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CRIMEA: Religious freedom survey, March 2015

By Felix Corley, Forum 18

One year after Russia's March 2014 annexation of Crimea, Forum 18 News Service notes the forced imposition of Russian restrictions on freedom of religion or belief. Individuals and religious communities have faced raids, fines, religious literature seizures, government surveillance, expulsions of invited foreign religious leaders, unilateral cancellation of property rental contracts and obstructions to regaining places of worship confiscated in the Soviet period. Only one percent of communities which had state registration under Ukrainian law have succeeded in gaining the compulsory Russian re-registration. Members of a wide range of religious communities are highly cautious about discussing anything that could be interpreted as criticism of Russian rule for fear of possible reprisals. This includes a reluctance to discuss restrictions on freedom of religion or belief.

One year after Russia's March 2014 annexation of the peninsula, Forum 18 News Service's religious freedom survey of Crimea notes the forced imposition of Russian restrictions on freedom of religion or belief. Individuals and religious communities have faced raids, fines, religious literature seizures, government surveillance, expulsions of invited foreign religious leaders, unilateral cancellation of property rental contracts and obstructions to regaining places of worship confiscated in the Soviet period.

Members of a wide range of religious communities have noted to Forum 18 that Russian law includes far more restrictions on freedom of religion and belief than Ukrainian law. Some Protestants have told the Crimean Human Rights Field Mission, a joint initiative of Russian and Ukrainian human rights defenders, that they have been forced to halt some public activities they used to undertake, including sports outreach events and preaching outside.

Members of a wide range of religious communities have become highly cautious about discussing anything that could be interpreted as criticism of Russian rule for fear of possible reprisals. This includes a reluctance to discuss restrictions on freedom of religion or belief, Forum 18 notes.

Several religious leaders have complained of state surveillance of them and their communities' activity, as well as visits and questioning by FSB security service officers. However, they are highly reluctant to discuss such visits.

"Churches and pastors are now trying to distance themselves from politics," one Protestant told Forum 18. "For example, pastors no longer post material on social media sites. They also preach more often that our kingdom isn't of this world."

Only one percent re-registered

Weeks after the 1 March extended deadline expired for the compulsory re-registration under Russian law of Crimea's 1,546 religious communities which had state registration with the Ukrainian authorities, only 14 have received it, according to Russia's Justice Ministry. A further two have been re-registered but are awaiting approval from the tax authorities. Of the rest, only about 150 other applications are currently being considered locally, Irina Demetskaya, head of the Registration Department for Non-Commercial Organisations at the Justice Department in Simferopol, told Forum 18 on 18 March. A further 13 are being reviewed by the Justice Ministry in Moscow.

This means that only about one percent of religious communities which had legal status under Ukrainian law now have it under Russian law. Forum 18 also notes that so far, just over a tenth of religious communities which had registration under Ukrainian law have applied for the compulsory re-registration under Russian law.

Without registration under Russian law, religious communities can meet for religious purposes. However, they cannot enjoy the rights that legal entities have, including to enter into contracts to rent property, employ people or invite foreigners for religious purposes.

The re-registration deadline was originally set for 31 December 2014. However, a law was hurriedly adopted in late December 2014 extending the deadline until 1 March 2015. On 26 March, a provision was added to existing proposed amendments to Russia's Religion Law and several other laws which would extend the deadline again until 1 January 2016. The provision was introduced just ahead of the amendments' second reading in Russia's lower house of parliament, the State Duma, today (27 March), where they were

approved, according to the Duma website. They were sent on the same day to the upper house, the Federation Council. They need approval there, as well as by President Vladimir Putin, before becoming law.

The Justice Ministry in Moscow re-registered two centralised religious organisations: the Russian Orthodox Simferopol and Crimea Diocese (on 23 December 2014), and the Spiritual Administration of Muslims of the Republic of Crimea and the city of Sevastopol or Muftiate (on 16 February 2015). These needed to be registered in Moscow as they function in more than one administrative region (Sevastopol is administratively separate from the Republic of Crimea). The Muftiate received its registration certificate on 27 February.

