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RUSSIA: Raised penalties for demonstrations extended to worship

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

Pentecostal Pastor Aleksandr Kravchenko became the first religious leader in Russia known to have been fined at the higher level for holding a religious service since fines for violating the Demonstrations Law were raised in June. The large fine followed a police raid billed as part of "anti-extremism" measures, according to letters seen by Forum 18 News Service. The Magistrate brushed aside Kravchenko's argument that he did not need to notify the authorities of the services he has held at the same venue for two years. Also in Adygea, the FSB security service ordered prosecutors to close a Muslim prayer room, while Muslims in two other locations faced warnings that their Eid-ul-Fitr ceremonies in rented premises needed to conform to the Demonstrations Law. In Moscow, Pastor Vasily Romanyuk might be prosecuted for leading Sunday worship on the site of his bulldozed church.

For the first time since Russia massively increased the administrative penalties for violating its Demonstrations Law this June, a religious leader has been fined at the new, higher level for conducting religious worship without state approval, Forum 18 News Service has learnt. Police have also accused Pastor Vasily Romanyuk of holding an "unapproved meeting" after he led Sunday worship at the ruins of his Moscow church, bulldozed by the authorities on 6 September. In connection with Eid-ul-Fitr holiday prayer this August, Muslims in some localities similarly report government insistence that public worship not at designated religious sites requires advance clearance.

The Pentecostal pastor heavily fined, Aleksandr Kravchenko, insisted in court that advance notification is not legally required for religious events, but the Maikop (Adygea republic) magistrate who punished him brushed aside his argument.

The 2004 Demonstrations Law indeed states that "religious rites and ceremonies" come under the 1997 Religion Law (Article 1.2). While the 1997 Law in turn states that "public worship services, other religious rites and ceremonies" are regulated by legislation on demonstrations, this is only if they take place outside designated religious buildings and sites such as cemeteries, places of pilgrimage and private residences (Article 16.2). Crucially, the list also includes "places made available to religious organisations for these [worship] purposes" - which should cover privately rented premises.

Since 2009, however, Forum 18 has noted a rise in cases when religious leaders are prosecuted for holding worship at privately rented premises without notifying the authorities in advance. Some judges and magistrates throw out such cases, but about half of prosecutions reported are successful. Usually affected are Jehovah's Witnesses and Protestants; more recently also Hare Krishna devotees have been raided by police in response to complaints about "people in strange clothes" (see F18News 29 May 2012 http://www.forum18.org/Archive.php?article_id=1707).

In localities where officials are hostile to these faiths, advance notification of religious worship at rented premises is not simply a formality. Religious believers there report that pressure on landlords follows once the state learns of their rental agreements, leading to their termination (see F18News 28 October 2011 http://www.forum18.org/Archive.php?article_id=1631).

Raid and fine

In the North Caucasus republic of Adygea, police raided the 15 July, Sunday morning service of Revival Pentecostal Church at a hall it has rented for over two years in the capital, Maikop. Aleksandr Kravchenko, an assistant pastor who was leading the service, asked the police to wait until worship was over, which they did. Officers then inspected the building, checked the identity documents of all present and questioned some about the community's beliefs and religious literature.

They then drew up a record – seen by Forum 18 - of a violation by Pastor Kravchenko of Article 20.2, Part 1 of the Code of Administrative Violations.

This article punishes violations of "the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket", which are set out in the 2004 Demonstrations Law. In June, corresponding fines were increased by at least 10-fold, up to a maximum of 20,000 Roubles for individuals (see Forum 18's Russia religious freedom survey http://www.forum18.org/Archive.php?article_id=1722).

Magistrate Aslan Khotko of Maikop's Judicial Unit No. 2 found Pastor Kravchenko guilty on 28 August, according to the verdict seen by Forum 18. He was fined 10,000 Roubles (1,800 Norwegian Kroner, 250 Euros or 320 US Dollars). While the minimum penalty available, this is a significant sum in Adygea. Before June, the equivalent fine of 1,000 Roubles already amounted to nearly a week's official minimum wage.

On 5 September Pastor Kravchenko lodged an appeal with Maikop City Court, Revival Church's senior pastor Leonid Dolmatov informed Forum 18 on 13 September. He also noted that as of the end of August, the owners increased sharply the rental on the hall so that the church could no longer afford it. "No one said this was connected, but .." he told Forum 18.

"Manifestation of extremism"?

The raid on Revival Pentecostal Church had been authorised on 13 July by Adygea's deputy interior minister and police chief, Muradin Brantov. According to his order seen by Forum 18, a prayer room where "unapproved religious meetings" are held had been set up in a trade pavilion in Maikop: "According to the given information, the religious meetings are being held in an inappropriate venue and without appropriate notification of the local authorities."

Also on 13 July, the head of Adygea police's Anti-Extremism Centre, Andrei Chernikov, checked with the head of Maikop city administration, Mikhail Chernichenko, that Revival Pentecostal Church had not notified the authorities of any public religious event in 2012. Chernikov's action was part of "co-operation to counter manifestations of extremism" under the 2002 Extremism Law, according to the exchange of letters seen by Forum 18.

The duty officer at Adygea police's Anti-Extremism Centre refused to put Forum 18 through to Chernikov on 7 September. The officer added that he is "not authorised to answer any questions".

Prayer room closed

Also in Adygea, the republic's FSB security service announced on 14 August that, following its "operational measures", prosecutors had ordered closed a Sufi prayer room in the village of Novaya Adygea, Regnum news agency reported. The FSB said the prayer room was set up by a Dagestani man and posed a threat due to "non-acceptance by the local population of the separate holding of religious rites by people from Dagestan adhering to the Sufi Islamic movement, which is not traditional for our region".

The FSB lamented the local authorities' failure to act. It also warned that allowing the Sufi prayer room to function would encourage other religious communities to create similar prayer rooms.

No officer of the Adygea FSB was prepared to explain why the prayer room had to be closed. "We don't comment on our activity," the duty officer – who would not give his name – told Forum 18 from Maikop on 13 September.

Fine for service by bulldozed church?

On 9 September, just three days after the authorities in eastern Moscow destroyed his Holy Trinity Pentecostal Church, Pastor Vasily Romanyuk was questioned by police after he led Sunday morning worship among its ruins. Invited to the police station rather than detained, no formal protocol of an administrative offence was drawn up nor was any reference made to the Administrative Code, he told Forum 18 on 13 September. "I was just asked the question – why did I conduct an unapproved meeting?"

Like Pastor Kravchenko, Pastor Romanyuk answered by insisting that he had led a religious service – characterised by prayers, preaching and hymns – which does not require legal permission. He believes the police will now wait to see what the response is from their superiors and the media before deciding on whether to pursue prosecution.

In 1992 Moscow city government gave the green light for Holy Trinity Church to receive land and building rights in compensation for the loss of its late Soviet-era premises to city planning. In the years since, the authorities have refused to support the Pentecostals' building plans, however, culminating in the 6 September destruction of the Church's "temporary" structure as unlawful (see F18News 6 September 2012 http://www.forum18.org/Archive.php?article_id=1738).

A 7 September statement on the website of the prefecture of Moscow's Eastern Administrative District defends its demolition of the church by focusing on the legal technicalities of the case. "The site was built upon without documentation or architects' approval, and the [land] rental agreement became void when it expired," the statement maintains.

The statement does not mention that Holy Trinity did everything legally possible to comply with the necessary bureaucratic demands for construction, however. Nor does it acknowledge the state's long-standing obligation to provide proper compensation to the Pentecostals for the loss of their original church.

Eid-ul-Fitr

Increased numbers of faithful at major festivals mean that many Muslim communities have to rent outside premises for worship. In doing so for this year's end-of-Ramadan Eid-ul-Fitr festival (locally known as Uraza-bairam), several also report government insistence that public worship not in designated religious buildings requires advance clearance under the 2004 Demonstrations Law.

Two days before the 19 August festival, the municipal authorities in Maloyaroslavets (Kaluga Region), 120 kms (75 miles) southwest of Moscow, warned the town's Muslim community that its plans for Eid-ul-Fitr prayers would break the 2004 Law, the community's imam, Rinat Batkayev, told Forum 18 from Maloyaroslavets on 11 September.

Even though the Muslims' rental agreement to use premises at a local technical instrument factory was entirely private, he said, the municipal authorities insisted they should have been notified of the arrangement between 10 and 15 days in advance, as is stipulated for public demonstrations by the 2004 Law (Article 7.1). Batkayev was therefore forced to cancel the agreement with the factory.

Legal professionals stress that "holiday prayer - Salat ul Eid - cannot be evaluated as a public event (meeting, assembly), for it is an integral part of the activity of a religious organisation, fixed by its statute and protected by law," the Muslim Spiritual Board of European Russia protested in a 20 August statement on the troubles of its affiliate Maloyaroslavets community.

As a community member offered use of his private house at the last minute, the Maloyaroslavets Muslims were nevertheless able to gather for Eid-ul-Fitr without obstruction, Batkayev told Forum 18. Rented premises where the community normally meets for Friday prayers are sufficient for the approximately 50 regular worshippers, but not for the hundreds who now attend large festivals, he added.

Kaluga regional Public Prosecutor's Office is currently investigating the legality of the Maloyaroslavets authorities' warning, a spokesperson at its press department told Forum 18 on 12 September. She estimated the investigation would be complete within two weeks and promised to provide Forum 18 with the result as soon as it became available.

"We don't have to"

Seven time zones east on Russia's Pacific island of Sakhalin, the Muslim community in the main city of Yuzhno-Sakhalinsk also had to conform its Eid-ul-Fitr worship to the regulations for political demonstrations. "But we shouldn't have to – these are private premises, a private agreement," the community's imam Abdulmalik Mirzoyev told Forum 18 from Yuzhno-Sakhalinsk on 11 September, "and according to the law, we don't have to, actually."

As the Muslims did not wish conflict, Mirzoyev explained to Forum 18, they decided not to insist that worship is not subject to regulations on public demonstrations. Prayers went ahead unobstructed on the premises of a former factory once the community provided the Yuzhno-Sakhalinsk authorities with a copy of the landlord's permission and a plan of where worshippers would be situated, he said.

Sakhalin's Muslim community uses the very same premises for ordinary Friday prayers, but has never been asked to clear this with the city authorities. Mirzoyev laughed when Forum 18 asked why. "This is Russia!" he replied. (END)

For more background, see Forum 18's surveys of the general state of religious freedom in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

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.

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

More 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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY