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CRIMEA: Old and new place of worship problems, Greek Catholic clergy restrictions

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Crimean officials deny that a decree which will lead to a substantial rise in the rent the Kiev Patriarchate Ukrainian Orthodox Church pays on its nearly 20-year-old cathedral in the Crimean capital Simferopol is a targeted move. "There is no discrimination in relation to this particular church," Lyudmila Khorozova of Crimea's Property Fund, which owns the building, claimed to Forum 18 News Service. She was unable to explain why no decrees have been adopted relating to other religious communities. Sevastopol's Roman Catholic community is less optimistic since March about being able to regain its historic church. It lodged a European Court of Human Rights case over earlier denials in 2001. Greek Catholic priests from elsewhere in Ukraine can serve in Crimea only for three months in any four. All 1,546 religious communities with Ukrainian registration will have to re-register under Russian law.

Rent on the Diocesan Cathedral of the Kiev Patriarchate Ukrainian Orthodox Church in the Crimean capital Simferopol is set to rise enormously under a targeted decree which the Church insists is an attempt to price them out, Forum 18 News Service has learnt. The Roman Catholic community in the port city of Sevastopol – which has long sought the return of its historic church – appears less confident it will be able to regain it since the Russian takeover of the Crimean peninsula.

Although both communities see a change since the controversial March annexation of the peninsula, attacks on places of worship pre-date the annexation. Two of the Crimean Tatar community's mosques and another Kiev Patriarchate church which had just been built were hit by arsonists in autumn 2013.

Greek Catholic priests who have arrived to serve their Crimean parishes have been told they can remain for only three months at a time, before having to leave for at least one month (see below).

Russia now regards Crimea as an integral part of Russia, but Ukraine and the international community do not recognise the peninsula as part of Russia. Russia insists that Russian federal law – including the Criminal Code and the Code of Administrative Offences – now applies in Crimea.

All 1,546 religious communities in the peninsula which had state registration with the Ukrainian authorities will be required to re-register under Russian law if they wish to retain legal status (see below).

The Russian authorities have established branches in Crimea of federal agencies, including the Justice Ministry and the FSB security service. But many local officials appear to have been already in post before March and have simply had their posts transferred to the new authorities.

Cathedral and offices rent rise?

The Kiev Patriarchate Ukrainian Orthodox Church is concerned by what it thinks is an attempt to price its Simferopol and Crimea Diocesan Cathedral and offices out of its rented premises in central Simferopol. The Church has rented the building since 1995, Archbishop Kliment (Kushch), head of the Diocese, told Forum 18 from Simferopol on 25 June.

In 1996 ultimate ownership was transferred from a disbanded military base to the Crimean Property Fund. In 1997, under a Crimean Supreme Council decree, rent was set at the symbolic level of 1 Ukrainian Hryvnia (0.5 Norwegian Kroner, 0.05 Euros or 0.08 US Dollars) a month.

The Kiev Patriarchate – which emerged in the early 1990s - is the second largest Orthodox Church in Ukraine after the Moscow Patriarchate. However, the Kiev Patriarchate is not recognised as canonical by any other canonical Orthodox Church. Five of its churches in Crimea have been forced to close since March 2014 (see F18News 26 June 2014 http://www.forum18.org/archive.php?article_id=1972).

The Cathedral – which is next to the offices of the Property Fund - appears on a list of state-owned property in an attachment to a 15

March 2000 Crimean Supreme Council decree. A 16 May 2001 Supreme Council decree – seen by Forum 18 - governs the Church's use of the building, whose size it gives as 1,475.7 square metres (15,900 square feet).

However, on 18 April 2014, the State Council (which replaced the Supreme Council) adopted a new decree – seen by Forum 18 - amending the 2001 decree and changing the basis on which rent is levied.

Archbishop Kliment told Forum 18 that the change would result in the Diocese having to pay about 160 Russian Roubles per square metre per month (236,112 Roubles, or 42,990 Norwegian Kroner, 5,145 Euros, or 7,000 US Dollars a month). "We're a non-commercial organisation – how can we pay commercial rates? We live on donations."

He insisted that this had been done by design. "If I lose the Cathedral the Diocese will not be able to function and will be liquidated as an organisation. The Crimean authorities are doing all they can to liquidate us."

"No discrimination in relation to this particular church"?

Lyudmila Khorozova, who has headed the Property Rental Department of Crimea's Property Fund for some years, confirmed that a new basis had been set for the Kiev Patriarchate cathedral rent in the April 2014 decree. While conceding that the rent would increase substantially, she repeatedly refused to say what the new level of rent would be. "Rents are confidential," she told Forum 18 on 24 June from Simferopol. However, she insisted that the decision was "not against the church". "There is no discrimination in relation to this particular church."

The Kiev Patriarchate "had a greater subsidy than other communities", Khorozova claimed. Asked if officials had therefore made a mistake over more than a decade, she responded: "it was not a mistake that they had low rent all those years." She claimed the subsidy will now be the same as for other religious organisations. She said she could recall five other religious communities which rent from the Property Fund and "none of them pay peanuts". She was unable to explain why a decree was adopted affecting solely one community.

Yelena Ivchenko, head of the legal expertise department of the State Council, similarly denied that the Kiev Patriarchate had been specifically targeted. "The exception was given to them [Kiev Patriarchate] earlier," she told Forum 18 from Simferopol on 24 June. "From a legal perspective we had no observations on the decree." She could not identify any other religious communities singled out in recent laws and decrees.

Ivchenko had worked in the legal expertise department of the State Council's predecessor, the Supreme Council.

Ivchenko told Forum 18 that the April 2014 decree had been the initiative of Svetlana Savchenko, an elected State Council deputy and Head of its Permanent Commission for Culture. Forum 18 repeatedly tried to reach Savchenko between 24 and 26 June but she was always out of the office.

Savchenko is a veteran Crimean politician who had also been a deputy on the Supreme Council.

Like Khorozova and Ivchenko, Savchenko's assistant, who did not give her name, insisted the new decree did not target the Kiev Patriarchate. "The situation has changed and the original decree referred to - on the basis of which rent was set at 1 Hryvnia a month - has changed." However, she admitted to Forum 18 on 25 June that no similar decrees had been adopted relating to any other religious community.

Renting buildings unofficially

The pastor of a Protestant church in a town away from Simferopol confirmed that his church continues to meet in a House of Officers, which is now under Russian military control. "No obstructions have been put before us," he told Forum 18.

However, the pastor noted that other communities which might have been renting such buildings unofficially have faced questions. Some are believed to have lost their rental possibilities. "It all depends if you had a formal rental contract," he told Forum 18.

Earlier places of worship attacks

Crimea has had a history in recent years of unsolved attacks on places of worship, in addition to the post-March 2014 attacks on places of worship and raid on a madrassah (Islamic religious school) (see F18News 26 June 2014 http://www.forum18.org/archive.php?article_id=1972).

Archbishop Kliment of the Kiev Patriarchate told Forum 18 that their newly-built wooden church in Yevpatoriya was destroyed in autumn 2013. The church had just been completed, but faced obstruction from local officials gaining the required permission for use of it to begin. He cited deputy mayor Marina Vedmedskaya as declaring that the church should be destroyed as an "illegal structure". Archbishop Kliment insists that the church had building permission.

However, unidentified arsonists soon poured petrol over the church and set it alight, destroying the new building. "Only after that did city officials then say they would give us permission. But they won't give this in writing and now are waiting to liquidate the community," Archbishop Kliment told Forum 18.

Crimean Tatars have also long been the victims of arson attacks on their mosques. At a press conference in Simferopol on 16 October 2013, members of the Mejlis (the Tatars' legally and officially recognised representative assembly) called for thorough investigations into attacks on the central mosque in the coastal town of Saky and the mosque in the village of Rovnoe (Karasan in Crimean Tatar). Both mosques had been attacked by arsonists immediately before the Mejlis' call, the attacks being just before Muslims celebrated the festival of Eid-al Adha (Kurban Bayram).

"In both these cases, just because no person was injured, doesn't mean they weren't terrorist cases," the deputy head of the Mejlis, Refat Chubarov, declared.

The Saky Mosque reopened for prayers only on 27 June 2014 (just before the start of the Muslim holy month of Ramadan) after extensive repairs, the Crimean QHA news agency reported. The community had to rely on donations for the repairs. However, lack of money prevented it from completing all the repairs the community wished to undertake.

Return of places of worship

The Roman Catholic parish in Sevastopol – which has long been seeking the return of its Church of St Kliment in the city centre – appears less confident it will be able to regain it since the Russian takeover. "Even though we had received no promise of its return, at least negotiations were underway," one Catholic diocesan representative told Forum 18 on 24 June. "Now the press is reporting city officials as saying it won't be given back."

St Kliment's church was built in 1911 and forcibly closed by the Soviet authorities in 1936. The Catholic parish currently meets in a small flat which has been turned into a chapel. Outdoor meetings to celebrate mass have been held in front of their former church, which is used as the Friendship Cinema.

After losing a case at the Ukrainian Supreme Court, on 6 November 2000 the Church lodged a case with the European Court of Human Rights (ECtHR) in Strasbourg (Roman Catholic Community of St Clement in Sevastopol v. Ukraine - Application No. 22607/02). They argued that the failure to return their church represented a violation of Article 9 ("Freedom of thought, conscience and religion") of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

"The case is currently still pending before the Court," the Court told Forum 18 from Strasbourg on 26 June. "It was communicated to the Ukrainian Government in October 2008 and no decision has been taken so far by the Court concerning admissibility" (see <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=003-2516008-2716613>).

Many surviving Crimean Tatar mosques - confiscated before and after the entire Crimean Tatar population was deported beyond the Urals by Stalin in 1944 - have not been returned.

Crimea's chief mufti, Emirali Ablav, complained of "many difficulties" in the return of such historical religious property. "In the past five years we have been able to get back only three buildings, while work on returning a further six is underway," he told Russian Muslim magazine Medina al-Islam of 29 May. He said that despite three years of court cases in Crimea and Kiev, the Muftiate has still not been able to regain full title to the 18th century Orta madrassah in Bakhchisaray. "Despite our many appeals, such buildings are often illegally sold to third parties, or no one is willing to provide the funds to move out the people who live in them."

However, the Deputy Chair of the Crimean Council of Ministers, Ruslan Balbek, told a roundtable meeting on ethnic minorities on 18 June 2014 that he would raise the question of returning a long-confiscated Kenasa (synagogue) to the Karaite community, according to local media. The Kenasa – located on Karaim street in Simferopol – was opened in 1896 but forcibly closed in 1930.

Karaites are a small ethnic Turkic community whose ancestors converted to Judaism. Because they are not ethnically Jewish, they were not subject to mass murder during the Nazi occupation of Crimea or other parts of the former Soviet Union.

Crimean officials, however, have a record of not keeping promises to the Karaites. In 2012, the then-Chair of the Crimean Supreme Council Vladimir Konstantinov (who now chairs the replacement body the State Council), and the then chair of the Crimean Council of Ministers Anatoli Mogilev, promised the Organisation for Security and Co-operation in Europe's then High Commissioner on National Minorities, Knut Vollebaek, that the Simferopol Kenasa would be returned to the Karaite community by 20 November 2012. This promise was not kept.

Three-month limit

Although some clergy fled Crimea amid the turmoil and uncertainty of the Russian takeover in March 2014 – including some Greek Catholic, Protestant, Jewish and Kiev Patriarchate Ukrainian Orthodox Church leaders – most such departures seem to have at present halted.

Some departures, such as that of Kiev Patriarchate priest Fr Ivan Katkalo in early June, followed violence by mobs (see F18News 26 June 2014 http://www.forum18.org/archive.php?article_id=1972).

Most Protestant pastors Forum 18 spoke to said they and their colleagues faced no problems remaining at their posts. A total of 12 Latin-rite Catholic priests and 6 nuns (all Ukrainian or Polish citizens) remain at their posts, and Assistant Bishop Jacek Pyl of the Odessa and Simferopol Diocese has been visiting parishes in Crimea with no problem in June, the Diocese told Forum 18 on 24 June.

