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RUSSIA: Methodist church dissolved for minor bureaucratic slip

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

A regional court in Russia has dissolved a functioning Methodist congregation because it did not file a report about its annual activities on time, Forum 18 News Service has learnt. Deprived of legal personality status, the church may now only gather for worship at premises provided by its existing members and give them religious instruction. Methodist Pastor Vladimir Pakhomov told Forum 18 News Service that the Belgorod branch of the Federal Registration Service "even told me there was no point in attending court, as the church would be closed in any case." The court did not – contrary to a Constitutional Court decision - attempt to find out whether the church operates or not. "They could close us and others down in exactly the same way - many registered communities don't submit this information in time as they see it as a formality," a local Baptist pastor commented. The Methodists did not submit their report on time due to the near impossibility of Protestants finding a suitable legal address in Belgorod Region. "We sent them letters, two official warnings," a local official told Forum 18. "When we got no response we had no choice but to take them to court."

Belgorod Regional Court dissolved a functioning Methodist congregation on 29 February merely for failing to file a report about its annual activities on time, Forum 18 News Service has learnt. Deprived of legal personality status, the church may now only gather for worship at premises provided by its existing members and give them religious instruction. As local officials insist that religious communities cannot use a private home as a legal address and obstruct the use of public and commercial premises, the church is likely to find it very difficult to regain legal personality status. At least one other Protestant congregation that meets for worship in private flats has faced police intimidation in Belgorod Region, which is known for its pro-Orthodox stance.

"They could close us and others down in exactly the same way - many registered communities don't submit this information in time as they see it as a formality," a Baptist pastor commented to the local evangelical alliance in Stary Oskol, where the Methodist congregation is based. "The very submission of such information is an affront. It is reminiscent of control of the church in the Soviet period."

Under Russia's 1997 Religion Law, a religious organisation may be dissolved for "frequent and gross infringement" of the Constitution or for violating the law itself (Article 14, Part 1). One of the law's requirements is for a religious organisation to inform the state authorities annually about the continuation of its activities (Article 8, Part 9).

While failure to submit this information over a three-year period gives the state grounds to appeal for the liquidation of a religious organisation, a landmark 2002 Constitutional Court decision sought by the Salvation Army established that a religious organisation may be dissolved only if "properly proven to have ceased its activities" or to be in violation of its constitutional rights as a legal personality.

Although Pastor Vladimir Pakhomov was present at the 29 February hearing, Belgorod Regional Court made no attempt to ascertain whether his 20-strong Unity Methodist Church is defunct, he told Forum 18 on 6 March. "At the regional branch of the Federal Registration Service they even told me there was no point in attending court, as the church would be closed in any case." The authorities have no complaints about Unity Church other than its failure to submit the annual report on time, the pastor told Forum 18. He said a Baptist church was simply fined 300 roubles (65 Norwegian Kroner, 8 Euros or 13 US Dollars) for the same offence.

"Unity Church didn't submit any reports or contact us for more than two years," Tatyana Savotina, who heads the Non-commercial Organisations Department of Belgorod Region's branch of the Federal Registration Service, complained to Forum 18 on 6 March. "We sent them letters, two official warnings. When we got no response we had no choice but to take them to court." She refused to say by telephone whether other religious organisations in Belgorod Region have similarly been dissolved.

Frequent or gross infringement of the 1997 Religion Law may result in liquidation, the assistant head of the department dealing with religious organisations at the Federal Registration Service's Moscow headquarters reminded Forum 18 on 7 March. "If a religious organisation doesn't submit annual reports, that's a violation. That's liquidation. It doesn't matter if the organisation exists or not."

Lawyer Sergei Chugunov of the Moscow-based Slavic Centre for Law and Justice also told Forum 18 that, despite the Constitutional Court's stipulation that a court should check whether a religious organisation is defunct before dissolving it simply for not filing

reports, this is no longer universal practice. If a religious organisation fails to file a tax declaration and no operation is made using its bank account in the course of a year, for example, the tax authorities may annul its legal personality status without a court ruling, he told Forum 18 on 6 March.

Chugunov and the state representatives agreed that the simplified accounting for religious organisations introduced last year in connection with the so-called NGO Law is equivalent to the 1997 Law's annual report requirement. The deadline for submissions is 15 April (see F18News 17 April 2007 http://www.forum18.org/Archive.php?article_id=944).

The Methodists did not submit their report on time due to the near impossibility of finding a suitable legal address in Belgorod Region, the co-ordinator of Stary Oskol Evangelical Alliance explained to Forum 18 on 20 February. Unity Church had to change the address where it was registered because its commercial proprietor refused to continue the arrangement, Sergei Matyukh pointed out: "He was afraid to have Protestants registered there." Without access to the legal address where it was registered, the church did not receive the state's warnings or other correspondence.

Both Matyukh and Pastor Pakhomov report that registering a religious organisation at a flat or other home address is not permitted in Belgorod Region. Affiliated to the Evangelical-Lutheran Church in Russia, Ukraine, Kazakhstan and Central Asia (ELKRAS), Matyukh's own 15-strong congregation is unregistered as a consequence. If a Protestant community applies for registration at a residential address, local officials maintain that non-residential premises are required, he told Forum 18: "If you can't find a suitable place, the application is rejected." The police then complain when unregistered communities hold services in private flats, continued Matyukh, as happened recently to a Pentecostal community in Stary Oskol. "The police visited, asked why they weren't registered, threatened them."

Savotina of the local Federal Registration Service pointed out to Forum 18 that Article 288, Part 3 of the Civil Code states that an organisation may be sited at a residential address only after it has been turned into non-residential premises. This means that a religious organisation may not be registered at a private flat, she maintained. Savotina acknowledged, however, that worship meetings may take place at residential premises with the consent of those who live there.

Chugunov of the Slavic Centre for Law and Justice insisted to Forum 18 that registration is legally possible at a private home. "Or we support that legal interpretation – if you can have meetings there, you should be able to register there." The official position varies across Russia, however, he told Forum 18: "In the city of Moscow you can register at a residential address, but in Moscow Region they are against it."

The official dealing with religious organisations at the Federal Registration Service maintained to Forum 18 that a flat is only for living in according to the Civil Code. "Some local religious organisations do get registered at flats in practice," Andrei Sarychev admitted, however. "The situation varies in different parts of Russia."

In Belgorod, registration is made more difficult because the authorities prohibit proprietors of suitable public premises from renting them to Protestant churches and missions, according to Matyukh of Stary Oskol Evangelical Alliance. A cinema director with whom he is on good terms told Matyukh on condition of anonymity that a local government official warned her by telephone not to allow Protestants to use the building or she would have problems, he told Forum 18.

The south-western region of Belgorod is regarded as one of the most pro-Orthodox regions in Russia. It has gone furthest in promoting the Foundations of Orthodox Culture subject, making it compulsory in all schools in 2006 (see F18News 25 September 2007 http://www.forum18.org/Archive.php?article_id=1023). Its 2001 regional anti-missionary law is still in force, although local Protestants – including Sergei Matyukh – tell Forum 18 that officials do not cite it when imposing restrictions (see F18News 12 July 2004 http://www.forum18.org/Archive.php?article_id=360).

Another Methodist community affiliated to the Moscow-based Russian United Methodist Church was recently investigated at a local Orthodox bishop's request (see F18News 28 February 2008 http://www.forum18.org/Archive.php?article_id=1095). Particularly since the Federal Registration Service was allocated wider monitoring powers in 2004, religious communities complain of a marked increase in state scrutiny and bureaucracy, resulting in more frequent liquidations (see most recently F18News 15 November 2007 http://www.forum18.org/Archive.php?article_id=1048). (END)

For a personal commentary by Irina Budkina, editor of <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=947.

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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY