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RUSSIA: Fourth post-prison Jehovah's Witness deportation

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

Despite living half his life in Russia and marriage to a Russian citizen, 46-year-old Jehovah's Witness Rustam Seidkuliyeu was deported to his native Turkmenistan in September after completing his jail term for exercising freedom of religion or belief. Officials did not explain to Forum 18 why his Russian citizenship had been annulled in 2022, given his long residence in Russia, that there were no victims in his criminal case, and that his family had had to leave Turkmenistan because of their exercise of freedom of religion or belief.

The Russian authorities have deported a fourth Jehovah's Witness after annulling his Russian citizenship and barring him from re-entering the country. Migration officials put 46-year-old Rustam Seidkuliyeu on a flight to his birthplace of Ashgabat, the capital of Turkmenistan, on the evening of 16 September, some five months after he was released from prison.

Jehovah's Witness lawyers argue that Seidkuliyeu should have been permitted to stay in Russia for another seven months, as he was still serving his additional punishment of a year's restrictions on freedom (see below).

Seidkuliyeu had lived in Russia since 2000 – the year he acquired Russian citizenship and moved to Saratov – and is married to a Russian citizen (see below).

Following his February 2020 arrest, a court in Saratov had sentenced Seidkuliyeu to 2 years and 6 months' imprisonment (reduced by two months on appeal) under extremism-related charges in May 2021 (followed by restrictions on freedom) (see below).

Seidkuliyeu's deportation brings to four the number of Jehovah's Witnesses who have been expelled from Russia after serving prison sentences for "continuing the activities of a banned extremist organisation", three of whom have also lost their citizenship. All four are married to Russian citizens. A Muslim who reads Said Nursi's works was also stripped of citizenship after being jailed, but the authorities' deportation efforts failed (see below).

Seidkuliyeu "does not feel safe" in Turkmenistan, Jehovah's Witness lawyers told Forum 18 on 20 November, given the country's serious human rights violations – including violations of the right to freedom of religion or belief (see below).

Although the Lithuanian Embassy in Moscow asked the Russian Foreign Ministry to let Seidkuliyeu travel to Lithuania instead, it appears that the Russian authorities made no attempt to enable this. It remains unclear whether he will be able to move there or to another third country (see below).

Forum 18 asked the Saratov Region Interior Ministry, its Migration Directorate, and the Russian Embassy in Turkmenistan (which originally granted Seidkuliyeu citizenship) why his citizenship had been annulled, given his long residence and close ties in Russia, the fact that there were no victims in his criminal case, and the fact that his family had had to leave Turkmenistan because of their exercise of freedom of religion or belief. Forum 18 has received no reply (see below).

Four former prisoners stripped of citizenship

Muslims who meet to study Islamic theologian Said Nursi's works may be prosecuted and jailed under the Extremism Law (https://www.forum18.org/archive.php?article_id=2778) for organising or participating in the activities of "Nurdzhular" (derived from the Turkish for "Nursi followers"). The Supreme Court banned this association as "extremist" in 2008 (https://www.forum18.org/archive.php?article_id=2215), but Muslims in Russia deny any such formal organisation ever existed.

Jehovah's Witnesses may similarly be prosecuted and jailed under the Extremism Law. In 2017, the Supreme Court liquidated as "extremist" the Jehovah's Witness Administrative Centre (https://www.forum18.org/archive.php?article_id=2297) and its subsidiary organisations.

The first person prosecuted under the Extremism Law for exercising his right to freedom of religion and belief known to have been

also deprived of citizenship while serving his sentence could not be deported as the decision rendered him stateless.

Blagoveshchensk City Court found Yevgeny Lvovich Kim (born 5 October 1974) guilty under Criminal Code Article 282.2, Part 1 and Article 282, Part 1 in June 2017 for meeting with others to study Nursi's writings. A court sentenced him to 3 years and 9 months' imprisonment (https://www.forum18.org/archive.php?article_id=2290). In January 2019, officials had his Russian citizenship revoked, and he was immediately placed in a detention centre for foreign and stateless persons (https://www.forum18.org/archive.php?article_id=2478) upon his release in April 2019.

Kim remained there for more than two years, as his birthplace of Uzbekistan refused to accept him. The detention centre finally released him on 31 May 2021 (https://www.forum18.org/archive.php?article_id=2663). He is currently living in Siberia with the official status and documents of a stateless person, but is unable to leave Russia (as he wishes) as he does not have a permit to do so, a fellow Muslim who has been following his case told Forum 18 from outside Russia on 28 November 2023.

In April 2020, Interior Ministry officials annulled the citizenship of Feliks Makhmadiyev and Konstantin Bazhenov, who were convicted alongside four fellow Jehovah's Witnesses (https://www.forum18.org/archive.php?article_id=2583) in September 2019. Both were deported shortly after their release from prison – Makhmadiyev to Uzbekistan in January 2021 (https://www.forum18.org/archive.php?article_id=2633), and Bazhenov to Ukraine in May 2021 (https://www.forum18.org/archive.php?article_id=2663).

Officials annulled Kim's, Seidkuliyeu's, Makhmadiyev's, and Bazhenov's citizenship on the basis of Article 22 of the Citizenship Law, under which conviction for particular criminal offences is taken as equivalent to the provision of false information in a citizenship application (see below).

All three Jehovah's Witnesses who have lost their Russian citizenship are from Saratov Region. It is unclear why authorities there have pursued such a course of action when similar cases do not appear to have arisen in other regions.

The fourth Jehovah's Witness to be deported – Dennis Ole Christensen, who lived in Oryol – is a Danish national and has never held Russian citizenship. He was released in May 2022 after serving his full prison sentence, and was immediately sent back to Denmark (https://www.forum18.org/archive.php?article_id=2747).

Like Seidkuliyeu, Makhmadiyev, Bazhenov and Christensen are married to Russian citizens.

Kim, Seidkuliyeu, Makhmadiyev, Bazhenov and Christensen all remain on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists (https://www.forum18.org/archive.php?article_id=2687)", whose assets banks are obliged to freeze (although small transactions are permitted).

Over 700 Jehovah's Witness prosecuted

Since 2017, when the Supreme Court ordered Jehovah's Witness organisations to be liquidated as "extremist" (https://www.forum18.org/archive.php?article_id=2297) and outlawed their activities, investigators have opened criminal cases against 748 individuals in 74 of Russia's 83 federal subjects (not counting Russian-annexed Crimea and Sevastopol), according to figures from the European Association of Jehovah's Witnesses.

Investigators most frequently open cases under Criminal Code Article 282.2, Part 1 or Part 2 ("Organising" or "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"), with a few people also being investigated under Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation") or Article 282.3, Part 1 ("Financing extremist activity").

Since the 2017 ban, first-instance courts have convicted 388 people and ultimately acquitted none (two did receive initial acquittals but were found guilty in retrials, while a further six were acquitted by appeal courts whose ruling were later successfully challenged by prosecutors).

A total of 184 Jehovah's Witnesses are currently on trial in first-instance courts, while another 156 remain under investigation or are awaiting court appearances. Investigators and prosecutors have dropped the criminal charges against only 20 people (three of whom are dead).

Of those convicted, 126 have received prison terms ranging from one to eight years in length, while 207 have received suspended sentences and 53 fines. Two men have been sentenced to terms of assigned labour (prinuditelniye raboty).

Eleven Jehovah's Witnesses have died during or after being investigated – two while on trial, two shortly after charges against them were dropped, the rest before their cases reached court. They included a 90-year-old woman who was the oldest person ever to be added to the Rosfinmonitoring "List of Terrorists and Extremists (https://www.forum18.org/archive.php?article_id=2687)", whose

assets banks are obliged to freeze.

Muslims also prosecuted

Muslims who meet to study the writings of the late Turkish theologian Said Nursi may also be prosecuted under the Extremism Law for organising or participating in the activities of "Nurdzhular". The Supreme Court banned this association as "extremist" in 2008, but Muslims in Russia deny any such formal organisation ever existed. No centralised or local religious organisation associated with Nursi's teachings was registered in Russia before the ban.

Typically, such Muslims meet in homes to study Islam, with one or more expounding on Nursi's works. They also pray, eat, and drink tea together, and do not seek state permission to meet.

Courts have banned many Russian translations of Nursi's books as "extremist", both before and after the ban on "Nurdzhular", despite their not calling for violence or the violation of human rights. They have been added to the Justice Ministry's Federal List of Extremist Materials (https://www.forum18.org/archive.php?article_id=2215).

On 28 August 2018, the European Court of Human Rights (ECtHR) in Strasbourg found that Russian bans on Nursi's works violated Article 10 (https://www.forum18.org/archive.php?article_id=2426) ("Freedom of expression") of the European Convention on Human Rights and Fundamental Freedoms (Application Nos. 1413/08 and 28621/11 (<https://hudoc.echr.coe.int/eng?i=001-185293>)).

In 2023, courts have found twelve people who met to read Nursi's works guilty under Criminal Code Article 282.2 – three in Naberezhnyye Chelny (https://www.forum18.org/archive.php?article_id=2842) (Tatarstan Republic) in March, three in Kazan in April, and six in Moscow in June (https://www.forum18.org/archive.php?article_id=2845). Eight received prison terms and four suspended sentences.

Legal grounds for deprivation of citizenship

Article 6 of the Russian Constitution states that a person cannot be stripped of his or her citizenship. Seidkuliyeu, Bazhenov, Makhammadiyev, and Kim all lost their Russian citizenship on the basis of an amendment to Article 22 of the Citizenship Law which entered legal force on 1 September 2017.

Citizenship Law Article 22 states that the decision to admit a person to Russian citizenship can be annulled – ie. citizenship is revoked, as if it had never been granted – if it was awarded on the basis of forged documents or "false information".

Under the 2017 amendment, conviction under some articles of the Criminal Code is taken as equivalent to knowingly presenting false information in a citizenship application. Among the named Criminal Code Articles are 282.2 ("Organising" or "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") and 282.3 ("Financing extremist activity").

These Criminal Code articles are used to prosecute Jehovah's Witnesses and Muslim readers of Nursi's works. As a result, therefore, authorities may annul the citizenship of a person who has been found guilty of one of these offences, and who acquired Russian citizenship by naturalisation (rather than by birth).

Aleksandr Verkhovsky of the Moscow-based SOVA Center for Information and Analysis described the "policy of expelling 'extremists and terrorists' by depriving them of their previously acquired citizenship" in January 2021. "I think that the authorities – that is, de facto, the security services – perceive this measure not as an additional punishment, but as a way to get rid of the problem," he commented to Forum 18 (https://www.forum18.org/archive.php?article_id=2633). "There are not many people to whom this norm applies, but they will keep getting caught up in it, and in most cases they will be successfully expelled."

(On 17 August, a Moscow Appeal Court rejected the SOVA Center's appeal against its enforced liquidation (https://www.forum18.org/archive.php?article_id=2853). Moscow's Justice Department claimed it committed "gross violations" of the law by holding events outside Moscow.)

Fourth Jehovah's Witness deported

At 3 am on 17 September 2023, Rustam Atayevich Seidkuliyeu (born 17 July 1977) landed in his birthplace of Ashgabat in Turkmenistan, after being deported from Russia. Turkmen immigration officials held him at the airport for twelve hours while his paperwork was finalised, the European Association of Jehovah's Witnesses stated the same day. They then allowed him to re-enter the country he had left more than two decades earlier because his family had suffered there for exercising freedom of religion or belief.

Seidkuliyeu was born in Ashgabat, the capital of Turkmenistan, when the country was a constituent republic of the Soviet Union. He moved to Russia in 2000 when his stepfather was deported from Turkmenistan for exercising freedom of religion or belief as a Jehovah's Witness.

Seidkuliyeu himself was twice convicted in Turkmenistan, in 1995 and 1996, for refusing to serve in the army on religious grounds. He spent a total of 20 months in prison. (Military service remains compulsory in Turkmenistan and no alternative civilian service exists (https://www.forum18.org/archive.php?article_id=2786.)

According to court documents seen by Forum 18, the Russian Embassy in Ashgabat granted Seidkuliyeu citizenship on 19 January 2000 on grounds of his having "a relative in the direct ascending line" who was a Russian citizen.

Russian law requires anyone applying for Russian citizenship to attest that they will renounce any other citizenship they hold. This does not, however, appear to be strictly enforced. While Seidkuliyeu did not retain an up-to-date Turkmen passport, he continued to be a Turkmen citizen.

Seidkuliyeu continued to attend worship meetings in Saratov after Russia's 2017 nationwide ban on Jehovah's Witness activities and to talk with others about his faith. A Saratov court convicted him on 20 May 2021 (https://www.forum18.org/archive.php?article_id=2662) 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 a ban on the activity in connection with the carrying out of extremist activity").

Judge Andrey Yefimov of Saratov's Lenin District Court sentenced Seidkuliyeu to 2 years and 6 months' imprisonment, to be followed by 1 year's restrictions on freedom. On 5 August 2021, Saratov Regional Court reduced his prison term on appeal to 2 years and 4 months (his subsequent cassational appeal on 31 May 2022 was unsuccessful).

Seidkuliyeu was released on 7 April 2023 – his time in detention and under house arrest during the investigation and trial having been taken into account – and later deported, his conviction serving as grounds to revoke his Russian citizenship and send him back to Turkmenistan.

Citizenship annulled

The Russian Embassy in Turkmenistan, as the state body which originally granted Seidkuliyeu citizenship, was also responsible for rescinding it. According to court documents, it did this on 18 January 2022, when Seidkuliyeu was already serving his sentence at Labour Camp (ispravitel'naya koloniya, "correctional colony") No. 33 in Saratov. This was followed, on 15 March 2022, by the decision of Saratov Region's branch of the Interior Ministry to invalidate his Russian passport.

Although it was the Investigative Committee which handled Seidkuliyeu's criminal case, it appears that it was the Federal Security Service (FSB) which initiated the process of subsequently annulling his citizenship.

Local news websites FreeNews-Volga (<https://fn-volga.ru/news/view/id/182925>) and Region64 (<https://sarnovosti.ru/news/lidera-saratovskoy-yacheyki-svideteley-iegovy-lishili-grazhdanstva-rf/>) reported that the FSB had issued a press release on 1 April 2022 which stated that "As part of the interdepartmental interaction of the FSB with the migration divisions of the Main Directorate of the Ministry of Internal Affairs and the consular department of the Ministry of Foreign Affairs of the Russian Federation", it had taken measures to "revoke the Russian citizenship of the leader of the Saratov cell of the international religious organisation Jehovah's Witnesses in the interests of his subsequent deportation from the country after serving his sentence", because his conviction "is equated to the communication by the applicant, when acquiring Russian citizenship, of false information about the obligation to comply with the Constitution and laws of Russia".

Forum 18 wrote to the Russian Embassy in Turkmenistan and the Saratov Region branch of the Interior Ministry and its Migration Directorate on 17 November, asking why Seidkuliyeu had been deprived of citizenship, given his long residence and strong ties in Russia, the absence of any victims in the criminal case against him, and the fact that his family had had to leave Turkmenistan because of their exercise of freedom of religion or belief, and why he was not permitted to remain in Russia to serve out his additional punishment of 1 year's restrictions on freedom. Forum 18 put the same questions to the Saratov Region branch of the FSB on 23 November.

Forum 18 had received no response from any of these institutions by the end of the working day in Saratov and in Ashgabat of 29 November.

First unsuccessful court challenge

According to court documents, Seidkuliyeu found out about the annulment of his citizenship on 27 May 2022, four months after the decision had been taken. On 3 August 2022, he and his lawyers lodged an administrative lawsuit at Kirov District Court in Saratov, asking the judge to rule the decisions of the Russian Embassy in Turkmenistan and the Saratov Region branch of the Interior

Ministry unlawful.

Jehovah's Witness lawyers argued that the law should not be applied retroactively to worsen Seidkuliyeu's position, that he had had no intention to "undermine the constitutional order of Russia", and that his conviction "in itself does not serve as an unconditional legal basis for cancelling the decision on admission to citizenship". They stressed the length of time he had been a citizen and resident of Russia (more than 21 years by the time of the hearing), positive character references, his ownership of property, and the fact that his mother and wife are also both Russian citizens and live in the country.

On 29 September 2022, however, Judge Yekaterina Guryleva of Kirov District Court refused to uphold the suit, concluding that the decisions to revoke Seidkuliyeu's citizenship and invalidate his passport had been "made by authorised bodies in the prescribed manner and on lawful grounds".

The judge referred to the Citizenship Law's provision that conviction under Criminal Code Article 282.2 (among other extremism and terrorism offences) should be taken as equivalent to "communicating knowingly false information regarding the obligation to comply with the Constitution of the Russian Federation and the legislation of the Russian Federation" when applying for citizenship, and thus renders citizenship "subject to annulment". This obligation is "irrevocable and remains in effect through the entire period the [citizenship applicant] stays in the Russian Federation", the judge noted.

In response to the lawyers' arguments, Judge Guryleva stated that Seidkuliyeu has "no significant property" in Russia and was in fact registered and resident at a property owned by his wife, that family relationships do not constitute legal grounds for not revoking citizenship, and that it was Seidkuliyeu's "intentional actions" which led to "adverse consequences".

Judge Guryleva concluded that Seidkuliyeu's right to personal and family life was not affected, that he "did not have legal grounds for acquiring Russian citizenship", and that "a stable legal connection with the Russian Federation did not arise".

Barred from Russia, ordered deported, second unsuccessful court challenge

After Seidkuliyeu left prison on 7 April 2023, he registered, as required by law, with the Federal Penitentiary Service (FSIN) in Saratov, which would be responsible for supervising him during his one year of restrictions on freedom.

After checking Seidkuliyeu's citizenship status with the Interior Ministry, FSIN officials issued a decision on 25 April 2023 to bar him from entering Russia. This document, seen by Forum 18, states that Seidkuliyeu is obliged to leave the country "after serving (carrying out) his sentence", and that he is "not permitted to enter the territory of the Russian Federation for a period of 1 year after the serving of his sentence until the expiry of his criminal record in accordance with Criminal Code Article 86, Part 3".

(This is confusing, as Article 86, Part 3 states that criminal records are expunged 8 years after the end of one's sentence in the case of serious crimes.)

After receiving this decision from the FSIN, the Migration Directorate of Saratov Region's Interior Ministry branch issued a deportation decision on 10 May 2023 (also seen by Forum 18). This stated that "The decision to deport the foreign citizen .. is carried out after the foreign citizen has served the sentence imposed by the court verdict". (It also noted that the FSIN's decision to bar Seidkuliyeu from Russia was based on "the fact that R.A. Seidkuliyeu has been sentenced for an intentional offence and presents a real threat to public order [and] the rights and interests of citizens of the Russian Federation".)

Seidkuliyeu signed the decision on 10 May 2023 to indicate that he understood that subsequently re-entering Russia would carry criminal liability.

Both official decisions refer to Seidkuliyeu as a "stateless person", but the Turkmenistan authorities later confirmed, in response to Russian enquiries, that he remained a Turkmen national.

On 19 June, migration service officials detained Seidkuliyeu and took him to a detention centre for foreign nationals and stateless persons in Saratov to await deportation, despite the fact that he was only just over two months into serving his year-long additional punishment of restrictions on freedom.

On 23 June, Seidkuliyeu and his lawyers lodged a second administrative suit at Kirov District Court. They asked the court to declare unlawful both the FSIN decision to bar him from Russia and the Migration Directorate's decision to deport him, as well as the FSIN's failure to inform migration officials of his one year's restrictions on freedom, for which they asserted he should have been permitted to stay in the country. The lawsuit also challenged the Russian Foreign Ministry's failure to respond to an offer by Lithuanian authorities to allow Seidkuliyeu to go to Lithuania.

According to the written decision, seen by Forum 18, Judge Yuliya Mednaya concluded on 2 August 2023 that officials had followed correct procedure and she refused to uphold the suit.

While the judge noted that the deportation order did not explicitly acknowledge Seidkuliye's period of restrictions on freedom, she decided that this omission did not render the decision itself invalid, and that sending Seidkuliye to the migration detention centre, thus technically preventing him from serving his additional punishment, "also does not affect the legality of either the decision on deportation or the decision on not allowing entry to the Russian Federation".

An Interior Ministry representative nevertheless confirmed at the hearing that the deportation order could not be carried out until Seidkuliye had served out his additional punishment.

Although the judge also acknowledged that the period for which Seidkuliye is barred from entering Russia is uncertain, given the FSIN's apparent confusion in its written decision over when his criminal record expires, she decided that this too did not mean that the order itself was unlawful.

Judge Mednaya remarked that Seidkuliye "did not show loyalty to the legal order of the Russian Federation and did not comply with the laws of the Russian Federation, [and] deliberately committed .. a crime against the health of the population, classified as serious". She therefore concluded that the decisions of the Federal Penitentiary Service and Saratov's Interior Ministry branch were "justified, fair and proportionate, taking into account the degree of danger of [Seidkuliye's] actions".

While Seidkuliye and his lawyers repeated their arguments about his family ties and level of integration in Russia, the judge disagreed, stating that the FSIN and Interior Ministry had "correctly proceeded from the priority of the interests of the Russian Federation and its citizens, whose safety cannot be made dependent on the existence in the Russian Federation of relatives of a foreign citizen who committed an intentional crime".

This second court ruling entered legal force on 8 September. Despite the fact that Seidkuliye should technically not have been deported until after he had served the remaining several months of his period of restrictions on freedom, Migration Directorate staff took him by car to Moscow on 16 September (giving him only 15 minutes to get ready) and put him on a flight to Ashgabat. He arrived in Turkmenistan at 3 am on 17 September.

The officials said that the rush was because of "an order from their superiors", the European Association of Jehovah's Witnesses commented on 17 September.

"Given the human rights and religious freedom situation in Turkmenistan, Rustam does not feel safe there", Jehovah's Witness lawyers told Forum 18 on 20 November. It is unclear whether he will be able to move to another country.

Although according to the second court decision, the Russian Foreign Ministry passed Lithuania's offer of assistance on to the Interior Ministry, neither ministry appears to have taken any further action in this regard. Seidkuliye's flat in Saratov has proven impossible to sell, the lawyers added to Forum 18, given his lack of a Russian passport. (END)

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

For background information, 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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