

RUSSIA: Jehovah's Witnesses view options in wake of lost appeal

By Dmitry Marakulin

Russia Religious News (03.05.2018) – <https://bit.ly/2HXbl2M> – On Thursday, 3 May, a city court of St. Petersburg found the decision of the Sestroretsk district court, which in December of last year turned property of the legal entity “Watch Tower Bible and Tract Society of Pennsylvania, U.S.A.,” whose commercial value amounts to almost two billion rubles, to use by the Russian Federation to be legal and reasonable. However a representative of the defendants told Kommersant-SPB that he does not rule out the organization’s appeal to courts of the U.S.A. with a lawsuit against Russia seeking compensation. The European Court of Human Rights has already communicated the appeal of the St. Petersburg Jehovah’s Witnesses, which was filed last year.

The appellate instance of the city court of St. Petersburg considered the appeal of the lawyers representing the interests of the Watch Tower Society, in which the lawyers request the revocation of the decision of the Sestroretsk district court, considering it to be illegal and unreasonable.

The object of the dispute, which began late last year (when the prosecutor’s office turned to the Sestroretsk district court of the city) was a property complex in the village of Solnechnoe, an elite district of the Northern Capital. It

includes two parcels of land and 14 buildings, residences and offices, worth, according to the Jehovah's Witnesses, about two billion rubles, including the equipment in the buildings.

The prosecutor's office of Kurortny district, as Kommersant-SPB earlier reported, challenged in the Sestroretsk court a donation transaction and grants of real estate (in the years 2000 and 2010) by the St. Petersburg Administrative Center of Jehovah's Witnesses in Russia, the parent organization, to the Watchtower Society, which is registered in the U.S.A. However, after the transfer of this property to the American legal entity, the St. Petersburg Jehovahists continued to use it. The oversight agency, in addition, requested the court to convert the property in favor of the Russian Federation.

We note that the prosecutor's office challenged the transaction only after the decision of the Russian Supreme Court, liquidating almost 400 Russian divisions of the Jehovah's Witnesses and banning the activity of this organization as extremist in April 2017, had taken legal effect. The Sestroretsk district court of St. Petersburg found the position of the monitoring agency to be reasonable and converted the property complex in the state's favor.

Attorney Artur Leontiev, representing the interests of the American owner, suggested that the statute of limitations for challenging the transaction had expired and that the conclusion of the court of first instance about the invalidity of the transaction is incorrect—he said that the legal nature of the transaction is such that it does not entail a denial of the former owner of use of the property upon the execution of these transactions.

In addition, as was clarified in the joint press service of the courts of St. Petersburg, the foreign lawyer of the society (through an interpreter) asked for a review of the appeal “without taking into account the political processes that are occurring between Russia and the U.S.A.,” asserting that “God’s will is in everything.” According to the lawyer’s opinion, both the activity of the organization (Jehovah’s Witnesses–Kommersant-SPB) and its intentions conform completely with divine laws.

However the St. Petersburg city court did not find any violations and in the resolution portion of its order published today it refused to satisfy the appeal. The reasoning portion of this decision will be prepared later.

After the trial, Mr. Leontiev told Kommersant-SPB that he does not rule out that the American owner will turn to courts in the U.S.A. with a lawsuit against the Russian Federation for compensation for the confiscated complex. A confirmation of such intentions may be the appeal of the St. Petersburg Administrative Center of Jehovah’s Witnesses in Russia to the European Court of Human Rights, which was communicated by the European court late last year. In their appeal, the Jehovahists claim that Russia has violated the European convention–article 9 (freedom of thought, conscience, and religion), article 11 (freedom of assembly and association), and article 14 (prohibition of discrimination)–and article 1 of Protocol 1 to the European convention (protection of property). (tr. by PDS, posted 5 May 2018)

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