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RUSSIA: Who should historical religious property belong to?

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

Several current cases show how the allocation of historical worship property can prove a minefield for the state, Forum 18 News Service notes. In Moscow Region, an Old Believer parish is being pushed out of a church to which it has no historical claim but has used for over 60 years: even Church representatives have different views on its fate. In Lipetsk, Baptists continue their fight for compensation for their renovation of an Orthodox church given them by the Soviet authorities and now claimed by the local Orthodox diocese. In Suzdal, the authorities have confiscated 11 churches and 2 bell-towers – all cultural monuments – from the Russian Orthodox Autonomous Church, a competitor to the Moscow Patriarchate. Officials "must think of the consequences of hasty or wrong decisions" when transferring such property, Mikhail Odintsov, a state human rights official, told Forum 18. A draft law on the transfer of historical religious property would reignite the whole restitution issue and place the Russian Orthodox Church among Russia's top landowners.

As current cases involving the Russian Orthodox Church (Moscow Patriarchate) and Old Believers, Baptists and Autonomous Orthodox show, allocating historical worship property can prove a minefield for the state authorities, Forum 18 News Service notes.

Officials "must think of the consequences of hasty or wrong decisions" when transferring historical worship property from their possession, Mikhail Odintsov, the top official dealing with religious issues at the office of Russia's Human Rights Ombudsman, remarked to Forum 18 on 26 February. "It should be remembered that people are on the receiving end."

While calls for the return of historical property began in the dying years of the Soviet Union, it is still one of the most troublesome issues for religious communities. A 23 April 1993 presidential decree instructed the government "to carry out the gradual transfer of houses of worship, religious buildings, their associated territory and other items of religious significance from federal ownership to the ownership of or usage by religious organisations." It did not set a deadline, however, nor extend to municipal, regional or already privatised property (see F18News 30 August 2005 http://www.forum18.org/Archive.php?article_id=639).

Ambitious draft law

An ambitious draft law on the transfer of property of religious significance to religious organisations may reignite the process. As well as spelling out the procedure for allocating such property, it would grant religious organisations ownership of all historical property currently in their use, Russian daily newspaper Kommersant reported on 24 February. Religious organisations currently have the right to use such property indefinitely, but it remains the possession of the state.

If adopted and implemented, the draft law would put the Russian Orthodox Church on a par with such top landowners as gas giant Gazprom and Russian Railways, Kommersant notes. The text of the draft has yet to be finalised, however, Russian media report.

Claims rarely simple

Claims to historical religious property are rarely simple. Old Believers in the village of Aleshino (Moscow Region) have been lawfully worshipping at a nineteenth-century Orthodox church – not therefore historically Old Believer - since the Soviet authorities re-opened it in 1946, Samstar.ru Old Believer website reported on 1 December 2008. In late November 2007, however, a local Moscow Patriarchate priest showed them copies of documents attesting that the church had formally been transferred to his community.

Told by Moscow Regional Department of Culture to obtain a contract for the building if they intend to continue using it, the Aleshino Old Believers submitted the necessary documents in August 2008. There followed, however, "the usual procrastination: 'Call back in a week's time', 'Your inspector's away at the moment', and so on," according to Samstar.ru.

"Behind the Old Believers' backs"

During this period, "behind the Old Believers' backs, as it turns out, documents confirming the transfer of this church to a newly formed Moscow Patriarchate community were signed," Fr Yevgeni Chunin, head of administration at the Moscow metropolia of the

Russian Orthodox Old Believer Church (Belokrinitsa Concord), told Portal-Credo Russian religious affairs website in a 4 December 2008 interview. "How are these facts to be reconciled with the law's presumption of equidistance from the state of different confessions?"

The Old Believers' official stance has since become more muted, however. Fr Leonti Pimenov, their dean for Moscow Region, pointed out to Forum 18 on 18 February 2009 that the Aleshino church is just 4 km [2 miles] away from the district centre of Yegoryevsk, where a historical Old Believer church was returned ten years ago. Accommodating several thousand people, this building is now renovated and is easily accessible by bus from surrounding villages, he said. While stopping short of saying that the Old Believers do not need the building, "it doesn't harm our spiritual life not to have it," Fr Leonti remarked.

Legal status an issue

In Lipetsk (approximately 500km [300 miles] south east of Moscow) the battle for a former Orthodox church transferred to Baptists by the Soviet authorities in 1989 continues. The local Orthodox diocese of Lipetsk and Yelets filed suit for the building in 2008, but the case was adjourned when it became clear that the Baptist congregation had lost its legal status.

This has now been restored, however. On 11 December 2008 Lipetsk Regional Arbitration Court declared unlawful the 2007 exclusion of the Baptists' organisation from the Single State Register of Legal Personalities, the church's lawyer, Sergei Chugunov of the Moscow-based Slavic Centre for Law and Justice, told Forum 18 on 18 February.

Under Article 21.1 of the 2001 Law on the State Registration of Legal Personalities and Individual Entrepreneurs, an organisation may be removed from the State Register without court proceedings if it fails to file a tax return or use its bank account in the course of a year (see F18News 28 November 2008 http://www.forum18.org/Archive.php?article_id=1223).

The Arbitration Court established that the Baptists had in fact submitted the necessary tax return in 2007, even if perhaps incomplete, meaning the authorities could not conclude that their organisation was defunct, the Slavic Centre reported. With its legal status now restored, the congregation has filed suit in Russia's Supreme Court against a 2007 Government decree transferring its church to Lipetsk and Yelets Orthodox diocese, Chugunov told Forum 18.

Baptists "being told to clear off with nothing"

The Baptists are not in fact opposed to their building's transfer to the Orthodox diocese, but are seeking compensation for extensive renovation work. The local authorities have insisted to Forum 18 that land given to a separate Baptist congregation counts as compensation (see F18News 22 February 2007 http://www.forum18.org/Archive.php?article_id=917).

In the view of Odintsov of the Human Rights Ombudsperson's office, the Lipetsk authorities are in the wrong. "The Baptists didn't seize that church – they are willing to leave if given compensation – but they're essentially being told to clear off with nothing," he remarked to Forum 18.

It remains unclear whether Lipetsk and Yelets Diocese intends to pursue the case. The Baptist Union's Department for External Church Relations reported its delegation and local Bishop Nikon (Vasin) exchanging New Testament verses on Christians not settling their problems with one another in court during a 9 February visit to Lipetsk. Department director Vitali Vlasenko remarked that the bishop had been "very positive and cordial" and promised "to try and do his best to find a good place for the Baptists to worship."

A spokesperson at the press centre of Lipetsk and Yelets Diocese told Forum 18 on 24 February that it was not authorised to give any information without the blessing of Bishop Nikon, who was away, and that it was unclear when he would be available to consider granting such a blessing.

A 2007 report on Lipetsk and Yelets diocesan website asserts that the Baptists should not be compensated for the "unauthorised reconstruction" of the former Orthodox church. A photograph of the building may be viewed at http://www.le-eparchy.ru/content/news.php?news_id=20060329a.

Suzdal Orthodox churches - but which Orthodox?

In another long-running case, Vladimir Regional Arbitration Court on 5 February ruled that the Suzdal-based Russian Orthodox Autonomous Church (ROAC) must return to the state 11 historical churches and two bell-towers. The 13 objects are all cultural monuments of national importance in the town of Suzdal and the nearby village of Kideksha (Vladimir Region). The churches are: Emperor Constantine, Holy Cross and St Nicholas, Dormition, SS Cosmas and Damian, Lazarus, St Antipas, Tikhvin Icon of the Mother of God, Theophany, "Joy of All Who Sorrow" Icon of the Mother of God, St Stephen, St John the Forerunner. A key tourist destination, Suzdal (population approximately 12,000) contains some 35 churches and five monasteries dating up to the eighteenth century.

The suits for the return of the churches and bell-towers – transferred to and restored by the ROAC from 1990s - were filed by Vladimir Territorial Property Department in February 2008. The ROAC retains one, unrenovated historical church in Suzdal (SS Boris and Gleb) and six in outlying villages. A new church and chapel built by the ROAC, also in Suzdal, are not subject to the state's claims.

ROAC lawyer Marina Molodinskaya declined to comment to Forum 18 on 20 February, explaining that the Church is currently preparing its appeals.

The ROAC was founded by former Archimandrite Valentin (Rusantsov), who carried out the prestigious duty of greeting foreign tourists to Suzdal from the early 1970s. In 1990, however, he left the Moscow Patriarchate protesting that he had been forced to compile KGB reports on his foreign visitors, and transferred to the Russian Orthodox Church Abroad (ROCA). Consecrated by ROCA hierarchs in 1991, Bishop Valentin then became joint leader of the Russian Orthodox Free Church, the ROCA's newly founded body within Russia. In 1995, however, the ROCA placed a ban on both the Free Church's leaders. Bishop Valentin responded by taking sole control and declaring the independence of the Free Church, which was subsequently renamed the Russian Orthodox Autonomous Church.

Locally, now Metropolitan Valentin is a controversial figure. On 23 August 2002 he was given a suspended sentence of four years and three months for child abuse by Suzdal District Court. The same court quashed the sentence on 3 March 2004, however.

Harassment

Disfavoured religious communities also regularly complain of bureaucratic harassment over their use of non-historic property. Such problems are usually encountered by Protestants, who are more likely to have unsecured worship premises. In these cases, state officials are similarly said to use measures such as undocumented instructions and unduly stringent state check-ups (see most recently F18News 26 February 2009 http://www.forum18.org/Archive.php?article_id=1261). (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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