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BELARUS: Makhalichev "basically free, but still not out of danger"

By Olga Glace, Forum 18

Vitebsk's Investigation Prison freed Russian Jehovah's Witness Nikolai Makhalichev on 7 April after Belarus' General Prosecutor's Office rejected Russia's extradition request. Russia wishes to punish him for exercising freedom of religion or belief there. Enira Bronitskaya of Human Constanta warns that Makhalichev is "not out of danger". If Belarus rejects his application for refugee status, he could be deported, either back to Russia or to a third country.

On 7 April, Belarus' General Prosecutor's Office rejected Russia's extradition request for Russian Jehovah's Witness Nikolai Makhalichev. He was freed from the pre-trial Investigation Prison in the north-eastern Belarusian city of Vitebsk that afternoon. "He simply walked free and took a taxi to a friend's home," Jehovah's Witnesses told Forum 18. He had been held for 41 days.

The 35-year-old Makhalichev had been fighting extradition to Russia, where he faces criminal prosecution for exercising the right to freedom of religion or belief. Jehovah's Witnesses fear he could have faced a long prison term had he been extradited.

The Human Constanta human rights advocacy centre in Minsk, which has worked to protect Makhalichev's human rights, welcomed the decision to reject the Russian extradition request and to free him from prison. "Now we'll be waiting for our country to grant him the status of refugee or asylum and he can continue to live in safety," it declared on 8 April.

However, Enira Bronitskaya of Human Constanta warns that Makhalichev "is basically free, but still not out of danger". She said if Belarus rejects his separate asylum request, he could be deported under a "fairly arbitrary process", either to the country of his citizenship (Russia) or a third country (see below).

Police in Belarus' Vitebsk Region stopped the car Makhalichev was travelling in on 21 February. Officers detained him when they saw that he is wanted in Russia on two separate "extremism"-related criminal charges. These carry a maximum punishment of ten years' imprisonment on one charge and eight years' imprisonment on the other (see below).

Although Jehovah's Witnesses in Belarus feared that the authorities would summarily hand Makhalichev over to the Russian authorities without due process, the authorities then transferred Makhalichev to the pre-trial Investigation Prison in Vitebsk. His extradition case was considered once Russia's General Prosecutor's Office formally lodged an extradition application on 16 March (see below).

In Belarus, Jehovah's Witnesses have been officially registered since 1994 and have 27 communities, unlike in Russia, where their activities are banned and their adherents are prosecuted for extremism (see below).

Many Jehovah's Witnesses have fled Russia following the ban, seeking asylum in Finland, Ukraine and other nearby countries.

The Belarusian authorities rejected an extradition request from Tajikistan and released former professional footballer Parviz Tursunov in November 2018. They required that he return to Ukraine, from where he had entered Belarus. Tajikistan had been seeking his extradition to punish him for being a Salafi Muslim (http://www.forum18.org/archive.php?article_id=2438).

Belarus rejects Russian extradition request

On 16 March, Russia's General Prosecutor's Office sent Belarus the formal request for Makhalichev's extradition. On 7 April, Belarus' General Prosecutor's Office rejected the Russian request. That afternoon he was freed from the pre-trial Investigation Prison in Vitebsk after Vitebsk Region's Deputy Prosecutor Georgy Korenko signed the release order, Jehovah's Witnesses told Forum 18.

Makhalichev's release meant he was able to participate in the commemoration of the Memorial of Christ's Death, which Jehovah's Witnesses observed this year on the evening of 7 April. This year the commemoration was held online because of the coronavirus outbreak.

An official at Belarus' General Prosecutor's Office in Minsk refused to discuss the decision to reject Russia's extradition request with

Forum 18 on 8 April. She also refused to transfer the call to any relevant official.

"We don't know the basis for the General Prosecutor's Office decision," Enira Bronitskaya of Human Constanta told Forum 18 from Minsk on 8 April. "The General Prosecutor's Office hands its decision only to the requesting party."

Conditions for Makhlichev in the Investigation Prison were good, Jehovah's Witnesses told Forum 18. "He had access to the library and could read the Bible and other religious literature."

Application for refugee status

Makhlichev also applied on 22 February for refugee status in Belarus. According to his lawyer Valentina Shuplyak, his application was handed to Vitebsk Region Department of Internal Affairs. (http://www.forum18.org/archive.php?article_id=2551)

The General Prosecutor's Office decision to reject the Russian extradition request "is not at all connected with any decision on Nikolai Makhlichev's refugee status", Enira Bronitskaya of Human Constanta told Forum 18. "This decision will be taken by the Interior Ministry."

However, Bronitskaya warns of the consequences if Belarus rejects Makhlichev's request for refugee status. He could then be deported under an administrative process, a "fairly arbitrary process", either to the country of his citizenship (Russia) or a third country. "He is basically free, but still not out of danger."

Bronitskaya observes that no Russian citizen has ever received asylum in Belarus. However, she added that the Belarusian authorities know that if they reject asylum claims, individuals can find a third country which might take them in.

When Forum 18 contacted Vitebsk Regional Migration Department in February, the official referred it to the Interior Ministry in the capital Minsk. The Ministry's Spokesperson, Olga Chemodanova, said she had no information about Makhlichev's case. (http://www.forum18.org/archive.php?article_id=2551)

Makhlichev also filed a complaint against Belarus with the United Nations Human Rights Committee in February about his arrest and threatened deportation.

Makhlichev faces two Russian criminal cases

Despite Belarus' rejection of Russia's extradition request, Nikolai Andreyevich Makhlichev (born 1 July 1984) from Urai in Russia's northern Khanty-Mansi Autonomous Region remains wanted in Russia. He is one of three local Jehovah's Witnesses being investigated in a criminal case launched on 31 January 2019 (http://www.forum18.org/archive.php?article_id=2482).

Investigators accuse the three of organising a local Jehovah's Witness community between July 2017 and January 2019, according to case documents seen by Forum 18.

Prosecutors brought charges against Makhlichev and the two others under Russian Criminal Code Article 282.2, Part 1. This

punishes "Organisation of 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". (http://www.forum18.org/archive.php?article_id=2215) The maximum punishment under Part 1 of this Article is 10 years' imprisonment.

Russia's Supreme Court liquidated the Jehovah's Witness Administrative Centre as "extremist" in 2017 and banned Jehovah's Witness activities (http://www.forum18.org/archive.php?article_id=2297). In January 2020, prosecutors in Russia were investigating more than 300 Russian Jehovah's Witnesses on "extremism"-related criminal charges, of whom 24 were in pre-trial detention (http://www.forum18.org/archive.php?article_id=2536).

On 6 February 2019, "dozens of heavily-armed police" conducted simultaneous raids on the homes of eight Urai Jehovah's Witnesses, including that of Makhlichev (http://www.forum18.org/archive.php?article_id=2482). One of them was arrested and placed in pre-trial detention, but was transferred to house arrest in late February 2019.

The Russian authorities placed Makhlichev on the Interior Ministry's wanted list on 23 May 2019. Police in Urai asked their colleagues in Cherepovets in Vologda Region, where he was born and where his parents live, to hunt for him there.

On 21 August 2019, Urai City Court ruled that Makhlichev should be held in pre-trial detention.

On 10 October 2019, the Russian authorities also placed Makhlichev on the Russian Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose accounts banks are obliged to freeze, apart from small transactions

(http://www.forum18.org/archive.php?article_id=2215).

On 28 January 2020, Urai Inter-District Investigative Department of the Investigative Committee split the criminal case against Makhlichev into two (http://www.forum18.org/archive.php?article_id=2551). He now separately also faces charges under Russian Criminal Code Article 282.3, Part 1. This punishes "Financing of extremist activity" with a maximum punishment of eight years in prison.

Held on Russian arrest warrant

Police in the north-eastern Belarusian town of Gorodok [Haradok] in Vitebsk Region arrested Makhlichev on 21 February on the basis of an international arrest warrant issued by Russia (http://www.forum18.org/archive.php?article_id=2551). Police identified him in a roadside identity check when they stopped a car he was travelling in with fellow Jehovah's Witnesses.

On 24 February, Artyom Zaikin, Deputy Prosecutor of Gorodok District, determined that Makhlichev acted "deliberately for reasons of religious intolerance and from extremist motives, expressed in the promotion of the superiority of the adherents of the religious teaching of Jehovah's Witnesses over other individuals .. renouncing state authority institutions" and "instructed other members of the extremist organisation to profess and disseminate the ideology and faith to local residents by distributing literature and conversing with them".

The Deputy Prosecutor's decision confirmed Makhlichev's detention and ordered his transfer from the temporary detention centre in Gorodok to pre-trial Investigation Prison No. 2 in Vitebsk, where he was held until his 7 April release.

Makhlichev challenged the decision to hold him in the Investigation Prison. However, on 27 February, Gorodok District Court rejected his request to release him from prison and confirmed the Prosecutor's decision. He then appealed to Vitebsk Regional Court. (END)

Full reports on freedom of thought, conscience and belief in Belarus
(<http://www.forum18.org/archive.php?query=&religion=all&country=16>).

For more background, see Forum 18's Belarus religious freedom survey (http://www.forum18.org/archive.php?article_id=2612).

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

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