All but one of the Greek Catholic priests working in Crimea at the time of the Russian takeover left at that time. However, six new priests have arrived since then to replace them, the Greek Catholic Exarchate told Forum 18 from Odessa on 24 June.

However, on arrival the new Greek Catholic priests (all Ukrainian citizens) had to fill in Russian migration cards. They were told they could stay only three months at a time and would have to then leave for at least one month. "This will be very inconvenient," an Exarchate member complained to Forum 18.

No other religious communities have complained to Forum 18 that their clergy – whether Ukrainian citizens or from other countries – have been restricted to three months in any four in Crimea.

Compulsory re-registration

Under an amending law adopted in Moscow by the Russian parliament in April and signed into law by President Vladimir Putin on 5 May, all legal entities in Crimea (including religious communities) will need to bring their statutes into line with Russian law and apply for entry on the unified register of legal entities if they wish their legal status to continue. The law enters into force on 1 July and organisations will need to apply by 1 January 2015.

"All religious communities will have to re-register under the laws of the Russian Federation," Nikolai Barylyuk of the department that registers non-commercial organisations at the Crimean Justice Department told Forum 18 from Simferopol on 23 June. He added that the law only comes into force on 1 July and "we are still waiting for clarification on implementation from the Justice Ministry in Moscow".

Russia's 1997 Religion Law divides religious communities into two categories, restricting the rights of those with the unregistered status of "group". By requiring independent religious or belief groups seeking registration to have existed for 15 years, the Law effectively forced new individual religious or belief communities to join older unions, often a burdensome and expensive formality and not an option for some communities. Registration has also been denied to some on arbitrary grounds (see F18News 14 April 2005 http://www.forum18.org/archive.php?article_id=543).

However, registration is not a current source of major problems for religion or belief communities in Russia (see Forum 18's general Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1722).

As of 1 January 2014, Ukraine's Culture Ministry noted that 1,409 religious communities in the then Crimean Autonomous Republic had state registration. Of these, 602 were Orthodox, 410 Muslim, 283 Protestant, 22 Catholic, 13 Jewish, and 79 others. A further 674 communities (the vast majority of them belonging to the Muftiate) functioned without registration.

In addition, the Ukrainian Culture Ministry noted that 137 religious communities in Sevastopol (an administratively separate city) had state registration. Of these, 73 were Orthodox, 37 Protestant, 8 Muslim, 4 Catholic, 2 Jewish, and 13 others. The Ministry recorded no unregistered communities in the city.

Neither Russia nor Ukraine requires religious or belief communities to register before they can exercise their freedom of religion or belief. Should any of Crimea's communities which had registration before March lose this registration, it would restrict their ability to function in society and enter into legal contracts such as to buy or rent property.

Deportation commemoration banned

Officials banned the mass commemorations on 18 May of victims of the 1944 Crimean Tatar deportation. This year's commemoration fell on the 70th anniversary and, as in recent years, was due to take place in Simferopol's main square, beginning with prayers.

However, on 16 May, Sergei Aksyonov, chair of the Crimean Council of Ministers, announced that all mass meetings in Crimea were banned until 6 June, in order to "eliminate possible provocations by extremists, who had managed to penetrate the territory of

the Republic of Crimea" and to prevent "disruption of the summer holiday season".

"Up to 40,000 people attend the main Simferopol commemoration," one attendee in recent years told Forum 18 on 24 June.

Crimean Tatars went ahead and held a smaller commemoration outside a mosque on the edge of Simferopol. However, during the gathering helicopters flew low overhead in what many Crimean Tatars interpreted as an attempt to drown out the prayers and commemorative speeches.

"At the commemoration we pray for those who died," Nariman Jelyalov, deputy chair of the Crimean Tatar Mejlis, told Forum 18 on 24 June. "After they tried to ban it, we went ahead and held the commemoration in a different place, despite the threats from extremists." (END)

Reports on freedom of thought, conscience and belief in Crimea can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=86>.

Reports and analyses on freedom of thought, conscience and belief in Russia within its internationally-recognised territory can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

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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