

20 November 2020

CRIMEA: Fined after prosecutor "told us we'd get a warning"

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

Of 20 known cases in 2020 to punish Crimean religious communities which fail to use their full legal name on websites or on meeting places, 13 related to websites (mostly the VKontakte site). Ten of these were fined one month's average wages. "We were saddened and in shock," said a member of one fined community. "The prosecutor told us we'd get a warning."

In at least 13 cases so far in 2020, Crimean Magistrate's Courts have issued fines and warnings to religious communities to punish them for failing to use their full official legal name on websites, social media pages or online videos. Eleven were fined one month's average wages each, though one was changed to a warning on appeal. The other two each received a warning.

Nine of the 13 cases related to religious communities' pages or materials posted on the Russian social media site VKontakte, three others to websites and the 13th is unknown, according to court decisions seen by Forum 18 (see below).

"We were saddened and in shock," a member of one religious community which was fined told Forum 18 on 20 November. "The prosecutor told us we'd get a warning, but when the case came to court it was a different prosecutor, who demanded that we be fined. We didn't expect this turn of events" (see below).

Asked in another case why charges were brought against the local Baptist Church for failing to put its full official legal name on its page on VKontakte, David Gembets of Yevpatoriya's Prosecutor's Office told Forum 18: "It's the law. If someone breaks the law, I react." He declined to say why the Church was not simply asked to give its full official legal name rather than face prosecution. He confirmed that the fine of 30,000 Russian Roubles represents about one month's average local wages.

In a further six cases, Crimean Magistrate's Courts handed down fines of one month's average wages – or in one case a warning – for failing to display religious communities' full official legal name on notices outside places where the communities meet (see below).

A twentieth case – against the independent Mendzhaba Muslim community in the village of Novogrigoryevka in north-eastern Crimea for failing to have a notice outside its place of worship showing its full legal name – was lodged on 19 November and is due to be heard on 8 December (see below).

Communities facing such known prosecutions in 2020 were: 17 Protestants (Baptist, Pentecostal and Messianic Jewish), 1 Catholic, 1 Jewish and 1 Muslim. No Russian Orthodox, Hare Krishna, Karaite or Armenian Apostolic communities are known to have faced such prosecutions in 2020.

Russia's illegal March 2014 annexation of Crimea (<https://www.nhc.no/en/qa-breaches-of-international-law-and-human-rights-issues-2/>) is not recognised by Ukraine or internationally.

Russian Administrative Code Article 5.26, Part 3 prosecutions

These 20 known cases in 2020 were all brought under Russian Administrative Code Article 5.26, Part 3 (http://www.forum18.org/archive.php?article_id=2246) ("Implementation of activities by a religious organisation without indicating its official full name, including the issuing or distribution, within the framework of missionary activity, of literature and printed, audio, and video material without a label bearing this name, or with an incomplete or deliberately false label").

A religious organisation's full official name must indicate its religious affiliation and its organisational and legal form. Names therefore tend to be long and complicated, but use of an abbreviated form may incur prosecution.

All names of religious organisations in the lists below are presented as direct translations of their full official versions, including the legal-organisational form "Local Religious Organisation", "Centralised Religious Organisation", etc., which the Religion Law requires communities to display. Use of an abbreviated form may incur prosecution (http://www.forum18.org/archive.php?article_id=2261).

The minimum fine under Article 5.26, Part 3 of 30,000 Russian Roubles represents about one month's average wages for those in work, or just over two months' average pension. A fine of 50,000 Russian Roubles (the maximum fine) represents nearly six weeks' average wages for those in work, or 16 weeks' average state retirement pension. Religious materials can also be confiscated.

Russia's Administrative Code specifies that cases under Article 5.26, Part 3 can be brought by the police, Prosecutor's Offices, or local Justice Departments.

The 19 known prosecutions in Russian-occupied Crimea in 2020 for failing to use a full official legal name show a sharp rise in such prosecutions.

- In 2019, 11 such prosecutions were brought (http://www.forum18.org/archive.php?article_id=2544) against 10 religious communities and one individual.

- In 2018, 17 such prosecutions were brought (http://www.forum18.org/archive.php?article_id=2441) against 12 religious communities and 5 individuals.

"Operational/investigative measure 'monitoring'"

In the first known Crimean case in 2020, on 27 January and 5 February the "operational/investigative measure 'monitoring'" found that a registered Protestant community, Light of the Resurrection in the port city of Sevastopol failed to put its full official legal name on its website and on videos posted to it. It had identified itself as "Light of the Resurrection, Sevastopol Bible Church", rather than as "Sevastopol Local Religious Organisation Church of Evangelical Christians "Light of the Resurrection".

Officials took screenshots of the pages to show later in court. On 5 February a record of an offence was drawn up and handed to the Church's leader, Igor Tukai.

Pastor Tukai explained what had happened, pointing out that the full official legal name had since been added.

On 6 February, the case against Light of the Resurrection Church was handed to Magistrate's Court No. 13 in Sevastopol's Lenin District. On 4 March, Judge Ulyana Grigoryeva dismissed Pastor Tukai's plea for the Church not to be harshly punished. She handed down the minimum fine of 30,000 Russian Roubles, according to the decision seen by Forum 18. The Church did not appeal.

Other prosecutions were similar. On 23 January, "operational/investigative measure 'seeking information'" found that Light to the World Protestant Church, which meets in a House of Culture in Gaspra near Yalta, posted material to its page on VKontakte without giving its full official legal name. It had identified itself as "Light to the World Church", rather than as "Local Religious Organisation Church of Christians of Evangelical Faith "Light to the World", Yalta".

On 22 March, officials drew up a record of an offence and took testimony from the Church's pastor, Tatyana Krupina. These documents were included in the at least 45-page dossier handed to Magistrate's Court No. 100 in Yalta. On 22 April, Judge Ulluby Isayev handed the Church the minimum fine of 30,000 Russian Roubles. The Church did not appeal.

The case against Simferopol's Orthodox Jewish community – which was fined 30,000 Russian Roubles on 21 May – began when Crimea's Justice Department examined its website as part of a planned inspection of the organisation.

On 21 July, Judge Alime Ametova of Yevpatoriya's Magistrate's Court No. 40 fined the local Baptist Church 30,000 Russian Roubles for failing to put the Church's full official legal name (Local Religious Organisation "Church of Evangelical Christian Baptists, Yevpatoriya") on its page on VKontakte. The Prosecutor's Office in Simferopol's Central District had alerted Yevpatoriya's Prosecutor's Office to the omission.

The Church's pastor explained that 18 months earlier a Church member had created the page, under the name of "ECB Church of Yevpatoriya", which the pastor had not even looked at.

Representing Simferopol's Central District Prosecutor's Office at the 21 July hearing was David Gembets of Yevpatoriya's Prosecutor's Office.

Asked why the charges were brought against the Baptist Church, Gembets told Forum 18 on 19 November: "It's the law. If someone breaks the law, I react." He declined to say why the Church was not simply asked to give its full official legal name rather than face prosecution. He confirmed that 30,000 Russian Roubles represents about one month's average local wages.

Gembets also confirmed that he had brought the prosecution case against the local Karaite congregation, which was similarly fined 30,000 Russian Roubles in December 2018 under the same Article (http://www.forum18.org/archive.php?article_id=2441) for failing to have a sign outside its place of worship.

Diana Zaredinova, the official from Simferopol's Central District Prosecutor's Office who brought the case in court against the city's Havah Nagilah (Let Us Rejoice) Messianic Jewish community to punish the omission of the full name by its sister community in Yevpatoriya, refused to discuss why she had brought the prosecution and urged that the community be punished.

"I can't give any information," Zaredinova told Forum 18 from Simferopol on 19 November. "We have our procedures." Judge Stanislav Lomanov fined the community 30,000 Russian Roubles on 26 August and ordered a disc confiscated.

Havah Nagilah was fined in April 2019 for not having a sign with its full legal name (http://www.forum18.org/archive.php?article_id=2544) at its place of worship in Simferopol.

In the case of the Baptist Church in Sevastopol – fined 30,000 Russian Roubles on 4 September 2020 – the record of an offence was drawn up by A. Savelev, who also appeared in court, according to the decision seen by Forum 18. Sevastopol Prosecutor's Office, Sevastopol's Justice Department and Sevastopol's Nakhimov District Police all told Forum 18 that no such official works for them. Church members told Forum 18 that they suspect that Savelev might work for the Russian FSB security service. "No one explained what agency he was from."

A member of one religious community which was fined said the community considered an appeal but decided against it. "We were saddened and in shock," the community member told Forum 18 on 20 November. "The prosecutor told us we'd get a warning, but when the case came to court it was a different prosecutor, who demanded that we be fined. We didn't expect this turn of events."

Punished for failure to display full name on premises

In 2020, prosecutors and other officials brought far fewer cases in Crimea to punish religious communities for failing to give their full official legal name on notices outside places where they meet. Forum 18 found no cases in Crimea in 2020 where communities were punished for failing to give their full official legal name on printed publications.

These prosecutions were initiated by Prosecutor's Offices after they launched inspections of places of worship, according to the court decisions seen by Forum 18.

The first known punishment of the year came in Sevastopol on 4 February, when Judge Anastasiya Kudryashova fined the Pentecostal Victory Church for failing to have the Church's full official legal name on the place that it meets, the same day the same Judge fined the Church for failing to have its full official legal name on its website (see above).

When Judge Ivan Kuvshinov in Kirovskoe in eastern Crimea fined the Baptist Church in Sinitsyno on 8 May, he rejected Pastor Viktor Zakharchuk's explanation that the Church's sign which contained its full official legal name had been blown down and broken in a recent storm. It was therefore not on the wall when the police inspected the newly-renovated building in February on instructions from the Prosecutor's Office.

Pastor Zakharchuk and a church member repeated their insistence at an appeal hearing at Kirovskoe District Court, but the court dismissed the appeal and left the 30,000 Russian Rouble fine unchanged.

On 14 October, Judge Kireyev in the southern Crimean city of Yalta fined the local parish of the Catholic Church of Byzantine Rite (the name agreed between the Vatican and the Russian authorities for the registration of Ukrainian Greek Catholic communities in Russian-occupied Crimea). The parish did not have its full official legal name on a notice on a stand in front of the church.

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List of communities punished for failing to display full name online

All punished under Russian Administrative Code Article 5.26, Part 3.

1) 4 February 2020

Name: Local Religious Organisation Church of Christians of Evangelical Faith "Victory"

Punishment: Fine 30,000 Russian Roubles

Court: Sevastopol Magistrate's Court No. 12

Circumstances: Failed to display full name on website

Appeal: none

2) 4 March 2020

Name: Sevastopol Local Religious Organisation Church of Evangelical Christians "Light of the Resurrection"

Punishment: Fine 30,000 Russian Roubles

Court: Sevastopol Magistrate's Court No. 13

Circumstances: Failed to have full name on website

Appeal: none

3) 22 April 2020

Name: Local Religious Organisation Church of Christians of Evangelical Faith "Light to the World", Yalta

Punishment: Fine 30,000 Russian Roubles

Court: Yalta Magistrate's Court No. 100

Circumstances: Failed to have full name on VKontakte page

Appeal: none

4) 21 May 2020

Name: Local Religious Organisation of Orthodox Judaism "Jewish Religious Community of Simferopol"

Punishment: Fine 30,000 Russian Roubles

Court: Simferopol Magistrate's Court No. 18

Circumstances: Failed to have full name on website

Appeal: none

5) 3 July 2020

Name: Local Religious Organisation "Church of Evangelical Christian Baptists, Dzhankoi"

Punishment: warning

Court: Dzhankoi Magistrate's Court No. 33

Circumstances: Failed to have full name on VKontakte page

Appeal: none

6) 21 July 2020

Name: Local Religious Organisation "Church of Evangelical Christian Baptists, Yevpatoriya"

Punishment: Fine 30,000 Russian Roubles

Court: Yevpatoriya Magistrate's Court No. 40

Circumstances: Failed to have full name on VKontakte page

Appeal: none

7) 27 July 2020

Name: Local Religious Organisation "Church of Evangelical Christian Baptists, Yalta"

Punishment: warning

Court: Yalta Magistrate's Court No. 94

Circumstances: Failed to display full name on VKontakte page

Appeal: none

8) 17 August 2020

Name: Local Religious Organisation Church of Christians of Evangelical Faith "Bread of Life"

Punishment: Fine 30,000 Russian Roubles

Court: Kerch Magistrate's Court No. 48

Circumstances: Failed to have full name on VKontakte page

Appeal: none

9) 20 August 2020

Name: Local Religious Organisation Church of Christians of Evangelical Faith "Church of St Paul"

Punishment: Fine 30,000 Russian Roubles

Court: Feodosiya Magistrate's Court No. 87

Circumstances: Failed to display full name online

Appeal: none

10) 26 August 2020

Name: Local Religious Organisation Synagogue of Messianic Jews "Havah Nagilah"

Punishment: Fine 30,000 Russian Roubles plus confiscation of disc

Court: Simferopol Magistrate's Court No. 18

Circumstances: Failed to have full name on VKontakte page

Appeal: Fine changed to warning, Simferopol's Central District Court, 2 November 2020

11) 4 September 2020

Name: Local Religious Organisation "Sevastopol Church of Evangelical Christian Baptists"

Punishment: Fine 30,000 Russian Roubles

Court: Sevastopol Magistrate's Court No. 20

Circumstances: Failed to have full name on VKontakte page

Appeal: none

12) 19 October 2020

Name: Local Religious Organisation "Church of Evangelical Christian Baptists, Partenit"

Punishment: Fine 30,000 Russian Roubles

Court: Alushta Magistrate's Court No. 24

Circumstances: Failed to display full name on VKontakte page

Appeal: none

13) 28 October 2020

Name: Local Religious Organisation Church of Christians of Evangelical Faith "Light to the World", Yalta

Punishment: Fine 30,000 Russian Roubles

Court: Yalta Magistrate's Court No. 100

Circumstances: Failed to display full name on video on VKontakte page

Appeal: none

List of communities punished for failure to display full name on premises

All punished under Russian Administrative Code Article 5.26, Part 3.

1) 4 February 2020

Name: Local Religious Organisation Church of Christians of Evangelical Faith "Victory"

Punishment: Fine 30,000 Russian Roubles

Court: Sevastopol Magistrate's Court No. 12

Circumstances: Failed to display full name on building

Appeal: none

2) 11 February 2020

Name: Local Religious Organisation Church of Christians of Evangelical Faith "Vineyard"

Punishment: warning

Court: Simferopol Magistrate's Court No. 16

Circumstances: Failed to display full name on building

Appeal: none

3) 21 April 2020

Name: Local Religious Organisation Church of Christian Seventh-day Adventists of the Republic of Crimea

Punishment: Fine 30,000 Russian Roubles

Court: Bakhchisarai Magistrate's Court No. 16

Circumstances: Failed to display full name on building

Appeal: none

4) 8 May 2020

Name: Local Religious Organisation "Church of Evangelical Christian Baptists, Sinitsyno" (Viktor Zakharchuk)

Punishment: Fine 30,000 Russian Roubles

Court: Kirovskoe District Magistrate's Court No. 52

Circumstances: Failed to display full name on building

Appeal: rejected, Kirovskoe District Court, 2 June 2020

5) 8 May 2020

Name: Local Religious Organisation Church of Christians of Evangelical Faith "New World", Tokarevo

Punishment: Fine 30,000 Russian Roubles

Court: Kirovskoe District Magistrate's Court No. 52

Circumstances: Failed to display full name on building

Appeal: none

6) 14 October 2020

Name: Local Religious Organisation Catholic Church of Byzantine Rite – parish of the Transfer of the Relics of Nicholas the Wonderworker in Yalta

Punishment: Fine 30,000 Russian Roubles

Court: Yalta Magistrate's Court No. 94

Circumstances: Failed to display full name on notice board outside building

Appeal: none

Community being prosecuted for failure to display full name on premises

Prosecuted under Russian Administrative Code Article 5.26, Part 3.

1) 8 December 2020 (hearing due)

Name: Local Religious Organisation "Muslim Community Mendzhaba"

Punishment: case not yet heard

Court: Nizhnegorsky Magistrate's Court No. 64

Circumstances: Failed to display full name on a notice outside its place of worship

Appeal: none

(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 and belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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