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MOLDOVA: Why can't Muslims or Russian Orthodox Church Outside Russia register?

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

Muslim and Orthodox communities have been repeatedly denied state registration, despite the Russian Orthodox Church Outside Russia (ROCOR - which is not part of the Moscow Patriarchate) winning a case against the government in the Moldovan Supreme Court. Two of the communities have told Forum 18 News Service that they have now appealed to the European Court of Human Rights (ECtHR). The ECtHR fined Moldova in 2002 for denying the Romanian Orthodox Church registration, and the government subsequently registered the church. Unregistered religious communities can be fined, and they cannot hold a bank account, publish literature in their own name, or build a prominent place of worship. State officials have refused to tell the communities or Forum 18 why the registration applications have been repeatedly refused.

Two separate Muslim communities and the Moldovan diocese of the Russian Orthodox Church Outside Russia (ROCOR - which is not part of the Moscow Patriarchate) have complained of the government's repeated denial of registration. "This arbitrary decision represents a crude desire not to recognise the rights of Muslims," Talgat Masaev, leader of one of the Muslim communities, told Forum 18 News Service on 11 July from the capital Chisinau of the denial in early July of the community's latest application. Arkady Kovalev, secretary to ROCOR Bishop Antoni Rudei of Beltsy and Moldova, echoed the frustration. "ROCOR won its case against the government at the Supreme Court in May 2002 but the government won't fulfil the court decision and register our Church," he told Forum 18 on 15 July. "Our patience is running out."

Masaev's and Kovalev's communities have both lodged cases over the denial of registration at the European Court of Human Rights in Strasbourg, though neither case has yet been declared admissible. Another Orthodox jurisdiction, the Bessarabian Metropolitanate of the Romanian Orthodox Church, only obtained registration in Moldova in 2002 after the European Court of Human Rights fined the government for arbitrarily denying it registration.

Kovalev said the ROCOR has four communities in Moldova, but complained that without registration it cannot have a bank account, publish literature in the name of the Church or build a prominent church. "We can have private churches in homes, provided they are discreet," he told Forum 18. "But the local authorities wouldn't allow us to build a proper church with cupolas." He said the worst period for the Church was in 1997-8, when police raids and fines were frequent, though that has now ended.

He ascribes the government's refusal to register his Church to the power of Moldova's largest religious community, the Orthodox Church under the jurisdiction of the Moscow Patriarchate, which opposes all other Orthodox jurisdictions in any of the former Soviet republics. "Metropolitan Vladimir of the Moscow Patriarchate is holding up registration, although officially it's the government," he told Forum 18. "He has great influence with officials."

Kovalev said his Church had a "small victory" in the northern town of Beltsy in July after harassment earlier in the year of the local parish, which is led by Fr Vasili Andronik. "Metropolitan Vladimir complained about our church's activity to the mayor's office in the spring," he reported. "The police then came, telling our parish it was banned and asking who had built our church." He said Bishop Antoni then wrote to city mayor Vasili Panchuk and the police explaining the ROCOR's successful court case against the government. The deputy mayor then responded in early July recognising that the Church has rights and declaring that the authorities would leave the parish alone.

Despite repeated telephone calls between 13 and 19 July, Forum 18 has been unable to reach Sergei Yatsko, head of the State Service for Religious Communities, which handles state registration. Officials told Forum 18 on every occasion that he was out and that only he could discuss why the Muslims and the ROCOR have been repeatedly denied registration.

Yatsko's boss, Ion Rabacu, head of the government's directorate for social issues, said he could not discuss the denial of registration. "You will have to ask Yatsko at the State Service for Religious Communities," he told Forum 18 from Chisinau on 19 July. "They register religious communities, not the government." He said if the state service had not registered certain communities it must have been because the registration applications were inadequate. "If the papers are in order they cannot choose not to register them."

Rabacu eventually admitted he had seen the Muslim applications and the ROCOR application, but still refused to comment on why they had been rejected or ignored. He dismissed accusations that the denial of registration was arbitrary or that the government did not like certain religious communities. "The government must love them all. But there are procedures it has to follow." He denied suggestions that the government might eventually be fined by the European Court of Human Rights as it was over refusing to register the Bessarabian Church. "It will be Yatsko who is fined, not the government, as he is now in charge of registration."

Claus Neukirch, spokesperson for the mission in Chisinau of the Organisation for Security and Cooperation in Europe, told Forum 18 on 19 July that his office has been following the issue of the government's refusal to register any Muslim communities and the Russian Orthodox Church Outside Russia (ROCOR) for some time.

Masaev told Forum 18 that on 1 June he lodged his community's latest application with the State Service. "Under the religion law the State Service is obliged to register a religious community within 30 days," he pointed out. After receiving no response he enquired again on 8 July, only to be given a copy of an earlier response that the Supreme Court had confirmed the government's refusal to register the Muslim community in 2000 and 2002 and that there had been no change. "There were no explanations!" Masaev reported in disgust. "Up to now I have received no response from the government, while the supreme court refused me the right to demand a response from the government."

The Muslim community led by Masaev first applied for state registration in 2000, but the State Service returned the application without considering it. Earlier this year the community faced repeated police raids and attempts to fine its leaders under the code of administrative offences (see F18News 11 March 2004 http://www.forum18.org/Archive.php?article_id=273).

Another Muslim community led by Mufti Alber Babaev and subject to the Russian-based Muslim Central Spiritual Administration has likewise failed to get registration so far, despite existing for ten years. "Moldova is the only country in Eurasia where the Muslim community is not officially recognised," he told Forum 18 on 15 July from Chisinau. "It's a violation of our human rights." He said the head of the Russian Orthodox Church in Moldova, Metropolitan Vladimir, and the Jewish community supported his community's registration application.

He said the application is with Yatsko, head of the State Service, and with the deputy prime minister Valerian Cristea. "We've appealed to Cristea many times, but have had no response," he told Forum 18. But he was more optimistic than Masaev that his community would get registration. "We've been promised a solution and I'm going to carry on working on it. I'm a stubborn person."

Babaev said his community has not had a problem finding somewhere to meet, but that the European Union had asked that a plot of land be given to the Muslim community in Chisinau in October 2003 to allow a mosque to be built. "The mayor's office will give us this land – we are half way there," he told Forum 18. "Everything will be OK."

A printer-friendly map of Moldova is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=moldov>

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY