

12 November 2008

RUSSIA: 56 major religious organisations to be shut down?

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

Following the surprise mid-October publication of a list of 56 centralised religious organisations scheduled for liquidation, apparently for not submitting correct accounts, Russia's Justice Ministry has refused to reveal what stage any plans for liquidation are at and precisely why the 56 organisations are on the list. Old Believer, Armenian Apostolic, Catholic, Protestant, Nestorian, Muslim and Buddhist organisations are among those listed. None of 15 of the named organisations Forum 18 News Service spoke to had received any warning from the Ministry before the list's publication. Two organisations were found by Forum 18 to be defunct. None of the 56 listed organisations are from the Moscow Patriarchate, even though 309 of 562 centralised religious organisations belong to it. Vladimir Ryakhovsky of the Slavic Centre for Law and Justice claimed to Forum 18 that Moscow Patriarchate organisations were told in advance how to correct their submissions. Fr Vsevolod Chaplin of the Moscow Patriarchate confirmed that the Ministry had made "certain comments" on their organisations' accounts, but was unable to say when this was. A Justice Ministry official told the Adventist Church: "the aim of the list is 'to call religious organisations to discipline'."

A total of 56 major religious organisations spanning confessions broadly considered mainstream in Russia are still earmarked for court liquidation because the Justice Ministry claims not to have received their accounts, Forum 18 News Service has found. Old Believer, Armenian Apostolic, Catholic, Protestant, Nestorian, Muslim and Buddhist organisations are among those on the list.

Over half of all centralised religious organisations belong to the Russian Orthodox Church (Moscow Patriarchate), but none are among the 56. This is because they were forewarned by the Ministry, religious rights lawyer Vladimir Ryakhovsky of the Moscow-based Slavic Centre for Law and Justice claimed to Forum 18.

Fr Vsevolod Chaplin, vice-chairman of the Patriarchate's Department for External Church Relations, confirmed to Forum 18 that the Justice Ministry had made "certain comments" regarding the 2007-8 account submissions from the Moscow Patriarchate's centralised religious organisations. However, he was unable to say when these comments were made or whether they were made verbally or in writing, as many organisations in different regions were involved.

"Church institutions often aren't able to employ qualified legal experts and they often make mistakes," Fr Vsevolod explained to Forum 18 on 12 November. "But everything which was said [by the Justice Ministry] was put right."

If Moscow Patriarchate organisations were forewarned and thus were not put on the liquidation list, this would represent preferential treatment. It would - to Forum 18's knowledge - mark the first clear violation by a federal state body of Russia's 1993 constitutional guarantee of equality before the law for all religious associations.

Of 17 organisations on the list contacted by Forum 18, two turned out to be defunct. Representatives of the other 15 said they had not been warned verbally or in writing before the Justice Ministry published the list of the 56 offending organisations on its website in mid-October. Most confirmed bureaucratic slips by themselves or the Ministry, but some were sure they had filed accounts in order and on time.

The Justice Ministry has declined to answer all but Forum 18's basic questions. Andrei Sarychev of its Department for the Affairs of Religious Organisations directed Forum 18 to the Ministry's press service on 10 November, where a spokesperson confirmed that liquidation suits are still planned as the mid-October list remains on the Ministry website. Asked whether any individual warnings were sent to religious organisations before the list's publication, the spokesperson said he could not comment, as it was not the press service's task to issue warnings, but to "actualise the information on the website."

Referred back to the Department for the Affairs of Religious Organisations, Forum 18 was told by its head Tatyana Vaghina on 10 November that its representatives are not authorised to comment to the press and had already referred Forum 18 to the Ministry's press service. Told the press service's response, she said she would liaise with her superiors about whether she could comment to Forum 18. By mid-morning on 12 November, her superiors were "still thinking about it," she told Forum 18. "There's a supposition that more detailed information will be posted on the website."

Forum 18 has thus been unable to find out from the Justice Ministry what stage any plans for liquidation are at, precisely why the 56

organisations are on the list and whether Moscow Patriarchate organisations were warned separately.

Quoted by Interfax news agency on 15 October, a Justice Ministry spokesman said that the 56 are threatened with liquidation because they "failed to submit information and documents prescribed by law to the Justice Ministry over a prolonged period."

As some of the 56 have received written warnings since the list's publication, Ryakhovsky, the religious rights lawyer, believes that the Justice Ministry no longer intends to file for their liquidation, he told Forum 18 on 7 November.

Vaghina of the Justice Ministry told Viktor Vitko, vice-president of the Eurasian Division of the Seventh-day Adventist Church, that her department was not trying to move against the 56 organisations via the courts, but to get them to give in their accounts, he told Forum 18 on 29 October: "She said the aim of the list is 'to call religious organisations to discipline'."