In addition, the Justice Ministry website lists the 12 local religious communities re-registered by the Justice Department in Crimea as of 23 March. Nine of them were re-registered in late January, and three in February. Three are Jewish communities and the rest various Protestant communities.

As of 23 March, the Justice Ministry website lists no religious communities re-registered in the administratively separate city of Sevastopol.

Effort and expense

The registration documents list the extensive range of documents religious communities wanting re-registration were required to submit. These included: each organisation's statute, two records of community meetings, and an official instruction, as well as a list of all the community members, a notarised copy, information on the "bases of the religious belief", and a letter of guarantee.

Religious communities have complained to the Crimean Human Rights Field Mission of the effort and the expense of assembling all this documentation for re-registration applications.

Aleksandr Selevko, head of the Religious Affairs Department at Crimea's Culture Ministry in Simferopol, admits that the re-registration process has been chaotic and difficult for many religious communities. "We wrote several times to the Council of Ministers asking for a solution to these problems," he told Forum 18 on 25 March.

However, Lyudmila Lubina, Crimea's government-appointed human rights Ombudsperson, said that no religious community had complained to her about any difficulties over re-registration. "I admit that the re-registration procedure is much more difficult than in Ukraine," she told Forum 18 from Simferopol on 10 March. "It's the same whether it's a religious or commercial organisation."

150 initial rejections

About 150 re-registration applications were refused in the months up to the original re-registration deadline of the end of 2014, Demetskaya admitted to Forum 18. "The first sets of documents were very bad," she claimed, without specifying what had been wrong with them. "They were all corrected and resubmitted."

Among those initially returned were all twenty Jehovah's Witness applications. Also among those rejected the first time were the applications from the Catholic Church, whose Crimean parishes are part of the Odessa and Simferopol Diocese. They were rejected because some of the documentation was in Ukrainian. The Church resubmitted the amended applications to the Justice Ministry in Moscow on 21 January 2015.

13 under "expert analysis" in Moscow

A total of 13 religious communities have had their applications sent to Moscow for "expert analysis" by the Justice Ministry. Nine are Catholic, two are Karaite, one is Augsburg Lutheran and one is Baptist. "The Ministry has to verify that they are religious organisations," Demetskaya explained.

The Justice Ministry has six months to complete such "expert analyses", though Demetskaya said she expected them to be completed more quickly.

Enforced adaptations

Several religious communities have had to restructure themselves in the hope of being able to gain re-registration under Russian law, Forum 18 notes.

While the three Russian Orthodox dioceses have remained part of the Kiev-based Ukrainian Orthodox Church of the Moscow Patriarchate, many Protestant and Jewish congregations have voluntarily or involuntarily abandoned Ukrainian-based oversight bodies to join Russian structures.

Only negotiations between the Holy See's Secretariat of State and the Russian Federation's representation to the Holy See allowed

the Catholic Church to agree a new structure that the Catholics hoped would allow their parishes in Crimea to be able to gain re-registration. On 22 December 2014 a new Pastoral District of Crimea and Sevastopol was created within the Odessa and Simferopol Diocese "exclusively for administrative purposes".

However, the Pastoral District was refused registration as a centralised religious organisation in December 2014. Officials told the Catholics they would have to register three parishes first before they could then officially form a centralised organisation which could apply for state registration, the head of the Pastoral District Bishop Jacek Pyl noted.

Eleven percent application rate

Demetskaya of the Justice Department put the total number of applications at about 320, though this includes the approximately 150 applications initially rejected twice. This means that in all, only about 170 religious communities applied for re-registration, about 11 percent of the total registered under Ukrainian law.

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.

Among those that did not lodge re-registration applications are communities of the Ukrainian Orthodox Church Kiev Patriarchate. Archbishop Kliment (Kushch), head of the Kiev Patriarchate's Simferopol and Crimea Diocese, told Forum 18 from Simferopol on 25 March that documents for the eight remaining parishes in Crimea are still being prepared.

Demetskaya of the Justice Department stressed that any religious community that failed to lodge applications by the extended 1 March 2015 deadline "is automatically no longer regarded as a legal entity".

Invited foreign religious leaders ousted, fined

Officials from the Crimean branch of Russia's Federal Migration Service insisted to Forum 18 that only registered religious communities are able to invite foreign citizens. Despite vigorous efforts by the concerned communities, 23 Turkish imams and religious teachers invited by the Muftiate were forced to leave by the end of 2014, as well as several Catholic priests and nuns. Indeed, almost 18 years after it was founded, a small Catholic convent in Simferopol was forced to close down in November 2014 when its three Franciscan nuns – from elsewhere in Ukraine and Poland – had to leave.

The Catholic parish priest in Yalta, Polish Dominican Fr Mariusz Wozniak, was fined 4,000 Russian Roubles (1,600 Ukrainian Hryvnias, 550 Norwegian Kroner, 65 Euros or 70 US Dollars) in early 2015 for working as a priest with only a tourist visa, fellow Catholics told Forum 18. Following the fine, he was forced to leave Crimea in February.

Fr Piotr Rosochacki, a Polish Catholic priest serving in Simferopol's Assumption of the Blessed Virgin Mary parish until his enforced departure in October 2014, says that "of course" he would like to resume his ministry there. "But there is no opportunity to return," he lamented to Forum 18 from Ukraine on 24 March. "There is no possibility at present to get a visa to serve as a priest because our parishes aren't registered."

Anti-"extremism" restrictions

Since the Russian annexation, Russia's laws against "extremist" materials have been imposed in Crimea. As the Russian Federal List of Extremist Materials includes many religious works which do not appear to incite violence – especially Muslim and Jehovah's Witness works, as well as one Catholic and one Falun Gong publication – anyone who possessed these named works in Crimea at the time of the Russian annexation has been forced to destroy or hide them.

Police and FSB security service officers have conducted numerous raids on homes, madrassahs, mosques, Jehovah's Witness Kingdom Halls, politicians' offices, libraries and bookshops since June 2014. Some of these raids targeted religious literature. Other raids had political targets – especially among the largely Muslim Crimean Tatar minority – during which any religious literature found was seized.

One of the first raids came on 24 June 2014. About 30 armed Russian security agency officers raided the madrassah in the village of Kolchugino (Bulganak in Crimean Tatar), some 20 kms (12 miles) west of Simferopol. The madrassah – which is part of the Spiritual Administration of Crimean Muslims (the Muftiate) – teaches boys how to recite the Koran in Arabic.

Officers – some of them masked – were from Russia's FSB security service, OMON riot police, ordinary police, and Berkut

(security units originally formed under Ukrainian Interior Ministry jurisdiction). Officers broke glass on windows and doors to gain entry to the building, where 13 teenage boys and two teachers were asleep. Madrassah officials were questioned and a book, computers and phones were seized.

The First Deputy Chair of the Crimean branch of the FSB security service, R. Ibragim, described the raid to Forum 18 in July 2014 as an "inspection of the premises". He claimed it had been carried out "in strict conformity" with the Russian Law on Operational Investigative Activity.

Muslims and Jehovah's Witnesses have had to remove all their books which are on the Federal List. "Our people have been deprived of much of our literature," one Jehovah's Witness lamented to Forum 18. "We've stopped using literature except for the Bible. We have to be extremely cautious." Also blocked in Crimea under Russian law is the main Jehovah's Witness website jw.org.

Administrative prosecutions

In addition to raids and literature seizures, cases have been brought to court under Russian Administrative Code Article 20.29. This punishes "Production or distribution of extremist materials" recorded on the Federal List of Extremist Materials with, for individuals, a fine or imprisonment of up to 15 days and confiscation of the banned literature. For organisations, punishments are a fine of 50,000 to 100,000 Russian Roubles or suspension of an organisation's activity for 90 days, as well as confiscation (100,000 Russian Roubles is about 41,000 Ukrainian Hryvnias, 14,000 Norwegian Kroner, 1,600 Euros or 1,750 US Dollars).

