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RUSSIA: "One complex of measures against religious communities"

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Many criminal and administrative cases against religious communities "take place with violations of the right to freedom of conscience, violations of the rights of religious organisations and violations of the separation of church and state," Mikhail Odintsov, the top official dealing with religious issues at the office of Russia's Human Rights Ombudsperson, told Forum 18 News Service. He regards the many such cases as "one complex of measures against religious communities". Among cases causing his Office concern are the ban on the activity of Khabarovsk's Grace Church, which the Church is challenging in Russia's Supreme Court on 5 July, and the ban on materials distributed by New Generation Church in Blagoveshchensk, which will also appeal to the Supreme Court. Grace Church's Pastor Vladimir Pak is also being investigated on criminal charges carrying an eight-year prison term for allegedly harming health. "This is a very serious and worrying development, that church leaders face possible criminal prosecution for their activities in the church," the church's lawyer Inna Zagrebina told Forum 18.

Religious communities of a range of faiths – including Protestant Christians, Muslims and Jehovah's Witnesses - have faced administrative and criminal cases after prosecutors have sought to restrict their activity or to punish them for activity they have already undertaken, Forum 18 News Service notes. Two Protestant Churches from Siberia are taking their cases to Russia's Supreme Court. At a 5 July Supreme Court hearing, Khabarovsk's Grace Church will challenge a ban on its activity, though concern is also mounting about two separate criminal cases, one of them launched against the church's leader, Pastor Vladimir Pak. New Generation Church in Blagoveshchensk is about to lodge a challenge to the Supreme Court against a ban on distributing recordings of their sermons on alleged health grounds. A court in the far eastern Kamchatka Region liquidated an Orthodox Jewish community in April for failing to file information. While the community could have appealed, it chose to accept the ruling and intends to try to re-register.

Mikhail Odintsov, the top official dealing with religious issues at the office of Russia's Human Rights Ombudsperson in Moscow, is concerned about the many cases in the courts against religious communities, including those against Khabarovsk's Grace Church and Blagoveshchensk's New Generation Church.

"Formally, officials say they are ensuring compliance with the law," Odintsov told Forum 18 on 29 June. "But many of these cases take place with violations of the right to freedom of conscience, violations of the rights of religious organisations and violations of the separation of church and state."

Odintsov noted that while many cases against religious communities concern alleged "extremist" activity or distribution of "extremist" material, most of which he regards as unfounded, officials often use other criminal or administrative charges. "But they are all part of this one complex of measures against religious communities."

A Muslim community in the Siberian city of Krasnoyarsk is challenging a fine imposed to punish it for conducting religious education without a licence, a case which has also aroused the concern of the Ombudsperson's Office (see F18News 30 June 2011 http://www.forum18.org/Archive.php?article_id=1588).

Jehovah's Witness communities are facing numerous criminal and administrative cases. The most high-profile case is of Aleksandr Kalistratov in the Siberian town of Gorno-Altai. His retrial on charges of distributing "extremist" religious literature began on 22 June and continues on 25 July (see F18News 21 June 2011 http://www.forum18.org/Archive.php?article_id=1582).

Similarly, readers of the works of the late Turkish Muslim theologian Said Nursi have faced raids, prosecutions, fines and literature confiscations to punish them for their religious activity. Ziyavdin Dapayev, a Nursi reader from the Dagestani capital Makhachkala, is challenging his criminal prosecution (see F18News 21 June 2011 http://www.forum18.org/Archive.php?article_id=1582).

Protestant Church banned in Far East

Prosecutors in the Far Eastern city of Khabarovsk have successfully gained court rulings to ban the local Protestant Grace Church,

which is led by Pastor Pak. The case was brought by Khabarovsk Region's then Acting Prosecutor Valentin Volkov, and was handed to court on 24 February.

On 27 April Judge Natalya Barabash of Khabarovsk Regional Court upheld the Prosecutor's suit and banned the activity of the Church throughout Khabarovsk Region, the court website noted. The court's ruling reads that in 2009 the church used methods which "changed the psychological state" of a number of church members and were harmful to their health. These include courses in Christianity widely used internationally, such as the Alpha Course, Tres Dias and Encounter.

The court also highlighted the recitation of prayers at a high volume, placing hands on parishioners' bodies, speaking in tongues and the descent of the Holy Spirit as "methods of psychological manipulation".

Defending the action taken by her colleagues at Khabarovsk Regional Prosecutor's Office is Senior Prosecutor Lyudmila Potapova. She said the case had been launched after four "victims" had appealed to the Prosecutor's Office in September 2010. "Four people suffered because of the activity of the church, and we can't leave their appeals unanswered," she insisted to Forum 18 from Khabarovsk on 29 June. "We have medical expert testimony from psychologists that they suffered serious harm." She said this justified the ban on the church.

Asked about the current condition of the four individuals, Potapova said that now they have had medical treatment "they live normally".

The church has appealed against the decision to Russia's Supreme Court in Moscow, the church's lawyer Inna Zagrebina, formerly of the Slavic Centre for Law and Justice and now at the Guild of Experts on Religion and Law, told Forum 18 from Moscow on 28 June. She said the Supreme Court is due to hear the appeal on 5 July.

"This ruling is unprecedented. If it stands, it will have consequences for Protestants throughout Russia," Zagrebina told Forum 18. She added that this is the first time the Alpha Course has been ruled to be harmful to health by a Russian court. She said the ruling has not yet come into legal force, as the appeal is still underway.

Criminal cases launched

Criminal cases and investigations have also been initiated against the church's leaders for alleged harm already rendered to parishioners. Neither case has yet been handed to court.

The first case, being led by an investigator from Khabarovsk, is against Pastor Pak under Article 111 Part 1 of the Criminal Code ("Deliberate causing of serious harm to health"). This carries a prison term of up to eight years.

Igor Lavrienko, Deputy Head of Khabarovsk's Investigation Committee, who is overseeing the case, said it was launched against Pak in response to a complaint from "citizens", whom he declined to identify. He said Investigator Aleksei Stefanchuk is leading the investigation, adding that it is impossible to say when the investigation will be complete. "It's too early to talk about any trial." Lavrienko dismissed any complaints about the launching of the case. "No-one's rights are being harmed," he told Forum 18.

The second case is being led from the Federal Investigation Service from Moscow. The church leadership is being investigated under Article 239 Part 1 of the Criminal Code ("Creation of a religious or social association whose activity is linked with violence against citizens or other causes of harm to their health"). This carries a fine or imprisonment of up to three years.

"This is a very serious and worrying development, that church leaders face possible criminal prosecution for their activities in the church," Zagrebina told Forum 18. She said the church has appealed to Russia's Ombudsperson for Human Rights.

Church challenges ban on "harmful" videos

The New Generation Protestant Church in the city of Blagoveshchensk in Amur Region of Siberia is challenging in Russia's Supreme Court a court-ordered ban on "health" grounds on material it distributes. The Church's lawyer Vladimir Ryakhovsky told Forum 18 from Moscow on 28 June that the appeal will be lodged in early July. "I believe the Church will win as the law is on its side."

Amur Regional Prosecutor, Nikolai Pilipchuk, had long pushed for such a ban. The case, which was opened on 18 August 2010, centred on video materials which the prosecutor asserted are harmful to health and liable to licensing as medical activity. On 4 March 2011, Judge Vadim Nikitin at Blagoveshchensk City Court ruled to ban the material, the court website noted.

The court ruled that the church's use of "medical technologies, including techniques which have a psychological and psychotherapeutic affect on the human psyche," is illegal and banned the use of such techniques during its activities. The court also banned 15 videos, including recordings of seminars led by the group, television programmes including "The Foundations of Success" and "Men are from Mars, Women are from Venus" as well as the films "Cancer treatment" and "Armenia New

Generation".

However, on 8 April, the collegium of Amur Regional Court chaired by Judge Nadezhda Groza overturned the ban, sending the case for a new trial, the court website noted. Prosecutor Pilipchuk appealed against the 8 April decision and at a supervisory appeal hearing on 11 May, the Regional Court's Presidium overturned the 8 April decision, the court website noted.

"Discrimination on religious grounds"

In a commentary written on 19 March, New Generation Pastor Mikhail Darbinyan condemned the 4 March court decision, describing it as "illegal" and as "discrimination on religious grounds". He complained that this was the latest in a series of criminal proceedings initiated by the Blagoveshchensk Prosecutor.

"A medical license is incompatible with the right to tell people about God, publicly read the Bible and perform the Psalms, which Christians have been doing across the world without any medical license for 2000 years," he insisted. "The requirement to licence Evangelical sermons at the Ministry of Health is at any rate, absurd."

Darbinyan noted that of four cases brought against the Church over the previous ten months, it had already won three. "It has been a long fight, each one has involved between one and six hearings." He expressed optimism that the Church will win this case too "because we believe that justice and resolve to defend citizens' rights to freedom of conscience as guaranteed by Article 28 of the Russian Constitution will prevail."

The New Generation Church, which claims about 1,000 members, complained that inspections by local authorities and the subsequent court cases began when it stated its intention to establish a theological seminary. One of the cases the Church won was over teaching religion without a licence.

"The prosecutor is taking these actions because the church is large, very active and does a lot of social work in the city," Ryakhovsky, the church's lawyer, told Forum 18. "It is well known in the city and someone didn't like it."

However, Dmitri Momot, a Prosecutor at Blagoveshchensk Prosecutor's Office, rejected suggestions that the church was being targeted by his office. "It was the action of the church itself which dictated all the suits," he insisted to Forum 18 from Blagoveshchensk on 29 June. "If they disagree with the court decision, they have the right to challenge it."

Jewish community liquidated

On 19 April, Judge Kirill Yeryutin of Kamchatka Regional Court ruled to liquidate the Orthodox Jewish community in the regional capital Petropavlovsk-Kamchatsky, a member of the Federation of Jewish Communities of Russia, the court website noted. The local Justice Department had brought the case following the community's failure to provide local authorities with information including: confirmation that their activity is continuing; reports of their activity; information about members of the organisation's ruling body; financial expenditure; and the use of other property. The ruling came into force on 6 May after the community failed to lodge an appeal.

Yevgeniya Latman, head of the local Jewish Cultural Centre and one of the leaders of the Petropavlovsk-Kamchatsky community, said that it chose not to appeal against the court's decision. "Our representative who dealt with the local authorities left, that is how it came about that we did not provide all the documentation to the local authorities," she told Forum 18 on 20 May.

Moscow-based lawyer Zagrebina, who followed the case, told Forum 18 that the liquidation of the community was "entirely legal" following administrative proceedings against the community and its repeated failure to provide information stipulated by law. "Of course there was a chance that they could have overturned the decision if they provided the relevant documentation," she said. "But under the law on non-profit organisations the authorities are entitled to shut down communities that do not provide certain documents."

By contrast, Zagrebina pointed out in February attempts by local authorities to pressure religious groups into revealing information about their activity not required by law (see F18News 1 March 2011 http://www.forum18.org/Archive.php?article_id=1548).

Latman added that the community numbers approximately 300, with closer to 100 regularly attending services. She said it would simply apply to the Justice Department to register a new organisation, which she sees as a "relatively straightforward process". "It's a question of time, not of difficulty."

An official of the Kamchatka Regional Justice Department defended the liquidation, insisting to Forum 18 on 29 June that her office has the "obligation under Federal Law" to do so for organisations that fail to file documentation. She denied suggestions that liquidation was too harsh a penalty. "They can do everything they could do before, except have a bank account and hold public events." (END)

For more background, see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1196.

Analysis of the background to Russian policy on "religious extremism" is available in two articles: - 'How the battle with "religious extremism" began' (F18News 27 April 2009 http://www.forum18.org/Archive.php?article_id=1287 - and - 'The battle with "religious extremism" - a return to past methods?' (F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

A personal commentary by Irina Budkina, Editor of the <http://www.samstar.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.

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.

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.

A printer-friendly map of Russia is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Russia>.

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