

**Open address to the Minister of Justice of the Russian Federation Aleksandr Kononov
regarding the situation surrounding the new membership of the Expert Council for
Government Theological Review in the Ministry of Justice of the Russian Federation.**

To: The Minister of Justice of the Russian Federation
Active State Advisor of the Russian Federation First Class
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Copy: President of the Russian Federation
D. A. Medvedyev
Chairman of the Government
V. V. Putin

From: The Slavic Center for Law and Justice

Aleksandr Vladimirovich,

The scientific, human rights, and religious communities are outraged by news about the new membership of the Expert Council for Government Theological Review in the Ministry of Justice of the Russian Federation, which was formed by Order № 61 of the Ministry of Justice on 3 March 2009. With great respect to both the legislature of the Russian Federation and the decision of the Ministry of Justice, we, the undersigned, would like to direct your attention to a few key issues which could potentially create multiple conflicts in most regions of our country.

First, Addendum № 1 to the Order of the Ministry of Justice of the Russian Federation of 18 February 2009, № 53 significantly expands the objectives and aims of the expert review, as well as the reasons for grounds for conducting an expert review. In essence, this new order for conducting government theological expert review endows the Expert Council with the unprecedented authority of a government organ to control both religious organizations and forms and methods of religious activity. According to subsection 7(e), the Ministry of Justice of Russia (the Ministry's territorial organ) has the right to issue a request for expert review in other instances arising during government registration and/or to oversee questions of how religious organizations are to follow regulations related to their goals and organization, which might require special expertise. Despite the recommendatory character of expert review, the recommendations of the Expert Council, and even more so the decisions of the Ministry of Justice (or its territorial organs) based on the Council's recommendations, can be seen as a violation of the principle of separation of church and state, as well as a gross interference in the internal affairs of religious organizations.

In addition, Article 11, subsection 8 of Federal Law № 125-ФЗ, "About freedom of conscience and religious assembly" stipulates that government expert review be conducted only during the registration process of a religious organization. This means that conducting expert review in other instances contradicts the law of freedom of conscience. In the given instance, the constitutional principle of the supremacy of the law is being blatantly violated.

A departmental act is being put above a Federal law, which is intolerable.

Second, the principle of forming the Expert Council for conducting expert inquiry in the Ministry of Justice of the Russian Federation impugns the authority of theological expert review and the scientific community, and is a provocation to any degreed or recognized specialist of religious studies, the philosophy and sociology of religion, or religious history. The Expert Council now includes presiding officers of religious organizations (including clergy members), which violates subsection 2 of Addendum № 2 to the Order of the Ministry of Justice of the Russian Federation of 18 February 2009, № 53, which states that presiding officers of religious organizations may be engaged in the Council's work as consultants only.

A large number of the members of the Expert Council are not only presiding officers of specific religious organizations, but are also well-known figures on the side of Orthodox sectology in the fight with non-Orthodox organizations and movements in our country. Sectological activity is a church-social practice, which is realized through direct or indirect support of the Russian Orthodox Church of the Moscow Patriarchate. However, far from all Orthodox hierarchies, clergy members and laymen agree with the radical statements and publications of the sectologists, which bring discord into interfaith relations in Russia and engender interfaith and government-faith conflicts, of which there are many examples. Meanwhile, exactly these same kind of radical sectologists have also been made members of the Expert Council and have received the right to give recommendations in the name of the government, which sets them starkly apart from the other members of the Council of the Ministry of Justice of the Russian Federation. Furthermore, thousands of officially registered religious organizations that do not belong to the Moscow Patriarchate of the Russian Orthodox Church have experienced public (in the electronic and printed mass media) insult from these sectologists. These religious organizations see the status of "government expert" of these sectologists as a threat to societal stability and integrity.

We ask that future conflicts and judicial action about the violation of the rights of the religious in Russia be avoided. We ask for the removal from the Expert Council for the conducting of theological expert review of the Ministry of Justice of the Russian Federation of those people who (1) do not have a theological background and do not hold related doctoral degrees accredited by the Higher Attestation Commission; (2) have no relation to secular science and expertise; and (3) are nothing more than partisan representatives of radical pseudo-religious movements, which condemn all that they subjectively deem harmful, being unfamiliar with the doctrines and practices of other religious organizations. Sectology is nothing more than a nonobjective quasi-religious subject that is most definitely not an academic discipline. The mere presence of these sectologists on the Expert Council undermines the credibility of scientific inquiry in Russia and sets the government decidedly against non-Orthodox religious organizations. Accordingly, we ask that the following individuals be removed from the Expert Council:

Dvorkin Aleksandr Leonidovich - head the sectological St. Irineya Lionskovo Center;
Kuzmin Aleksandr Valeryevich - head of the Saratov branch of Dvorkin's sectological Center;

Mukhtarov Yevgeny Olegovich - journalist and sectologist from Yaroslav;
Vasilchenko Andrey Vyacheslavovich - sectologist from Yaroslav, specialist in German fascism, and author of many popular books on the history of the Third Reich;
Semyonov Lev - employee of Dvorkin's Center and priest in the Russian Orthodox Church.

Along with this, their activity as social activists is fully admissible within the bounds of the law and is part of the interfaith discussion.

Third, the goals and objectives of the government religious expert review committee, as well as the presence on the Expert Council of individuals who are involved in heated interfaith conflicts, poses a real threat both to the constitutional order in Russia and to the safety the citizens of our country and does not respect religious pluralism, which historically has been realized in Russia. Destroying the field of religious pluralism throughout the nation could provoke interreligious and international conflicts and lead to the decline of both the country and the civil society, especially as measured by religious and national indicators. Categorization of organizations, which publicly encourage one or another world view on a nonstandard and illegal basis by either granting or refusing to grant a religious organization official recognition based on the decision of the Expert Council, breaks the following:

- Article 14 of the Constitution of the Russian Federation, which declares that the Russian Federation is a secular state and directs that religious assemblies be separate from the state and equal before the law;
- Article 28 of the Constitution of the Russian Federation in total, subsection 2 of Article 29, and part 1 of Article 13 of the Constitution of the Russian Federation, which prohibit propaganda of ideological superiority and inequality;
- the statute that the state may not interfere with the activity of religious groups if it does not contradict the Federal law "About the freedom of conscience and religious assembly" (subsection 2, Article 4, Federal Law №125).

We call upon you, esteemed Aleksandr Vladimirovich, to exercise statesmanlike wisdom and political foresight. The interfaith and international peace in our country must be protected at all costs, and any attempt to destroy it must be cut short.

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