

9 December 2008

RUSSIA: Why weren't violent church attackers convicted?

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None of the alleged participants in two violent attacks on a Pentecostal church – by three people in the first attack and eight people in the second attack – has gained either a criminal or administrative record for the attacks, Forum 18 News Service has found. Asked why, given the seriousness of the attacks, no criminal case had been launched and no criminal trial had taken place, a senior investigatory official responded: "That's your subjective view." Only one attacker – Oleg Sumarukov - appears to have had any form of official action taken against him. However, a local newspaper thought to have encouraged the April 2008 attacks was given an official warning. During the attacks, slogans such as "Sectarians are everywhere!" and "You must be destroyed!" were shouted, parishioners were threatened with a pistol, the pastor was beaten up and threats were made to murder him, and a threat of an arson attack on the church was made. The attackers also tried to intimidate the church not to call the police. There have, however, been no attacks on the church since, and local police "even visit from time to time to check we're OK," a Pentecostal told Forum 18.

Eight months after two violent attacks on a Pentecostal community in Penza Region, 600 km (370 miles) south-east of Moscow, the main perpetrator has not been prosecuted. Oleg Sumarukov was "given a good talking to" by the law enforcement agencies and, under pressure, paid compensation. A local newspaper said to have encouraged the April 2008 attacks has been warned about publishing extremist anti-Protestant material. The Pentecostals are reluctant to take the matter further as "we have to live here," the pastor who was attacked explained to Forum 18 News Service. In neighbouring Ulyanovsk Region, local Protestants still await an official explanation for the authorities' last-minute cancellation of a drama event in May 2008.

Aleksandr Verkhovsky, Director of the Moscow-based Sova Center for Information and Analysis, noted to Forum 18 that violent attacks on religious minorities remain relatively rare. However, "across the board investigatory work in Russia is poor, but especially poor when it comes to incidents involving religious minorities," he stated on 9 December. Verkhovsky thinks, however, that it is important for such crimes to be prosecuted "to show that the state is prepared to defend individuals".

Several of the young men who attacked the Living Word Pentecostal Church in Kuznetsk (Penza Region) twice in April 2008 – the same month a church elsewhere in the region received death threats – have been identified and have admitted their guilt. Even though there appear to be clear grounds for criminal prosecution, however, the law enforcement agencies have not pressed charges on the pretext that the victim has decided not to testify.

Dmitry Murashev, an official of the Department for Co-operation with Religious Associations in Penza Regional Administration, insists that the case is now "resolved". "It was fully investigated and resolved in strict accordance with the law," he told Forum 18 from Penza on 4 December. "Those responsible were punished. This is important." He added that Bishop Oleg Serov of the Penza-based regional Pentecostal association - to which Living Word Church is affiliated - had thanked the authorities for their speedy work. Asked why the case had never reached a criminal court, Murashev said Forum 18 should speak to the law-enforcement agencies.

An official of Kuznetsk Prosecutor's Office said decisions on prosecutions are taken by the Investigatory Committee, a sub-division within the Prosecutor's Office. Reached on 4 December, Ivan Berezin of the Investigatory Committee confirmed to Forum 18 from Kuznetsk that he had worked on the case and confirmed that "there was no criminal case". Asked why this was so, given the seriousness of the attacks, he responded: "This question should not be directed at me – we passed all the documents to the town police. They should decide."

However, Boris Sokolov, head of Kuznetsk town police, told Forum 18 the following day that this was not true. "We prepared all the material saying that there must be an investigation, without saying what conclusion we came to [over the level of charges]," he told Forum 18. "We then sent it to the Investigatory Committee – taking the decision whether or not to prosecute is not our responsibility." He declined to comment on whether the Investigatory Committee had been right or wrong not to launch a criminal case and proceed to trial.

Reached again on 8 December, Berezin of the Investigatory Committee this time denied that he had been involved in the case. He insisted that one of his colleagues had been involved but declined to give any name. He said he was busy on another case and did not have time to talk. However, the deputy head of Kuznetsk's Investigatory Committee, Aleksei Zubarev, confirmed to Forum 18 that

Berezin had conducted the review of the case. Asked why, given the seriousness of the attacks, no criminal case had been launched and no criminal trial had taken place, Zubarev responded: "That's your subjective view." He claimed that the decision not to conduct a criminal prosecution had been fully argued, based on the law. He declined to specify by phone what these arguments were.

The federal Investigatory Committee in Moscow told Forum 18 that a criminal case was not opened due to lack of evidence. Investigators "did not find in Oleg Sumarukov's actions intent to obstruct the activity" of Living Word Church, it maintains. While Sumarukov and two others did threaten Living Word's Pastor Dmitry Shugurov and hit him about the head and body, the pastor did not object to the official refusal by Kuznetsk police to open a criminal case under Article 116, Part 1 of the Criminal Code ("beating") due to the absence of a statement from the victim. The Kuznetsk judge ruled that administrative charges also be dropped after Sumarukov paid the pastor damages and he had no further complaints, the statement concludes.

Shouting "Sectarians are everywhere!" and "You must be destroyed!", three young men led by Sumarukov burst into Living Word Church in Kuznetsk on 2 April. As well as threatening parishioners with a pistol held to their heads, the three beat up Pastor Shugurov and warned him not to inform the police or his family would suffer.

Initially intimidated, Pastor Shugurov did not appeal to local police until 22 April. Two hours later, Sumarukov struck again, this time with seven others. Entering just before the church's performance of a Passion play, the group shouted "Allah is God!" in apparent mimicry of the 2002 Moscow theatre siege by Islamist militants. While this time the parishioners were able to defend Pastor Shugurov from physical attack, Sumarukov threatened to murder him "in a dark alley" and burn down the Pentecostals' church. Police sent only one officer in response to the parishioners' request for a group of officers, the Moscow-based Slavic Centre for Law and Justice reported on 30 May.

Pastor Vera Gavrilina of a sister church in Serdobsok (Penza Region) similarly received death threats for being a "sectarian", also in April.

Despite the seriousness of the attacks on his church, Pastor Shugurov told Forum 18 on 3 December, Kuznetsk Public Prosecutor's Office pressed only an administrative charge of petty hooliganism against Sumarukov. The maximum punishment is a fine of 15 times the minimum wage or 15 days' detention (Article 20.1 of the Administrative Violations Code).

None of the alleged participants in the attacks – by three people in the first attack and eight people in the second attack – has gained either a criminal or administrative record for the attacks. Similarly, only one attacker – Sumarukov – appears to have had any form of official action taken against him.

Noting that the attack bore the hallmarks of extremism during the course of three hearings at a Kuznetsk administrative court in May, the judge did order the opening of a criminal case, Pastor Shugurov told Forum 18. But after Sumarukov made a public apology and paid 40,000 roubles (10,170 Norwegian Kroner, 1,110 Euros or 1,400 US Dollars) in moral damages and court fees, Living Word Church decided to forgive him and withdraw its complaint, he added. The church agreed with the advice of its lawyer, Anatoli Pchelintsev of the Slavic Centre for Law and Justice, not to "create a fuss," the pastor explained. "As we have to live here, it's best to have good relations with the local authorities." The criminal case was then closed.

Punishments for extremist activity range from a fine of 50 times the minimum wage to imprisonment for up to four years (Article 282.1 of the Criminal Code).

While Sumarukov was not imprisoned, he was given "a serious talking to" at Kuznetsk Public Prosecutor's Office, Pastor Shugurov told Forum 18: "They put pressure on him." There have been no attacks on the church since, and local police "even visit from time to time to check we're OK," he added.

The attacks were a direct result of a spate of items attacking "sects" in the local media in April, believes Pastor Sergei Kireyev, administrator to Bishop Serov of the regional Pentecostal association. One particular article in Penza's privately owned "Our Town" newspaper – accompanied by an illustration of a skinhead shouting and holding a placard proclaiming "Down with sects!" – mentioned Living Faith by name, he said.

Following a complaint by the Church, a state-commissioned expert analysis of that article determined it to be extremist, and "Our Town" was given an official warning in September, said Pastor Kireyev. Under the 2002 Extremism Law, two warnings are sufficient to close down a media outlet (see Forum 18's October 2008 Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1196).

"The article in 'Our Town' put us right back in the 1990s," Kireyev remarked to Forum 18 on 2 December. Back then "people didn't know the difference between Protestants and the White Brotherhood" – an esoteric religious group originating in Russia which urged people to await the end of the world in Kiev in 1993. But since 2000 – thanks to their efforts to highlight their almost 200-year presence in Penza Region – Protestants have become more accepted, he said.

