

16 December 2014

RUSSIA: Kaliningrad and Moscow struggles for places of worship

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

In Russia's capital Moscow Hare Krishna devotees are appealing against a unilaterally terminated land lease and the denial of building permission for a temple by the authorities. "We will pursue both cases through every level of the courts, to be able to appeal to the European Court of Human Rights", the community's lawyer told Forum 18 News Service. Long-standing official obstructions also continue in Moscow for other disfavoured faiths in the capital, such as Muslims and Protestants. Muslims in Kaliningrad have already appealed to the ECtHR in their efforts to overcome official obstructions and complete their mosque. "In Russia no hope remains of correcting this illegal judicial act", their lawyer told Forum 18 News Service. Kaliningrad's Jewish community, trying to reconstruct their synagogue destroyed in 1938 by the Nazis, is challenging the city administration's denial of a building permit in the Regional Arbitration Court. Local Jewish newspaper editor Sergey Sterlin told Forum 18 that the project is "historical justice..with respect to the victims of the Holocaust and the anti-fascist movement".

Disputes over religious property remain unresolved in many parts of the Russian Federation, Forum 18 News Service notes, often leaving religious communities with no dedicated place of worship and having to rent unsuitable or expensive premises if they can find any.

In the capital Moscow the Society for Krishna Consciousness, for example, has lost two arbitration court cases over a unilaterally terminated land lease and the denial of building permission for a temple. The community is now appealing further and is prepared if necessary to take its case to the European Court of Human Rights (ECtHR) in Strasbourg.

In Russia's Baltic Sea exclave of Kaliningrad, the Muslim community has exhausted all domestic legal avenues in its efforts to complete their nearly-built mosque, and have already appealed to the ECtHR. Kaliningrad's Jewish community, ordered in June to halt the reconstruction of their synagogue destroyed in 1938 by the Nazis, is challenging the city administration's denial of a building permit in the Regional Arbitration Court. In contrast, the Moscow Patriarchate of the Russian Orthodox Church has had its work on a Kaliningrad church legalised after the work was complete.

The acquisition and retention of places of worship has long been difficult for many religious communities. For example, a Moscow Patriarchate parish was forced out of a pre-1917 hospital church in the Far Eastern city of Khabarovsk (see F18News 23 October 2007 http://www.forum18.org/archive.php?article_id=1038). A recent trend is localised public opposition to the state-financed construction of new Moscow Patriarchate churches (see Forum 18's general Russia religious freedom survey http://www.forum18.org/archive.php?article_id=1722).

If communities, including Orthodox churches of different jurisdictions, seek to reclaim historical religious property, the process is rarely simple and has long been controversial (see eg. F18News 2 March 2009 http://www.forum18.org/archive.php?article_id=1263). The 2010 Law on the Transfer of Religious Property to Religious Organisations has proved to be no guarantee that the restitution process will be easy or unchallenged, or indeed that religious property confiscated during the Soviet period will be returned at all (see F18News 31 May 2014 http://www.forum18.org/archive.php?article_id=1961).

Kaliningrad mosque

The Muslims of Kaliningrad have appealed to the ECtHR against the court decision which ruled their unfinished mosque illegal and deprived them of ownership rights, according to their lawyer Dagir Khasavov. "In Russia no hope remains of correcting this illegal judicial act", he told Forum 18 from Moscow on 21 November.

The Muslim community has made repeated efforts since 1993 to acquire land to build a mosque. The mosque lies within a recreational area and a heritage preservation zone and construction began in 2009. The mosque was declared illegal after suits brought by a nearby museum (the Friedland Gate) and by district prosecutors "on behalf of an unspecified group of people". Building restrictions on the land were not enacted until 2013, and did not apply when the city gave the land to the community. The authorities made no attempt to halt construction until the mosque, which has been visited by Forum 18, was about 80 per cent completed (see F18News 5 June 2014 http://www.forum18.org/archive.php?article_id=1965).

Kaliningrad's Muslims continue to worship in rented premises across the city, and to gather in large numbers in the park and the streets surrounding the unfinished mosque on major festivals.

The community attempted to lodge a cassational appeal at Kaliningrad Regional Court, but Judge Sergey Kostikov deemed this inadmissible on 29 August, "without any reasoned explanation", according to Khasavov. Russia's Supreme Court similarly refused on 28 November to consider the case.

"Thus, the Muslims have lost in the conditions of Russia any possibility for the effective protection of their rights, but more precisely they had no such opportunity from the start of the illegally instigated process against them," Khasavov concluded.

The ruling which declared the mosque illegal and removed it from the community's ownership came into force on 4 June, but nothing has yet happened to the building, Khasavov told Forum 18. "The Muslims have expressed their readiness to protect the house of the Most High," he added, "even by physical force, if the authorities try to tear down the building."

In Moscow city officials have with no warning demolished a completed place of worship, Holy Trinity Pentecostal Church, which was destroyed with mechanical diggers soon after midnight on 6 September 2012. Officials were helped by police and men in plain clothes, who called themselves *druzhinniki* (civil volunteers) (see F18News 6 September 2012 http://www.forum18.org/archive.php?article_id=1738). Insecurity over property has also left many other Russian religious communities – including Pentecostals and Muslims - vulnerable to arbitrary actions by state officials (see F18News 30 October 2007 http://www.forum18.org/Archive.php?article_id=1040).

The telephone at the City Property Administration's Land Department went unanswered each time Forum 18 called between 10 and 15 December.

The application to the ECtHR was lodged on 29 November and has been registered as application number 75301/14, a court spokesperson confirmed to Forum 18 from Strasbourg on 12 December. It is not yet known when the court will decide on the admissibility of the case.

Kaliningrad synagogue

Kaliningrad's Jewish Community has taken both the city administration and its Architecture and Building Committee to Kaliningrad Regional Arbitration Court over the suspension of construction of the city's first post-war synagogue. This is intended as the "rebirth", according to Sergey Sterlin, editor of the local Jewish newspaper *Simha*, of a synagogue destroyed by the Nazis in 1938 in the so-called *Kristallnacht*. At that time the city was known as *Koenigsberg* and was part of the German province of East Prussia.

Echoing earlier comments of Jewish community members, Sterlin told Forum 18 on 15 December that the project represented "historical justice..with respect to the victims of the Holocaust and the anti-fascist movement".

Sterlin described Kaliningrad's Jewish organisations as being "scattered across various addresses" in the city. The premises on Cherepichnaya Street, just east of the centre, which houses a prayer hall and the *Simha* offices, are "insufficient", with no space for a kindergarten or a school.

A Central District court order halted construction in March 2014 on the grounds that it was illegal as no permission had yet been granted. Kaliningrad Regional Court upheld this ruling in June. Forum 18 notes that an Orthodox church in the city and an Orthodox building outside the city have both apparently been legalised after being constructed without city permission (see F18News 5 June 2014 http://www.forum18.org/archive.php?article_id=1965).

After an information request by the New Kaliningrad news agency in July, the city administration at last revealed that the permit had not been granted because of a minor discrepancy between two sets of plans regarding the number of storeys. The number initially agreed upon was 4-5, while the contractor's project documentation showed 5-6 storeys, it claimed. Forum 18 has been unable to establish whether this would affect the height of the building or whether its impact on the surrounding urban environment was a concern to the city administration.

Forum 18 notes that the synagogue site is very close to the city's large 32 meter (105 feet) high former Lutheran cathedral, now used as a concert hall and museum of the philosopher Immanuel Kant. The former cathedral now has both Russian Orthodox and Lutheran chapels.

The city administration also claimed that the building lay partly within the preservation zone of the old Jewish orphanage (1904-1905), which now contains flats but is an object of cultural heritage of regional significance. Larisa Koptseva, head of the Regional Monument Preservation Service, nevertheless told journalists that the former orphanage's preservation zone did not overlap the construction site.

The arbitration court combined the two separate suits into one case in early December 2014 and the next hearing is planned for 22 December. The community is, firstly, challenging the Architecture and Building Committee's refusal to issue a building permit, and secondly, attempting to gain legal ownership of the unfinished structure on the site.

The city administration had leased the site to the Jewish Community (an orthodox organisation affiliated to the largely Hasidic Federation of Jewish Communities of Russia, headed by Russia's Chief Rabbi, Berel Lazar) for five years from March 2011, so that the nineteenth-century Koenigsberg New Synagogue could be rebuilt. The administration failed, however, to provide a building permit or to offer any explanation as to why one was not forthcoming.

The community hired a contractor and began building anyway in January 2013. One storey was completed before the Architecture and Building Committee inspected the site on 13 February 2014 and initiated court proceedings to stop construction.

An official of the Architecture and Building Committee directed Forum 18 on 12 December to the city administration's Information and Analytical Department. A spokeswoman there maintained that the synagogue would indeed be built, but insisted that all further questions be submitted in writing. Forum 18 sent a written request for information that day. No reply had been received by the end of Kaliningrad's working day on 16 December.

Moscow Hare Krishna temple

The Society for Krishna Consciousness has lost two cases at Moscow's 9th Arbitration Court over the city authorities' refusal to allow its temple to be built (see F18News 5 June 2014 http://www.forum18.org/archive.php?article_id=1965). The Society is continuing to appeal. "We will pursue both cases through every level of the courts, to be able to appeal to the European Court of Human Rights", the Society's lawyer Mikhail Frolov told Forum 18 on 11 December.

Hare Krishna devotees are still worshipping in the cramped premises it has rented since March, the rent for which is 1 million Roubles (about 110,940 Norwegian Kroner, 11,920 Euros or 14,840 US Dollars) per month. "Believers barely fit inside on Sundays and holidays", Frolov told Forum 18 on 15 December. "The altar room itself is in a basement..[with] one narrow entrance".

Frolov lamented the loss of the Society's previous place of worship near the Dinamo metro station in northern Moscow, which it had to vacate early in 2014 and which has since been demolished: "We had a large pandal [structure in which to venerate a god] which accommodated 1,000-1,500 people – so many came to big celebrations and Sunday programmes". Hare Krishna devotees had to leave those premises after a court ordered eviction instigated by the authorities (see F18News 11 September 2013 http://www.forum18.org/archive.php?article_id=1874).

Annulment of contract "motivated by nothing at all"

Moscow City Property Department annulled a contract granting the Krishna devotees free use of a plot of land for building in the summer of 2013. It did not explain its reasons for doing so in court, but admitted that the objections of local residents had been "taken into account". Sergei Andreyev, Director of the temple building project, pointed out to Forum 18 in June 2014 that there were no houses near the temple site. The written complaint did not come from Molzhaninovo residents but from a group in the neighbouring district of Khimki, who described the community as "a dangerous totalitarian sect" (see F18News 5 June 2014 http://www.forum18.org/archive.php?article_id=1965).

"Even when it became clear that the views of residents could not have been the reason for the termination of the contract, the Moscow government took the position that the city authorities had the right to end the contract without explanation," Frolov insisted to Forum 18 on 8 December. He maintained that the termination "was motivated by nothing at all".

Tatyana Kolesnik of the Moscow City Property Department told Forum 18 on 9 December that the "Moscow Architectural Committee has been instructed to investigate the location of the [temple] on an alternative plot of land", but would give no further information.

Long struggle

The latest site in Molzhaninovo District beyond the capital's ring-road, was allocated to the community in April 2007 after a long struggle with the city authorities. Protestants, Molokans and Muslims face similar obstacles (see F18News 3 September 2007 http://www.forum18.org/archive.php?article_id=1056).

Among the obstacles faced by the Hare Krishna community was permission for a new temple being withdrawn in October 2005 after strong criticism from the Russian Orthodox Church. International public opinion, particularly in India, appears to have assisted the Krishna devotees' case. However, Rinchenling, a 200-strong community following the Dzogchen tradition within Tibetan Buddhism, was unsuccessful in overcoming similar obstacles (see F18News 20 March 2006 http://www.forum18.org/Archive.php?article_id=746).

