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RUSSIA: Freedom of religion and belief monitoring group to be liquidated

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

Russia's leading freedom of religion and belief monitoring group ceases to exist as a legal entity. On 17 August, a Moscow Appeal Court rejected SOVA Center for Information and Analysis's appeal against its liquidation. Moscow's Justice Department claimed it committed "gross violations" of the law by holding events outside Moscow. SOVA's director Aleksandr Verkhovsky notes the "obvious and extreme selectivity" of the Justice Department's claims against human rights groups "but not to hundreds of others". The Non-Governmental Organisations Department at Moscow's Justice Department refused comment.

The SOVA Center for Information and Analysis is to be dissolved after an appeal judge in Moscow upheld the liquidation order imposed by a lower court four months ago. SOVA, Russia's leading human rights organisation monitoring freedom of religion and belief, as well as nationalism and xenophobia, will now cease to exist as a legal entity, but its staff insist that their work will continue.

On 17 August, the First Appeal Court of General Jurisdiction refused SOVA's appeal against Moscow City Court's decision of 27 April, which had approved a lawsuit by Moscow's Justice Department claiming that SOVA had committed "gross violations" of the law and its own statutes by holding events outside the capital. The city court ruling thus came into legal force (see below).

"The Justice Department considered these violations 'gross', although no one had ever pointed them out to us before," SOVA Center's director Aleksandr Verkhovsky told Forum 18. "It also claimed that they were uncorrectable simply because they had already happened."

Verkhovsky said the SOVA Center had also raised the "obvious and extreme selectivity" of the Justice Department's claims. "They have been made against us, the Moscow Helsinki Group, the Sakharov Centre, and [human rights group] Individual and the Law, but not to hundreds of others," he added (see below).

As of 24 August, the court has not yet issued the 17 August decision in writing, although it has already entered legal force.

"We do not agree with this decision, but it has to be implemented – the RPO [Regional Public Organisation] 'SOVA' Center is halting its activities and will be liquidated", SOVA commented on its Telegram channel shortly after the appeal hearing on 17 August. "At the same time, we are confident that the work we have done within this organisation has contributed to the public good and should be continued.

"Therefore, from today, we have decided to work as a community of independent researchers called the Research Centre 'SOVA' (or simply RC 'SOVA'). The results of this work can be seen on our website, as well as our social media accounts" (see below).

The Moscow Justice Department initiated its suit against SOVA after the head of the Veterans of Russians organisation, Ilda Rezyapov, complained to the General Prosecutor's Office and other state agencies about what he called SOVA's "anti-constitutional activity" (see below).

Nataliya Venevidova, the head of the Non-Governmental Organisations Department at Moscow's Justice Department, refused to answer any questions about the liquidation of the SOVA Center. "I have no comment to make," she responded to each of Forum 18's questions on 24 August (see below).

Forum 18 wrote to the First Appeal Court on 21 August, asking why it had refused SOVA's appeal and who had been harmed by the organisation's alleged violations. Forum 18 had received no reply by the middle of the working day in Moscow of 24 August (see below).

Other human rights groups forcibly closed

The SOVA Center is one of several Russian human rights groups to have experienced harassment and closure by state authorities in recent years, particularly since Russia's renewed invasion of Ukraine in February 2022.

In December 2021, courts ruled that International Memorial and the Memorial Human Rights Centre – both part of one of Russia's longest-established human rights movements – should be dissolved (https://www.forum18.org/archive.php?article_id=2707).

The country's oldest human rights organisation, the Moscow Helsinki Group, was ordered liquidated by Moscow City Court on 25 January 2023. The First Appeal Court of General Jurisdiction rejected its appeal on 27 April 2023, which Moscow Helsinki Group said was "to be expected".

On 19 August 2023, the same Moscow City Court judge who ordered SOVA's liquidation made the same ruling in the Justice Ministry's lawsuit against the Sakharov Centre (<https://publicverdict.org/topics/news/13452.html>), a human rights centre in Moscow set up to promote the legacy of the Soviet-era physicist and human rights defender Andrei Sakharov.

SOVA Center's monitoring work

The SOVA Center was founded in October 2002. In recent years, it has closely monitored the human rights violations caused by Russia's anti-extremism legislation, including the prosecution of Muslim readers of theologian Said Nursi's works and Jehovah's Witnesses (https://www.forum18.org/archive.php?article_id=2845) who were exercising their right to freedom of religion or belief. It has also monitored fines imposed on religious communities and individuals who violate "anti-missionary" laws (https://www.forum18.org/archive.php?article_id=2731).

Since Russia's renewed invasion of Ukraine, the SOVA Center has also monitored those prosecuted for protesting against the war, including those doing so on religious grounds (https://www.forum18.org/archive.php?article_id=2852).

On 14 August 2023, the SOVA Center made a joint submission with Memorial (<https://memorialcenter.org/analytics/doklad-o-svidetelyah-iegovy-v-rossii>) to the Committee of Ministers of the Council of Europe, on the Russian government's failure to implement the ruling of the European Court of Human Rights in Strasbourg in the case of "Taganrog LRO and others vs. Russia" (Application No. 32401/10 and 19 others (<https://hudoc.echr.coe.int/?i=001-217535>)).

This ruling, on 7 June 2022, found that the liquidation of the Jehovah's Witness Administrative Centre and its subsidiary organisations in 2017 and the prohibition of their activities as "extremist" was illegal under international law (https://www.forum18.org/archive.php?article_id=2805).

SOVA and Memorial noted to the Committee of Ministers that the Russian government had not halted criminal proceedings against Jehovah's Witnesses, released those who had been imprisoned, returned seized property, or paid compensation, as directed by the ECtHR.

(In July 2022, the Russian government decided to withdraw from the Council of Europe (https://www.forum18.org/archive.php?article_id=2765) and hence the jurisdiction of the ECtHR, backdating the application of this decision to March 2022).

SOVA Center's appeal unsuccessful

On 17 August 2023, after a short hearing, Judge Yuliya Kovalyova of the First Appeal Court of General Jurisdiction ruled that the SOVA Center should be liquidated, thus upholding the 27 April decision (https://www.forum18.org/archive.php?article_id=2828) of Moscow City Court.

The Moscow Justice Department had argued in its lawsuit that SOVA had committed "gross and irreparable violations" of the Public Associations Law and its own statutes as a regional organisation by holding or participating in events outside the city of Moscow (24 events in total over three years).

"The Justice Department considered these violations 'gross', although no one had ever pointed them out to us before," SOVA Center's director Aleksandr Verkhovsky told Forum 18 from Moscow on 23 August. "It also claimed that they were uncorrectable simply because they had already happened."

Verkhovsky said the SOVA Center had also raised the "obvious and extreme selectivity" of the Justice Department's claims. "They have been made against us, the Moscow Helsinki Group, the Sakharov Centre, and [human rights group] Individual and the Law, but not to hundreds of others," he added

SOVA had never hidden the fact of its involvement in these events, which included remote participation in the Human Dimension Conference of the Organisation for Security and Co-operation in Europe (OSCE) in November 2020. SOVA noted that the bulk of its work remained in Moscow, and that "a ban on any activity or appearances outside the region of registration seems to be absurd

literalism in understanding Article 14 of the Public Associations Law".

Verkhovsky acknowledges that organisations register at different levels, at a regional, inter-regional or national level, depending on the geographical scope of their activity. "But for more than 25 years this has not been understood so literally, of course," he told Forum 18. "It was meant that for systematic activity it is necessary to change the [form of] registration. But not for individual trips. This is what we argued in court. In vain."

At the appeal hearing, SOVA's lawyer Marina Agaltsova argued that the lower court had based its decision on an incorrect interpretation of the law, that SOVA could not have foreseen that its activities would be considered a "violation", and that any such alleged "violation" was not of a "gross", irredeemable, or systematic character, as SOVA had not regularly or habitually carried out activities in other regions.

It remains unclear on exactly what grounds the First Appeal Court rejected SOVA's points. "There were no explanations", Olga Sibiriyova of the SOVA Center told Forum 18 from Moscow on 21 August. "[The judge] emerged, and read out: the decision to liquidate [SOVA] is recognised as lawful, the appeal is denied, the text of the decision will be received in a week. Nobody condescended to explanations – neither the judges, nor the Justice Ministry during the final presentation of arguments [preniya]."

Forum 18 wrote to the First Appeal Court on 21 August, asking why it had refused SOVA's appeal and who had been harmed by the organisation's alleged "gross violations". Forum 18 had received no reply by the middle of the working day in Moscow of 24 August.

Nataliya Venevidova, the head of the Non-Governmental Organisations Department at Moscow's Justice Department, which brought the original liquidation suit, refused to answer any questions about the liquidation of the SOVA Center. "I have no comment to make," she responded to each of Forum 18's questions on 24 August.

SOVA intends to appeal further at the cassational level, but this will not affect the liquidation process in the short term, as the liquidation order entered legal force as soon as the appeal judge issued her decision on 17 August.

"Community of researchers" to continue monitoring work

Like human rights group Memorial after its liquidation in 2022, SOVA does not intend to stop its work, despite losing its formal status as a registered legal entity.

"We, the former employees of this organisation, do not agree with this decision on the merits [of the case], as we remain convinced that the legal provision stipulating that a regional public organisation operate in its region should not be interpreted so literally that the participants or employees of the organisation cannot participate in activities outside the region", SOVA stated on its website (<https://www.sova-center.ru/about-us/nashi-slozhnosti/2023/08/d78342/>) shortly after the hearing on 17 August.

"The court decision, which has entered into force, will be implemented. ROO [Regional Public Organisation] 'SOVA' Center is ceasing to operate and will be liquidated. But we are confident that the work we have carried out within this organisation has contributed to the public good and should be continued.

"That is why, from today, we have decided to function as a community of researchers under the name of SOVA Research Center. The results of this work will be available on this website, as well as in SOVA Research Center's Facebook (<https://facebook.com/SOVAcenter/>), Twitter (https://twitter.com/SOVA_center), and Telegram (<https://t.me/s/SOVAcenter>) accounts."

The Justice Ministry added the SOVA Center to its list of "foreign agents" (https://www.forum18.org/archive.php?article_id=2707) in December 2016. All such organisations are required to submit frequent reports on their activity and spending, and clearly mark all their publications as produced by a "foreign agent".

As a "foreign agent", the SOVA Center was unable to arrange any public events – even online – without gaining permission from the Justice Ministry two months in advance (described as "not realistic" by director Aleksandr Verkhovsky).

It remains unclear whether the "foreign agent" designation will lapse upon SOVA's liquidation or how it might affect its work thereafter. The Justice Ministry may add groups which are not legal entities to its "register of unregistered public associations performing the functions of a foreign agent", which must also label their publications.

Liquidation order comes into force

According to Russia's Civil Code, when an organisation is ordered liquidated, its founders (or the body authorised for the purpose by its statutes) must give at least two months' public notice of its dissolution, pay any debts and remaining tax obligations, and in the case of a non-profit organisation, distribute remaining funds "in accordance with the charter of the non-profit organisation, for the

purposes for which it was created, and/or for charitable purposes".

If the founders fail to carry out the process themselves within a set period, a court will appoint a liquidator at the organisation's expense. There is no administrative or criminal liability.

The legal entity is considered to have ceased to exist once confirmation of liquidation is entered in the Unified State Register of Legal Entities (EGRUL).

Liquidation follows alleged complaints

The Moscow Justice Department appears to have initiated its suit against SOVA after the head of the Veterans of Russians organisation, Ilda Rezyapov, complained to the General Prosecutor's Office and other state agencies (https://www.forum18.org/archive.php?article_id=2828) about what he called SOVA's "anti-constitutional activity".

On 16 November 2022, according to the subsequent lawsuit seen by Forum 18, Moscow Prosecutor's Office demanded that Moscow's Justice Department conduct an inspection of the SOVA Center's activity – specifically, its holding of events outside Moscow, where the Center is registered. The SOVA Center noted that it knew nothing about this demand at the time.

This was followed by an unscheduled inspection of SOVA's documentation (https://www.forum18.org/archive.php?article_id=2828) between 9 January and 3 February 2023, which found one substantive violation – that SOVA had held or participated in 24 events over the previous three years outside the city of Moscow. The Justice Department deemed these to be "gross and irreparable violations" of Article 14 of the Public Associations Law, and lodged an administrative suit at Moscow City Court, requesting that the SOVA Center be liquidated.

These "violations" included the online participation by SOVA Center's Olga Sibiriyova in the Human Dimension Conference of the Organisation for Security and Co-operation in Europe (OSCE) in November 2020, and her and her colleague Nataliya Yudina's participation in person in the OSCE's Human Dimension Conference in Warsaw in September/October 2022 (where it notes that Sibiriyova spoke on freedom of religion or belief issues in Russia), as well as other OSCE events.

The suit also noted the participation of SOVA Center staff in events in Ryazan, Nizhny Novgorod, Krasnoyarsk and other Russian cities, as well as in Kazakhstan and Kyrgyzstan.

On 27 February 2023, the SOVA Center brought a case to court to have the unscheduled inspection declared illegal. The suit was transferred from Zamoskvoretsky District Court to Gagarin District Court in April 2023, and was eventually heard on 21 June, when a judge concluded that the Justice Department's actions in initiating the inspection had been lawful (https://www.forum18.org/archive.php?article_id=2828). SOVA does not appear to have challenged this decision.

Just as she did on 24 August, Nataliya Venevidova, the head of the Non-Governmental Organisations Department at Moscow's Justice Department, refused on 28 April to answer any of Forum 18's questions (https://www.forum18.org/archive.php?article_id=2828) about the liquidation suit.

Public Associations Law

The 1995 Public Associations Law notes in Article 14 that "A regional public association is understood to mean an association whose activities, in accordance with its statutory goals, are carried out within the territory of one subject of the Russian Federation".

Article 20 of the Law specifies that the charter of a public association must include "2) the structure of the public association, information about the territory within which the public association carries out its activities, and its location".

Article 44 of the Law sets out "grounds for liquidation of a public association or the prohibition of its activities". These are:

- "violation by a public association of the rights and freedoms of person and citizen;
- repeated or gross violations by a public association of the Constitution of the Russian Federation, federal constitutional laws, federal laws or other regulatory legal acts, or the systematic implementation by a public association of activities that contradict its statutory goals;
- failure to eliminate, within the period established by the federal body of state registration or its territorial body, the violations that served as the basis for suspending the activities of the public association".

Resolution No. 64 (https://www.consultant.ru/document/cons_doc_LAW_209704/) of 27 December 2016 of the Plenum of the Supreme Court clarifies the concept of "gross violations" which entail liquidation, as this is not set out in law and must be determined by the courts. This explicitly includes "non-compliance with the declared territorial scope of activity of an association of

citizens". (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 the then Director of the SOVA Center for Information and Analysis (<https://www.sova-center.ru>), Alexander Verkhovsky, about the systemic problems of Russian "anti-extremism" laws
(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)

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