make online payments or bank transfers, and cannot set up contracts or direct debit arrangements. They are also barred from opening new accounts with any bank, receiving loans, or obtaining credit. People may also remain on the list for several months after they are acquitted or have their cases closed, or even after they die (see below).

People on the List can withdraw 10,000 Roubles per month from their wages for everyday needs, plus 10,000 Roubles per month for each family member, as long as it can be proved that the family member lives in the same household and has no alternative source of income. If more than 10,000 Roubles is needed, an individual must submit a request to the bank, which will approach Rosfinmonitoring for permission. Average monthly wages in December 2019 for those in work were just over 50,000 Roubles (see below).

Pensions, benefits, and stipends may be withdrawn in full – if withdrawn in person in cash, and for pensions after asking for Rosfinmonitoring permission each time a pension is withdrawn. Other consequences include not being able to renew contracts or insurance policies, and not being able to sell one's own valuables or property, register changes of land ownership, obtain insurance, use pawnshops, manage investments, handle inheritance, or even purchase a mobile phone SIM card. Being on the List – which is publicly accessible – has also stopped people gaining employment. Also, if a person does not already have a bank account by the time they are placed on the List, it is impossible to open one to receive salary payments, which may also put off potential employers (see below).

Individuals who may or may not have been convicted may also be disadvantaged in employment – as well as in more general reputational terms – by the fact that they are publicly identifiable as being on a list of "terrorists and extremists". Even after people have been removed from the List, they can still easily be found years later by searching online for their names. These updates are frequently among the top – if not the top – results for such individuals on search engines (see below).

For one jailed Jehovah's Witness from Siberia, "the serious difficulties will begin after [he] is released", his wife commented to Forum 18, "with finding work, with employers, with getting paid and receiving some services" (see below).

The "List of Terrorists and Extremists" is maintained by the Federal Financial Monitoring Service (Rosfinmonitoring) on the basis of information received from various state agencies. Alongside people who have been involved in Islamist and far-right terrorism, it includes individuals who have not committed or called for any violation of others' human rights (see below).

These include: Jehovah's Witnesses, whose activity was banned in 2017 by the Supreme Court's liquidation of their Administrative Centre and its subsidiaries as "extremist organisations" (https://www.forum18.org/archive.php?article_id=2297); and Muslims who meet to study the writings of Turkish theologian Said Nursi and are consequently accused of "continuing the activities" of "Nurdzhular", which the Supreme Court also outlawed as an "extremist organisation" in 2008 (https://www.forum18.org/archive.php?article_id=2215) but which Muslims in Russia deny exists as a formal organisation.

The activities for which Jehovah's Witnesses and Muslims who meet with others to read Nursi's works of Said Nursi are prosecuted are very similar, including meeting in each other's homes to pray and sing together, study sacred texts, and discuss shared beliefs (https://www.forum18.org/archive.php?article_id=2681).

Rosfinmonitoring is responsible for combating the "laundering of the proceeds of crime, the financing of terrorism, and the proliferation of weapons of mass destruction", according to its website. It can also initiate administrative cases and consequently add people to the "List of Terrorists and Extremists", but this is not known to have happened to anyone for exercising freedom of religion or belief (see below).

More than 400 Jehovah's Witnesses are on the List, as are 10 Muslims who read Said Nursi's works (see below).

Forum 18 wrote on 21 September to the General Prosecutor's Office, the federal Investigative Committee, and the Office of the Human Rights Ombudsperson to ask why people who have never been convicted of any crime, as well as those who have not committed or called for any violence or violation of human rights should be punished with the additional restriction of being included on the Rosfinmonitoring List. Forum 18 received no reply by the end of the working day in Moscow of 29 September (see below).

Consequences

There are eight interlocking consequences related to "extremism" investigations and convictions for exercising freedom of religion or belief:

- 1) during investigation and even if no trial takes place, inclusion on the Rosfinmonitoring "List of Terrorists and Extremists". This blocks bank accounts, and causes for problems in finding formal employment, obtaining insurance, buying and selling property, and a range of other financial activities (see below);
- 2) if convicted the prison or suspended prison sentence itself, or possible fines;
- 3) for suspended sentences, the probationary period (https://www.forum18.org/archive.php?article_id=2681), which is the time during which any other conviction would send the defendant to prison;
- 4) for those not given prison or suspended sentences, or fines, a possible period of assigned work (https://www.forum18.org/archive.php?article_id=2681). This may take the form of a paid job in any organisation, as determined by the correctional centre administering the sentence. The assigned work depends on availability and the convicted person has no right to refuse. Officials check on convicted persons' locations at least once a day;
- 5) a possible period of restrictions on freedom (https://www.forum18.org/archive.php?article_id=2681). This normally includes a curfew between particular hours, a ban on visiting certain places, a ban on leaving one's home town, a ban on attendance at or participation in particular events, a ban on changing one's place of residence, work, or study without the probation authorities' permission, and an obligation to register with probation authorities one to four times per month;
- 6) sudimost, or the state of having an active criminal record (https://www.forum18.org/archive.php?article_id=2681). Individuals may face a harsher sentence if prosecuted and convicted again. Individuals are also barred from holding certain jobs in sectors such as education, finance, the police and similar agencies, and the civil service, and from standing for election. Although there is no legal bar on employment in other sectors, many people find it hard to secure formal work after criminal convictions;
- 7) for those given prison sentences, administrative supervision (https://www.forum18.org/archive.php?article_id=2681) for all of their period of sudimost. Administrative supervision consists of a set of restrictions on movements and activities, and a requirement to register regularly with the police;
- 9) and for those convicted under Criminal Code Article 282.2 Parts 1 or 2 (https://www.forum18.org/archive.php?article_id=2215) either compulsory or discretionary bans on holding particular positions or undertaking particular activities (https://www.forum18.org/archive.php?article_id=2681).

Who is on the Rosfinmonitoring "List of Terrorists and Extremists" ?

On 29 September 2021 the Rosfinmonitoring "List of Terrorists and Extremists" comprised 11,448 individuals and 516 legal entities,

376 of which are former registered Jehovah's Witness communities. Among the individuals listed are many who have been involved in violence, such as members of Islamist terrorist and neo-Nazi terrorist groups. There are also, however, people who have been included only for posts on social media, as well as journalists and political activists.

Two groups linked to opposition politician Aleksey Navalny - the Anti-Corruption Foundation (FBK) and Citizens' Rights Defence Foundation (FZPG) - both appear on the list of organisations; their former members are now also at risk of inclusion. Individuals associated with these organisations and convicted under the Extremism Law or added to the Rosfinmonitoring List would be barred from participating in religious groups and organisations (https://www.forum18.org/archive.php?article_id=2659).

The Rosfinmonitoring List also has an international section, listing 108 foreign entities, including Al-Qaida, as well as 416 individuals. This section primarily contains those known or suspected to be involved in terrorist activity.

On the Rosfinmonitoring website, those accused of terrorist activity are distinguished by the use of asterisks.

As well as the "List of Terrorists and Extremists", Rosfinmonitoring also maintains lists of those involved in money laundering and the distribution of weapons of mass destruction.

As of the beginning of September, more than 400 Jehovah's Witnesses appeared on the List, according to Jehovah's Witness lawyers. They included people who had already been convicted, people who were on trial, those who had been charged with "extremism"-related offences, and those who had as yet only been named as suspects in criminal cases.

The Rosfinmonitoring List also incorporates at present 10 Muslims who have been prosecuted for meeting with others to study the writings of Said Nursi. They include Ilgar Vagif ogly Aliyev (born 16 February 1977) (convicted on 28 May 2018 (https://www.forum18.org/archive.php?article_id=2386) and added to the List on 30 August 2018), who is the only currently jailed Muslim who meet with others to read Said Nursi's works. Also, Nakiya Khametzakirovna Sharifullina (born 1 January 1958) was added to the List on 11 June 2020 and received a two-year suspended sentence with 18 months' probation (https://www.forum18.org/archive.php?article_id=2684) on 31 August 2021.

There are also five who have been recently released from prison, and three whose whereabouts are unknown.

Muslims who meet with others to read Nursi's works on List: Convicted and now free

- Sukhrab Abdulgamidovich Kaltuyev (https://www.forum18.org/archive.php?article_id=2684) (born 13 November 1981) – added on or shortly before 6 April 2016

- Artur Abdulgamidovich Kaltuyev (https://www.forum18.org/archive.php?article_id=2684) (born 19 June 1986) – added on or shortly before 6 April 2016

- Ziyavdin Badirsoltanovich Dapayev (https://www.forum18.org/archive.php?article_id=2684) (born 12 May 1982) – added (again) on or shortly before 6 April 2016

- Komil Olimovich Odilov (https://www.forum18.org/archive.php?article_id=2684) (born 18 August 1975) – removed on 5 August 2014; added again on 12 January 2016

- Yevgeny Lvovich Kim (https://www.forum18.org/archive.php?article_id=2684) – added on or shortly before 6 April 2016. He was released from immigration detention on 31 May 2021.

Muslims who meet with others to read Nursi's works on List: Abroad/whereabouts unknown

- Timur Muzafarovich Atadzhanov (https://www.forum18.org/archive.php?article_id=2391) (born 21 April 1988) – added on or before 18 May 2016 (and again on 6 June 2016?)

- Ilhom Zavkidinovich Merazhov (https://www.forum18.org/archive.php?article_id=2391) (born 1 July 1970) – removed on 5 August 2014; added on or before 7 December 2017

- Anton Pavlovich Starodubtsev (https://www.forum18.org/archive.php?article_id=2310) (born 4 April 1980) – added on 17 August 2016

Forum 18 wrote on 21 September to the General Prosecutor's Office, the federal Investigative Committee, and the Office of the Human Rights Ombudsperson to ask why people who have not committed or called for any violence or violation of human rights, including those who have not been convicted of any crime, should be punished with the additional restriction of being included on the Rosfinmonitoring List. Forum 18 received no reply by the end of the working day in Moscow of 29 September.

Consequences of being on the List

Inclusion in the Rosfinmonitoring List may affect people in different ways according to their individual employment circumstances and banking habits, at what point in the case investigators sent their names to Rosfinmonitoring, and what punishments they receive if convicted. The punishments they receive if convicted governs the length of an individual's sudimost (active criminal record, state of being a convicted person) (https://www.forum18.org/archive.php?article_id=2681).

Jehovah's Witness Feliks Makhammadiyev, for instance, had "no problems with Rosfinmonitoring", his wife Yevgeniya Lagunova told Forum 18 on 25 August, as his name was not added to the List until after he was convicted. After serving his prison sentence, he was deported to Uzbekistan (https://www.forum18.org/archive.php?article_id=2633).

Another Jehovah's Witness, from Siberia, was on the List for almost two years before conviction and will likely remain on it for nine years after his prison term ends. Because he was in any case in detention or under house arrest for the entire period of the criminal investigation, "the serious difficulties will begin after [he] is released", his wife commented to Forum 18 on 24 August, "with finding work, with employers, with getting paid and receiving some services".

As a rule, those who are convicted remain on the Rosfinmonitoring List until their sudimost (active criminal record) is over. The length of this period depends on the type of penalty received and the category of crime (https://www.forum18.org/archive.php?article_id=2681).

For people who receive fines and other non-custodial punishments, sudimost lasts for one year. For suspended sentences, it is usually the length of the probation period. For those who are imprisoned, it lasts after their sentences (including any periods of post-release restrictions) for:

- three years for minor and medium-severity crimes;
- eight years for serious crimes;
- or 10 years for especially serious crimes.

How do people find out they are on the List?

It appears that most people added to the List receive messages from their banks informing them of the fact, or find out when they try to make a payment. Many Jehovah's Witnesses undergoing prosecution under Criminal Code Article 282.2 for "organising" (Part 1), or "participating in" (Part 2), "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" have already had their bank cards, mobile phones, and computers confiscated during the initial searches of their homes. They have therefore tended to find out when visiting banks in person, or in other ways.

A Jehovah's Witness from north-western Russia, who later received a suspended sentence, was told by his bank when he went to withdraw his pension after his bank card had been seized. The wives of two Jehovah's Witnesses from Siberia told Forum 18 that they had heard from acquaintances that their husbands had been added to the List, so had checked the Rosfinmonitoring website themselves. "And I was very surprised," one said. "I couldn't believe that my husband had been included on the Rosfinmonitoring List. Then I saw him [on it] myself."

