

28 April 2023

RUSSIA: Freedom of religion and belief monitoring group ordered closed

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Following a media campaign, a complaint from the Veterans of Russia organisation, a Prosecutor General's Office demand, a Moscow Justice Department inspection and court suit, a Judge has ordered the liquidation of the Moscow-based SOVA Center for Information and Analysis, Russia's leading organisation monitoring freedom of religion or belief violations. "Organisations like SOVA or Memorial conducting subversive activity in Russia must be liquidated and brought to criminal responsibility," Ildar Rezyapov, who lodged the complaint, told Forum 18. The head of the Non-Governmental Organisations Department at Moscow's Justice Department refused to comment.

A Moscow court has ordered the liquidation of Russia's leading organisation monitoring freedom of religion or belief violations in Russia and Russian-occupied Crimea, as well as monitoring nationalism and xenophobia. On 27 April, Moscow City Court approved the Moscow's Justice Department's suit claiming that the Moscow-based SOVA Center for Information and Analysis should be closed down because it held events outside Moscow.

The SOVA Center expects the written decision to be issued in 10 days time, after which it will appeal to Moscow's First Appeal Court of General Jurisdiction. It has one month from receiving the written decision to lodge the appeal. The decision goes into force only after any appeal has been heard (see below).

The SOVA Center has vowed to continue its work "SOVA is not going to stop monitoring and analysing the situation in the field of religious freedom, regardless of the form in which our organisation will continue to exist," Olga Sibiryova of SOVA Center told Forum 18. "Sooner or later, this stage will also end, but the need for freedom of conscience and religion will not" (see below).

The Moscow's Justice Department's administrative suit – seen by Forum 18 – noted that representatives of the SOVA Center had taken part in 24 events outside Moscow between 2020 and 2022. These included the Human Dimension Conference of the Organisation for Security and Co-operation in Europe (OSCE) online in 2020 and in 2022 in person, as well as other OSCE events, as well as events in Russian cities and in Kazakhstan and Kyrgyzstan (see below).

Moscow's Justice Department said holding and participating in events outside Moscow "gross and irreparable violations of the law and the statute of the organisation" (see below).

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 about the liquidation suit (see below).

The Justice Department suit followed a special inspection of all the SOVA Center's activity at the request of Moscow's Prosecutor's Office. SOVA says the inspection was carried out without proper notification (see below).

Lyudmila Nefedova, spokesperson for Moscow's Prosecutor's Office, was in a meeting when Forum 18 called on 28 April (see below).

In September 2022, the state-backed media carried material attacking the SOVA Center's work. The head of the Veterans of Russia organisation, Ildar Rezyapov, then wrote to the General Prosecutor's Office and other agencies calling on them to inspect the SOVA Center's activity (see below).

Rezyapov of Veterans of Russia told Forum 18 on 26 April that the SOVA Center was conducting "anti-constitutional activity". "Organisations like SOVA or Memorial conducting subversive activity in Russia must be liquidated and brought to criminal responsibility," Rezyapov added. He said he was speaking from Donbas in Russian-occupied Ukraine, where he said he was taking part in Russia's "special military operation" (see below).

The SOVA Center was founded in October 2002. In recent years it has closely monitored the human rights violations caused by the

"extremism" laws, including the jailing of Muslim readers of theologian Said Nursi's works and Jehovah's Witnesses. It has also monitored fines handed down on religious communities and individuals who violate the "anti-missionary" laws (see below).

Since Russia's renewed invasion of Ukraine in February 2022, the SOVA Center has also monitored those fined for protesting against the war, including protesting for religious reasons (see below).

The Justice Ministry added the SOVA Center to its list of "foreign agents" in December 2016. All such organisations are required to submit to the Justice Ministry frequent reports on their activity and spending, and clearly mark all their publications as produced by a "foreign agent" (see below).

A data leak from a subsidiary of the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) – the state media regulator – revealed that the agency compiled a report on the SOVA Center's director Aleksandr Verkhovsky with a view to having him personally listed as a "foreign agent" (see below).

Russia's oldest human rights group, the Moscow Helsinki Group, was ordered liquidated by Moscow City Court on 25 January. Moscow's First Appeal Court of General Jurisdiction rejected its appeal on 27 April, which Moscow Helsinki Group said "was to be expected". Mary Lawlor, the United Nations Special Rapporteur on Human Rights Defenders, said she was "appalled to hear that the court upheld the dissolution of the Moscow Helsinki Group". She described it as a new step in Russia's "escalating crackdown" against human rights defenders.

The Veterans of Russia organisation similarly called for a ban on the Memorial human rights group (<https://www.rferl.org/a/kremlin-steps-up-pressure-banned-human-rights-group-memorial/32329609.html>) – which was similarly liquidated through the courts.

On 27 April, Memorial offered the SOVA Center (<https://twitter.com/MemorialMoscow/status/1651614441308299264>) "support and solidarity", describing it as "friends and allies". It highlighted the SOVA Center's work, adding that "it is extremely important to continue this work in all regions of Russia in 2023".

Monitoring "gradual but steady deterioration in freedom of religion or belief"

The SOVA Center for Information and Analysis (<https://www.sova-center.ru/>) was founded in Moscow in October 2002. The Justice Ministry registered it as a Regional Public Organisation on 21 October 2002, according to federal tax records.

In recent years, the SOVA Center has closely monitored the human rights violations caused by the "extremism" laws, including the jailing of Muslim readers of theologian Said Nursi's works and Jehovah's Witnesses (https://www.forum18.org/archive.php?article_id=2827). It has also monitored fines handed down on religious communities and individuals who violate the "anti-missionary" laws (https://www.forum18.org/archive.php?article_id=2731). Since Russia's renewed invasion of Ukraine in February 2022, it has also monitored those jailed or fined for protesting against the war, including protesting for religious reasons (https://www.forum18.org/archive.php?article_id=2822).

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 to the Justice Ministry frequent reports on their activity and spending, and clearly mark all their publications as produced by a "foreign agent".

"Year by year our monitoring has recorded a gradual but steady deterioration in freedom of religion or belief and an ever-increasing range of tools to put pressure on believers," Olga Sibiryova of the SOVA Center told Forum 18 on 28 April. "To date, almost no religious associations have not been affected by certain restrictions. It is logical that the authorities took the next step: they switched to pressure on those who talk about the restriction of religious freedom and discrimination against believers."

Sibiryova added that after the designation as a foreign agent, "it became more and more difficult for us to hold our seminars, including in regions where we, together with believers, religious scholars and officials, discussed the religious situation and the problems that religious associations have to face. Collaboration with a 'foreign agent', although not prohibited by law, could have unpleasant practical consequences for both religious organisations and researchers studying their life."

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. This was "not realistic", Aleksandr Verkhovsky told Forum 18. When SOVA wanted to present its Challenges to Freedom of Conscience in Russia in 2022 (<https://web.archive.org/web/20230413093432/https://www.sova-center.ru/en/religion/publications/2023/04/d47036>) annual report, it was unable as a 'foreign agent' to organise such an event in Russia. The SOVA Center had instead to launch its report in an online meeting on 24 March 2023 hosted by the Norwegian Helsinki Committee.

Long-running campaign

The SOVA Center notes a long-running campaign against its work on the internet and in the state-run media. On 13 September 2022, online attacks were launched, claiming the SOVA Center was criticising anti-extremism legislation and the way it was being implemented, criticising "traditional values", and was promoting "Russophobia". Attacks also exaggerated the level of donations the SOVA Center had received from abroad. The state-run Rossiya-24 television channel repeated the allegations the same day.

The following day, The head of the Veterans of Russia organisation, Ildar Rezyapov, wrote to the General Prosecutor's Office, the FSB security service, the Investigative Committee and the State Duma (lower chamber of parliament) calling on them to inspect the SOVA Center's activity.

Rezyapov of Veterans of Russia told Forum 18 on 26 April 2023 that the SOVA Center was conducting "anti-constitutional activity". "Organisations like SOVA or Memorial conducting subversive activity in Russia must be liquidated and brought to criminal responsibility," he added. He said he was speaking from Donbas in Russian-occupied Ukraine, where he said he was "fulfilling his military obligation" by taking part in Russia's "special military operation".

"We don't know if Rezyapov's appeal was his own initiative," the SOVA Center noted. "We similarly don't know what reply he received and whether subsequent events were formally or in practice connected with his appeal." Rezyapov himself would not give Forum 18 any information on this.

On 16 November 2022, according to the subsequent suit seen by Forum 18, Moscow Prosecutor's Office demanded that Moscow's Justice Department conduct an inspection of the SOVA Center's activity. It demanded that it investigate 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.