Despite the term "mass distribution", prosecutors have often brought charges even if only one copy of a text is discovered. Court decisions usually order "extremist" materials to be confiscated and often destroyed (see Forum 18's "Extremism" Russia religious freedom survey http://www.forum18.org/archive.php?article_id=1724).

Since March 2014, 15 cases against individuals and three against religious organisations are known to have been brought to court in Crimea under Administrative Code Article 20.29 for possession of religious literature. Of the 15 cases against individuals, 13 initially resulted in fines, of which two were eventually replaced by official warnings and one was overturned on appeal. The cases against the remaining two were dismissed. In the ten cases where fines remained, six were against Muslims, two were against librarians, one was against a head teacher and one against a commercial bookseller.

Of the three cases against religious organisations, all were against Jehovah's Witness communities, two of them in Dzhankoi and one in Simferopol.

Prosecutors attempted to have two Dzhankoi Jehovah's Witness communities punished on charges of "mass distribution of extremist materials" under Administrative Code Article 20.29. Both cases reached Dzhankoi District Court on 17 December 2014, where they were assigned to Judge Eduard Pikula the following day, according to court records. After several hearings in each case, the Judge ordered the cases closed in hearings on 20 January 2015.

However, the prosecution appealed against both rulings. Crimea's Supreme Court rejected both appeals (in the first case by Judge Natalya Mostovenko on 5 March, in the second by Judge Olga Belyayevskaya on 12 March).

The administrative case against the Simferopol Jehovah's Witness community was sent back for further work on 20 November 2014. The case has not yet been returned to court, according to court records.

Even if not all these administrative cases ended up with punishments, those involved were forced to spend time, energy and money to counter the cases, Forum 18 notes. In the case of attempted prosecution of religious organisations, had these been successful they could have formed the basis for declaring them "extremist" and banning them, as has happened to several Jehovah's Witness communities in Russia.

A number of these administrative prosecutions occurred between mid-October and the end of December 2014 despite the two and a half month moratorium on prosecutions for religious and other literature the Russian authorities regard as "extremist", declared by Sergei Aksyonov, head of Crimea's Russian-backed government.

Known Article 20.29 prosecutions for possessing religious literature:

Fined

1. Esadullakh (Ruslan) Bairov; Muslim; 26 August 2014 Dzhankoi District Court; 2,000 Roubles plus book confiscations.
2. Esadullakh Bairov (2); Muslim; 28 August 2014 Simferopol's Kiev District Court; 1,500 Roubles plus book confiscations.
3. Sh. Suleimanov; head teacher; 29 August 2014 Krasnogvardeiskoe District Court; 2,000 Roubles, plus book confiscations and destruction.

4. Esadullakh Bairov (3); Muslim; 10 September 2014 Kirovskoe District Court; 3,000 Roubles.
5. Mustafa Yagyaev; Muslim; 29 September 2014 Bakhchisaray District Court; 1,500 Roubles.
6. Lyudmila Dragileva; bookseller; 30 September 2014 Simferopol's Central District Court; 2,000 Roubles plus book confiscation.
7. Edie Yusupova; librarian; 7 October 2014 Bakhchisaray District Court; 1,000 Roubles.
8. Ali Mokhamed Takha; Muslim; 8 October 2014 Simferopol's Kiev District Court; 3,000 Roubles plus book confiscations.
9. Lyudmila Popova; librarian; 30 October 2014 Kerch Town Court; 2,000 Roubles plus book confiscation.
10. Edem Raimov; Muslim; 18 November 2014 Yevpatoriya Town Court; 1,000 Roubles.

Fines overturned, warned

1. Asie Abduvelieva; teacher; 16 September 2014 Belogorsk District Court; 1,000 Roubles plus book confiscations. 21 October 2014 Crimea's Supreme Court; fine cancelled, verbal warning issued.
2. Savri Seidametov; Muslim; 16 October 2014 Bakhchisaray District Court; 1,000 Roubles plus book confiscation. 20 November 2014 Crimea's Supreme Court; fine cancelled, verbal warning issued.

Fine overturned

1. Ali Ibragimov; Muslim; 23 December 2014 Simferopol's Central District Court; 2,000 Roubles plus book confiscations. 10 February 2015 Crimean Supreme Court; fine overturned.

Cases dismissed

1. Natalya Chigrina; librarian; 27 November 2014 Simferopol's Kiev District Court; case dismissed.

Cases dismissed, reheard and dismissed

1. M. Karasev; Jehovah's Witness; 11 December 2014 Kirovskoe District Court; case dismissed; 3 February 2015 Crimean Supreme Court, prosecutors' appeal upheld, but case dismissed for exceeding time threshold.
2. Dzhankoi Jehovah's Witness community; Dzhankoi District Court 20 January 2015; case dismissed; 5 March 2015 Crimean Supreme Court, prosecutors' appeal rejected.
3. Second Dzhankoi Jehovah's Witness community; Dzhankoi District Court 20 January 2015; case dismissed; 12 March 2015 Crimean Supreme Court, prosecutors' appeal rejected.

Case sent back

1. Simferopol Jehovah's Witness community; 20 November 2014 Simferopol's Central District Court; case sent back.

All mosques under Muftiate?

In August 2014 the Muftiate feared that an apparently state-backed rival Muslim organisation (Tavrída Muftiate) was designed to split the Muslim community. The new organisation controversially took control of a mosque in Yevpatoriya. However, on 17 February 2015, Yevpatoriya City Court ruled against the new organisation and upheld the rights of the Muftiate to the mosque.

Despite these earlier fears, the Muftiate now appears to be about to receive a de facto monopoly on all mosques which will be registered. One of Crimea's Deputy Chairs of the Council of Ministers, Ruslan Balbek, declared on 25 March that all mosques in Crimea would be handed to the Muftiate and would be legally registered.

Following the re-registration of the Muftiate itself, it is preparing to lodge re-registration applications for all its individual mosques.

No state rental?

Soon after the Russian annexation, many religious communities which were renting state-owned buildings for worship and other religious meetings had their contracts cancelled, members of a variety of religious communities told Forum 18. A Protestant church

in Simferopol, meeting in rented state premises, was raided during worship in September 2014 and ordered to vacate the premises permanently.

Now religious communities can rent only commercially-owned premises. This ban on renting state-owned property also extends to non-governmental organisations.

Religious affairs official Selevko insisted to Forum 18 that only religious communities which do not have legal status cannot rent state-owned premises. Told of cases when communities have been ousted from premises they were legally renting, he responded: "These must have been exceptional cases." He pointed to the Ukrainian Orthodox Church Kiev Patriarchate's rental of state-owned building in Simferopol, "even though they don't have the right".

In April 2014, the State Council adopted a new decree amending a 2001 decree and changing the basis on which rent is levied on the Kiev Patriarchate's Simferopol and Crimea Diocesan Cathedral in central Simferopol. This raised the rent massively from a symbolic 1 Ukrainian Hryvnia per month.

However, Archbishop Kliment told Forum 18 that at a February 2015 meeting he had with government head Aksyonov, it was agreed that the rent would return to the level it had during Ukrainian rule.

Despite Russia's 2010 Law on the Transfer of Religious Property to Religious Organisations, the authorities in Sevastopol have recently reaffirmed their refusal to return the confiscated Catholic Church of St Clement's. The building – which was confiscated from the Catholics in 1936 – was later turned into the Friendship Cinema. It has been empty for more than a decade.

Vladimir Ryabykh, head of the Nationalities Section of Sevastopol's Culture Department, claimed to Forum 18 on 25 March that the church cannot be returned as the Catholic parish has not asked for it back. Other officials say it will be renovated for use as a children's cinema.

St Clement's parish – which currently meets in a converted flat - has repeatedly tried to regain its former church. A Christmas service was held on the street outside the building on the evening of 24 December 2014.

By contrast, on 23 July 2014 the Crimean Council of Ministers issued a decree returning the confiscated Kenasa (synagogue) in Simferopol to the Karaite community. A handover ceremony was held at the building the same day. The community had been seeking the return of their confiscated place of worship since 1992.

Post-invasion seizures

Soon after the 2014 Russian seizure of Crimea, several places of worship inside what were then Ukrainian military bases were confiscated. These were churches of the Ukrainian Orthodox Church Kiev Patriarchate (such as St Clement's Church in the Nakhimov Naval Academy in Sevastopol) and the Greek Catholic Church.

Several Kiev Patriarchate and Greek Catholic priests fled Crimea following these church seizures, fearing for their own safety.

"Anti-terror" controls on religious education

New controls on freedom of religion and belief are established in a Complex Plan of Countering the Ideology of Terrorism in the Republic of Crimea in 2015-8. The 17-page Plan was approved in a 30 January decree by head of government Aksyonov, and published on the government website.

The Plan requires Crimea's Anti-Terrorist Commission, as well as local Commissions, the FSB security service and the police "to identify and influence" various categories of people "to reject illegal and destructive activity, to repent and to participate in preventive measures". One of these categories is "active members and ideologues of non-traditional organisations and sects carrying out their activity in the Republic of Crimea". No definition of "non-traditional organisations and sects" is given.

The Plan also emphasises measures to bring religious education under greater state control, with the Anti-Terrorism Commission to lead on their implementation in conjunction with "the most widely-spread confessions" in Crimea and local government agencies. Such measures include making sure such establishments abide by Russian law, "in licensing, registration, and correcting (if needed) educational syllabuses". This is to be completed by 1 January 2016.

Also required is to "prepare and put into place a system of measures to bring order to the exit of Russian citizens abroad to study in Islamic educational establishments". This is to be completed by 1 June 2016. No reason is given and no explanation for why those wishing to study in Islamic institutions are targeted.

A system of "adapting" individuals who have studied in any religious colleges abroad "to the contemporary religious situation" in Crimea is required by 1 January 2016.

Many of the provisions share common wording with similar Plans introduced in Russia and local Russian regions in recent years, Forum 18 notes. Russian religious communities do not appear to have complained that such Plans have directly resulted in restrictions on freedom of religion or belief.

Aleksandr Bulychev, the head of Crimea's Anti-Terrorist Commission, defended the Plan. "No-one's rights will be restricted," he insisted to Forum 18 on 10 March.

He claimed that "non-traditional religions" referred to in the Plan are "those which conduct extremist activity, inciting murders". He defined "sects" as "unregistered groups which, using religious terminology, try to zombify people and steal their property". Asked to specify which groups he has in mind, he responded: "There are many in Russia, such as Hizb ut-Tahrir and Wahhabis." Despite naming only Muslim groups, he insisted these categories apply to all faiths.

Bulychev insisted that controlling those that seek Islamic study abroad will be practically possible. "The education authorities must know when someone is planning to leave for study," he told Forum 18. "They have census data on who has left and they can ask people." The police and local Anti-Terrorism Commissions will also be involved, he added.

Proposed Crimean Religion Law

Officials have also outlined plans for a Crimean Religion Law, though without explaining why this is needed. A proposed law "on freedom of conscience, religious associations and the prevention of religious extremism", made public in October 2014, would have imposed restrictions on "missionary activity", allowing only "missionaries" approved by registered religious organisations and using literature published by named registered religious organisations.

However, State Council deputies rejected the draft law on its first reading on 5 December 2014 and sent it back. Deputies argued that regulating religious organisations and preventing extremism should be handled in separate laws. The State Council's Culture Committee formed a nine-member Working Group to produce a new draft by 15 April 2015. (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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