It is possible, though appears to be unusual, that a person may be added to the List before they learn of any criminal prosecution. Six Jehovah's Witnesses from Vladivostok – Nina Nikolayevna Astvatsurova (born 30 July 1959), Yeva Leonidovna Katanayeva (born 30 August 1990), Lyudviga Leonidovna Katanayeva (born 1 February 1967), Yelena Yuryevna Tsorn (24 October 1972), Roman Nikitich Verigin (born 28 March 1991), and Violetta Valeryevna Verigina (born 12 September 1985) – were added on 2 July 2020 without their being aware that criminal cases had been opened against them on 8 June 2020, according to the jw-russia.org news website. They found out about their prosecutions only when investigators raided their homes on 9 July 2020; all except Yeva Katanayeva have now been charged under Criminal Code Article 282.2, Part 2 ("Participating 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").

Blocking of accounts

The primary consequence of being added to the Rosfinmonitoring List is the blocking of bank accounts. This means that individuals cannot use their bank cards for purchases or ATM withdrawals, cannot make online payments or bank transfers, and cannot set up contracts or direct debit arrangements. They are also barred from opening new accounts with any bank, receiving loans, or obtaining credit.

Since 2014, Federal Law No. 115, which regulates the Rosfinmonitoring List, has permitted people on the List to withdraw 10,000

Roubles per month from their wages for everyday needs, plus 10,000 Roubles per month for each family member, as long as it can be proved that the family member lives in the same household and has no alternative source of income. If more than 10,000 Roubles is needed, an individual must submit a request to the bank, which will approach Rosfinmonitoring for permission. Pensions, benefits, and stipends may be withdrawn in full.

Average monthly wages in December 2019 for those in work were just over 50,000 Roubles.

These concessions nevertheless carry their own bureaucratic burdens. All such withdrawals must be made in person at a bank branch. According to Moscow-based human rights news agency OVD-Info's report on the List of 29 March 2019, individuals must present documents from their employers' accounting departments in order to receive each salary payment (up to the stipulated limit of 10,000 Roubles), and those entitled to benefits must also present relevant documentation.

For pension payments, the bank must apply to Rosfinmonitoring on each occasion, then make an appointment with the recipient to give them the money in cash (bank employees themselves do not have access to accounts outside these specific pre-arranged times). The whole process can take several days between the initial request and receipt of the pension.

The wife of a Jehovah's Witness from north-western Russia, who received a suspended sentence, told Forum 18 how the bank card to which his salary and pension were paid was blocked, and how he subsequently could not use it to transfer money to his elderly mother. In his case, a sympathetic employer agreed to pay his salary in cash, meaning that "everything is all right for now".

Although regular salary payments from a formal employer may be withdrawn (up to the limit), it appears that payment for casual or freelance work does not come under the same concession.

Viktor Korb, a journalist and human rights defender from Omsk, was added to the Rosfinmonitoring List in June 2018 after a case was opened against him under Criminal Code Article 205.2, Part 1 ("Public calls for terrorist activity, public justification of terrorism or propaganda of terrorism") for reposting the transcript of the trial of blogger Boris Stomakhin, who had earlier been prosecuted under the same Article for praising the terrorist bus bombings in Volgograd in 2013. According to a post of 20 April 2019 on his Livejournal blog, Korb worked as a freelancer for several media outlets. His bank refused to pay out his 10,000 Rouble monthly allowance, citing Article 6, Paragraph 2.4 of Federal Law No. 115, which refers to wages, pensions, stipends, and benefits (zarabotnaya plata, pensii, stipendii, posobiya) but does not mention any other form of income. Korb unsuccessfully took his bank to court over this.

It is unclear what happens if a joint account is blocked. Forum 18 wrote on 21 September to the General Prosecutor's Office, the federal Investigative Committee, and the Office of the Human Rights Ombudsperson to ask why joint account holders' access should also be restricted. Forum 18 received no reply by the end of the working day in Moscow of 29 September.

Other financial consequences

Federal Law No. 115 also stipulates that a person who has been added to the Rosfinmonitoring List may still make any obligatory regular payments such as taxes and utility bills, and may pay off any debts or fines incurred before their inclusion on the List.

It appears, however, that once a contract or policy reaches expiry, it cannot be renewed. Several Jehovah's Witnesses have reported being unable to renew their car insurance, leaving them unable to drive, often with a knock-on effect on their ability to work.

All transactions by or on behalf of a person on the Rosfinmonitoring List are, according to Article 6, Paragraph 2 of Federal Law No. 115, subject to "mandatory control" by Rosfinmonitoring.

"Mandatory control" is defined in the law as "the set of measures taken by the authorised body [ie. Rosfinmonitoring] to control transactions with monetary funds or other property on the basis of information provided to it by organisations carrying out such operations, as well as to verify this information in accordance with the legislation of the Russian Federation".

What this means in effect is that inclusion in the Rosfinmonitoring List renders it impossible to sell one's own valuables or property, register changes of land ownership, obtain insurance, use pawnshops, manage investments, or handle inheritance, or even purchase a mobile phone SIM card.

Firstly, this is because, since March 2019, all organisations and individual entrepreneurs who provide such services have been legally obliged to inform Rosfinmonitoring of any operations involving money or property by an existing client who is on the "List of Terrorists and Extremists", and take measures to freeze any funds to which they have access.

Secondly, although the law does not explicitly forbid the taking on of new clients who are on the List, the prospect of having to keep Rosfinmonitoring informed (at the risk of heavy fines for errors or omissions), not to mention the difficulties involved in receiving payment from someone whose bank accounts have been blocked, means that notaries, lawyers, accountants, etc. are usually unwilling to provide services to such people (even if they do not involve the movement of large sums of money, such as the

provision of notarised documents or the making of wills). (It does not appear, however, that Jehovah's Witnesses and Muslims on the List have been unable to secure the services of defence lawyers to represent them during their criminal cases.)

The "mandatory control" requirement also applies to insurance companies (apart from those providing obligatory medical insurance), estate agents, precious metal dealers, pawnbrokers, auditors, phone companies, and investment firms.

All companies and individuals who provide financial and property services must register for a personal account (lichniy kabinet) on the Rosfinmonitoring website. This allows them to check clients against the various databases maintained by Rosfinmonitoring (money laundering and financing weapons of mass destruction, as well as terrorism and "extremism") and other government ministries and agencies, evaluate the risk of transactions, and report any suspicious activity directly to Rosfinmonitoring.

Personal accounts give access to all updates to the "List of Terrorists and Extremists" in downloadable and searchable formats, which also appear to include individuals' addresses and passport details. These are not available on the public-facing website without an account.

These measures were claimed to have been introduced to more closely comply with the standards of the Financial Action Task Force, the global money laundering and terrorist financing monitoring body. Although aimed at halting the movement of proceeds of drug trafficking and corruption, and interrupting genuine terrorist financing, the measures also affect individuals who have ended up on the "List of Terrorists and Extremists" solely for exercising their freedom of religious and belief.

Employment problems

Inclusion in the Rosfinmonitoring List can be one way an employer or potential employer finds out that a worker is being investigated or has been convicted on "extremism" charges, given the need for documentation to withdraw wages from a blocked account.

Several Jehovah's Witnesses are known to have lost their jobs after their employers learned that they were facing criminal prosecution, although this can also be the result of being placed in detention, under house arrest or under travel restrictions.

If a person does not already have a bank account by the time they are placed on the List, it is impossible to open one to receive salary payments, which may also put off potential employers, Jehovah's Witness lawyers noted to Forum 18 on 2 September.

Reputational damage?

Individuals convicted for exercising freedom of religion or belief already face reputational harm. In his final speech at his trial at a Novosibirsk court in December 2020, Jehovah's Witness Yury Savelyov noted that the indictment itself indicated that there were no victims of his alleged offence and no damages caused by his actions (https://www.forum18.org/archive.php?article_id=2662), "But I want to say that there are indeed victims. Firstly, myself. For more than two years I have been in prison, I have lost my health, lost my property, my reputation has suffered, and now I bear the shameful stigma of 'criminal'."

Individuals who may or may not have been convicted may also be disadvantaged in employment – as well as in more general reputational terms – by the fact that they are publicly identifiable as being on a list of "terrorists and extremists". The main list, showing full names and dates and places of birth, is freely accessible on Rosfinmonitoring's website. Updates are published once or twice a month in the government's paper of record, "Rossiyskaya Gazeta".

Crucially, even after people have been removed from the List and are therefore no longer visible on Rosfinmonitoring's own site, their appearance in the updates published by "Rossiyskaya Gazeta" can still easily be found years later by searching online for their names. These updates are frequently among the top – if not the top – results for such individuals on search engines, including Google and Yandex. The inclusion of a person's date and place of birth makes them even more easily identifiable. This means that a person whose criminal record has expired, who was acquitted, or who was never even taken to court, will be linked long term with "terrorists and extremists", although "Rossiyskaya Gazeta" also publishes the names of those removed from the List.

No Jehovah's Witness or Muslim who reads Nursi's works is yet known to have made any formal objection to this aspect of inclusion on the List. It has, however, been of concern to other people who have been added to the List. In 2019, Stepan Chernogubov, who had been prosecuted six years before under Criminal Code 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"), attempted to get the federal communications regulator, Roskomnadzor, to open an administrative case against "Rossiyskaya Gazeta" over the use of his personal information without his consent.

Chernogubov pointed out that "Rossiyskaya Gazeta" does not appear in the federal register of operators permitted to process personal data, but Roskomnadzor refused his request on the grounds that, under the Law on Personal Data, an operator has the right to use personal data without permission if it is with the aim of fulfilling its functions, powers, and obligations as set out by law.

Criminal Code Article 282 was partially decriminalised in 2018.

Forum 18 wrote on 21 September to the General Prosecutor's Office, the federal Investigative Committee, and the Office of the Human Rights Ombudsperson, to ask about the possibility of reputational damage and how it could be avoided. Forum 18 received no reply by the end of the working day in Moscow of 29 September.

How and when are people added?

The Rosfinmonitoring "List of organisations and individuals about whom there is information on their participation in extremist activity and terrorism" is governed by Federal Law No. 115 – which also covers the countering of money laundering and distribution of weapons of mass destruction. It is also governed by Government Decree No. 804, which sets out "Rules for determining the list of organisations and individuals about whom there is information on their involvement in extremist activities or terrorism, and [for] bringing this list to the attention of organisations which perform transactions with monetary funds or other property, other legal entities, and individuals".

These Rules state that Rosfinmonitoring accepts requests to add names to the List from:

- the General Prosecutor's Office, regional prosecutors' offices, and military and other specialist prosecutors' offices – with regard to: the liquidation of organisations ruled terrorist or "extremist"; - the conviction of an individual under the relevant terrorism- and "extremism"-related Criminal Code articles, including Articles 282.2 and 282.3; the conviction of an individual in an administrative case initiated by the prosecutor; or a decision to suspend an organisation's activities, if taken by the prosecutor;
- Investigative Committee bodies – with regard to naming an individual as a suspect or charging an individual under the relevant terrorism- and "extremism"-related Criminal Code articles, including Articles 282.2 and 282.3;
- the federal Justice Ministry and its regional subdivisions – with regard to: the liquidation of an organisation ruled "terrorist" or "extremist", or the suspension of an organisation's activities; or the decisions of foreign and international courts or law enforcement bodies to consider an individual or organisation to be involved in terrorist or "extremist" activities;
- the FSB security service – with regard to: the conviction of an individual in an administrative case initiated by the FSB; or naming an individual as a suspect or charging an individual under relevant terrorism and "extremism" Criminal Code articles, including Articles 282.2 and 282.3;
- the federal Interior Ministry and its regional subdivisions – with regard to naming an individual as a suspect or charging an individual under relevant terrorism and "extremism" Criminal Code articles.

Rosfinmonitoring itself may also add individuals and organisations if it prosecuted them under Administrative Code Article 15.27.1 ("Financial support of terrorism") or if they appear on international lists of supporters of terrorism.

Jehovah's Witnesses and Muslims who read Nursi's works may therefore be added to the Rosfinmonitoring List at the request of the Investigative Committee, police, or FSB security service during their investigations and trials, or – if convicted – by prosecutors once the guilty verdict enters legal force.