Pastor Kireyev believes Living Faith Church in Penza city was not attacked as it has 400 members and security guards. Living Word

Church is a relatively new community of some 50 members with no special security.

The negative local media reports about Protestants followed a 28 March meeting of Penza's regional Committee for Co-operation with Religious Associations. Local media described the meeting as being on "The Sectarian Factor in the Socio-political life of the Region." However, Murashev of the Regional Administration insisted to Forum 18 that the meeting had no title and that the concept of "sectarianism" does not exist in Russian federal law. "Officials did not speak on this – journalists gave it this title."

On 29 April, eight local Protestant pastors wrote to Penza Region's Vice-governor, Oleg Melnichenko, requesting that three Protestant representatives be included on this Committee – as was the case until autumn 2007 – in the light of events. Pastors Shugurov and Kireyev both praised Melnichenko's attentive response to their appeal.

Vice-governor Melnichenko announced Penza Region's preparation of a draft law restricting missionary activity, Interfax news agency reported on 20 May. However, Murashev of the Regional Administration told Forum 18 that such a draft law "does not exist – it is not in preparation and is not being considered by any commission of the regional Legislative Assembly".

Dozens of Russia's regions adopted anti-missionary laws between 1993 and 1997 but these were all subsequently annulled. However, the process resumed when the southern Russian region of Belgorod adopted an anti-missionary law in 2001, a move followed by other regions, though many of these laws do not appear to be enforced (see F18News 12 July 2004 http://www.forum18.org/Archive.php?article_id=360).

Penza's regional authorities were accused of pro-Orthodox discrimination with their November 2002 adoption of the Saviour Not Made by Hands icon as the region's official flag. Kireyev maintained to Forum 18 that the flag is acceptable to Protestants as it does not reproduce the halo of the icon, but is "only an image of the Saviour's face." Local Protestants were particularly active in a 2005 campaign in its defence, he said, co-organising petitions and a car rally.

Kaido Teesalu, an Estonian evangelical missionary based in Ulyanovsk, is not aware of any official response to complaints about the abrupt cancellation of a Christian theatre performance in the Lenin Memorial Centre, which he co-ordinated. Due to be staged on the public holiday weekend of 10 and 11 May, the regional authorities withdrew their permission for the "Heaven's Gates and Hell's Flames" drama without explanation the day before, he told Forum 18 on 29 November. The performance was the initiative of local Baptist, Lutheran and Pentecostal churches with whom Teesalu works.

Asked why permission for the performance was suddenly withdrawn, the Governor's Office in Ulyanovsk insisted to Forum 18 that the decision had been taken by the Memorial Centre "on technical grounds" because of an emergency which disrupted the supply of electricity to the building. "Any other event, including a concert organised by Orthodox, Muslim or Jewish organisations, would equally have been cancelled in the case of a similar technical fault."

While the churches did not lose any rent, significant promotion costs and travel expenses for a technical team from Estonia were wasted, Teesalu pointed out to Forum 18. He believes that Tatyana Sergeyeva, a former aide to Ulyanovsk Region's governor and a "devoted atheist", was responsible for stopping the event. Unlike Penza Region's pro-Orthodox stance, he added, atheism is the key influence on the administration in Ulyanovsk Region – Lenin's birthplace – contributing to obstruction of religious activity.

The prominent and large-scale nature of the drama event made it a target, Teesalu believes; smaller Protestant events in Ulyanovsk Region have since taken place unhindered. As in Penza Region, opposition to Protestant activity went unchecked because evangelical churches have not been represented on the state's regional Committee for Co-operation with Religious Associations since late 2007, he added.

Some local authorities – such as in Lipetsk Region, south-east of Moscow - are using "a bureaucratic way" to obstruct and restrict the activity of Protestant churches (see F18News 28 November 2008 http://www.forum18.org/Archive.php?article_id=1223).

Police in Russia have tended to be indifferent to attacks on places of worship – even in cases of arson attacks. Forum 18 has previously noted arson attacks on Orthodox, Lutheran, Baptist, Pentecostal, Adventist, Jewish and Muslim communities. In some of these cases, police investigations have resulted in prosecution, but in others police either fail to investigate or refuse to acknowledge that arson has taken place. One Baptist suggested to Forum 18 that arsonists might prefer to attack places of worship, because the repercussions against them would be far less serious than if they attacked a bank or a business (see F18News 27 July 2005 http://www.forum18.org/Archive.php?article_id=617). (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>.

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