After various planning requirements had been fulfilled, a consecration ceremony for the Hare Krishna temple was held in June 2012. But when the contract was annulled, the Moscow Committee for State Oversight in Construction (Mosgosstroinadzor) refused to grant a building permit (see F18News 5 June 2014 http://www.forum18.org/archive.php?article_id=1965).

Other disfavoured communities

Long-standing official obstructions continue to this day for disfavoured communities in the capital, such as Muslims, Pentecostals and Hare Krishna devotees (see eg. F18News 11 September 2013 http://www.forum18.org/archive.php?article_id=1874).

Muslim communities in Moscow have a growing need to open mosques, as the Islamic population is growing fast. There are only four official mosques in the Russian capital, yet in August 2012 police estimated there were 170,000 Muslim worshippers for the end-of-Ramadan festival Eid-ul-Fitr – about the same number as attended Russian Orthodox churches at Easter. But in stark contrast to the Russian Orthodox, the Muslim community has faced persistent official obstruction to its attempts to open more mosques (see eg. F18News 26 September 2012 http://www.forum18.org/archive.php?article_id=1747).

Protestants and Muslims in other parts of Russia – such as in the 2014 Winter Olympic city Sochi – also face official obstructions, while the Moscow Patriarchate enjoys state funding for its church building projects (see F18News 4 March 2014 http://www.forum18.org/archive.php?article_id=1934).

Protests

Alleged objections from local residents – some clearly genuine, others seemingly questionable - often appear among official reasons to deny building permission or suspend or halt construction of a place of worship. People living near a proposed site can and do demonstrate or sign petitions against construction, citing a variety of reasons from objection to the religious community in question to a legitimate desire to protect green space from development (frequently invoked in Moscow). How the authorities respond to such protest varies, however, both between religious groups and across regions.

In Moscow, which is home to a large Muslim population but has only four mosques, no new mosque sites have been allocated since 2012, when the city authorities withdrew two plots they had previously assigned in the north-west and south-east of the capital, citing objections from residents (see F18News 26 September 2012 http://www.forum18.org/archive.php?article_id=1747).

At a Public Chamber meeting entitled "The construction of new temples in Moscow: challenges, myths, problems", on 16 July 2014, Mufti Rushan Abbyasov (deputy chair of the Council of Muftis) described the organisation of protest rallies against proposed mosques as "unfair", saying that construction was only planned in areas well away from houses, such as industrial zones, and suggesting that "more than 90 percent" of the protesters had no links to the areas anyway.

In contrast, the projects of the Moscow Patriarchate's "Moscow 200" church-building programme have also provoked protests from citizens, but none of these has to Forum 18's knowledge resulted in a site being withdrawn (see Forum 18's general Russia religious freedom survey http://www.forum18.org/archive.php?article_id=1722). Indeed, Moscow's City Administration enthusiastically supports all forms of construction by the Moscow Patriarchate (see F18News 11 September 2013 http://www.forum18.org/archive.php?article_id=1874).

In Yekaterinburg in the Urals, however, the city authorities appear to have genuinely tried to balance the competing interests in a dispute over plans to build a Lutheran church in a city centre park. Over 1,000 people signed a petition submitted to the city administration in July 2014, and another online petition has gained nearly 900 signatories since August. Protesters have also held public demonstrations. On 13 October, however, the administration nevertheless formally allocated the land to the Lutheran Church.

The Yekaterinburg Lutheran community had claimed the site, which had previously been a Lutheran cemetery, under the Law on the Transfer of Religious Property to Religious Organisations. Such claims for restitution have often been challenged, and are not sure of success. Yekaterinburg's Old Believer community, despite a verbal promise from the regional governor, fear that they may never get restitution of their church confiscated in the Soviet period (see F18News 31 May 2014 http://www.forum18.org/archive.php?article_id=1961). (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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