It does not appear to be compulsory for investigators or prosecutors to have a person's name included in the List – nor do there appear to be explicit rules as to when a request to Rosfinmonitoring should be made. Among Jehovah's Witnesses and Muslims who met with others to study Nursi's works are those who have been placed on the List immediately upon being named suspects in a criminal case, others who have not been added until after conviction, and a few who have never been added.

Forum 18 wrote on 21 September to the General Prosecutor's Office, the federal Investigative Committee, and the Office of the Human Rights Ombudsperson to ask why investigators could have bank accounts blocked without a court order and before issuing any charges. Forum 18 received no reply by the end of the working day in Moscow of 29 September.

Investigators and prosecutors must provide full names, dates of birth, and passport or other ID details (name and tax number for organisations), as well as places of birth, addresses, and citizenship, if available (registration information and founders' details for organisations).

According to Article 6 of Federal Law No. 115, investigators and prosecutors' requests must be supported by officially certified copies of procedural documents naming people as suspects or charging them under one of the relevant terrorism- or extremism-related Criminal Code Articles, or of court decisions finding them guilty.

Rosfinmonitoring decides whether to include a name no later than one working day after receiving information on the person or organisation from a government agency, and updates the List on its website no more than one working day after making the decision.

According to the Rules, updates to the List must be published in "Rossiyskaya Gazeta" at least once a month.

How and when are people removed?

Rosfinmonitoring should remove a person's name from the "List of Terrorists and Extremists" if the case against them has been closed, if they have been acquitted in court, or – if convicted – when their criminal record (sudimost) (https://www.forum18.org/archive.php?article_id=2681) expires or is cancelled.

Rosfinmonitoring accepts requests for removal from prosecutors' offices, the Investigative Committee, the FSB security service, the Justice Ministry, and the Interior Ministry on the same basis as inclusions (see above).

According to Article 6 of Federal Law No. 115, investigators and prosecutors should provide, where relevant: officially certified copies of procedural documents showing that a case against a person previously charged or named as a suspect has been closed; a court decision overturning a conviction under terrorism- or "extremist"-related Criminal Code articles and halting proceedings on rehabilitative grounds; documented evidence of the expiry or cancellation of a person's sudimost (https://www.forum18.org/archive.php?article_id=2681); or documented evidence of a person's death.

Article 6, Paragraph 2.3 of Federal Law No. 115 states that individuals who have been mistakenly included on the List or who have not been removed when they should have been, should themselves apply to Rosfinmonitoring with "a written reasoned statement on their exclusion" from the List. Rosfinmonitoring should request information from the relevant government bodies and make a decision within 10 working days from receipt of the request.

Rosfinmonitoring is also supposed to check at least once a year that the List's information is correct and all necessary exclusions have been made.

"Rossiyskaya Gazeta" also publishes names to be excluded from the List at least once a month.

Jehovah's Witness names have been removed at the initiative of investigators, Jehovah's Witness lawyers told Forum 18 on 2 September. "Everything works well and in a timely manner." In some instances, exclusion does appear to take place relatively quickly – but not immediately, meaning that individuals must continue to cope with blocked bank accounts and many services being closed to them for some weeks or months.

Vyacheslav Yuryevich Stepanov (born 20 March 1977) and Andrey Petrovich Sivak (born 28 March 1974), Jehovah's Witnesses from Sergiyev Posad whose acquittal entered legal force on 24 August 2017 (https://www.forum18.org/archive.php?article_id=2310), were removed from the List between 13 October and 20 November 2017. (The prosecution of Stepanov and Sivak took place under Criminal Code Article 282, Part 2 ("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 [when committed] .. by an organised group", beginning in 2013, in a case unrelated to the later nationwide ban on Jehovah's Witness activity).

The one-year criminal record (sudimost) (https://www.forum18.org/archive.php?article_id=2681) of several Jehovah's Witnesses who received fines under Criminal Code Article 282.2 (Part 1 "Organising", or Part 2 "Participating 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") after the Supreme Court ban have now expired. Those who were added to the Rosfinmonitoring List appear to have been removed between two weeks and four months after the end of their sudimost periods (https://www.forum18.org/archive.php?article_id=2681).

