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RUSSIA: St Petersburg church liquidated, Rostov and Chelyabinsk drug and alcohol rehabilitation targeted

By Victoria Arnold, Forum 18 (<https://www.forum18.org>)

A St Petersburg Pentecostal church has been liquidated this month for alleged illegal educational activity. Protestant-run drug and alcohol rehabilitation centres in Rostov and Chelyabinsk regions of Russia are also been targeted for closure by the authorities, Forum 18 News Service has found. Harvest Church lawyer Sergei Chugunov of the Slavic Centre for Law and Justice stated that the St Petersburg Prosecutor "could simply have demanded an end to the activities they deemed illegal, and taken action in the event of disobedience". But, he told Forum 18, "it was decided to resort immediately to the most extreme measure – liquidation. We pointed out this disparity in court, but the court decided otherwise." The Church continues to meet for worship and intends to appeal to the European Court of Human Rights. The three Rostov cases and single Chelyabinsk case have so far followed the same pattern – claims of illegal detention of addicts, an inspection by officials, and the removal of residents.

Religious organisations in some parts of Russia engaged in social, charitable and educational work continue to face irregular attempts to close them down over alleged legal infringements, Forum 18 News Service has found. Three Protestant-run drug and alcohol rehabilitation centres (one of which has now closed) in Rostov-on-Don Region have been investigated in 2013 and 2014, as has in 2014 a centre in Chelyabinsk Region. And a Pentecostal church in St Petersburg has been liquidated over educational activities it denies even carrying out.

Attempts – normally unsuccessful - to close churches for allegedly "unlawful" social activity in areas such as education or drug rehabilitation have taken place in some but not all parts of Russia for some years (see F18News 2 December 2013 http://www.forum18.org/archive.php?article_id=1902).

Pentecostal church liquidated

On 5 March, Russia's Supreme Court rejected an appeal by St Petersburg's Harvest Pentecostal Church against its liquidation, the court website notes. St Petersburg City Court had ruled on 14 November 2013 that the religious organisation's operations should be ceased for engaging in general educational work for which it had no licence and for which no provision was made in its statutes. The liquidation decision came into legal force on 5 March, but the Church is still meeting.

The case was brought to the City Court by the St Petersburg Prosecutor's Office, which had carried out an unannounced inspection of the Church premises in May 2013, with the ostensible purpose of checking for "extremist" activity. According to the Russian Church of Evangelical Christians' report of the incident, however, a prosecutor's assistant told Pastor Igor Sokolov that this was a pretext, as "nobody really believed the Church was engaged in extremism".

Shortly afterwards, Harvest Church was notified of minor violations of fire and sanitary regulations, for which it paid fines and carried out the necessary renovations. It also provided the Prosecutor's Office with all its documentation. Pastor Sokolov was later summoned to attend the liquidation hearing at St Petersburg City Court, which was eventually held after some delays on 14 November 2013 (see F18News 2 December 2013 http://www.forum18.org/archive.php?article_id=1902).

Misinterpretation of Education Law?

At this hearing, the city Prosecutor sought to liquidate the Church's legal entity status for providing general (as opposed to solely religious) education without a licence. This argument was based, according to the Russian Church of Evangelical Christians, on the presence of children and educational materials on the Church's premises at the time of the inspection.

In recent years other religious organisations have also faced prosecutions for allegedly illegal education activity. On 10 June 2008 the Supreme Court ruled that Sunday schools fall outside both the 1992 Education Law and state education regulations, and so do not require state licences. But confusion persists over what type of religious educational activity requires a state licence (see F18News 30 June 2008 http://www.forum18.org/archive.php?article_id=1151). On 17 June 2011 a court in the Siberian city of Krasnoyarsk heavily fined a Muslim organisation for teaching Islam without an educational licence (see F18News 30 June 2011

http://www.forum18.org/archive.php?article_id=1588).

St Petersburg Prosecutor's Office stated on its website on 11 March 2014 that the initial inspection had found that Harvest Church's premises were "equipped as classrooms with school desks and chairs [and] shelves with educational literature".

The St Petersburg City Court verdict, seen by Forum 18, stated that the Church was providing general (non-religious) education to pupils of School No. 17 in the city's Vasilyeostrovsky District in the form of an eksternat (external education/home schooling programme), run by two staff members (the children's pastor, Yekaterina Lipovskaya, and her assistant). As a religious organisation, the Church would not be licensed to do this.

In the Church's defence, lawyers Sergei Chugunov and Anatoli Pchelintsev of the Moscow-based Slavic Centre for Law and Justice argued that the eksternat was simply held in rooms the Church had given free of charge for the purpose, and that the Church had nothing to do with the teaching. Children's pastor Lipovskaya and her assistant maintained that their work in the eksternat was in their spare time and unrelated to their employment at the Church.

On 14 November 2013, Judge Tatyana Gunko granted the prosecutor's request for the Church to be liquidated as a legal entity.

The defence argued in the Church's appeal to the Supreme Court that the prosecution had been unable to prove that the Church was engaging in anything unlawful, and had gone by an understanding of "educational activity" which ignored the definitions given in federal law.

The defence also pointed out that the court had disregarded as "unregistered" the written agreements between the Church and Pastor Lipovskaya which showed that she organised educational activities in an individual capacity in consultation with parents, and not as an employee of the Church. Russian civil law does not require such an agreement to be registered.

This appeal, on 5 March, was unsuccessful.

Disproportionate punishment?

Chugunov of the Slavic Centre for Law and Justice insists that the prosecutor need not have sought such a punishment for this offence: "[They] could simply have demanded an end to the activities they deemed illegal, and taken action in the event of disobedience," he told Forum 18 on 18 March. "But apparently it was decided to resort immediately to the most extreme measure – liquidation. We pointed out this disparity in court, but the court decided otherwise."

When Forum 18 called the St Petersburg Prosecutor's Office on 18 March and asked to discuss the case, the duty Prosecutor (who did not give his name) immediately put the phone down.

What next for Harvest Church?

"Liquidation means the complete cessation of the Church's legal capacity as a juridical entity," Chugunov of the Slavic Centre for Law and Justice explained to Forum 18. "The Church as a religious organisation will cease to exist." The stripping of legal status from Harvest Church means, for example, that it has lost the capacity to own or rent property in its own right.

The Church could in future continue its activities as a religious group, Chugunov said, or it may try to re-register as a religious organisation.

Despite the 1997 Religion Law's claim to uphold the Constitution's guarantee of equality before the law for religious associations (obyedineniya), the Law divides religious associations into organisations (organizatsii) and groups (gruppy). A religious group has significantly fewer legal rights than a religious organisation (see F18News 14 April 2005 http://www.forum18.org/archive.php?article_id=543).

Harvest Church – which continues to meet for worship - intends to appeal to the European Court of Human Rights (ECtHR) in Strasbourg. This will not, however, prevent its liquidation in the meantime.

Rehabilitation centre cases

Harvest Church is not alone in facing prosecution for allegedly illegal activity. Protestant-run drug and alcohol rehabilitation centres, and the churches behind them, in both Rostov-on-Don and Chelyabinsk regions are facing state investigations and attempts to close them.

First Rostov Region case leads to closure

Rostov-on-Don Region of southern European Russia has seen several recent instances of prosecutors and police seeking action

against drug and alcohol rehabilitation centres run by Protestant churches.

Neklinovsky District Prosecutor took Exodus Pentecostal Church in Taganrog to court in 2013 over alleged violations of fire and sanitation regulations in a rehabilitation centre the Church ran. The Prosecutor sought a complete cessation of its rehabilitational work. On 21 November Prosecutors withdrew their suit after learning that the Church had ended its rehabilitation work voluntarily after being charged (see F18News 2 December 2013 http://www.forum18.org/archive.php?article_id=1902).

Second Rostov Region case

On 17 January 2014, police, the Migration Service, and sanitation officials inspected a Baptist-run rehabilitation centre in the village of Krasny Luch in Shakhty District on suspicion of illegal detention, forced manual labour, drug possession and illegal business activities. Against the law, officials showed no search warrant. Officials also prevented employees of the centre from recording the inspection with a video camera, Vladimir Kalinin, lawyer for the Association of Evangelical Baptist Churches of Rostov and Kalmykia, told Forum 18 from Rostov on 19 March.

The inspection team found nothing illegal, but the centre's patients were taken to the police station and questioned for five to six hours before being allowed to leave. Kalinin said that no charges had been brought and that the centre was continuing to operate normally.

Regional court rules in Church's favour – but difficulties not over

Also in Shakhty District of Rostov-on-Don Region, the Prosecutor's Office attempted to close down another Baptist-run rehabilitation centre in the village of Duvanovka. According to the court verdict, seen by Forum 18, the prosecution alleged that during an inspection on 26 and 27 March 2013, carried out to check compliance with federal law on public and charitable organisations, the centre was found to be unregistered, in breach of sanitary regulations, and lacking a licence or qualified staff to carry out medical and pharmaceutical work.

Shakhty District Court upheld the prosecutor's complaint on 4 June 2013 and ruled that the rehabilitation centre should be closed. Both centre director Aleksandr Shapovalov and the Association of Evangelical Baptist Churches of Rostov and Kalmykia appealed against this decision.

On 22 August 2013, Rostov Regional Court overturned the original ruling on the grounds that the law on state registration does not apply to religious groups (as opposed to religious organisations) and that there was no evidence to suggest medical or pharmaceutical services were being provided at the centre.

Trying to find new violations?

In summer 2013, police and Migration Service personnel had inspected the rehabilitation centre again on the instructions of the Prosecutor's Office, checking residents' registration, Baptist lawyer Kalinin complained. "Apparently, on the eve of the appeal hearing in Rostov Regional Court, the Prosecutor's Office was trying to find new violations," Kalinin noted on the Association of Evangelical Baptist Churches of Rostov and Kalmykia website on 29 August 2013.

Olga Sergiyenko, an assistant to the prosecutor at Shakhty Prosecutor's Office, refused to comment on the Duvanovka and Krasny Luch cases to Forum 18 on 17 March 2014. She stated that staff are not allowed to give out information over the telephone.

On 22 March, officials again raided the Duvanovka centre and took everyone present away to be questioned, apparently with no court order authorising this. The Russian Union of Evangelical Baptists in the Southern and North Caucasus Federal Districts, who were holding a congress in Rostov at the time, have lodged a complaint with the Regional Prosecutor's Office.

Those removed from the centre were released once the police had established their identities, but the Baptists have received no official response to the complaint, lawyer Kalinin told Forum 18 on 25 March.

Officials at Rostov Prosecutor's Office refused to discuss the incident with Forum 18 on 25 March.

Chelyabinsk rehabilitation centre under investigation

In addition to the Rostov Region incidents, officials are investigating another Protestant-run drug and alcohol rehabilitation centre in Chelyabinsk Region in the Urals, Forum 18 has learnt. The case has so far followed a similar trajectory to those in Rostov Region – claims of illegal detention of addicts, an inspection by officials and the removal of residents. Religious literature was also seized. Criminal charges might be brought.

On 28 February, officials inspected the centre, which is in the village of Smolino on the southern edge of Chelyabinsk and is run by Exodus Church in Chelyabinsk. According to a 6 March report on the website of the Interior Ministry for the Urals, the police and

local FSB security service are "continuing a set of measures aimed at collecting evidence and documenting the illegal activity of participants of the Exodus Church".

Exodus Church in Chelyabinsk is part of the New Generation Charismatic movement headquartered in the Latvian capital Riga. (It is not affiliated to the Russian Union of Evangelical Christians, to which Exodus Church in Taganrog belongs.)

"Persuaded to write a statement"

The inspection of the Smolino drug and alcohol rehabilitation centre took place after a resident's girlfriend lodged a complaint with the authorities, a church member told Forum 18 from Chelyabinsk on 26 March. During the inspection, this resident was taken away and "persuaded to write a statement". The Church maintains that the accusation of holding addicts against their will is untrue and a "misunderstanding on the part of the authorities", which can be "confirmed by numerous witnesses".

The church member added that both the Church and the rehabilitation centre continue to operate normally after the inspection, and they do not expect to be taken to court. "We work according to conscience and in accordance with Russian law," the church member insisted to Forum 18. The Church plans to complain to the Prosecutor's Office.

A spokesperson for the Urals Federal Region Police, who would not give her name, confirmed to Forum 18 from Yekaterinburg on 24 March that computer equipment, religious literature and personal documents had been confiscated during the search, and that the investigation is still underway. The decision as to whether to bring the case to court would be taken by the Investigative Committee. The spokesperson could not say when this decision would be made public.

It remains unclear why the FSB security service is involved in the investigation. (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief 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.

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