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CRIMEA: Mosque closed as "There is no community there"?

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

Officials have closed the mosque in Zavetnoye in Sovetsky District of eastern Crimea, which was handed to the community in 2004. Police and plain clothes officers raided it in March. In April, a court fined Imam Dilyaver Khalilov for leading Friday prayers. Asked how the Muslim community should worship now the authorities are seizing their place of worship, Emil Velilyayev, deputy head of Sovetsky District, responded: "There is no community there."

Officials have already declared closed an independent mosque in the village of Zavetnoye in Sovetsky District of eastern Crimea, raided by police and plain clothes officers in March. They insist the mosque the community was given, has repaired and has been using since 2004 is not a mosque but a sports complex. In July, the mosque's Imam Dilyaver Khalilov failed to overturn a fine handed down in April for leading Friday prayers.

Asked by Forum 18 how the Muslim community in Zavetnoye should worship now that the authorities are seizing their place of worship, Emil Velilyayev, deputy head of Sovetsky District, responded: "There is no community there" (see below).

A second independent mosque community – which has worshipped in the 19th century Yukhary-Jami mosque in the southern Crimean town of Alushta since 1994 – faces the seizure of its place of worship. The community's last-ditch appeal against the seizure is now in the Russian Supreme Court (see below).

The mosque community is challenging a 2018 Crimean Council of Ministers decision which handed control of the Yukhary-Jami mosque to Crimea's State Committee for Inter-ethnic Relations and Deported Citizens. The community points to decisions in 1994 and 1996 which handed the mosque to the community (see below).

On 10 June, a Magistrate's Court in Alushta found the mosque's Imam, Yusuf Ashirov, guilty of conducting "illegal missionary activity" by leading prayers and preaching in Yukhary-Jami mosque. Alushta City Court rejected his appeal on 14 August (see below).

On 22 July, Crimea's Justice Ministry wrote to the Alushta Muslim community with an official warning about "extremism". It demanded that the community should remove its leader Ruslan Emirvaliyev from among the founders, pointing to an Alushta City Court fine on him for posting an image online that prosecutors considered "extremist". If the community fails to remove him, officials will regard it as "extremist" (see below).

Threats to places of worship continue against other religious communities as well. Courts in Crimea have ordered the expulsion has been ordered of the Orthodox Church of Ukraine cathedral from the part of a larger building it occupies in the centre of the Crimean capital Simferopol (http://www.forum18.org/archive.php?article_id=2525). Elsewhere, in the western Crimean city of Yevpatoriya, officials claim the Church's small wooden chapel was built illegally and has ordered the community to destroy it (http://www.forum18.org/archive.php?article_id=2526).

The Orthodox Church of Ukraine appealed to the European Court of Human Rights in Strasbourg, which has asked the Russian government to provide information by 24 August about the actions they intend to take.

Russia's March 2014 annexation of Crimea is not recognised by Ukraine or internationally. Since the Russian occupation, raids and prosecutions of Muslims (most of whom are Crimean Tatars) (http://www.forum18.org/archive.php?article_id=2550) and Jehovah's Witnesses (http://www.forum18.org/archive.php?article_id=2577) have been frequent.

Zavetnoye: Mosque declared closed

Officials have declared closed an independent mosque in the village of Zavetnoye in Sovetsky District of eastern Crimea, known as Savurchi Mosque after the Crimean Tatar name of the village. Police and plain clothes officials raided the mosque after Friday prayers on 20 March (http://www.forum18.org/archive.php?article_id=2561). They insist the mosque the community repaired and has been using for 16 years is not a mosque but a sports complex.

"Officials closed the mosque immediately after the raid, telling the people that no one can go in there to pray," the lawyer Emil Kurbedinov told Forum 18 from the Crimean capital Simferopol on 3 August.

The mosque community first gained registration with the Ukrainian authorities in 2000 (http://www.forum18.org/archive.php?article_id=2561). Zavetnoye Village Council handed over to the community a former sports building of about 130 square metres (1,400 sq. feet) as a mosque in 2004. The building is next to a sports field. The community repaired and rebuilt the run-down building with its own resources.

The building used as the mosque is one of several structures in the centre of the village collectively entered in the Russian cadastral register as a sports complex, on land designated as being "For the placement of objects of physical culture and sport".

Local officials defended the enforced closure, which was unrelated to measures to counter the coronavirus pandemic. "Worship there is banned," Olga Fisenko, head of Zavetnoye Village Council, told Forum 18 on 17 August. Asked why, she responded: "The building is not their property." Told that the community was given the building in 2004 and has been worshipping there over the 16 years since then, she added: "They're not registered."

