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RUSSIA: Another enforced liquidation, place of worship to be seized

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

The 100 or so members of Abinsk's Jehovah's Witness community in Krasnodar Region of southern European Russia will risk criminal prosecution if they continue to meet to exercise their right to freedom of religion or belief, now that Russia's Supreme Court has upheld the community's enforced liquidation. The state will also seize their place of worship, Forum 18 News Service notes. Three Jehovah's Witness communities and one mosque community have now been banned as "extremist". Jehovah's Witnesses believe prosecutors' similar liquidation suit in Cherkessk is an attempt to seize their property for commercial development. The community has faced searches it believes are illegal, seizure of religious publications and a fine, while two of its members have been fined and another was "subjected to beatings and severe psychological pressure" by police. Karachay-Cherkessiya Prosecutor's Office refused to discuss the liquidation suit with Forum 18.

Russia's Supreme Court has upheld the enforced liquidation of a 100-strong religious community in Abinsk in Krasnodar Region of southern European Russia because two local Jehovah's Witnesses were punished in 2012 and 2013 for distributing religious materials which courts have controversially ruled "extremist", Forum 18 News Service has learned. The community's place of worship – a Jehovah's Witness Kingdom Hall – will now be seized. If community members continue to meet to exercise their right to freedom of religion or belief they risk criminal prosecution.

The Chief Spokesperson for Krasnodar Regional Prosecutor's Office, Anton Lopatin, explained to Forum 18 on 28 August that the Abinsk community had been dissolved because its members had distributed literature from the Federal List of Extremist Materials. This, he said, was "a danger to society and could lead to social tensions". He said court bailiffs would "fulfil the confiscation order", but gave no timescale for this.

Liquidation proceedings against another congregation, in Cherkessk in the North Caucasus, are currently suspended. Jehovah's Witnesses suspect the proposed liquidation is an attempt to seize their property for commercial development.

The enforced dissolution of the community in Abinsk, the third Jehovah's Witness community so dissolved, and the threatened enforced dissolution of the fourth in the North Caucasus have followed an increasingly familiar path, Forum 18 notes. As in previous cases, the discovery by officials of banned religious literature was the catalyst for prosecutors to initiate liquidation suits on the grounds of "extremist activity", an accusation the Jehovah's Witnesses administration in Russia calls "completely unfounded".

Fourth religious community forcibly dissolved

The Abinsk congregation joins two other Jehovah's Witness communities already forcibly dissolved for reasons of alleged "extremism", in Taganrog and Samara. The Samara Jehovah's Witnesses failed to overturn their liquidation ruling at the Supreme Court in November 2014 (see F18News 20 November 2014 http://www.forum18.org/archive.php?article_id=2017). Both the Taganrog and Samara communities appear on the lists of "extremist" organisations maintained by the Justice Ministry and the Federal Financial Monitoring Service (Rosfinmonitoring).

As well as the three Jehovah's Witness congregations so far dissolved on grounds of alleged "extremist" activity, one Muslim community – in Borovsky village in Tyumen Region – has been liquidated for the same reason (see F18News 3 December 2014 http://www.forum18.org/archive.php?article_id=2020).

Abinsk liquidation ruling upheld

On 5 August, Russia's Supreme Court upheld a lower court decision which ruled that the Jehovah's Witness community of Abinsk in Krasnodar Region was an "extremist" organisation and should be dissolved, according to the Supreme Court website.

As of 27 August, the 100-strong community, which has been registered in Abinsk since 1999, has not yet been added to the Justice Ministry's or Rosfinmonitoring's lists of "extremist" organisations. The Jehovah's Witness Administrative Centre has not yet

received the Supreme Court's written verdict, spokesperson Ivan Belenko told Forum 18 on 28 August.

Judge Oleg Metov issued the original liquidation ruling at Krasnodar Regional Court on 4 March after a request from the Regional Prosecutor's Office (see F18News 6 March 2015 http://www.forum18.org/archive.php?article_id=2046).

The Regional Prosecutor's suit came after two Jehovah's Witnesses in the town were fined for handing out the organisation's texts among local residents. The community was also given a formal warning about the inadmissibility of "extremist activity", but allegedly continued to distribute prohibited literature.

Abinsk District Court fined Igor Soroka and Albert Belikov 3,000 Roubles each, in December 2012 and October 2013 respectively, for handing out Jehovah's Witness brochures, according to written verdicts seen by Forum 18. In the Supreme Court, the defence argued that the two men were no longer members of the Abinsk congregation when they were convicted, but the judge dismissed this.

