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MOLDOVA: Arbitrary legal status denials continue

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

In Moldova, all Muslim organisations, the Russian Orthodox Church Outside Russia (ROCOR) which is not part of the Moscow Patriarchate, the Ukrainian Orthodox Kiev Patriarchate and a variety of Protestant congregations, have complained to Forum 18 News Service about arbitrary state denials of their right to legal status. The State Service for Religious Communities has even defied court orders to register specific denominations. The only religious community known to have gained registration in recent years is the Church of Jesus Christ of Latter-day Saints (commonly known as the Mormons), who only received legal status after five US Senators wrote to Moldova's President. "Many things in Moldova happen only because of foreign pressure," Serghei Ostaf of the Chisinau-based Resource Centre for Human Rights told Forum 18. "It is bad if those without important voices abroad can't get justice." Without legal status, religious communities are denied the legal possibility of a wide variety of normal activities.

Various religious communities denied legal status on what appear to be arbitrary grounds – including all Muslim organisations, the Russian Orthodox Church Outside Russia (ROCOR) which is not part of the Moscow Patriarchate, the Ukrainian Orthodox Kiev Patriarchate and a variety of individual Protestant congregations – have expressed increasing frustration to Forum 18 News Service about the denial of their religious freedom rights. The State Service for Religious Communities has even defied court rulings that it must register specific denominations. The only religious community known to have succeeded in gaining registration in recent years is the Church of Jesus Christ of Latter-day Saints (commonly known as the Mormons), who received legal status on 29 December – but only after five US Senators wrote to Moldova's president, Vladimir Voronin.

The Church of Jesus Christ of Latter-day Saints lodged their fourth registration application in September 2005 and took the case to court when the State Service yet again rejected the application, ultimately winning their case in the Supreme Court on 27 September 2006, though this was not enough to secure registration.

"When the State Service refused to register the Church of Jesus Christ of Latter-day Saints despite the fact that the Supreme Court had rendered a judgement in its favour, five US Senators sent a letter to the President of Moldova addressing the issue," Church sources told Forum 18 on 22 January. The Church stated that within "a couple of days" of the US Senators' letter the registration was issued.

"Many things in Moldova happen only because of foreign pressure," Serghei Ostaf of the Chisinau-based Resource Centre for Human Rights, who has worked on religious freedom cases, told Forum 18 from the capital Chisinau on 22 January. "It is good if at last the authorities sit up and listen, but bad if those without important voices abroad can't get justice."

Raisa Apolschii, the senior of the three Moldovan Parliamentary Human Rights Advocates, and Director of the state-funded Centre for Human Rights of Moldova, told Forum 18 on 22 January that no religious communities have complained to her office about the denial of legal status.

The Russian Orthodox Church Outside Russia (ROCOR) which is not part of the Moscow Patriarchate, led by Bishop Antoni Rudei of Beltsy and Moldova, is in exactly the same position as the Church of Jesus Christ of Latter-day Saints prior to the US Senators' letter. After being repeatedly denied registration, ROCOR lodged a case at the European Court of Human Rights (ECtHR) in Strasbourg (No. 952/03). It also went through the local courts right up to the Supreme Court, which ruled that the State Service must register it (see F18News 21 July 2004 http://www.forum18.org/Archive.php?article_id=367).

"We are arguing in Strasbourg that the denial of registration is a violation of freedom of religion and complained about the non-enforcement of a court ruling that the State Service should register the Church," their lawyer Alexandru Tanase told Forum 18 from Chisinau on 24 January. He noted that in refusing registration to the Russian Orthodox Church Outside Russia (ROCOR) which is not part of the Moscow Patriarchate, the State Service gave no reasons. "This is a Moldovan practice," he joked grimly. "The case at Strasbourg is now in the final stages and we expect a judgement perhaps next month. We expect to win."

A spokesperson for the ECtHR told Forum 18 that an admissibility decision in the case is expected by the end of March. "If the case is declared admissible the court could render a judgment at the same time, or the judgment could follow over the coming months"

Less happy with the ECtHR is the Spiritual Organisation of Muslims in Moldova led by Talgat Masaev, one of the country's two Muslim communities which has been seeking registration in vain since 2000. Denied registration, it took its case to the ECtHR in December 2001 (No. 12282/02), but the Court failed to back the Muslims, declaring the case inadmissible in June 2005. The Court decided that the community had "failed to submit to the Government a document setting out the fundamental principles of their religion" and therefore not met registration requirements.

In 2005, Ambassador William Hill of the Organisation for Security and Co-operation in Europe (OSCE) wrote to Deputy Prime Minister Andrei Stratan that the government should register the Muslim community (see F18News 26 July 2005 http://www.forum18.org/Archive.php?article_id=616).

The ECtHR's 2005 ruling "was an outrageous decision," Ostaf, who served as the Spiritual Organisation's lawyer, told Forum 18. "The court did not rule on the substance of the case – that the Muslims' rights to legal recognition had been violated." He rejects the need for officials to be provided with a community's "religious doctrine".

Ostaf of the Resource Centre for Human Rights reported that, in 2005, the Spiritual Organisation lodged a further registration application which was again refused. He said the case is again in the local courts. "I'm sure it will go back to Strasbourg."

The OSCE Mission in Moldova also says it has "noted no progress" in registering the Muslim community, as its spokesperson Claus Neukirch told Forum 18 from Chisinau on 24 January. He reported that Asbjørn Eide of the Council of Europe stressed in May 2006 the importance of registering Muslim communities in the context of the Council of Europe Framework Convention for the Protection of National Minorities. Neukirch also insisted that Moldova should provide the Muslim communities with a cemetery. The OSCE in Moldova has long been pressing the authorities on religious freedom issues (see F18News 26 July 2005 http://www.forum18.org/Archive.php?article_id=616).

"In spite of the fact that the current Law on Cults stipulates that non-registered religious groups should not be obstructed from practising their religion," Neukirch declared, "cases of interruption by police officers of Friday prayer meetings conducted by Muslims continue."

Ostaf of the Resource Centre for Human Rights complains of "very restrictive interpretations" and "difficult procedure" as means used to deny registration to religious communities the government does not like. He describes the current registration impasse as "ridiculous" and "a vicious circle". "Anger is growing within religious communities," he warns.

Without registration, religious communities cannot have a bank account, publish literature in the name of the community, build a prominent place of worship or invite foreigners. In some cases, religious believers have been prosecuted under Article 200 of the Code of Administrative Offences, which punishes any religious activities of registered or unregistered religious groups that violate current legislation. The article also allows the expulsion of foreign citizens who engage in religious activities without the consent of the authorities.

Masaev of the Spiritual Organisation of Muslims complains of repeated official harassment of the Muslim community in Chisinau, with the most recent police raid in July 2006. "I was charged under Article 200 but the court acquitted me," he told Forum 18 on 22 January. "We don't want to break the law, just to be able to worship legally." Such state harassment is a long-standing problem (see eg. F18News 11 March 2004 http://www.forum18.org/Archive.php?article_id=273).

Unregistered Baptists have also reported state harassment of their activities (see F18News 1 August 2006 http://www.forum18.org/Archive.php?article_id=820), as have members of the Russian Orthodox Church Outside Russia (ROCOR) which is not part of the Moscow Patriarchate (see eg. F18News 26 July 2005 http://www.forum18.org/Archive.php?article_id=616).

In conversation with religious leaders, Serghei Yatsko, the head of the State Service for Religious Communities, has warned them that any unregistered religious activity or any religious activity by religious communities registered as non-governmental organisations could face prosecution, one Protestant told Forum 18.

