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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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RUSSIA: Alternative Orthodox denied legal status

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

Although most True Orthodox communities do not register with the state, due to a lingering fear of persecution, rejection of the state and a lack of the organisational skills required to register, Forum 18 News Service has found indications that local authorities sometimes bar attempts to register by the True Orthodox, as well as other Orthodox who are opposed to the Moscow Patriarchate. Without legal status, such religious groups have the right only to worship and teach existing followers on premises provided by their own members. They cannot, for example, produce or distribute literature, or engage in other activities for which a 'legal personality' is necessary.

Often elderly and without a regular priest, most True Orthodox communities maintain a house church existence due to lingering fear of persecution, rejection of the state and a lack of the organisational skills required to register. Forum 18 News Service has however, found indications that local authorities sometimes bar attempts to register by groups adhering to the True Orthodox tradition, as well as other Orthodox opposed to the Moscow Patriarchate. Without legal status, such religious groups have the right only to worship and teach existing followers on premises provided by their own members.

The True Orthodox Church emerged in the wake of the 1917 Revolution, when sections of the Orthodox hierarchy and laity within the Soviet Union refused to accept their Patriarchate's recognition of the new atheist regime. A particular target of religious persecution, they claim to have preserved legitimate apostolic succession via a series of largely undocumented episcopal consecrations. None of the various groups who today claim to have inherited the True Orthodox tradition are recognised by the Moscow Patriarchate, and many do not accept the legitimacy of one another.

On 12 January 2004 the Supreme Court of the Russian republic of Chuvashiya (approximately 600km east of Moscow) upheld a 5 December 2003 ruling by a district court in the republic's capital, Cheboksary, denying registration to the True Orthodox parish of St Elijah on the basis of the 1997 federal law on religion. Under Article 11 of this law, a religious group seeking initial registration must provide either confirmation from its local authority that it has existed in the vicinity for a period of 15 years, or proof of affiliation to a centralised religious organisation. Unlike most Protestant congregations, the latter is usually not a viable option for True Orthodox due to the aforementioned issue of apostolic legitimacy.

According to Cheboksary's Lenin District Court, the municipal administration requested that the registration application from the True Orthodox parish of St Elijah be rejected because it had received no documentation from the group prior to its 16 April 2003 request for confirmation of 15 years' existence. While noting the group's claim that it "existed in private flats from 25 March 1988 because their confession was persecuted under the communist regime," the court determined that, in accordance with the 1997 religion law, "confirmation by organs of local government of the existence of a religious group for no fewer than 15 years is possible only after 15 years has elapsed from the moment when they inform [the authorities] of the creation of the group." In the case of the True Orthodox parish of St Elijah, it concluded, the 15-year period may thus be considered to have begun only with the inclusion of the group in the records of the Chuvash department of justice – on 3 May 2003.

"For the authorities, our case is closed," Galina Chekmaryova of St Elijah parish told Forum 18 from Cheboksary on 23 March. Personal testimonies that the group had existed since 1988 had proved insufficient for registration, she said, and the 13 parishioners had found the whole process "very difficult" since it had involved copious amounts of correspondence with various municipal departments in the quest for the necessary documentation. While Chekmaryova estimated that there were several thousand followers of the late True Orthodox Bishop Guri (Pavlov) operating without registration in his native Chuvashiya, her community had decided to seek legal status because "we believe the time has come to be open about the True Orthodox Church."

On 2 February, St Elijah parish's Moscow-based archbishop, Amvrosi (von Sievers) of the Goths, told Forum 18 that none of his parishes in at least nine regions of European Russia had state registration, although he acknowledged that this was partially due to rejection of all forms of state contact, including military service, participation in elections and possession of passports. In Moscow, he said, officials had refused even to receive a registration application: "You hand it in one window and they throw back at you out of the next one."

According to Moscow department of justice statistics following the religion law's 2000 re-registration deadline, there are eight

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registered True Orthodox parishes in the Russian capital. Five of these belong to the Russian Orthodox Catholic ("Kafolicheskaya," or catholic with a small "c") Church, which claims True Orthodox provenance. Telling Forum 18 on 30 November that the Church had managed to register three parishes in Kaluga region (100km south-west of Moscow) in 2000, Fr Aleksi Kurakhtin of its St Philip, Metropolitan of Moscow parish added that three more parishes in Moscow region had more recently been denied registration.

Thus, on 12 November 2001 Moscow region's department of justice informed a representative of the parish of SS Cyprian and Justina that it could not accept proof of the group's affiliation to the centrally registered Moscow archdiocese of the Russian Orthodox Catholic Church in place of confirmation of 15 years' existence. The reason, explained the department, was that the parish lies in Moscow region, whereas the statutes of the archdiocese stipulate its area of activity to be Moscow city. In a 23 July 2002 response to a query from the archdiocese regarding this refusal, Viktor Korolev of the Department for Social and Religious Organisations at Russia's Ministry of Justice wrote that, by law, his ministry "did not have the right" to explain legislation or its application, and pointed out that regional departments of justice were entitled to take "independent decisions" regarding the state registration of religious organisations.

Speaking to Forum 18 on 24 March, Bishop Nikon (Lamekin) said that his parish had registered as the "Moscow community of the True-Orthodox Church" on 8 July 1992, but had not re-registered under the 1997 religion law by choice. He commented that it was "very difficult" to register a True Orthodox centralised organisation, and that local officials remain largely unaware of the February 2002 Constitutional Court decision which determined that an active religious organisation registered before the 1997 law came into effect could not be deprived of its legal status for failing to re-register. In particular, he cited pressure in recent years by the tax authorities, who have demanded confirmation from the local housing department that his parish has permission to be registered at a residential address.

Also on 24 March, a representative of another Orthodox body opposed by the Moscow Patriarchate, the Ukrainian Orthodox Church (Kiev Patriarchate), told Forum 18 from the Ukrainian city of Dnepropetrovsk that his Church's 15 parishes in Russia's Belgorod and Kursk regions (approximately 500km south-east of Moscow) and two parishes in Moscow city and Moscow region had successfully re-registered, "but it wasn't easy." Although his Church has a centralised religious organisation in Russia, a second parish in Moscow city, SS Peter and Paul, failed to re-register, added Metropolitan Adrian (Starina) of Dnepropetrovsk and Krivoi Rog. "They kept drawing out the process, losing documents and so on until the deadline had passed, when they said it was too late." According to Moscow department of justice figures, no registration refusals have been issued to Kiev Patriarchate parishes in the city.

For more background information see Forum 18's latest religious freedom survey at

http://www.forum18.org/Archive.php?article_id=116

A printer-friendly map of Russia is available at

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

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