Among Muslims who met to read Nursi's works, Andrey Nikolayevich Dedkov (born 16 June 1979), and Andrey Gennadyevich Rekst (born 14 March 1994), who were both fined in 2018 (https://www.forum18.org/archive.php?article_id=2426), and Sabirzhon Shamsidinovich Kabirzoda (born 4 May 1991), who received a suspended sentence in 2018 (https://www.forum18.org/archive.php?article_id=2406), were also removed from the List between one and three months after their periods of sudimost (https://www.forum18.org/archive.php?article_id=2681) came to an end.

On the other hand, three Jehovah's Witnesses – Eduard Nikolayevich Belyayev (born 24 November 1968), Tatyana Georgiyevna Ferulyova (born 6 February 1974), and Sergey Anatolyevich Tolstonozhenko (born 31 October 1957) – remained on the List for eight months after investigators had closed the criminal case against them on 3 August 2020. Their names were not removed until 6 April 2021.

The names of four Jehovah's Witnesses have also stayed on the List long after their deaths. According to Article 6, Paragraph 2.2 of Federal Law No. 115, a deceased person's name is removed only upon receipt of "documented information" on their death.

In the Khakasiya Republic, Irina Vladimirovna Sidorova (3 March 1976 – 17 July 2020) was added to the List on 25 June 2020, a

few weeks before her death in hospital after an operation (https://www.forum18.org/archive.php?article_id=2662). She has not yet been removed (as of 29 September 2021), more than 14 months later. Similarly, Rimma Mikhailovna Vashchenko (17 August 1930 – first half of January 2021 (https://www.forum18.org/archive.php?article_id=2637)), from the Stavropol Region, was added on 18 June 2020 and has not yet been removed; at the age of 90, she was the oldest Jehovah's Witness to be prosecuted for "extremist activity" and remains the oldest person on the entire Rosfinmonitoring "List of Terrorists and Extremists".

Rosfinmonitoring excluded the name of Viktor Ivanovich Malkov (21 February 1959 – 26 April 2020) only on 20 May 2021, more than a year after his death (which occurred shortly after his case had reached court in Smolensk but when no hearings had taken place (https://www.forum18.org/archive.php?article_id=2571)). Malkov's wife requested that he remain part of the court proceedings in an effort to clear his name. Malkov's three fellow defendants received suspended sentences on 23 April 2021 (their unsuccessful appeal took place on 31 August 2021) and Malkov himself was "recognised as guilty" according to jw-russia.org; according to the Promyshlenny District Court website, the case against Malkov was closed, but it remains unclear whether he is legally considered guilty.

In one case, investigators mistakenly added a Jehovah's Witness to the Rosfinmonitoring List posthumously. Penza Region investigators had opened a criminal case against Yury Aleksandrovich Kim (21 September 1960 – 30 October 2020) in October 2020, but did not have his name included on the List until 15 December 2020 (https://www.forum18.org/archive.php?article_id=2624), some six weeks after he had died. It was removed only on 1 July 2021.

On 21 September 2021, Forum 18 asked the General Prosecutor's Office, the federal Investigative Committee, and the Office of the Human Rights Ombudsperson why the names of the deceased could remain on the List for so long. Forum 18 received no reply by the end of the working day in Moscow of 29 September. (END)

Full reports on freedom of thought, conscience and belief in Russia
(<https://www.forum18.org/archive.php?query=&religion=all&country=10>)

For more background see Forum 18's survey of the general state of freedom of religion and belief in Russia (https://www.forum18.org/archive.php?article_id=2246), as well as Forum 18's survey of the dramatic decline in this freedom related to Russia's Extremism Law (https://www.forum18.org/archive.php?article_id=2215)

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis <https://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation (https://www.forum18.org/archive.php?article_id=1468)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

Follow us on Twitter @Forum_18 (https://twitter.com/forum_18)

Follow us on Facebook @Forum18NewsService (<https://www.facebook.com/Forum18NewsService>)

All Forum 18 text may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

All photographs that are not Forum 18's copyright are attributed to the copyright owner. If you reuse any photographs from Forum 18's website, you must seek permission for any reuse from the copyright owner or abide by the copyright terms the copyright owner has chosen.

© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY