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RUSSIA: Losing places of worship

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

Complex, sometimes contradictory, and often inconsistently applied legislation can lead religious communities to lose their places of worship. Officials barred a Baptist community in Novorossiysk from using its church "for religious purposes", despite the fact that it has worshipped on the same site for two decades. Local authorities are often unwilling to permit the construction of purpose-built churches and mosques.

Some religious communities in Russia are facing the loss of their places of worship because of a combination of complex, sometimes contradictory, and often inconsistently applied legislation, and the unwillingness of local authorities to permit the construction of purpose-built churches and mosques, Forum 18 has found.

In one current example, a Baptist community in Novorossiysk has been barred from using its church "for religious purposes", despite the fact that it has worshipped on the same site for two decades (see below).

The authorities tried to have the house where the church meets demolished in 2018. When this failed, they began seeking through the courts a ban on use of the building for worship. Bailiffs sealed the door to the prayer hall on 7 July 2019 (see below).

The ban is a "flagrant violation" of the Religion Law and of the Constitution, Presbyter Yevgeny Kokora commented, as it prevents believers from coming together to profess their faith (see below).

Officials in Novorossiysk have failed to respond to Forum 18's detailed written questions about the enforced closure of the Baptist church (see below).

Other recent cases include the demolition of a Muslim prayer room in Kaliningrad Region, and the possible demolition of a Pentecostal church in Samara. (http://www.forum18.org/archive.php?article_id=2508)

Such cases can arise because communities meet in residential or other private property. This means that they may easily contravene, knowingly or unknowingly, the complicated requirements of Russia's land laws. Municipal government responses are frequently heavy-handed.

"The problem is systemic in nature," lawyer Vladimir Ozolin of the Moscow-based Slavic Centre for Law and Justice commented to Forum 18 on 3 September. "Prejudice by the authorities towards Protestants is aggravated, in most cases, by non-compliance with laws and norms by the religious organisations themselves."

Protestant communities find it "practically impossible" to get permission to build churches, Ozolin commented to the Bog.news website on 20 May. "Therefore, believers are forced to conduct worship services in residential buildings. But that is not a violation of the law."

Whatever the ostensible motivation of the authorities in depriving a congregation of its place of worship or the means by which they effect closure or demolition, the outcome is the same – the displacement of a usually small local religious community, marginalisation, insecurity, and expense.

Such a community often does not have much money and usually no other space it can use. It may have encountered difficulties in the past in trying to obtain land or rent property for worship, or may have been put off by such difficulties experienced by fellow believers elsewhere.

Difficulties in building dedicated places of worship

Groups the government regards as "non-traditional" – Baptists, other Protestants, the Society for Krishna Consciousness – have long encountered difficulties in building their own dedicated spaces to meet and pray together, ie. structures entered in the cadastral register as religious buildings, on land designated as being for religious purposes.

In some places, the situation is also difficult for communities belonging to so-called "traditional" faiths, such as the Muslims of Kaliningrad.

Problems may arise at every stage, from the allocation of land and the securing of planning permission, to raising enough money to finish building before permits expire (http://www.forum18.org/archive.php?article_id=1965).

Sometimes, the authorities change local planning regulations or withdraw permissions part-way through the process. This can leave construction incomplete and congregations millions of Roubles in debt (http://www.forum18.org/archive.php?article_id=2328).

Because of this, such communities often have no option other than to hold services in private houses or other premises, whether these are existing structures (often the home of a religious leader or community member) or new structures on land designated for individual residential construction.

Up to 90 per cent of Protestant places of worship are officially recorded as residential property, Seventh-day Adventist lawyer Vasily Nichik estimated to Forum 18 in 2018.

Religious worship permitted on residential premises?

According to the 1997 Religion Law, religious worship is permitted on residential premises and in any other building formally given to a community for the purpose, but communities or their leaders are often accused of using land or property not for its intended purpose (http://www.forum18.org/archive.php?article_id=2362), or of otherwise violating planning regulations, e.g. by building "unauthorised structures".

"In most cases, no matter how sad it is to say, the authorities' demands are justified," lawyer Vladimir Ozolin commented to Bog.news. "At the same time, you can always find a compromise and solve the problem peacefully by bringing the residential building into line with the requirements, but for reasons unknown to me, in most cases, the authorities are not ready for dialogue in this regard."

Often, religious communities worship in residential or other structures for years without incurring any problems. They are, however, at the mercy of both changing circumstances – a change in local government, amendments to land use legislation – and a range of inspections by various state bodies, from the Federal Service for State Registration, Cadastre, and Cartography (Rosreestr) to the security services. Any of these could result in serious consequences for minor or non-existent violations, often of regulations unrelated to the initial inspection (e.g. a prosecutor's office check for compliance with the Extremism Law may lead to a lawsuit for non-compliance with land legislation).

(See here (http://www.forum18.org/archive.php?article_id=2362) for a detailed explanation of how the Religion Law, Land Code, Civil Code, and Housing Code affect religious communities' access to worship space.)

Novorossiysk: Baptist Union church sealed

Baptists in the village of Verkhnebakansky, on the outskirts of Novorossiysk in southern European Russia, have been forced to hold services in their front yard and the street after local authorities had them banned from using their own prayer hall and bailiffs sealed the door on 7 July 2019. The community is led by Pastor Vitaly Bak.

The ban is a "flagrant violation" of the Religion Law and of the Constitution, another Novorossiysk Baptist presbyter Yevgeny Kokora commented, as it prevents believers from coming together to profess their faith.

"Unfortunately, such a situation became possible due to the reluctance or inability of the head of the Novorossiysk administration to conduct interfaith dialogue," Kokora complained on his Facebook page on 15 July. "Despite the scandal, so far, none of the local authorities has even tried to contact us in order somehow to discuss this problem and find a solution."

On 17 January 2019, nearly six months before bailiffs sealed the door, Krasnodar Regional Court had upheld the Novorossiysk city administration's lawsuit aimed at prohibiting the house's owner "and other persons" from using it for "religious purposes", as (according to the court decision, seen by Forum 18) its land plot lay within a "zone of educational facilities and scientific complexes" (a secondary school occupies the next plot).

The judge also concluded that no formal agreement existed granting the community use of the building, and that the building lacked the security cameras and sprinkler system required in "places of mass gatherings of people". This ruling overturned Novorossiysk's Primorsky District Court's original refusal on 24 September 2018 to grant the administration's request.

The Novorossiysk zoning laws of 2014, cited by the administration and seen by Forum 18, do not, however, forbid the continued use of existing structures which ended up in the "wrong" zone. According to the cadastral register, the house containing the Baptist

prayer hall was completed in 2012.

Neither religious nor residential buildings are among the explicitly permitted uses of land in an "educational" zone, but the rules state that existing plots and structures whose use is not in line with latest regulations may be used as before, as long as such use does not endanger people's lives or health, the surrounding environment, or historical and cultural monuments (in such cases, use can then be prohibited).

Article 16, Part 2 of the federal Religion Law states that "worship services [and] other religious rites and ceremonies" may be held unhindered on residential premises, and mentions no requirement for a formal agreement. The Baptists also insist that their building did have the necessary cameras and sprinklers in place.

The Baptists' cassational appeal is still pending at Krasnodar Regional Court. They are also trying to obtain an "Anti-Terrorism Protection passport" (which certifies the presence of security and fire safety systems, etc.) from the National Guard, "but there they don't understand how to do this", according to Yevgeny Kokora. He outlined in a Facebook post of 10 July how the National Guard had in fact refused to issue the "passport" as religious buildings are not legally required to have one, despite the Baptists pointing out that the house is technically residential property.

"Therefore, the decision is to continue to go through the courts and reach the European Court of Human Rights," Kokora told Forum 18 on 27 August.

On 12 July 2019, Pastor Vitaly Bak also lodged a suit requesting that the administration's and bailiffs' actions in sealing the hall be ruled unlawful. Novorossiysk's Primorsky District Court rejected his suit at a hearing on 2 September 2019, according to the court website.

"If we do not defend our constitutional rights, then, using the example of Verkhnebakansky, other prayer houses that conduct religious services in residential buildings will begin to close," Kokora commented to Forum 18 on 27 August. "In Russia, at the behest of the state, most communities in the Evangelical churches gather in private households, since it is impossible to obtain official permission to build a house of worship."

Problems after two decades' worship on the site

The Verkhnebakansky congregation is an unregistered religious group which is part of the Russian Baptist Union. It has worshipped in the building – a residential house built on land designated for individual residential construction, according to the cadastral register – since it was completed in 2012, and on the same site for over twenty years, Kokora told Forum 18.

The congregation had had no problems with this arrangement until spring 2018, when the city administration initiated a series of legal measures against it. Until November 2018, both the house and its land plot belonged to community member Ivan Gavrilov. Because of poor health and the multiple lawsuits involving the property, he then sold it to Pastor Vitaly Bak.

One tenant lives in the building, Kokora explained to Forum 18, and he has retained access to the rest of the rooms. At first, the authorities had "wanted to evict him and seal the whole house, but when they saw he was elderly and had disabilities, they took pity and sealed only the main entrance and the hall".

Religious groups are not legal entities, and so cannot buy or rent property on their own behalf, or have it legally transferred to them. They therefore rely on their members to provide space for worship, which is almost invariably in residential or commercial premises.

Presbyter Kokora traces the beginning of the Verkhnebakansky congregation's problems to a change in leadership in the Novorossiysk administration and "new people in the internal politics of the city".

He noted that the administration has also brought about the demolition of a Pentecostal church and has banned another Protestant congregation from using its building too. "There are no other bans in relation to the rest of the Baptists [in Novorossiysk]," Pastor Kokora added, "but this is only because we have taken an active and public position". Novorossiysk has a total of eight Baptist Union communities.

2018 demolition order

The administration's actions against the Verkhnebakansky Baptists began with the issuing of a demolition order on 15 March 2018. The authorities claimed that the house was an "unauthorised structure" (samovolnaya postroyka), built without proper permissions.

Then-owner Ivan Gavrilov's attempts to have this order ruled unlawful were unsuccessful (on 21 June 2018 and 8 November 2018, according to court documents seen by Forum 18). The order was later rescinded when the Baptists managed to show that all documentation for both house and land was "in perfect order", according to Yevgeny Kokora. "I think this was calculated as an act

of intimidation," he added, "but we're hard nuts to crack".

Meanwhile, the administration was also preparing its suit to have religious use of the property prohibited. Novorossiysk's Primorsky District Court initially rejected the suit without consideration in May 2018. It was then accepted for consideration on appeal and refused. It was upheld only in January 2019 by Krasnodar Regional Court.

Ivan Gavrilov and Vitaly Bak lodged two cassational appeals against the suit on 8 May 2019. Bak's was rejected without consideration on 5 June 2019, but Gavrilov's is still pending, according to the court website.

According to reports on state-owned NTV and a 9 July statement on the Krasnodar Region Bailiffs' Service website, there had been "numerous complaints from neighbours" about the Baptists' services. On 12 July, however, local news service Svobodniye Media asked the Novorossiysk police if Verkhnebakansky locals had made any complaints to them about the Baptists. The police confirmed on 17 July, in a letter seen by Forum 18, that no such complaints had been received.

Administration officials, accompanied by police and FSB security service officers and Cossacks, made an unannounced inspection of the building on Sunday 7 April 2019. They disrupted the Annunciation Day service which was underway at the time, and forbade church members from filming what was going on.

Yevgeny Kokora remarked in a Facebook post of 15 July that the visit was in fact recorded on the building's own security cameras, which the community had been accused of not having installed.

Shortly afterwards, presbyter Yury Korniyenko, who had been leading the service, was charged with unlawful missionary activity under Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity").

On 14 June, Novorossiysk Magistrate's Court No. 79 fined Korniyenko 10,000 Roubles (about 10 days' average local wage), despite the fact that, on the one hand, no non-Baptists had been present at the service, and on the other, he had full written authorisation from the religious group to perform missionary activity anyway.

The judge noted the regional court ruling of 17 January prohibiting religious use of the building. Korniyenko appealed unsuccessfully against his conviction at Novorossiysk's Primorsky District Court on 23 July 2019.

Novorossiysk administration fails to answer questions

Forum 18 wrote to the Novorossiysk administration's press service and land and property department on 25 August and again on 4 September to ask why the administration wants to bar the Baptists from their building, when they have used the site for over 20 years, and why the 2014 Rules of Land Use had been invoked in court when they allow for continued use of existing structures.

Forum 18 also asked how the Baptists could get their prayer hall unsealed and whether the administration would allocate a plot of land elsewhere for the construction of a purpose-built place of worship.

Forum 18 received no reply by the middle of the working day in Novorossiysk on 6 September. Telephones at the land and property department went unanswered when Forum 18 called on 5 and 6 September.

Three unsuccessful bids for public meetings

Since the start of August, the Baptists have made three unsuccessful attempts to arrange a public meeting in Novorossiysk "to draw the attention of the local authorities and the state" to the requirements of the Constitution and the necessity of inter-confessional dialogue, and the obligation to allow religious groups to worship freely in accordance with the Religion Law, according to the latest application, seen by Forum 18.

The city administration has rejected all three event notifications on grounds of technical irregularities. The Baptists plan to try again to arrange the meeting for 22 September. (END)

Full reports on freedom of thought, conscience and belief in Russia
(<http://www.forum18.org/archive.php?query=&religion=all&country=10>)

For more background see Forum 18's survey of the general state of freedom of religion and belief in Russia (http://www.forum18.org/archive.php?article_id=2246), as well as Forum 18's survey of the dramatic decline in this freedom related to Russia's Extremism Law (http://www.forum18.org/archive.php?article_id=2215).

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
(http://www.forum18.org/archive.php?article_id=1468)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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