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RUSSIA: Will church's alleged fire safety violations be resolved?

By Victoria Arnold, Forum 18

Bailiffs have closed the building of Jesus Embassy Church in Nizhny Novgorod due to alleged "fire safety" violations, but the changing number of violations claimed, and the apparent hostility of the FSB security service, raise doubts that the church building will be reopened soon. "Of course the FSB isn't interested in fire safety," Alexander Verkhovsky of SOVA Center commented.

Bailiffs sealed the building of Jesus Embassy Pentecostal Church in Nizhny Novgorod on 31 December 2019 and its congregation now has to rent places of worship elsewhere in the city. The authorities have since summer 2018 claimed that multiple fire safety "violations" exist in the building. The church strongly disputes that these violations – if they exist – should have resulted in the closure of the building.

The alleged fire safety violations followed inspections initiated by the FSB security service. The FSB was also behind seven prosecutions of the church and its members between summer 2017 and summer 2018 for alleged "illegal missionary activity". One of the prosecutions led to the deportation of a Zimbabwean medical student, and is now the subject of a European Court of Human Rights (ECtHR) case in Strasbourg (see below).

"Of course the FSB isn't interested in fire safety," Alexander Verkhovsky of Moscow's SOVA Center for Information and Analysis commented to Forum 18 on 15 January 2020. "Fire supervision is just an 'ideal controller': it will always find something, and something that is difficult or impossible to fix at that. Therefore, it is used. Rather, one should be surprised that it is not used so often" (see below).

Alleged fire safety violations and other alleged violations - such as of sanitation regulations - have also been used to target Protestant theological education institutions, churches, and Muslim mosques (see below).

The only way to have access to Jesus Embassy's building restored is to apply through the courts, showing that the church has followed all the fire inspectorate's orders. "We are not completely confident that this will happen in the near future, as the authorities are scheduling new inspections," Pastor Pavel Ryndich told Forum 18 on 19 January 2020.

"These authorities, instead of protecting their citizens, do not give them the right to attend the church that they themselves have chosen," Pastor Ryndich complained. "But the Constitution of the Russian Federation promises every citizen the right to freely practise the religion that they choose!" (see below).

Pentecostal churches facing possible closure

Jesus Embassy Church in Nizhny Novgorod is one of at least three Pentecostal congregations in different regions of Russia which may be barred from using their church buildings because of alleged violations of construction, fire safety, or planning regulations. The churches insist that these problems have either been completely eliminated, or were a mistake by the authorities.

For periods ranging from 18 months to well over four years, the communities – in Nizhny Novgorod, Kaluga, and Oryol – have been caught up in Russia's labyrinthine systems of rules regulating the acquisition, alteration, construction, and use of buildings.

The communities have had to undergo often multiple court processes in order to assert their rights to property which they purchased entirely legally and have used safely for years. These proceedings, which can include the commissioning of expert analysis by technical specialists, take time and cost money. As a result of the court proceedings, congregations may lose access to their own places of worship for an indefinite length of time.

As of 6 February 2020, Jesus Embassy Church in Nizhny Novgorod remains sealed. The buildings of the Resurrection Church of God in Oryol and the Word of Life Church's Cathedral of Christ the Saviour in Kaluga remain open, however, while court proceedings continue (see forthcoming F18News article).

Complex, sometimes contradictory, and often inconsistently applied legislation can lead religious communities to lose their places of

worship (http://www.forum18.org/archive.php?article_id=2505). In July 2019, officials barred a Baptist community in Novorossiysk from using its church "for religious purposes", despite the fact that it has worshipped on the same site for two decades. Local authorities are often unwilling to permit the construction of purpose-built churches and mosques.

Officials have repeatedly rebuffed attempts to legalise ownership of the land where Good News Pentecostal Church in Samara has worshipped for two decades (http://www.forum18.org/archive.php?article_id=2508). Officials want to demolish the church, at the congregation's expense, but in December 2019, Samara Regional Arbitration Court refused such a request from the city's town planning department (see forthcoming F18News article).

In May 2019, officials bulldozed a mosque built on farmland near Chernyakhovsk in Russia's Kaliningrad exclave, noting that it violated planning regulations.