Forfeit property

The community's property, comprising a house on 800 square metres of land (about a fifth of an acre) in the south of Abinsk, will now be forfeit to the state.

When a registered religious organisation is liquidated, it loses its status as a legal entity and concomitant rights such as the ability to own or rent property, employ staff and hold a bank account. An unregistered community should legally be able to continue to operate as a religious group, which does not require registration, and meet privately for worship and study, but this can carry the risk of criminal charges.

Sixteen Jehovah's Witnesses are currently on trial in Taganrog for "extremism" offences, because they continued to meet for Bible study after their community was dissolved as "extremist" in 2009 (see F18News 24 August 2015 http://www.forum18.org/archive.php?article_id=2093).

Cherkessk Jehovah's Witnesses also facing liquidation

The Jehovah's Witnesses of Cherkessk, in the North Caucasus republic of Karachai-Cherkessiya, could become the fourth Jehovah's Witness community to be liquidated for alleged extremism if the Republic prosecutor's suit is upheld at the City Court. Proceedings have, however, been suspended "pending clarification of issues related to the religious organisation's property, probably with a view to its eventual confiscation", spokesperson Belenko told Forum 18 (see below).

As in Abinsk and Samara, the case is based on the alleged "mass distribution" of banned "extremist" materials.

The community itself and two of its members, Dmitry Metelin and Andrei Volovikov, were found guilty under Article 20.29 of the Administrative Code by Judge Oskar Kochkarov at Cherkessk City Court on 17 March (see F18News 15 May 2015 http://www.forum18.org/archive.php?article_id=2062).

Prosecutors subsequently issued the community with a written warning of "the inadmissibility of extremist activity". According to a 2 June press statement on the Prosecutor's Office website, "the organisation continued to distribute banned books" after these "preventative measures" were taken. The Prosecutor's Office would "continue strictly to curb such incidents", the statement concluded.

Ulterior motives for Cherkessk liquidation attempt?

The Prosecutor's Office of Karachay-Cherkessiya has also attempted to seize the Jehovah's Witnesses' property on the grounds that their contract to the land was invalid. This suit was refused on 7 July by Cherkessk City Court because such cases should be heard in the arbitration court system. Prosecutors have since submitted an appeal to Karachay-Cherkessiya's Supreme Court.

The local authorities in Cherkessk want to develop the site as a shopping centre, according to Jehovah's Witness spokesperson Belenko. As in Abinsk, if the liquidation suit is upheld, the state will gain ownership of the Kingdom Hall on Fabrichnaya Street, south of the city centre, which was built by community members themselves in 2000.

Multiple court cases

The community appealed unsuccessfully against its 50,000 Rouble Article 20.29 fine at the Supreme Court of Karachay-Cherkessiya on 27 April, according to the court website. Metelin and Volovikov's convictions were overturned by the same court on 30 April and sent back for re-examination "to eliminate procedural violations", Jehovah's Witness spokesperson Belenko explained to Forum 18.

Nevertheless, Judge Yury Kotsubin of Cherkessk City Court again fined the two men 1,000 Roubles each on 13 May and ordered

the books seized from their homes to be destroyed. They appealed again, this time unsuccessfully, on 11 June.

The Republic Prosecutor's Office submitted its request to have the community liquidated on 6 May, but the court suspended proceedings on 21 May so that the attempted seizure of the Jehovah's Witnesses' place of worship could be resolved first.

"Illegal" searches

The cases against the Cherkessk Jehovah's Witness community and its members are based on searches of their Kingdom Hall and private residences, carried out on 15 February. Jehovah's Witness spokesperson Belenko claimed to Forum 18 that the "extremist" texts which police officers found had been "planted" in these locations.

The community has unsuccessfully attempted to have officials' actions during the searches ruled illegal in Cherkessk City Court, on the grounds that they violated their rights under the Russian Constitution and the 1997 Religion Law. The police entered the Kingdom Hall shortly after a service and prevented the congregants from leaving or contacting anyone for three hours, Belenko told Forum 18.

At Volovikov's home, the court heard, the searchers continued well into the night, disregarding the fact that Volovikov's child was ill and Volovikov himself was in a poor state of health (for which he was hospitalised the next day). Judge Kochkarov refused this suit on 1 June and the Jehovah's Witnesses have appealed to the Supreme Court of Karachay-Cherkessiya.

