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Freedom of religion and freedom of association in Russia – the case of Moscow Branch of The Salvation Army v. Russia

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The case of the *Moscow Branch of the Salvation Army v Russia* (No. 72881/01) was declared admissible by the First Section of the European Court on 24 June 2004. The Strasbourg Court ruled that the complaint filed on behalf of this religious organisation raises serious issues of fact and law under Article 9 (freedom of religion), Article 11 (freedom of association) and Article 14 (prohibition of discrimination) of the Convention. The Court, however, decided there was no reason to review the Salvation Army's complaint under Article 6 (right to a fair hearing within a reasonable time)

Since its re-establishment in Russia in 1992, the Salvation Army has been helping the needy and the poor in Moscow and in other areas of the country. In 2000 the Moscow Department of Justice refused to re-register the organisation as required by the new law on religion passed in 1997. The judicial authorities in Moscow confirmed this refusal and, moreover, held that the Salvation Army is a subversive "paramilitary foreign organisation". These decisions seriously undermined the Salvation Army's charitable work in Moscow and resulted in its subsequent liquidation as a legal entity. Despite the fact that this liquidation was barred following the Constitutional Court ruling of 7 February 2002, the Moscow branch has not to date been re-registered and continues to suffer from the negative publicity caused by the

actions of the government and the judiciary in Moscow.

The application on behalf of the Salvation Army was filed with the European Court of Human Rights in May 2001. During the three subsequent years, various institutions of the Council of Europe tried to convince the Russian government to settle the case. Both the Council of Europe and its Parliamentary Assembly (PACE) issued resolutions, expressing their “surprise and puzzlement” over the decision to ban the operations of the Salvation Army in Moscow, and recommended “to ensure that the Salvation Army enjoys the same rights as it has in other member states of the Council of Europe, including the right to be registered in Moscow” (*Report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe*, Monitoring Committee, doc. 9396, 26 March 2002). Another resolution adopted by PACE explicitly calls for an “internal disciplinary inquiry by the Federal Ministry of Justice into the workings of its Moscow department”, in relation to the case of the Salvation Army (Resolution 1278 (2002) on Russia’s law on religion, adopted by the Parliamentary Assembly of the Council of Europe on 23 April 2002). However, not only did the Russian government fail to re-register the Salvation Army in Moscow, but also some of the governmental agencies and ministries – including the Federal Security Service and the Federal Ministry of Education – persisted in spreading negative publicity, falsely accusing the organisation of all sorts of “subversive paramilitary activity” and aiming to undermine the Russian political regime. These allegations even found their way into school textbooks and curricula. Thus, in 2002, the Moscow Education Committee and Mayor of Moscow approved a textbook on the “Basic Knowledge of Security and Safety”, aimed at the students of secondary and vocational schools. The study aid contains a chapter entitled “Terrorism as the most dangerous threat of our days”, which includes information on “pseudo-religious” organizations. The Salvation Army is mentioned, among others, as being, “in fact, a paramilitary formation”. Vladimir Ryakhovsky and Anatoly Pchelintsev of the Slavic Centre for Law and Justice and the Institute for Religion and Law (Moscow), who represent the Salvation Army in the Strasbourg proceedings, believe that the hearing of this case in the

European Court is particularly important, in view of the fact that the situation of religious freedom over the last few years in Russia has greatly deteriorated.

The case of the Salvation Army will be the first case from Russia that raises the issue of religious freedom to be heard by the European Court of Human Rights.