Lyudmila Nefedova, spokesperson for Moscow's Prosecutor's Office, was in a meeting when Forum 18 called on 28 April to ask about the inspection and closure suit.

Inspection

On 25 November 2022, Moscow's Justice Department ordered an unscheduled inspection of the SOVA Center's documentation to examine whether it was abiding by the law. The inspection took place from 9 January to 3 February 2023. "However, the Center was not informed about it according the established procedure," the SOVA Center complains.

On 27 February, the SOVA Center brought a case to court to have the inspection deemed illegal. The court set a hearing date for 30 March, However, the suit was then transferred to a different court and the SOVA Center has not been informed of a new hearing date.

On 4 February, Moscow's Justice Department sent the SOVA Center its report of the inspection, though the Center did not receive this until 13 February. On 27 February, the Center gave its comments on the inspection report.

The inspection report found three violations, two of them "formal". The one substantive finding was that the SOVA Center had organised or participated in 24 events over three years outside Moscow. Describing these as "crude and irreparable violations", the Justice Department said the SOVA Center should therefore be liquidated.

The SOVA Center notes that it never hid its participation in these events, writing about them on its website. It added that the main part of its work remained in Moscow. "But a ban on any activity or appearances outside the region of registration seems absurd literalism in understanding Article 14 of the Public Associations Law. "Although earlier it was never interpreted in this way, now as far as we know it is practically never interpreted in this way," the SOVA Center noted.

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 "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".

"Gross and irreparable violations of the law"?

On 10 March, the deputy head of Moscow's Justice Department, Margarita Mezentseva, sent an administrative suit to Moscow City Court calling for the liquidation of the SOVA Center. The 13-page suit – seen by Forum 18 – lists 24 events that SOVA Center staff took part in outside Moscow.

These included the online participation by SOVA Center's Olga Sibiryoova 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 Sibiryoova spoke on freedom of religion or belief issues in Russia), as well as other OSCE events.

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

Moscow's Justice Department described its holding and participating in events outside Moscow as "gross and irreparable violations of the law and the statute of the organisation"

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 about the liquidation suit.

Court-ordered liquidation

Moscow's Justice Department's suit reached Moscow City Court on 17 March, where it was assigned to Judge Vyacheslav Polyga, according to court records. At the end of a hearing on 27 April, the judge approved the suit and ordered the SOVA Center liquidated.

The court noted that "Liquidation of a public organisation by court decision means the prohibition of its activities independent of the fact of its state registration". This might make it difficult for the SOVA Center to carry on its activity without state registration.

The SOVA Center expects the written decision to be issued in 10 days time, after which it will appeal to Moscow's First Appeal Court of General Jurisdiction. It has one month from receiving the written decision to lodge the appeal. The decision goes into force only after any appeal has been heard.

The SOVA Center has vowed to continue its work "SOVA is not going to stop monitoring and analysing the situation in the field of religious freedom, regardless of the form in which our organisation will continue to exist," Olga Sibiryoova of SOVA Center told Forum 18. "Sooner or later, this stage will also end, but the need for freedom of conscience and religion will not."

SOVA Center's director targeted personally

The SOVA Center's director, Aleksandr Verkhovsky, was also personally targeted.

The Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) – the state media regulator – has compiled reports over some years on individuals and organisations for their potential inclusion in the register of foreign agents (https://www.forum18.org/archive.php?article_id=2707). (The Justice Ministry makes the final decision on inclusion.)

In early February 2023, a large data leak from Roskomnadzor (https://www.forum18.org/archive.php?article_id=2817) subsidiary GRChTs (Main Radio Frequency Centre) yielded a list of individuals and organisations on whom Roskomnadzor had compiled such reports between 2020 and 2022.

The list of names, published by the Russian investigative news website iStories () on 8 February, reveals that Roskomnadzor had compiled a report on Verkhovsky (https://www.forum18.org/archive.php?article_id=2817) on 18 October 2022. Among other individuals, a report had been compiled on Orthodox commentator Deacon Andrey Kurayev on 16 June 2021. Deacon Kurayev is a well-known critic of the Moscow Patriarchate, who was in August 2022 fined for anti-war statements (https://www.forum18.org/archive.php?article_id=2817) on his LiveJournal blog.

On 17 November 2022, a presidential decree removed Verkhovsky and several other individuals from the Presidential Council for

the Development of Civil Society and Human Rights. (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 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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