Fisenko refused to answer any other questions and referred Forum 18 to Emil Velilyayev, deputy head of Sovetsky District, where the village of Zavetnoye is located.

Velilyayev insisted that the mosque building is a sports complex. Told by Forum 18 on 17 August that the Village Council allocated the building to the community in 2004 when it was half-ruined, and it was then restored and rebuilt by the community with its own resources, he responded: "It must be registered, and it is not. People must visit an officially-registered mosque."

Asked why the community cannot use the place of worship it has been using since 2004, Velilyayev responded: "They don't have documentation for the building, whether under Ukrainian or Russian law."

Asked how the Muslim community in Zavetnoye should worship now that the authorities are seizing their place of worship, Velilyayev responded: "There is no community there."

Zavetnoye: Imam fined for Friday prayers

Imam Dilyaver Khalilov has failed to overturn a fine handed down in April for leading Friday prayers in the Zavetnoye mosque, which the court found to be an illegal meeting. On 6 July, Judge Oksana Shidakova of Crimea's Supreme Court in Simferopol rejected his appeal, according to the decision seen by Forum 18.

Trouble for the Imam began on 20 March, when police and plain clothes officials arrived at the mosque just after Friday prayers. They prevented worshippers from leaving and questioned them. (http://www.forum18.org/archive.php?article_id=2561)

Officers told mosque members they were conducting an investigation about alleged "missionary activity", reading out the relevant Article 24.2 of Russia's Religion Law. They pressured the Imam to write a statement and promised they would later be in contact with him. Only one of the police officers, Valentin Shostak, gave his name. (http://www.forum18.org/archive.php?article_id=2561)

Forum 18 reached police officer Shostak on 7 April, but he put the phone down as soon as it asked him about the raid.

The Prosecutor of Sovetsky District, Dmitry Bailema, summoned mosque leader Khalilov for questioning on 1 April (http://www.forum18.org/archive.php?article_id=2561), according to the summons seen by Forum 18. The summons related to a prosecution under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") following an "inspection" on the mosque in the village of Zavetnoye.

Article 5.26, Part 4 punishes "Russians conducting missionary activity" and incurs a fine of 5,000 to 50,000 Roubles. For organisations (legal entities), the fine is 100,000 to 1 million Roubles. Average monthly wages in Crimea for those in formal work are about 30,000 Roubles.

The Russian occupying authorities in Crimea frequently use Article 5.26, Part 4 to punish the exercise of freedom of religion or belief. At least 24 such prosecutions are known to have been launched in 2019, of which 17 ended with punishment. (http://www.forum18.org/archive.php?article_id=2544)

However, the summons to Imam Khalilov was then cancelled because of the coronavirus outbreak, the lawyer Lilia Hemedzhy told Forum 18 on 7 April.

Prosecutor Bailema's phone went unanswered each time Forum 18 called on 7 April.

Sovetsky District Prosecutors summoned Imam Khalilov on 15 April, where they informed him he was facing charges under Russian Administrative Code Article 5.26, Part 4.

Sovetsky District Prosecutors again summoned Imam Khalilov on 22 April, who was accompanied by his lawyers Nazim Sheikhmambetov and Emil Kurbedinov. Prosecutors told the Imam that they had dropped charges under Russian Administrative Code Article 5.26, Part 4. However, they said they were instead accusing him under Russian Administrative Code Article 20.2, Part 2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket"), which is linked to Russia's Demonstrations Law.

Prosecutors claimed that "the conducting of Friday prayers does not represent the carrying out of a compulsory religious rite", the lawyer Kurbedinov told the human rights monitoring group Crimean Solidarity the same day, "but rather that people gathered there to hold a meeting."

Because the mosque community has not been re-registered under Russian law, Prosecutors insisted that Friday prayers in the mosque represent an unapproved meeting. Kurbedinov considered it "absurd" that Imam Khalilov should have to go to the Village Council each time to ask permission to hold prayers.

Kurbedinov also pointed to procedural violations, including over Imam Khalilov's request for a translator from Russian into Crimean Tatar. Officials provided a translator. "However, when Dilyaver Khalilov asked for the indictment to be translated for him, the Prosecutor's Office refused."

The lawyer Kurbedinov also complained that the Deputy Prosecutor was secretly filming the interview. "After repeated demands, he stopped his covert filming," Kurbedinov told Crimean Solidarity.

On 29 April, Judge Igor Brazhnik of Sovetsky District Court found Imam Khalilov guilty under Russian Administrative Code Article 20.2, Part 2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket") and fined him 30,000 Russian Roubles, according to the decision seen by Forum 18. This is about one month's average wage in Crimea for those in formal work.

Zavetnoye: "Brought to court for conducting the juma namaz"

Imam Khalilov "has been brought to court for conducting the juma namaz [Friday prayers] in a mosque which has been functioning for 16 years," the lawyer Kurbedinov told Crimean Solidarity after the 29 April Sovetsky District Court hearing. "And suddenly it turns out that it is not a mosque but some kind of sports complex, and he is not an imam of a mosque but a law-breaker."

Kurbedinov said he had tried unsuccessfully to have brought to court as witnesses those who were present in the mosque on 20 March when it was raided and Village Council officials who had given only written testimony. He had also tried to have called to court Mufti Emirali Ablayev, head of the Crimean Muftiate, who had been involved in the official formation of the community in 2004.

Another of Imam Khalilov's lawyers, Rustem Kyamilev, had presented documentation to the court showing the community's official registration under Ukrainian law in 2004 and its continuing functioning in the same building over 16 years.

Imam Khalilov's third lawyer, Lilia Hemedzhy, insisted that the Russian authorities are deliberately targeting religious organisations for destruction. She pointed out that Prosecutor Bailema told the court that on 20 March, he and the police came to the mosque "not to prevent, not to stop law-breaking, but to check up on a religious organisation", she told Crimean Solidarity. "This was the main aim."

Hemedzhy noted that the Prosecutor's Office had no information that the mosque was a sports complex. However, they did know that Friday prayers were held there.

Imam Khalilov appealed against the conviction and fine to Crimea's Supreme Court in Simferopol. Lawyer Kurbedinov said outside the court immediately after the 6 July hearing that the decision to leave the lower court decision unchanged was predictable. He complained that the court, which claimed it was an open hearing, had not allowed in the 20 or so men from the mosque community who had hoped to attend. Court officials claimed this was because of the coronavirus pandemic.

Kurbedinov also complained that the decision to reject Imam Khalilov's appeal had already been taken before the hearing. The decision "was lying on the table in sight of the judge. It had already been completed – everything was already decided in advance a long time ago, it seems a month or two ago."

Kurbedinov pledged to take the case to international bodies, including the United Nations human rights bodies.

Alushta: Community challenges threatened mosque seizure

The community of the independent Yukhary-Jami mosque in the southern Crimean town of Alushta is challenging in Russia's Supreme Court a decision to revoke their ownership and declare their mosque building state property.

"The mosque functions, and is still in the hands of the community – thank God," the community's lawyer Lilia Hemedzhy told Forum 18 from Simferopol on 3 August. "The community closed the mosque in March because of the coronavirus pandemic."

The community is challenging a Crimean Council of Ministers decision of 18 September 2018 which handed control of Yukhary-Jami mosque to Crimea's State Committee for Inter-ethnic Relations and Deported Citizens (http://www.forum18.org/archive.php?article_id=2561). The community pointed to decisions in 1994 and 1996 which handed the historical mosque to the community.

The community brought the suit also against the Crimean Muslim Board. Community members fear that the authorities wish to transfer the mosque for its use.

On 14 February 2019, Alushta City Court rejected the community's suit against the 2018 decision to overturn their ownership and declare their mosque building state property. On 25 June 2019, Crimea's Supreme Court rejected the community's appeal against this decision (http://www.forum18.org/archive.php?article_id=2561).

The community gained legal registration in 1993 under Ukrainian law and re-registration in August 2016 as an independent religious organisation after the Russian annexation of Crimea, according to Russian tax records.

However, the Crimean Supreme Court rejected the community's arguments, insisting that the mosque was state property and that the Crimean Council of Ministers therefore had the right to issue the decision, according to the court decision seen by Forum 18.

The community lodged the case at Russia's Supreme Court on 30 June 2020, but on 6 July the Court returned it, citing "inadequacies" in the appeal, according to court records. The community resubmitted the appeal on 28 July, but the Court has not yet set a date for a hearing.

The community has worshipped in Alushta's 19th century Yukhary-Jami mosque building since 1994. Yusuf Ashirov chaired the community from 2001, and then became Imam in 2014.

"The 1994 decision to grant us the mosque has never been cancelled," Imam Ashirov told Forum 18 in April (http://www.forum18.org/archive.php?article_id=2561). "How can they adopt a new decision without cancelling the old?"

Alushta: Punished for "missionary activity" in own mosque

Prosecutors brought an administrative case against Imam Yusuf Ashirov, accusing him of violating Russian Administrative Code Article 5.26, Part 4, by leading prayers and preaching in Yukhary-Jami mosque. Prosecutors informed him of the charges when they summoned him on 1 April (http://www.forum18.org/archive.php?article_id=2561).

Article 5.26, Part 4 punishes "Russians conducting missionary activity". This incurs a fine of 5,000 to 50,000 Roubles. For organisations (legal entities), the fine is 100,000 to 1 million Roubles.

On 10 June, Judge Svetlana Vlasova of Alushta Magistrate's Court No. 22 found Imam Ashirov guilty and fined him 5,000 Russian Roubles, according to court records. This is several days' average wage in Crimea for those in formal work.

On 14 August, Judge Tatyana Zakharova of Alushta City Court rejected Imam Ashirov's appeal against his punishment, according to court records.

Imam Ashirov's lawyer Rustem Kyamilev said after the appeal hearing that he intends to take his client's case further. "The Judge indicated that the basis for rejecting my appeal was that I had not confirmed his responsibilities with appropriate documentation," he told human rights monitoring group Crimean Solidarity. "She similarly left Yusuf Ashirov's own appeal without consideration, claiming that it was incomplete and unfounded."

Lawyer Kyamilev linked the case against Imam Ashirov to other state pressure on Muslim communities not subordinated to the Crimean Muslim Board.

Lawyer Lilia Hemedzhy, who defended community leader Ruslan Emirvaliyev (see below), said FSB officers had prepared the case against Imam Ashirov.

Alushta: Fined for "extremism"

On 14 August, the head of the Alushta mosque community Ruslan Emirvaliyev paid a fine handed down in May for a post on his VKontakte social media page in 2016.

In a video recorded outside a bank, posted online by Crimean Solidarity the same day, Emirvaliyev said that he had been punished for posting a picture of a young boy pointing upwards with his right index finger in front of an Arabic inscription that there is no God but God, and that Muhammad is his prophet. He thanked those who had helped him pay the fine.

Mikhail Didun of Alushta Prosecutor's Office summoned Emirvaliyev in late May to inform him that it had opened an administrative case against him on accusations of promoting "extremism".

Alushta Prosecutor's Office refused to put Forum 18 through to Didun on 18 August.

On 28 May, Judge Tatyana Zakharova of Alushta City Court found Emirvaliyev guilty under Russian Administrative Code Article 20.3, Part 1 ("Propaganda of Nazi symbolism or symbolism of an extremist organisation"). She fined him 1,000 Russian Roubles, the minimum punishment under Article 20.3, Part 1. This is about one day's average wage in Crimea for those in formal work.

Emirvaliyev's lawyer Lilia Hemedzhy declared after the hearing that materials in the case had been prepared by the FSB security service and feared that the case was part of a wider move against the mosque. "This administrative case is, I think, the basis for something larger, for the persecution of this community as a whole, for the persecution of people here in Alushta." She said FSB officers had similarly prepared the case against Imam Ashirov.

In his 14 August remarks, Emirvaliyev insisted that the mosque community is "large, unbreakable and indivisible".

Alushta: Justice Ministry demands mosque leader's ousting

On 22 July, Mikhail Nazarov, head of Crimea's Justice Ministry, wrote to the Alushta Muslim community with an official warning about "extremism", citing Russia's 2002 Extremism Law. The warning - seen by Forum 18 - was prepared by Konstantin Yelnikov, a specialist at the Ministry's Non-Commercial Organisations Department.

The Justice Ministry demanded that the community should remove acting leader Emirvaliyev from among the founders, pointing to the 28 May Alushta City Court decision against him. The Justice Ministry gave the mosque community until 30 September to remove Emirvaliyev.

Article 15 of Russia's Extremism Law says that if any leader or member of a public or religious organisation's leadership makes a "public statement calling for the carrying out of extremist activity" and the organisation does not disavow it within five days, this could be seen as "testimony of the presence in [the organisation's] activity of signs of extremism".

The Russian tax record for the mosque community notes that it first gained state registration (under Ukraine) in April 1993. The community was re-registered under Russian law in August 2016. Emirvaliyev is listed as the chair of the religious organisation.

Yelnikov, the specialist at the Non-Commercial Organisations Department, insists that the demand for the mosque community to remove Emirvaliyev is in line with Russian law and the court decision against him. "He can't be among the founders," Yelnikov told Forum 18 from Simferopol on 18 August.

Yelnikov said the mosque community has not appealed against the official warning. "The deadline has not yet run out," he noted. (END)

Full reports on freedom of thought, conscience and belief in Crimea
(<http://www.forum18.org/archive.php?query=&religion=all&country=86>)

For more background, see Forum 18's Crimea religious freedom survey (http://www.forum18.org/archive.php?article_id=2051)

Forum 18's reports and analyses on freedom of thought, conscience and belief in Russia within its internationally-recognised territory (<http://www.forum18.org/archive.php?query=&religion=all&country=10>)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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