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RUSSIA: Sharing faith in public – a fundamental right

By Geraldine Fagan, Forum 18

Recently, local officials have given Forum 18 News Service contrasting reactions to public preaching. This appears to indicate growing disagreement over whether or not the "free dissemination of religious convictions" - as upheld by the 1993 Russian Constitution - is a right subject to state permission. Unregistered Baptists have been the group that has encountered most state obstruction to public dissemination of their beliefs. The head of the southern Rodionovo-Nesvetaiskoye District Administration has insisted to Forum 18 that unregistered Baptists do not have the right to preach in public. She also maintained that unregistered religious groups may meet on private premises, "but they don't have the right to go outside." Forum 18 notes that there is no clear legal restriction of the right to conduct public religious events to registered religious organisations. Contrastingly, after a violent attack on unregistered Baptists in north-eastern Russia, the public prosecutor for Ust-Mai District (who is prosecuting the attackers) has confirmed to Forum 18 that there was nothing illegal about the Baptists preaching in public in a village.

Recent responses by local officials to public preaching are indicative of their growing disagreement over whether or not the "free dissemination of religious convictions" - as upheld by the 1993 Russian Constitution - is a right subject to state permission. While unregistered Baptists have most consistently reported state obstruction to public dissemination of their beliefs, Forum 18 News Service has found that registered religious communities may also be targeted (see F18News 7 June 2006 http://www.forum18.org/Archive.php?article_id=794).

The Council of Churches Baptists – who refuse on principle to register with the state authorities in post-Soviet countries – recently encountered several incidents of obstruction to their attempts at public evangelisation in the southern settlement of Rodionovo-Nesvetaiskoye (Rostov-on-Don [Rostov na Donu] region, close to the Sea of Azov on the Black Sea), they told Forum 18 on 24 May.

When Baptists started preaching and playing orchestral instruments at Rodionovo-Nesvetaiskoye market on 8 April, they stated, police officers and local officials demanded that they stop, and those evangelising – including children - were questioned at a local police station.

Two Baptists from Rostov-on-Don, approximately 50km [31 miles] south of Rodionovo-Nesvetaiskoye, set up a mobile Christian library on Sunday 14 May in Rodionovo-Nesvetaiskoye, but local Cossack leader Yuri Gromov reportedly insisted that they required official permission and seized their literature, which was later returned.

Three Baptists again set up a mobile library in Rodionovo-Nesvetaiskoye on Sunday 21 May, but Yuri Gromov again approached them, summoned local state representatives and demanded that the Baptists stop their activity in the district. When one of the three, Timofei Ishchenko, took a photograph of the scene, four Cossacks reportedly seized his camera and exposed the film, while Gromov struck his face.

Speaking to Forum 18 on 31 May, the head of Rodionovo-Nesvetaiskoye District Administration insisted that the Baptists did not have the right to preach in public. Nadezhda Molodykh maintained that, under the 2004 Demonstrations Law, only registered religious organisations ('organizatsii') could conduct public events, for which they must secure prior state permission. When Forum 18 pointed out that, even though the Council of Churches Baptists do not have legal status, its members as ordinary citizens are guaranteed the right to disseminate religious convictions freely under the 1993 Constitution, Molodykh replied that while "everyone can believe in their souls," it was a different matter "if 15 people start distributing literature – no one knows what's in it – I can't regard them as individual citizens, especially as they say they represent a church." She also maintained that unregistered religious groups may meet on private premises, "but they don't have the right to go outside."

Forum 18 notes that there is in fact no clear confinement of the right to conduct public religious events to registered religious organisations in Russian law. Ambiguously, the 2004 Demonstrations Law states that "religious rites and ceremonies" are regulated by the 1997 Religion Law, which in turn states that "public worship services, other religious rites and ceremonies" are regulated by the law on demonstrations. The Demonstrations Law also refers to the possibility of a religious association (here the legal term association - 'obyedinenie' - embraces both registered and unregistered bodies) being the initiator of a "public event" whose aim is "the free expression and formation of opinions." According to the same law, organisers must submit detailed information about their

plans - rather than request permission - between ten and 15 days before holding such events.

While the Religion Law states that an unregistered religious group ('gruppa') has the right to worship at premises provided by its own members and teach its existing followers, it also nowhere states explicitly that they may not preach in public (see F18News 14 April 2005 http://www.forum18.org/Archive.php?article_id=543). However, the State Duma (parliament) Religion Committee last year began to consider draft amendments to the Religion Law which would purportedly bar unregistered religious groups from holding mass public religious services (see F18News 9 June 2005 http://www.forum18.org/Archive.php?article_id=580).

The confusion over this issue is illustrated by the response of the authorities in a similar situation at almost the other end of Russia. The Council of Churches Baptists told Forum 18 on 1 April about a violent attack upon a group of their members evangelising on 29 March in Ust-Mai, a village in the north-eastern Siberian republic of Sakha (Yakutia) about 100km [60 miles] from Yakutsk city. While Aleksandr Girich and Oleg Chubenko distributed religious literature from a table set up on the village square, Oleg Saprykin, Vladimir Bobrovnikov and Stanislav Koretsky walked around the village distributing gospels and inviting villagers to prayer meetings.

According to the Baptists, two men – one in police uniform – demanded to see the Baptists' identity documents. Although they did not introduce themselves, the pair later turned out to be Senior Lieutenant Vyacheslav Dontsu of Ust-Mai District Police Department and his brother Stanislav, a security guard at Sberbank national savings bank. Apparently under the influence of alcohol, Stanislav Dontsu warned the Baptists: "I'm Orthodox and I'm the boss here. I'm giving you two hours to get your stuff together. If you don't leave, then you'll have to deal with the head of police and your car will go sky-high."

Returning after 20 minutes however, Stanislav Dontsu broke the Baptists' table with his fist, hit Oleg Chubenko several times and then began to attack a sixth member of the group, Leonid Agarkov, pushing him to the ground and kicking him forcefully about the head. While this was happening, Senior Lieutenant Dontsu allegedly struck Aleksandr Girich with a leg from the broken table and then began to beat the windows of the Baptists' car with a metal implement. When Vladimir Bobrovnikov returned with Oleg Saprykin and asked what was going on, Stanislav Dontsu reportedly broke his nose and then asked Saprykin if he was the group's driver. When Saprykin responded that he was, Stanislav Dontsu allegedly hit him about the head several times, also breaking his nose.

When the group then tried to use tissues to wipe the blood from their injuries, Stanislav Dontsu seized them, dipped them in petrol and asked for matches so he could set fire to the Baptists' car. Forced into their car, the group quickly left, collected Stanislav Koretsky – who was still evangelising elsewhere in the village - and then sought medical aid at a hospital in Yakutsk city, approximately 100km [60 miles] away.

Speaking to Forum 18 on 31 May, the public prosecutor for Ust-Mai District maintained that he was unable to comment on the incident as a criminal investigation into the actions of "a police officer and a Sberbank security guard" is still underway. Public Prosecutor Vasily Gabyshev did say, however, that the investigation is based upon two parts of the Criminal Code - Article 112 (intentionally causing moderately serious harm to health, punishable with imprisonment from three months to five years) and Article 285 (misuse of public authority, punishable with fines starting at 100 times the minimum wage or imprisonment of up to four years). Notably, he also confirmed to Forum 18 that there had been nothing illegal about the Baptists' religious activity in the village.

While Council of Churches Baptists congregations have occasionally reported similar obstruction to their public evangelisation in recent years (see F18News 3 September 2003 http://www.forum18.org/Archive.php?article_id=134), much appears to depend upon local circumstances. In central Kyzyl (the capital of the Russian republic of Tuva, on the Mongolian border) for instance, Forum 18 in July 2005 observed local Council of Churches Baptists running a street library and preaching to passers-by without obstruction.

On 24 May a draft Municipal Administrative Violations Code including the offence of "religious agitation in public places" passed its first reading in Moscow City Duma. If the Code is eventually adopted, the offence will be punishable by either an official warning or a maximum fine of three times the minimum wage, or 300 roubles (approximately 68 Norwegian Kroner, 9 Euros or 11 US Dollars). There is no equivalent provision in the Federal [national] Administrative Violations Code. (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

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