Alleged assault of religious leader

Another member of the Cherkessk congregation has allegedly suffered assault by officials. Vladimir Mirzoyan, a religious leader who had not featured in any of the legal proceedings, was detained and interrogated on 21 May and 26 June by anti-extremism police, during which time he was "subjected to beatings and severe psychological pressure", Jehovah's Witnesses complained on 15 July.

Mirzoyan's interrogators demanded details of Jehovah's Witness property in the region, according to spokesperson Belenko. After the first interrogation, Mirzoyan submitted a complaint about his treatment, but was forced to retract this under threat of "problems" for his family.

Forum 18 asked the Prosecutor's Office of Karachay-Cherkessiya on 27 August why it had initiated action to liquidate the community and why Mirzoyan had been assaulted. However, a spokeswoman – who did not give her name – refused to give any information about the case or the contact details of any other officials who could answer questions.

Re-registration of Moscow Jehovah's Witnesses

The Jehovah's Witnesses of Moscow, meanwhile, have at last regained official registration, over a decade after their community was dissolved and five years after a European Court of Human Rights (ECtHR) ruling in their favour. The Justice Department repeatedly denied their subsequent requests to re-register on "technical grounds" before finally granting registration on the sixth attempt, Jehovah's Witness spokespersons Sergei Tarasov and Ivan Belenko told Forum 18. The Jehovah's Witnesses do not know what made the Justice Department relent on this occasion, Belenko added.

According to the Federal Tax Service's website, the community was registered on 19 May. A Jehovah's Witness press release noted on 2 June that although the Russian government had paid the compensation ordered in 2010 by the European Court, "only in 2015 were the rights of 10,000 Moscow believers to have their own registered religious association restored in full".

Moscow's Golovinsky District Court ruling of 26 March 2004, upheld by Moscow City Court on 16 June 2004, liquidated the Moscow community and effectively outlawed all organised Jehovah's Witness activity in the capital (see F18News 17 June 2004 http://www.forum18.org/archive.php?article_id=344).

This was the first time a religious organisation had been banned outright under the 1997 Religion Law, and came after six years of attempts by prosecutors, through three separate courts, to have the community dissolved on various grounds. The final grounds for banning the organisation did not, however, include "extremist" activity.

On 10 June 2010, the ECtHR in Strasbourg upheld the Jehovah's Witnesses' complaint that these drawn-out court proceedings and the dissolution of their community violated their rights to freedom of religion and belief and to a fair trial. The Court found that the key charges against the Jehovah's Witnesses – which included coercion into destroying the family, encouragement of the refusal of medical assistance, and incitement of citizens to refuse civic duties – had no foundation.

The ECtHR ordered the Russian government to pay a total of 70,000 Euros in compensation and "put an end to the violation found by the Court and to redress so far as possible the effects" (see F18News 12 July 2010 http://www.forum18.org/archive.php?article_id=1466).

"The registration of non-profit organisations is considered to be one of the most labour-intensive and lengthy registration procedures in Russia," lawyer Sergei Tarasov remarked to Forum 18 in August 2014, when the Moscow community had made four unsuccessful attempts to regain official status. It also tried to have the court rulings against it reviewed, but all three courts (Golovinsky, Butyrsky, and Presnesky) refused to do so between February and May 2011 (these decisions were all upheld by Moscow City Court between April and October 2011). In total, six applications were submitted before registration was granted.

Registration of Armenian Catholics

Another Moscow religious community arbitrarily denied state registration was able to gain it only after taking court action. Moscow's Justice Department finally granted the Armenian Catholic parish of St Gregory the Illuminator registration in May 2012 after nearly three years of refusals and appeals to the courts.

The community applied for registration in the autumn of 2009, but was refused by the Justice Department because it had allegedly not included evidence of a 15-year presence on the territory of Russia. The Justice Department's refusal was successfully challenged in June 2010 at Meshchansky District Court, but the ruling in the Armenian Catholic community's favour was overturned on appeal at Moscow City Court in September 2010 and the case sent back for re-examination. A hearing in February 2011 was postponed because Justice Department representatives did not attend, and was rescheduled for April 2011 (see F18News 1 March 2011 http://www.forum18.org/archive.php?article_id=1548).

The Justice Department finally granted registration only after the Justice Ministry's Expert Council gave the Armenian Catholic community a positive "expert conclusion" on 18 April 2012. This found that the community was religious and had presented reliable information in its application. (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

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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