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"Why should we pay the state .. to pray in our own church?"

Minsk's historical Catholic Red Church parish faces large financial demands from the state for building work it did not agree to and which it cannot afford. It is unclear why this parish is facing these demands, as no other religious community has faced them. City officials refused to explain to Forum 18 the large sums demanded. Catholics in Mogilev, Grodno and Bobruisk have failed to regain ownership of historical churches they use.

By Olga Glace

Forum 18 (12.08.2020) - <https://bit.ly/2Evsdgi> - In Belarus' capital Minsk, the Catholic Church of Saints Simon and Helena (known locally due to its brickwork as the Red Church) is facing a large financial bill from the state, as well as just under 13,000 Belarusian Roubles (47,500 Norwegian Kroner, 4,500 Euros, or 5,300 US Dollars) a month. As Red Church parish priest Fr Stanislav Stanevsky asked independent news agency Naviny.by on 13 July: "Why should we pay the state 13,000 Belarusian Roubles a month to pray in our own church?"

The Red Church is a historical Catholic church built in central Minsk in 1910 and which was confiscated during the Soviet period. Catholics were allowed to use the building again from 1990. The state still owns it, and Minsk city authorities claim to have spent more than 5,000,000 Belarusian Roubles (18,240,000 Norwegian Kroner, 1,725,000 Euros, or 2,030,000 US Dollars) restoring the Church building (see below).

People associated with the Red Church told Forum 18 that the authorities did not agree the work to be done with the parish. For example, Forum 18 was told that from at least 2015 onwards the authorities have been told that the basement regularly floods with rainwater, causing structural damage. This is the most serious problem the building has, yet neither this nor various other problems the authorities have been told of have been dealt with (see below).

It is thought that the authorities only did the work to make the outside of the building look good for tourists, for example visitors to the 2019 European Games, an athletics tournament held in June 2019 (see below).

Also, the parish was not told before the work how much the authorities would charge the parish. People associated with the Red Church think that it would take them at least 75 years to pay the authorities the current amount they are demanding. "It looks like the

state without asking the parish decided to give us a large debt, and now demands that we pay them," Catholics told Forum 18 (see below).

The Red Church is an unusual case, and it is unclear why Minsk authorities have decided to impose such an enormous financial burden on the Church. The authorities have refused to explain their reasons. Minsk Property told Forum 18: "Minsk Property does not give comments" (see below).

Fr Yuri Sanko of the Catholic Bishops' Conference told Forum 18 that "we are not going to take any formal legal steps until we try to clear up the situation by negotiation" (see below).

However, Maksim Kovalev, a lawyer from Minsk who knows the situation, told Forum 18 that discussion of the issue since 2019 between the Catholics and the authorities "reminds me of a ping pong game". The authorities are also, most recently in June 2020, still refusing to transfer ownership of the Red Church back to its original owners, the parish (see below).

The state returned many confiscated places of worship to their original owners at the request of Orthodox, Catholic, Muslim, and Jewish communities during the 1990s. These communities have all told Forum 18 this month (August 2020) that only a few historical places of worship remain in the state's possession, as their return was not requested in the 1990s. In these cases, the state pays for continued maintenance of the building, and the religious community which uses the building pays a small amount as rent and for utility charges. There is no time limit set to these agreements (see below).

Catholics in Mogilev, Grodno and Bobruisk are all trying without success to regain ownership of historical churches they use. On 21 July 2020, Red Church parishioners launched a petition asking the Presidential Administration to return ownership of the Red Church to the parish. Parishioners were still signing the petition on Sunday 9 August (see below).

"Why should we pay the state .. to pray in our own church?"

In Belarus' capital Minsk, the Catholic Church of Saints Simon and Helena (known locally due to its brickwork as the Red Church) is facing a large financial bill from the state.

On 12 July the parish priest Fr Stanislav Stanevich announced after Mass that Minsk city has given the church a bill for 2019 of more than 160,000 Belarusian Roubles (585,000 Norwegian Kroner, 55,000 Euros, or 65,000 US Dollars) for restoration work and tax. In addition to this demand and utility charges, the city Executive Committee (local authority) also wants to continue to charge the parish just under 13,000 Belarusian Roubles (47,500 Norwegian Kroner, 4,500 Euros, or 5,300 US Dollars) a month as rent.

The parish was originally informed of the city's demands in December 2019, and only announced it publicly in July 2020. As Red Church parish priest Fr Stanevsky asked independent news agency Naviny.by on 13 July: "Why should we pay the state 13,000 Belarusian Roubles a month to pray in our own church?"

The Red Church is a prominent Catholic church in central Minsk, built in 1910. It was confiscated during the Soviet period. Although Catholics have used it again from 1990, it was not returned to the Church and remains state property.

By a Presidential decree of 13 September 2013, the Church was handed over to Minsk Executive Committee with the understanding that Catholics would continue to use the

Church free of charge. The Executive Committee designated its own building agency Minsk Property to be responsible for maintenance of the Church.

The authorities claim to have spent more than 5,000,000 Belarusian Roubles (18,240,000 Norwegian Kroner, 1,725,000 Euros, or 2,030,000 US Dollars) restoring the Church building. On 16 July, Minsk Executive Committee claimed that 94 per cent came from the Minsk city budget, and Minsk Property financed the remaining 6 per cent.

"It looks like the state without asking the parish decided to give us a large debt"

Although people associated with the Red Church parish are not prepared to publicly discuss the work done, they have told Forum 18 that the authorities did not agree the work to be done with the parish.

For example, Forum 18 was told that from at least 2015 onwards the authorities have been told that the basement regularly floods with rainwater, causing structural damage. This is the most serious problem the building has, yet neither this nor various other problems the authorities have been told of have been dealt with.

It is thought that the authorities only did the work to make the outside of the building look good for tourists, for example visitors to the 2019 European Games, an athletics tournament held in June 2019.

Also, the parish was not told before the work how much the authorities would charge the parish. People associated with the Red Church think that it would take them at least 75 years to pay the authorities the current amount they are demanding. "It looks like the state without asking the parish decided to give us a large debt, and now demands that we pay them," Catholics told Forum 18.

Unusual case

Under Civil Code Article 587 ("Duties of parties with regard to maintenance of leased property"), Part 1.1.2, a property owner must carry out major structural repair work at their own expense. The tenant is responsible for carrying out and paying for routine maintenance work. Yet despite this, Minsk city claimed that "according to the applicable legislation the organisation which uses state property on a free use basis must pay for land tax, property tax, and depreciation".

The city therefore claims the parish owes them the claimed amount for 2019 and the ongoing claimed monthly bill.

According to the Tax Code, religious buildings owned by religious communities are exempt from property tax. Council of Ministers Decree No. 1194 of 22 December 2012 frees historical and cultural buildings in the State list of historical and cultural value from land tax for land owned by the state. However, the Red Church parish is not exempt from these taxes as it does not own its own building. This means that - against the Constitution, Catholics state - the Red Church parish is not exempt from land and property taxes.

Maksim Hacak, a Catholic journalist in Minsk, considers that the Red Church is an unusual case, as it is unclear why the authorities have imposed such high taxes on this particular church. Catholic Bishops' Conference spokesperson Fr Yuri Sanko told Forum 18 on 20 July that it is very unusual for such charges to be imposed. He noted that the state similarly owns the Co-Cathedral of the Assumption of the Blessed Virgin Mary and St Stanislaus in Mogilev, but the rent charged to that parish is nominal.

Similarly, Fr Sergi Lepin, Head of the Information Department of the Belarusian Orthodox Church, told Forum 18 on 24 July that he did not know of any Orthodox parishes which have had to pay high taxes or rent to the state. He also could not think of any historical Orthodox churches which are currently owned by the state.

However, some communities have to pay rent for using buildings temporarily while church buildings are under construction. "My church is also a historical building, but the ownership was handed over to the community. So under the law we do not pay any taxes," Fr Lepin commented to Forum 18.

Protestant communities - which generally do not use historical buildings - have often found it impossible to get property re-designated so that it can be used for worship in line with the law. If a building is not a designated place of worship, advance state permission is needed for religious activity, and this is often refused.

Orthodox and Catholic communities are rarely affected, partly due to the state's more positive attitude towards them, but also because they are more likely to occupy historically preserved, designated buildings.

"Minsk Property does not give comments"

Minsk Property refused to explain why the Red Church now faces this large payment demand. "Minsk Property does not give comments," an official who refused to give her name told Forum 18 on 20 July. She also refused to put Forum 18 through to other officials for comments.

The Tax and Duties Ministry refused to explain how it has calculated the tax it is now demanding from the Red Church parish. "If my phone number was given to you by reception, go back to them and ask for comments," a responsible official who refused to give her name told Forum 18.

Minsk Executive Committee's Office for the Disposal and Use of State Property did not answer its phones when Forum 18 called on 7 August to ask why the parish should pay for building work it has not agreed to.

"A ping pong game"

Fr Sanko of the Catholic Bishops' Conference told Forum 18 that the Red Church has no outstanding debts for utilities. He also confirmed that the Red Church parish has no possibility of paying the enormous bill for other charges. The Church has asked Minsk Property and the Head of Minsk Executive Committee about the extremely large amount being claimed.

However, Fr Sanko told Forum 18, "we are not going to take any formal legal steps until we try to clear up the situation by negotiation". He thinks that negotiations with the authorities could resolve the situation.

Maksim Kovalev, a lawyer from Minsk who knows the situation, says that after the state handed ownership of the church to Minsk city, the 5,000,000 Belarusian Roubles repair bill could come from the city budget. "This situation was not discovered yesterday, but was already known in 2019," he told Forum 18 on 24 July. However, he observed that discussion of the issue since then between the Catholics and the authorities "reminds me of a ping pong game".

The Red Church parish has repeatedly asked for the state to hand back ownership of its church, but the authorities have refused each time. After the most recent request, in May 2020, Minsk Executive Committee responded on 18 June 2020, claiming that there were no grounds for transferring the church building into parish ownership.

Confiscated places of worship returned in the 1990s, not now

Many confiscated places of worship were returned to their original owners at the request of Orthodox, Catholic, Muslim and Jewish communities during the 1990s.

These communities all told Forum 18 in August 2020 that only a few historical places of worship remain in the state's possession, as their return was not requested in the 1990s. In these cases, the state pays for continued maintenance of the building, and the religious community which uses the building pays a small amount as rent and for utility charges. There is no time limit set to these agreements.

Many of these religious communities repeatedly but unsuccessfully apply for ownership to be restored to them. The restitution process is complex, and relies upon the local Executive Committee agreeing that the building should be returned to its original owners. Normally this does not now happen. The final stage in the long process is a Presidential decree transferring the ownership of the confiscated building back to its original religious community.

Catholic journalist Maksim Hacak suggested to Forum 18 on 10 August that the authorities are not now willing to transfer ownership back as "it's always easier to blackmail the communities using property they do not own".

Catholic Co-Cathedral in Mogilev

The state owns the Catholic Co-Cathedral of the Assumption of the Blessed Virgin Mary and St Stanislaus in the eastern city of Mogilev. Fr Sanko of the Catholic Bishops' Conference told Forum 18 that the parish pays Mogilev Executive Committee utilities charges and a nominal rent. He also stated that the parish finances all restoration works.

However, an official of Mogilev Executive Committee claims that the city's Housing Repair Utilities Association pays all the utility bills and taxes. "We repeatedly send them claims for payment and could have initiated a lawsuit," the official told Forum 18 on 4 August. "But it is embarrassing arguing with the Catholic Church."

The official pointed out that in their personal opinion, all confessions bear equal responsibilities and pay rent and taxes without any complaints. Only Catholics, the official said, state that their rights are violated.

The official also commented that the state still owns the Co-Cathedral as a way to influence the Church. "If they [the Catholics] keep the church building in a poor state, as they do with another historical construction they own in the city centre, we can take it away," the official told Forum 18.

The official noted that the Church had asked the Executive Committee to transfer ownership of the Co-Cathedral to it. "The Executive Committee replied that this may be possible," the official told Forum 18. "But only after a historical building the Catholic Church has owned from 2005, which they use as an educational centre, is restored. When that is done the status of the Cathedral may be re-considered."

Grodno Catholic Church ownership "a very complicated issue"

The state similarly owns the Catholic Church of the Discovery of the Holy Cross in the western city of Grodno. Catholics have asked for its return. Officials will not say why they have denied this request. "This is a very complicated issue which involves our Department and the Culture Department," an Ideology Department official at the Regional Executive Committee told Forum 18 on 4 August. "Please send us a written enquiry."

Bobruisk Catholics trying to restore their Church

Catholics in the south-eastern town of Bobruisk are trying to restore the Church of the Immaculate Conception of the Virgin Mary, which was built in 1903. It was confiscated during the Soviet period, and in the 1960s its bell tower was demolished to be replaced by a five-storey modern building attached to and across the Church's entrance.

A joint stock company owns the Soviet-era five-storey building, while the city Executive Committee owns the church building. They have taken no action to stop water flooding the basement, or to restore the Church to its historical appearance.

Parishioners would like to acquire the Soviet building and restore the entire church. But, as parish priest Fr Andrei Yarkovets told the local news agency Commercial Courier in March 2019, the parish is worried that it cannot afford the costs involved.

"The last time negotiations with the authorities took place was in 2019, and since then there's no movement," a parishioner who wished to be anonymous told Forum 18 on 24 July 2020.

Red Church petition

On 21 July 2020, Red Church parishioners launched a petition asking the Presidential Administration to return ownership of the Red Church to the parish. Parishioners were still signing the petition on Sunday 9 August. The petition states that the monthly payment being demanded by the authorities is beyond the parish's financial means. It also reiterates that the Red Church was originally built and owned by the parish.

Jehovah's Witness will not be extradited from Belarus to Russia

Russian News Service (08.04.2020) - <https://bit.ly/2VmVyOo> - Nikolai Makhlichev was released on 7 April, BelaPAN was told by the coordinator of action for defense of human rights of foreign citizens and persons without citizenship of the organization Human Constanta, Enira Bronitskaia.

She said that Makhlichev plans to get the status of a refugee in Belarus, for which he applied on the day of his arrest, 21 February 2020, in Gorodok (Vitebsk oblast).

Bronitskaia reported that the man was arrested because he was on an international wanted list at Russia's request. Mikhlichev was put into SIZO No. 2 in Vitebsk, where he spent more than 40 days, and documents were requested from Russian law enforcement agencies, on the basis of which the office of prosecutor general of Belarus made its decision.

As the representative of Human Constanta noted, Makhlichev maintains that he did not know about the opening in January 2019 of a criminal case against him for arranging and financing the activity of an extremist organization, which the Jehovah's Witnesses were

ruled to be, back in 2017. In Russia, Makhlichev would face a trial and imprisonment of up to 15 years.

Since 2017, more than 100 adherents of the community have been convicted in various regions. In Belarus, one religious association of Jehovah's Witnesses and 27 congregations are registered with the commissioner for affairs of religions and nationalities. They conduct their congresses in the country without hindrance.

Makhlichev "basically free, but still not out of danger"

By Olga Glace

Forum 18 (08.04.2020) - <https://bit.ly/2JX0BQh> - Vitebsk's Investigation Prison freed Russian Jehovah's Witness Nikolai Makhlichev 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 Makhlichev 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 Makhlichev. 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 Makhlichev 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 Makhlichev'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 Makhlichev "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 Makhlichev 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 Makhlichev over to the Russian authorities without due process, the authorities then transferred Makhlichev 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](#).

Belarus rejects Russian extradition request

On 16 March, Russia's General Prosecutor's Office sent Belarus the formal request for Makhlichev'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.

Makhlichev'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](#).

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 Makhalichev's case.](#)

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

Makhalichev faces two Russian criminal cases

Despite Belarus' rejection of Russia's extradition request, Nikolai Andreyevich Makhalichev (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](#).

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 Makhalichev 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"](#). 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](#). 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](#).

On 6 February 2019, "dozens of heavily-armed police" conducted simultaneous raids on the homes of eight Urai Jehovah's Witnesses, [including that of Makhalichev](#). 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 Makhalichev 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 Makhalichev should be held in pre-trial detention.

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

On 28 January 2020, Urai Inter-District Investigative Department of the Investigative Committee [split the criminal case against Makhalichev into two](#). 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](#). 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.

Jehovah's Witness fights extradition to Russia

By Olga Glace

Forum 18 (04.03.2020) - <https://bit.ly/2PMrj1m> - Nikolai Makhlichev, a 35-year-old Russian Jehovah's Witness, is in Investigation Prison in the Belarusian city of Vitebsk as Belarus considers whether to accede to Russia's request for his extradition. Russia is investigating him on two criminal charges carrying up to ten and eight years' imprisonment to punish him for exercising freedom of religion or belief. Jehovah's Witness activity is legal in Belarus.

A 35-year-old Russian Jehovah's Witness, Nikolai Makhlichev, is in pre-trial Investigation Prison in the north-eastern Belarusian city of Vitebsk fighting extradition to Russia, where he is facing criminal prosecution for exercising the right to freedom of religion or belief. Jehovah's Witnesses fear he could face a long prison term if he is extradited.

Police in Belarus' Vitebsk Region stopped the car Makhlichev 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.

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

Gorodok's Prosecutor Yevgeni Avtsin refused to discuss with Forum 18 why Makhlichev is treated like an "extremist" and kept in a Belarusian prison, even though Jehovah

Witnesses are officially allowed to exist in Belarus. "This is the part of a criminal case which is confidential," he told Forum 18 (see below).

Makhalichev tried to challenge in court the decision to hold him in Investigation Prison while his case is considered. The lower court rejected his challenge. Vitebsk Regional Court has yet to hear his appeal (see below).

Makhalichev has also lodged an application for refugee status in Belarus. Human rights defender Enira Bronitskaya said that Belarus is unlikely to grant such status, but that individuals often then seek refugee status in third countries (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).

Recently, there were reported cases of torture applied to Jehovah's Witnesses in Russia, which makes extradition unacceptable under international human rights law (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.

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Gorodok's Prosecutor Yevgeni Avtsin refused to discuss with Forum 18 why Makhlichev is being treated like an "extremist" and kept in prison, even though Jehovah Witnesses are officially allowed to exist in Belarus. "This is the part of a criminal case which is confidential," he told Forum 18 on 27 February.

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.

Makhlichev lodged an appeal against the court's decision to Vitebsk Regional Court. The Court has not yet set a date for the appeal hearing. Forum 18 called Vitebsk Regional Court on 2 March, but the secretary refused to give any comments or transfer the call.

Phones were busy or went unanswered each time Forum 18 tried to reach the Vitebsk Investigation Prison to find out whether Makhlichev has access to religious literature of his choice, and is allowed visits from fellow Jehovah's Witnesses.

The head of the Jehovah's Witnesses in Belarus, Pavel Yadlovsky, told Forum 18 on 2 March that Makhlichev has better conditions than in a jail in Russia, though only his

lawyer can visit him. He did not know whether Makhlichev is allowed to have a Bible and other literature of his choice.

The Investigation Prison address:
SIZO No. 2
Vitebskaya oblast
g. Vitebsk
ul. Gagarina 2
210026 Belarus

Awaiting Russian extradition request

The Belarusian authorities are now awaiting the extradition request for Makhlichev from Russia's General Prosecutor's Office to start consideration of the extradition process.

Makhlichev has also filed a complaint with the United Nations Human Rights Committee.

Gorodok's Prosecutor Yevgeni Avtsin stressed that the decision on extradition does not depend on him. "We are waiting for the next move from Russian investigators," he told Forum 18. He added that the extradition process will be handled on the basis of the Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (see below).

Application for refugee status

Makhlichev has also applied for refugee status in Belarus. According to his lawyer Valentina Shuplyak, his application was handed to Vitebsk Region Department of Internal Affairs.

To check the refugee status issue, Forum 18 contacted Vitebsk Regional Migration Department on 28 February, but the official (who did not identify herself) replied that all comments are given by the Interior Ministry in the capital Minsk. However, the Ministry's Spokesperson, Olga Chemodanova, said she had no information about Makhlichev's case. "I don't understand what you are talking about," she told Forum 18. "There is no information about it."

The director of the Human Constanta human rights advocacy centre in Minsk, Enira Bronitskaya, noted that Makhlichev is unlikely to get asylum in Belarus. "I would say that the chance of non-refoulement [not being sent back to one's home country] is much higher than the chance of getting refugee status, despite the specific grounds [of this case]," she told Forum 18 on 3 March.

Bronitskaya observed 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.

Minsk Convention, international human rights standards

Makhlichev's extradition case is being handled on the basis of Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters. This was adopted in 1993 by 10 formerly Soviet states, including Belarus and Russia.

Under this Convention, the Prosecutor General of Russia must submit an extradition request to the Prosecutor General of Belarus. If that request is agreed, then it is referred to the district court of the jurisdiction where the person is detained. The district court will

decide whether the individual should be extradited. This process can take weeks and a decision of the district court can be appealed.

Human rights defender Bronitskaya of Human Constanta commented to Forum 18 that the Minsk Convention does give grounds to refuse extradition, but they are not related to human rights. It demands "an assessment of Makhlichev's deeds and whether they can be legally defined as crimes in Belarus". She pointed out that his "deeds" are not crimes under Belarus' Criminal Code.

Also, the UN Human Rights Committee's Communication [CCPR/C/48/D/470/1991](#) states that: "if a State party takes a decision [on extradition] relating to a person within its jurisdiction, and the necessary and foreseeable consequence is that that person's rights under the Covenant [the International Covenant on Civil and Political Rights - ICCPR] will be violated in another jurisdiction, the State party itself may be in violation of the Covenant".

Both Belarus and Russia are parties to the ICCPR.

"We consider that all international human rights standards should be used to seek justice in this case," human rights defender Bronitskaya of Human Constanta told Forum 18. (END)

A Russian Jehovah's Witness to be extradited from Belarus to Russia?

Human Rights Without Frontiers (Brussels) and Forum for Religious Freedom Europe (FOREF, Vienna) are urging the international community to advocate against this extradition

HRWF (26.02.2020) – A Russian Jehovah's Witness is under threat of being extradited from Belarus to Russia, a sinister precedent that must be urgently prevented, according to *Human Rights Without Frontiers* in Brussels and *Forum for Religious Freedom-Europe* (FOREF) in Vienna.

"The time for Belarus to stand up for religious freedom is now," the two organizations said.

Nikolay Andreyevich Makhlichev, born 1 July 1984 in the city of Cherepovets (Vologda Region), was arrested and detained on the territory of the Republic of Belarus on 21 February 2020 sometime after 3.30 p.m.

On 31 January 2019, Nikolai was charged under Article 282.2(1) of the Russian Criminal Code: "Organisation of the activity of a social or religious association or other organization 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." This article is related to the ban of the movement of Jehovah's Witnesses in Russia since 2017 based on the law against extremism.

Since then Russian authorities have been actively searching for him. Russian police conducted searches in the home where he is registered, but could never find him because by then he had already relocated to another part of Russia. In May 2019, they placed him on the wanted list in an effort to arrest him.

Mr Makhlichev had traveled to Belarus in his car together with three other people. He was arrested and detained upon crossing the border when his car was stopped by a government automobile inspectorate as part of a standard traffic stop and his driver's license was taken to check for fines.

During the check, the officials asked for Mr Makhlichev's passport and found that he is wanted in Russia.

The law enforcement forces did not return his passport and told him he would be detained until Russian authorities replied back to them. They put him in their patrol car and took him to the Gorodokskiy DDIA (2) in the Vitebsk Region of the Republic of Belarus: g. Gorodok, ul. Krasnoarmeyskaya, d. 25. The prosecutor was notified that he had been detained.

On 21 February 2020 the investigator in charge of the case against N. A. Makhlichev in Russia was notified that he had been arrested and detained.

He will be held until the Republic of Belarus prosecutor's office receives the needed documents and an explanation from Russia. On this basis, it will be determined whether to turn him over to Russia or not.

On 22 February 2020 Mr Makhlichev, with the assistance of licensed lawyer V. A. Shuplyak, filed an application for asylum in the Republic of Belarus because he is being persecuted for his religious convictions in his country.

Between 2017 and 2020, about 250 Russian Jehovah's Witnesses have applied for asylum in Finland.

As of Monday, Feb 24, 2020

35 JW in prison (26 in pretrial detention; 9 convicted and serving time in prison)

25 JW under house arrest

29 JW convicted (9 imprisoned, 8 fined, 12 other restrictions)

**See the detailed cases of all JW in prison in Russia in the Database of FORB
Prisoners of Human Rights Without Frontiers:
<https://hrwf.eu/prisoners-database/>**