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RUSSIA: Official and unofficial challenges to Protestant property ownership

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

Due to begin today (20 February) in Moscow Arbitration Court is a case challenging the 1997 purchase by the charismatic Kingdom of God Church of a factory's social club to use as a church. The Federal Property Agency is seeking the return of its "illegally occupied" property, although as church lawyer Vladimir Ryakhovsky pointed out to Forum 18 News Service the church has a valid ownership certificate and the deadline for legal challenges runs out after three years. Elsewhere local officials have refused to register Protestant churches' ownership of land, arbitrarily rejected approved construction plans and refused to redesignate property for religious use. This suggests that local authorities deliberately use bureaucratic and/or unofficial methods to challenge Protestant property ownership. Mikhail Odintsov of Russia's human rights ombudsperson's office noted in early February that while in the past complaints about religious freedom violations came from foreign organisations, "now it is ours, our Protestants", with the number of complaints rising. "The percentage of complaints resolved is miserable, and attempts to do so stop, start and go on for years."

Leaders of several Protestant congregations have complained to Forum 18 News Service of officials' moves to deprive them of church property, refuse to register ownership of land, arbitrarily reject previously-approved construction plans and refuse without justification to redesignate commercial property for religious use. Several such recent incidents suggest that, in the absence of specific legal restrictions, local authorities are continuing to use bureaucratic and/or unofficial methods to challenge the ownership and use of property by Protestant churches.

Various Protestant representatives have told Forum 18 in recent months that such problems are increasing (see F18News 24 August 2005 http://www.forum18.org/Archive.php?article_id=637).

On 16 December 2005, for example, the Federal Property Agency filed suit against the charismatic Kingdom of God Church, asking Moscow Arbitration Court to obtain on demand its "illegally occupied" property in the Russian capital. According to the suit, of which Forum 18 has received a copy, the privatised factory which sold its former social centre and sports hall to the church in December 1997 had no right to do so "since the owner of the building .. is the Russian Federation." The case is due to begin on 20 February.

According to the Slavic Justice Centre, which is defending Kingdom of God Church, the social centre and sports hall – now used as a prayer house - were in fact included among those items of factory property privatised in 1996. As Slavic Justice Centre lawyer Vladimir Ryakhovsky pointed out to Forum 18 on 1 February, the church possesses a valid state certificate registering its rights to the property, and that the deadline for legal challenges – three years from the point of sale – has in any case long expired.

Ryakhovsky also told Forum 18 that Kingdom of God Church has been subject to a long-running anti-Protestant campaign by local residents, as well as a series of investigations by various state departments that have failed to identify any legal irregularity. On 15 March 2002 the Slavic Justice Centre reported the disruption of an evening service at the church by a group of police officers with dogs, ostensibly as part of an anti-terrorist operation. The church, through the Kingdom of God Pentecostal Association, is affiliated to the Russia-wide Pentecostal Union led by Vladimir Ryakhovsky's brother, Sergei.

There has been no progress in efforts made by the 1000-strong Emmanuel Church, also based in Moscow, to resolve its property problems with the city authorities, its pastor Aleksandr Purshaga told Forum 18 on 17 February. "They make out that they are trying to help, but they aren't doing anything," he maintained. "At the highest level they say they will sort everything out, but lower officials are not drawing up the necessary documentation. We are given telephone numbers which are never answered and directed to officials who aren't empowered to take any decisions."

Following a 6 June 2005 meeting between Pastor Purshaga and Aleksandr Kosovan, vice-chairman of Moscow's Department for Building Policy, Development and Reconstruction, church administrator Bazur Azaryan reported to Forum 18 that Kosovan had ordered the resolution of the church's situation by 30 June. But no solution followed.

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Affiliated to the Russian Assemblies of God Pentecostal Union, Emmanuel Church initially received a plot of land for a church centre in Moscow's Vernadsky Prospekt district in 1996. After a construction plan was approved by all relevant departments, however, the district assembly rejected it in closed session in November 2000 on the grounds that public opinion was opposed to the project. When Moscow's vice-mayor Valeri Shantsev decided that Emmanuel should thus find another plot - after the investment of many thousands of dollars into the project - the church tried to file suit, but a local court ruled the city's decision to be sound because Emmanuel had allegedly not drawn up certain planning documents correctly. After twice being refused alternative sites, the church bought a building in Solntsevo district, but the local authorities there have refused to allow it to be rebuilt or to register the church's rights to the land beneath it.

Several Emmanuel members were briefly imprisoned in June 2005 for what the city authorities maintained were unapproved demonstrations for believers' rights outside Moscow Mayor Yuri Luzhkov's office (see F18News 13 June 2005 http://www.forum18.org/Archive.php?article_id=583).

A change in the church's fortunes appeared to begin when, as the SOVA Center religious affairs website reported, a Moscow district court ruled on 10 October 2005 that 13 Emmanuel members had been wrongfully detained following a similar demonstration a week earlier. In a 14 November ruling, the same court also agreed with the church that the local authorities had violated the legal procedure for regulating public events in its handling of the demonstrations. Pastor Purshaga confirmed to Forum 18 on 17 February that his church – which has now been staging regular demonstrations for over eight months – stopped encountering police obstruction following these court decisions.

Konstantin Blazhenov, the official responsible for relations with non-Orthodox religious organisations at Moscow City Council, also notes that Emmanuel Church continues to demonstrate. He maintained to Forum 18 on 17 February that the Moscow authorities had offered several plots of land to the church, but that it had rejected them in the belief that they were not commensurate to the one lost in Vernadsky Prospekt district. Blazhenov also claimed that more alternative plots were currently being proposed, and that, as far as he knew, the problems surrounding the use of the church's building in Solntsevo district had been resolved: "At least, they haven't turned to us about it again."

God's Church, a 60-strong Pentecostal congregation in Stavropol region's southern spa town of Mineralnyye Vody, is still unable to use the two-storey former shop it purchased in February 2003, Pastor Igor Nikishin of the church told Forum 18 on 17 February.

The church's problems began in December 2003, when the town's mayor, Mikhail Chukavin, decreed that the state-owned land attached to the former shop and leased to the proprietor in line with Russian law should be reduced to that immediately beneath the building (see F18News 7 December 2004 http://www.forum18.org/Archive.php?article_id=470). Having won three regional arbitration court cases challenging this decision in the course of 2004-5 (see F18News 24 August 2005 http://www.forum18.org/Archive.php?article_id=637), Nikishin told Forum 18 that the church was finally granted a three-year lease to the full area of land last year. In January 2006, however, after approximately six months of deliberation, Mineralnyye Vody Architecture and Construction Department rejected without explanation the church's request to reconstruct the building and change its designation from shop to house of worship, said Nikishin.

There was no answer at Mineralnyye Vody Architecture and Construction Department when Forum 18 rang on 17 February.

Last year Protestant representatives also reported that it was becoming harder to secure rented premises for worship, the majority of which are state-owned (see F18News 19 August 2005 http://www.forum18.org/Archive.php?article_id=633). This trend likewise appears to be continuing.

In January 2006, for example, the Evangelical Christian Missionary Union, which embraces 54 registered churches throughout southern Russia, reported that the municipal authorities in the town of Tikhoretsk (Krasnodar region) had refused to renew a rental contract with its congregation there. The 150-strong Path to God Church had rented its basement premises for the previous seven years and renovated them, according to the Union, but is now unable to find alternative premises in the town and thus to meet as a single congregation. A Union representative earlier told Forum 18 that its congregations experienced almost no obstruction (see F18News 7 December 2004 http://www.forum18.org/Archive.php?article_id=470).

Speaking at a round table on religion and human rights at the Russian State Humanities University on 8 February 2006, Mikhail Odintsov included acquisition of worship premises among the increasing number of religious freedom violations about which he receives complaints from citizens at the offices of Russia's human rights ombudsperson. "Yesterday it was foreign organisations, but now it is ours, our Protestants," he commented. "The percentage of complaints resolved is miserable, and attempts to do so stop, start and go on for years." (END)

For a personal commentary by an Old Believer about continuing denial of equality to Russia's religious minorities see F18News 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=509

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

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY

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