Complaining of the "long process" of registration is Andre Tcacenco, pastor of God's Design Protestant Church in Chisinau. "Of course we want legal status," he told Forum 18 on 23 January. "But for new churches which are not part of a bigger union this is impossible." He said that without legal status his church cannot sign any legal documents in its own name, including rental contracts for places to hold services.

Greater Grace, a small Protestant church in Chisinau which likewise cannot get registration, is even more worried. Its pastor, Julian Timofte, is a Romanian citizen and under new rules introduced for all foreigners last April cannot remain in Moldova without a residence permit for more than three months in any six. He complains that he has to maintain a home in Iasi in Romania as well as in Chisinau, adding to expense.

"The church wants me to be its leader, but as it has no registration it is not able to invite me," he told Forum 18 from Chisinau on 22 January. "We are evangelising and want to grow." He said the church has existed for a year and a half and has only about 15

members. Timofte insisted that the church wants to remain independent and sees no reason to be forced to try to join a bigger Protestant union just to get registration.

Gaining legal status has always been difficult for religious communities in Moldova, particularly since an annexe to the 1992 Religion Law, setting out registration procedures, was adopted in 1994. The annexe did not allow for registration of individual religious communities, only of denominations.

Even then, denominations found it hard to get registration. The Association of Bible Churches gained registration in 1997 as a denomination only after "an uphill battle", as Pastor Evghenii Sologubenco of Chisinau Bible Church told Forum 18 on 23 January. The Salvation Army, which gained registration in 1998, spoke of a "long frustrating process". In 2002 the authorities only reluctantly registered the Bessarabian Metropolitanate of the Romanian Orthodox Church after losing a case at the European Court of Human Rights and being fined 30,000 Euros.

Yatsko of the State Service claimed to Forum 18 on 22 January that there is no "ban" on registering new religious denominations. But he declined to comment on the Russian Orthodox Church Outside Russia (ROCOR) which is not part of the Moscow Patriarchate's case "as it is in court" or any others. "We can't register any individual congregations, only denominations, as the new Religion Law has not yet been adopted," he claimed. He then put the phone down before Forum 18 could ask why not. When Forum 18 called back immediately, an official claimed he had gone out and refused absolutely to answer any further questions.

Officials have used the long-promised new Religion Law as an excuse for halting registrations (see F18News 26 January 2007 http://www.forum18.org/Archive.php?article_id=903).

About 22 religious communities are currently thought to have registration, including Moscow Patriarchate Orthodox, Old Believer, Catholic and Protestant churches, the Baha'is, Jews, Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints, and a Hare Krishna organisation. However, on 22 January the State Service again refused to give Forum 18 a list of registered organisations, declaring that such "official information" was not made public.

Several Protestant denominations with registration have told Forum 18 of discussions with independent congregations, over whether they can join the denomination in order to gain legal status. Many have expressed unease at the pressure to accept congregations that differ theologically, merely to help them round the legal obstructions.

"Our church would love to be registered legally," the pastor of a Protestant congregation in northern Moldova told Forum 18 on 23 January. "But we would have to come under the umbrella of an existing union and consequently become subject to their bylaws and governing body. For personal and corporate reasons within our fellowship, this often isn't the most attractive option."

Tanase, the Russian Orthodox Church Outside Russia (ROCOR) which is not part of the Moscow Patriarchate's lawyer, rejects the State Service's arguments that only denominations are allowed to register under current law, not independent congregations. "The government is obliged to register all congregations, regardless of what the law specifies," he told Forum 18. "If provisions in law are against the European Convention on Human Rights, the government and the courts must apply the Convention's provisions. The government must register individual congregations whether they are part of a bigger denomination or not" (see F18News 21 July 2004 http://www.forum18.org/Archive.php?article_id=367).

Some religious minorities attribute the denial of registration to the power of the Russian Orthodox Church, nominally the country's largest faith. The Church was vocal in opposing the rival Romanian Orthodox Patriarchate and other Orthodox jurisdictions, which it regards as schismatic. (END)

A printer-friendly map of Moldova is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=moldov>

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