FSB-initiated prosecutions

Between summer 2017 and summer 2018, the Jesus Embassy church in Nizhny Novgorod and its centralised regional organisation were fined four times (http://www.forum18.org/archive.php?article_id=2389) under Administrative Code Article 5.26, Part 3 ("Implementation of activities by a religious organisation without indicating its official full name, including the issuing or distribution, within the framework of missionary activity, of literature and printed, audio, and video material without a label bearing this name, or with an incomplete or deliberately false label"). They were also fined three times under Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") for posting two videos on social media.

Two African students who appeared in one of the videos were also prosecuted and ordered to leave the country. (http://www.forum18.org/archive.php?article_id=2389) Jesus Embassy has appealed to the European Court of Human Rights (ECtHR) in Strasbourg against the fine of 100,000 Roubles (three months' average wages), imposed on one of the students, Zimbabwean medical student Kudzai Nyamarebvu, for carrying out alleged "missionary activity" while on a student visa.

The ECtHR accepted the appeal (Application No. 16649/19) on 26 May 2019 under Article 9 ("Freedom of thought, conscience and religion") and Article 11 ("Freedom of assembly and association") of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The prosecutions in Nizhny Novgorod Region appear to be driven by the FSB security service (http://www.forum18.org/archive.php?article_id=2389). "The FSB is interested in Jesus Embassy itself and Protestants in general," the Church's lawyer Aleksey Vetoshkin told Forum 18 from Nizhny Novgorod in May 2018.

These prosecutions followed amendments to the Administrative Code and Religion Law introduced in July 2016 as part of the "Yarovaya" package of "anti-terrorism" laws (http://www.forum18.org/archive.php?article_id=2246). Authorities across Russia almost immediately began to use these amendments against people and communities exercising their freedom of religion and belief. (http://www.forum18.org/archive.php?article_id=2211)

"Of course the FSB isn't interested in fire safety"

On 16 August 2018, prosecutors in Nizhny Novgorod lodged a lawsuit against Jesus Embassy seeking to prohibit use of the church's building because of alleged fire safety violations. "The documents we have openly say that the FSB initiated [the first safety inspections]," Pastor Pavel Ryndich told Forum 18 on 16 December 2019.

Jesus Embassy brought a case on 6 November 2018 challenging the Emergencies Ministry's fire inspection decisions. The Church's legal challenge was rejected on 28 December 2018 by Nizhny Novgorod's Moscow District Court, and on 3 April 2019 by Nizhny Novgorod Regional Court.

This legal challenge delayed a decision on the Prosecutors' suit to prohibit the Church's use of its building. "Since 2018, there have been numerous inspections of the church building, which was acquired in 2007," the church's pastor and regional bishop Pavel Ryndich wrote on Facebook on 26 November 2019.

"As a result, violations of fire safety standards were discovered. The building, which dates from 1949, fulfils the requirements of modern fire regulations. [It] has historical value, which is why the church has tried in every possible way to preserve the appearance of the building in its original form, and has paid twice as much to eliminate all violations."

On 30 May 2019, Nizhny Novgorod's Moscow District Court upheld the Prosecutors' request that Jesus Embassy's building should not be used until the alleged fire safety problems had been dealt with. On 26 November Nizhny Novgorod Regional Court upheld the Moscow District Court ruling.

Jesus Embassy resolved "almost all 78" original violations and closed off the third floor of the building, Pastor Ryndich wrote in November 2019. But the fire inspectorate "continued to make endless demands", eventually raising the number of alleged

shortcomings to 120.

"Of course the FSB isn't interested in fire safety," Alexander Verkhovsky of Moscow's SOVA Center for Information and Analysis commented to Forum 18 on 15 January 2020. "Fire supervision is just an 'ideal controller': it will always find something, and something that is difficult or impossible to fix at that. Therefore, it is used. Rather, one should be surprised that it is not used so often."

Alleged fire safety violations and other alleged violations such as of sanitation regulations have also been used to target Protestant theological education institutions (http://www.forum18.org/archive.php?article_id=2465), as well as churches and mosques (http://www.forum18.org/archive.php?article_id=908). In one such case, the Pentecostal Chuvash Bible Centre lost its legal personality status in 2007, but after a long and expensive legal struggle won a European Court of Human Rights case in Strasbourg (Application No. 33203/08) on 12 June 2014. (http://www.forum18.org/archive.php?article_id=1982)

Forum 18 asked Nizhny Novgorod Regional Prosecutor's Office and the Regional Emergencies Ministry on 23 January 2020 what the church must do to have its building reopened, why the building was still considered unsafe when almost all violations had been dealt with, and what will happen if the remaining alleged violations cannot be eliminated.

Forum 18 received no reply from the Regional Prosecutors' Office by the end of the working day in Nizhny Novgorod on 6 February.

The Emergencies Ministry replied on 3 February, stating that to get the building unsealed the church must "comply with Moscow District Court's decision, specifically to eliminate fully the violations of fire safety requirements set forth in the [prosecutor's] civil lawsuit".

The Ministry added that the two remaining violations concerned a lack of adequate escape routes and a lack of an internal water supply for firefighting, which "directly affect the safety of people in the building". It added that if these are not resolved, the "judicial authorities will not decide accordingly to permit the operation of the building".

Is it possible to "eliminate violations"?

Alexander Verkhovsky of the SOVA Center noted that the initiator of such proceedings may not be the FSB: "It could be any official who wants to create difficulties for one organisation or another. And in the main, whether it is possible to 'eliminate violations' – that is, to reach an agreement with the fire inspectorate – depends precisely on how much they want this."

"Protestants have such stories more often, most likely because their buildings are relatively numerous. Of course, there are even more churches of the Russian Orthodox Church, but they have an informal defence against checks, like mosques in Muslim regions (and not even only there)."

Verkhovsky pointed out that fire inspections can be a problem not only for religious organisations, but also for human rights groups, against whom they have been used "as a means of politically motivated pressure - more than once".

New Year closure of Jesus Embassy building

Bailiffs sealed the building of the Jesus Embassy Bible Centre in Nizhny Novgorod on 31 December 2019.

The church insists that its building is safe and that it has dealt with all the issues raised by fire inspectors. Prosecutors argued in court, however, that two violations remained unresolved – an alleged lack of adequate escape routes, and an alleged lack of an internal water supply for firefighting. The Church describes these claims as "debatable and minor", lawyer Aleksey Vetoshkin told Forum 18 on 30 January 2020.

"We are working on getting the church opened," Vetoshkin added.

"We're convinced 100 per cent that our church is safe for visitors," Pastor Ryndich told Forum 18 on 16 December 2019. "It is not about safety. We understand there are forces against the church."

"We are not discouraged, because the Lord is more than a building. It is written that God 'dwells in miraculous temples', and in our hearts," Pastor Ryndich wrote on his VKontakte social network page on 3 January 2020.

While their church is closed, the Jesus Embassy congregation is worshipping at the Seventh-day Adventists' cultural centre and other locations in Nizhny Novgorod, Ryndich told Forum 18 on 19 January. The building remains the property of the church and there is no prohibition on the community meeting elsewhere.

"We continue to function as a church in complicated circumstances"

"We continue to function as a church in complicated circumstances," Pastor Ryndich told Forum 18. "We have to follow the injunctions and this means major financial costs, and at the same time we must rent other premises to hold services."

Shortly after Jesus Embassy's appeal was rejected in November 2019, Pastor Ryndich asked on Facebook "Why is there such pressure on the Protestant church in Nizhny Novgorod?" He noted that "these authorities, instead of protecting their citizens, do not give them the right to attend the church that they themselves have chosen. But the Constitution of the Russian Federation promises every citizen the right to freely practise the religion that they choose!" (END)

Full reports on freedom of thought, conscience and belief in Russia
(<http://www.forum18.org/archive.php?query=&religion=all&country=10>)

For more background see Forum 18's survey of the general state of freedom of religion and belief in Russia (http://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 (http://www.forum18.org/archive.php?article_id=2215).

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 (http://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 (http://www.forum18.org/archive.php?article_id=1351)

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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY