

D. MATTERS IN LITIGATION

1. *Professor Nadezhda Garyaeva v. Perm State Academy of Medicine*

Facts: In the end of 2006, Professor Nadezhda Garyaeva MD, Chair of the Department of Human Anatomy in Perm State Academy of Medicine (the Academy) was disciplined for the "use of the premises of a state educational establishment by a faculty member to promote her religious views". She received two official reprimands.

The formal reason for the first of these reprimands (dated December 13, 2006) was her appearance in a promotional video of the New Testament Pentecostal Church which she is a member of. The shooting took place on the Academy premises.

The reason for the second reprimand, dated December 26, 2006, was her participation in the seminar of the Student Scientific Society which took place on October 30, 2006, and the subject discussed was "The origin of Man: Truth and Falsehoods". After three presentations on the subject were presented Garyaeva summed up by suggesting that the students do not blindly believe in the Darwin theory as the only truth, but learn to think critically and consider different views on the origin of man, not discarding creationist theory among others. The reprimand of December 26, 2006, qualifies Garyaeva's behaviour as "immoral" and labels her views as "pseudo-Christian".

Legal issues: In SCLJ's opinion, Professor Garyaeva did not overstep the limits of the rights guaranteed by article 28 of the Russian Constitution, namely, rights to freedom of religion including the right to have and propagate religion and beliefs and act in accordance therewith.

Even though the video was shot on the Academy premises, there was no indication of Garyaeva's position or her name. There were no objects or signs in the video which would allow identification of the premises as the Academy of Medicine. The shooting was done off-hours and the functioning of the Academy was not disrupted in any way.

There is nothing unlawful in telling the students about creationism either since the students attend these seminars voluntarily and not as part of their compulsory courses. There was no religious propaganda during the seminar whatsoever.

Moreover, the reprimand of December 26, 2006, failed to meet the time limits provided by article 193(3) of the Russian Labour Code according to which disciplinary measures may not be applied later than within one month from the date the transgression took place, excluding sick leaves, vacations and the time needed to consult an employees' representative body.

It is clear that the alleged transgression took place on October 30, 2006, while the reprimand was issued nearly two months later. There were no circumstances which would justify the extension of the time limit in accordance with article 193(3) of the Labour Code.

Status: In January 2007 Nadezhda Garyaeva turned to the SCLJ for legal help.

SCLJ lawyers examined the documents and drafted a statement of claim asking to invalidate the reprimands.

On March 12, 2007, the statement of claim was filed with the Justice of peace of the Leninsky District of Perm.