According to Ryakhovsky, the Justice Ministry compiled a separate, internal list of Moscow Patriarchate organisations with accounting errors to which individual letters were sent warning what should be put right regarding their documentation. "That's why they weren't on the public list," he explained to Forum 18. Ryakhovsky did not comment on the source of his information.

July 2008 figures on the Justice Ministry website state that 309 of 562 centralised religious organisations belong to the Moscow Patriarchate. As the list of 56 represents just over a fifth of the remaining organisations, statistically some 60 Moscow Patriarchate organisations might be expected to be on a list of centralised religious organisations whose accounts are irregular in some way.

Moscow Patriarchate organisations are represented in analogous court liquidations on the regional level. In 2003, three of its parishes were among 26 religious organisations dissolved in Nizhny Novgorod Region. In 2007, Moscow Patriarchate parishes were among some 30 religious organisations dissolved in Tyumen Region. Most such organisations seem to be defunct or indifferent to losing their legal personality status (see F18News 10 September 2008 http://www.forum18.org/Archive.php?article_id=1185).

Ryakhovsky of the Slavic Centre for Law and Justice ascribed the whole development partly to a loss of specialists at the Justice Ministry following the July 2008 abolition of the Federal Registration Service, and partly to the appointment of Aleksandr Konovalov as Justice Minister in May 2008.

Konovalov has a strong personal loyalty to the Moscow Patriarchate. Previously Presidential Representative to the Volga Federal District before becoming Justice Minister, he studied theology at St Tikhon's Orthodox University in Moscow. Asked in a September 2006 interview whether state representatives could remain equidistant from all religions in the course of their work, however, Konovalov told "Foma" Russian Orthodox magazine: "Any state official – a person invested with authority and capable of influencing people's fates – must remain equidistant, or rather, as distant as possible, from personal preferences in his or her public activity."

Among representatives of the 17 organisations contacted by Forum 18, only one suspected foul play by the Justice Ministry. "They know how to lose things!" Metropolitan Adrian (Starina) of the Ukrainian Orthodox Church (Kiev Patriarchate) quipped. He assured Forum 18 that his Bogorodsk Diocese had submitted accounts for 2007-08, despite an early November written Justice Ministry warning to the contrary. Centred on Noginsk (Moscow Region) – known before 1917 as Bogorodsk – the Kiev Patriarchate diocese is one of three registered in Russia, "but they're quite weak as we're not allowed to develop," according to Metropolitan Adrian. The Kiev Patriarchate has fractious relations with the Moscow Patriarchate and is not recognised by most other Orthodox Churches (see F18News 25 March 2004 http://www.forum18.org/Archive.php?article_id=287).

Despite a current court battle initiated by the local authorities to seize 14 historical churches in its custody in Suzdal District (Vladimir Region), another unrecognised Orthodox jurisdiction at odds with the Moscow Patriarchate is not alarmed by its Suzdal Diocese being on the list. "Before the list was published we ourselves noticed that we had filled out our accounts on old forms, so we resubmitted," Marina Molodinskaya, lawyer to the Russian Orthodox Autonomous Church, told Forum 18 on 7 November. "It's all OK."

Several of the 17 organisations contacted by Forum 18 have received written warnings since the list was published, specifying what action they should take to avoid court liquidation. Like the Kiev Patriarchate diocese, the branch of the Catholic humanitarian organisation Caritas attached to the Catholic Church's Transfiguration Diocese in Novosibirsk has been warned to submit accounts by 1 December, its director, Sister Elisabeth Jakubowitz, told Forum 18 on 6 November. Caritas did in fact submit its accounts for 2007-8 to the local department of justice, as it has always done, she said, but under an old name which was formally changed soon after submission. Confusion arose due to this name change, she believes: "So much fuss from one bureaucratic error – there's nothing in it."

The Justice Ministry's approach to organisations on the list appears inconsistent, however. Most have been told what action they should take, either orally or in writing. The Protestant evangelical organisation Youth With A Mission also received a Ministry warning letter, "but it wasn't at all specific," a representative of the organisation told Forum 18 on 6 November. As far as he knew, Youth With A Mission had submitted all its documentation "on time and in order." While the organisation's lawyers are currently looking into the situation he said, "They aren't being very helpful at the [Justice] Ministry – just saying that they are going to

liquidate these organisations."

Representatives of several other organisations on the list contacted by Forum 18 sounded annoyed that they had only learned about it from the internet. "There was no warning or letter, nothing," a secretary at the St Petersburg-based Lutheran Church of Ingria told Forum 18 on 29 October, and insisted that the Church had in fact submitted its accounts. The Ingrian Church's Theological Institute also submitted its accounts on time, a secretary there told Forum 18 the next day, "and we have the receipts to prove it." The Justice Ministry was at fault, she maintained, as it could not find the Institute's papers.

The (Nestorian) Assyrian Church of the East – which has a handful of parishes in Russia – found out that it should have submitted certain documents only after contacting the Justice Ministry following internet news reports of the list of 56, Ruben Aleksanov of its Mar Gewargis (St George's) parish in the southern city of Krasnodar told Forum 18 on 6 November. "Officials could have told us there was something missing when we put in the papers," he complained. "They might have warned us."

Most of the religious organisations Forum 18 contacted, however, appeared surprisingly anxious to suggest they had been at fault and/or stressed that they did not see any cause for concern. Akhmed Makhmedov, press secretary of the Volga Spiritual Directorate of Muslims, told Forum 18 on 5 November he was sure his organisation was on the list because of "something to do with our accounts" – although he had no idea what. He was confident it could be resolved before any possibility of liquidation, even though he said similar circumstances had forced the Directorate to defend itself from liquidation in Saratov Regional Court some five years ago.

A spokesman for the southern diocese of the Armenian Apostolic Church – which has its headquarters in Krasnodar - described its entry on the list as "a mistake" and responded "everything's OK" to all Forum 18's further questions on 5 November.

Dulma Shagdarova, who co-chairs the Central Directorate of Buddhists, also assured Forum 18 that "everything's OK" on 5 November, explaining that she had already sent the Justice Ministry a copy of a document missing from her organisation's original submission.

The Central Conference of the Russian United Methodist Church submitted its accounts to the local department of justice in Moscow rather than the Ministry, a secretary told Forum 18 on 29 October, "and so they didn't get them – it was our mistake." Having resubmitted the documents, she suggested the situation would soon be resolved.

Similarly, Viktor Vitko of the Seventh-Day Adventist Church told Forum 18 that the Justice Ministry had not received annual accounts from the its West Siberian Conference or Central Siberian Mission because they were submitted to local justice departments. Tatyana Vaghina of the Justice Ministry had assured him that local justice departments had been warned to be more vigilant about passing on accounts in future, he said.

Two of the 17 organisations whose representatives Forum 18 contacted – Gospel Charity Pentecostal Mission and an Omsk-based Muslim spiritual directorate – turned out to be defunct.

Fr Yevgeni Chunin, head of administration at the Moscow metropolia of the Russian Orthodox Old Believer Church (Belokrinitsa Concord), was unsure why two of his Church's dioceses – Novosibirsk and Kazan-Vyatka – were on the list: "Of course we handed in the various accounts, but maybe something was late," he told Forum 18 on 6 November. "We're not used to all this fiscal accounting." Diocesan representatives are currently working to resolve the situation, he said.

Fr Yevgeni was unsurprised at the situation, however. Ever since the conclusion of re-registration under the 1997 Religion Law at the end of 2000, he said, "there's been some kind of cataclysm from time to time because they haven't explained some bits of the law to rank-and-file religious organisations. You only find out when they call you or there's some kind of warning that you've violated this or that, and you think, 'Lord have mercy! What have we done?' It turns out to be some bit of the law you haven't read, and this is what we think this is."

For the past two years, all religious organisations have had to file annual accounts with the Justice Ministry in line with the 2006 so-called NGO Law (see F18News 14 November 2006 http://www.forum18.org/Archive.php?article_id=869). In response to sustained lobbying by religious organisations – particularly the Moscow Patriarchate - the government markedly simplified the new rules for them in April 2007 (see F18News 17 April 2007 http://www.forum18.org/Archive.php?article_id=943). The 1997 Religion Law also requires religious organisations to inform the Justice Ministry annually about the continuation of their activity.

Ryakhovsky's lawyer colleague at the Slavic Centre for Law and Justice, Sergei Chugunov challenges whether failure to file accounts amounts to the "frequent and gross violation" of the Constitution or federal law necessary for the state to dissolve a religious organisation. It is difficult to say what the consequences would be if a centralised religious organisation were dissolved, he told Forum 18 on 11 November. "The law doesn't stipulate, and so there is no agreement on whether it would mean the liquidation of just the centralised religious organisation, or of all the local religious organisations belonging to it as well."

Under the 1997 Religion Law, three local religious organisations which have existed for at least 15 years may register as a

centralised religious organisation, such as a diocese or union. This may then function as an umbrella organisation for other – including newer – local organisations seeking legal status. (END)

For 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, see F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

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

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 printer-friendly map of Russia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY