

1 March 2022

CRIMEA: Churches, mosque fined for failing to use full name

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

Of 10 religious communities prosecuted in Russian-occupied Crimea in 2021 for failing to use their full legal name on websites, social media or online videos, on places of worship, or on religious literature, 6 were fined one month's average wages, 3 received a warning and one a verbal reprimand. "Local Religious Organisation Synagogue of Messianic Jews 'Havah Nagilah' in Yevpatoriya" was fined for missing out the "in" on Facebook videos. Dmitry Pikhanov of Krasnoperekopsk Prosecutor's Office refused to discuss why he had called for Christ's Love Pentecostal Church to be fined or who suffered because it failed to give its full legal name on its social media page. "I have no comments to make by phone."

In 10 cases in 2021, Crimean Magistrate's Courts 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; on places of worship; or on religious literature. Of these, 6 were fined one month's average wages each, 3 received a warning and one a verbal reprimand.

(For a full list of known 2021 prosecutions, see below.)

Nine of the ten communities were Protestant. The tenth was a Mosque (see below).

Seven of the 10 cases related to religious communities' pages or materials posted on the Russian social media site VKontakte or other websites, according to court decisions seen by Forum 18 (see below).

In one case in March 2021, a community was fined one month's average wage for giving its name on videos posted to its Facebook page as "Local Religious Organisation Synagogue of Messianic Jews 'Havah Nagilah' Yevpatoriya" instead of its correct full official legal name "Local Religious Organisation Synagogue of Messianic Jews 'Havah Nagilah' in Yevpatoriya". To avoid future problems, the rabbi now records online messages with a visible notice on his desk with the full official legal name (see below).

In the first of two 2021 cases against Christ's Love Pentecostal Church in the northern Crimean town of Krasnoperekopsk, the Russian FSB security service's Defence of the Constitutional Order and Struggle with Terrorism Service found that it had failed to display its full official legal name on its YouTube page. It had omitted "Krasnoperekopsk" from its full official legal name: "Local Religious Organisation Church of Christians of Evangelical Faith Pentecostals 'Christ's Love', Krasnoperekopsk." On 6 December 2021 a Judge issued the Church with a warning (see below).

The official who had attended the court hearing in the first 2021 case against Christ's Love Pentecostal Church, Dmitry Pikhanov of Krasnoperekopsk Prosecutor's Office, refused to discuss why he had called at the court hearing for the Church to be fined or who might have suffered because the Church had failed to give its full official legal name on its social media page. "I have no comments to make by phone," he told Forum 18 (see below).

In a further two cases, Crimean Magistrate's Courts handed down fines of one month's average wages for failing to display religious communities' full official legal name on literature available in their places of worship (see below).

In the tenth case, a Magistrate's Court in Yalta fined a Protestant Church one month's average wage for failing to display its full official legal name on a notice outside the place where the community meets (see below).

Known prosecutions of communities in 2021 were: 9 Protestants (7 Pentecostal, 1 Baptist and 1 Messianic Jewish Christian) and 1 Muslim. No Russian Orthodox, Catholic, Hare Krishna, Karaite or Armenian Apostolic communities are known to have faced such prosecutions in 2021. Russia does not allow Jehovah's Witness communities to exist in Crimea, as it banned them as "extremist" in 2017 (https://www.forum18.org/archive.php?article_id=2297).

Such prosecutions under Russian Administrative Code Article 5.26, Part 3 have continued in 2022 (see below).

Courts in Crimea are also known to have handed down 23 fines in 2021 (https://www.forum18.org/archive.php?article_id=2720) under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") and Article 5.26, Part 5

("Foreigners conducting missionary activity").

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 10 known cases in 2021 were all brought under Russian Administrative Code Article 5.26, Part 3

(https://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 (https://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. Of the 10 cases in Crimea in 2021, 7 of the "offences" were discovered by the Prosecutor's Office and 3 by the Russian FSB security service.

Case files presented to court are often long, with many in Crimea in 2021 running to about 35 pages. The longest known 2021 case file was in the case against Yalta's Pentecostal Church, fined on 14 September 2021. The 61-page file includes a 3-page report of the Russian FSB security service inspection of the Church which led to the prosecution.

Fall in number of prosecutions since 2020

The 10 known prosecutions in Russian-occupied Crimea in 2021 for failing to use a full official legal name show a fall of a half in the number of such prosecutions compared to 2020.

- In 2020, 20 such prosecutions were brought (https://www.forum18.org/archive.php?article_id=2618) against 20 religious communities.

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

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

"I have no comments to make by phone"

Prosecutors brought two cases in 2021 against Christ's Love Pentecostal Church in the northern Crimean town of Krasnoperekopsk for failing to display its full official legal name on materials posted online.

In the first case, Simferopol's Central District Prosecutor's Office found that the Church failed to display its full official legal name on materials posted to its VKontakte page and handed the case to Court in Krasnoperekopsk. Dmitry Pikhanov represented Krasnoperekopsk Prosecutor's Office at the 8 April 2021 hearing and called for the Church to be fined. However, the Judge issued the Church with a warning.

In the second case, the FSB's Defence of the Constitutional Order and Struggle with Terrorism Service found that Christ's Love Pentecostal Church failed to display its full official legal name on its YouTube page. It had omitted "Krasnoperekopsk" from its full official legal name: "Local Religious Organisation Church of Christians of Evangelical Faith Pentecostals 'Christ's Love', Krasnoperekopsk." On 6 December 2021 a different Judge issued the Church with a warning.

Prosecutor's Office official Pikhanov told Forum 18 that he was involved only in the first of the two court cases against Christ's

Love Pentecostal Church. He insisted that the decision to prosecute the Church in that case came not from him but from Simferopol's Central District Prosecutor's Office. "They prepared the case," he told Forum 18 from Krasnoperekopsk on 28 February 2022. "We were only participants in court."

Pikhanov refused to discuss why he had called at the court hearing for the Church to be fined or who might have suffered because the Church had failed to give its full official legal name on its social media page. "I have no comments to make by phone," he told Forum 18.

Prosecutors' multiple cases

Prosecutors who brought cases to punish religious communities under Russian Administrative Code Article 5.26, Part 3 have often been involved in previous cases to punish religious communities.

David Gembets of the Prosecutor's Office in the western Crimean city of Yevpatoriya brought the case against a local Baptist Church which was found during an inspection to have failed to give its full official legal name on cards with religious quotations offered at meetings for worship. The Court fined the Church 30,000 Russian Roubles on 10 March 2021.

An official of Yevpatoriya's Prosecutor's Office told Forum 18 on 28 February 2022 that Gembets is not currently at work as he is on extended leave. She declined to discuss anything with Forum 18.

Gembets prepared an earlier case against the same Baptist Church for failing to give its full official legal name on its page on the Russian social media site VKontakte. A Court fined the Church 30,000 Russian Roubles on 21 July 2020. Asked why the charges were brought against the Church, Gembets told Forum 18 in November 2020

(https://www.forum18.org/archive.php?article_id=2618): "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.

In November 2018, Gembets organised an inspection of Yevpatoriya's Karaites religious community which found that it had failed to give its full official legal name on its place of worship. A Court fined the community 30,000 Russian Roubles (https://www.forum18.org/archive.php?article_id=2441) on 24 December 2018.

In November 2017, Gembets conducted an inspection of Yevpatoriya's St Martin Roman Catholic Church, which found that it had failed to give its full official legal name on its place of worship. However, a Court closed the case on 1 December 2017 after finding no offence, as prosecutors had failed to inform the parish of the date and time of the inspection, or the case against it.

In November 2016, Gembets and the Russian FSB security service launched a joint inspection of the Yevpatoriya's Khan-Jami Mosque. They claim to have found works on the Russian Justice Ministry's Federal List of Extremist Materials by the late Turkish theologian Said Nursi when they raided the mosque in the dark. On 1 February 2017, Crimea's Supreme Court upheld the fine of 2,000 Russian Roubles (https://www.forum18.org/archive.php?article_id=2299) originally handed down on 24 November 2016 by Yevpatoriya City Court on the Mosque's Imam, Elmar Abdulganiev. He insisted officers had planted the books.

Tight bureaucratic controls

The Russian authorities' imposition of tight controls on the way people make available religious literature, post materials about religion online and describe their communities on notices outside premises are part of the tight controls they impose on all exercise of the right to freedom of religion or belief in Russia and in Russian-occupied Crimea.

In 2021, courts fined a number of registered religious communities for failing to inform the authorities promptly of changes to their legal address or designated representative for legal issues. Fines for each community under Russian Administrative Code Article 19.5, Part 1 ("Failure to comply within the established period of a legal order (decree, presentation, decision) of the body (official) exercising state supervision (control) or municipal control, on the elimination of violations of the law") were of 10,000 Russian Roubles. This represents about two weeks' average wages for those in work.

Among communities known to have faced such fines in Crimea in 2021 was a mosque in Alushta, as well as two Baptist churches whose pastors had died and which failed to inform the authorities promptly of any new person to be their designated representative.

In 2021, courts also fined a number of registered religious communities under Russian Administrative Code Article 19.4.1, Part 2 ("Actions obstructing an official conducting or completing an inspection"). On 16 March 2021, Magistrate's Court No. 13 in Simferopol fined the Muslim Spiritual Administration 20,000 Russian Roubles. A mosque in Bakhchisarai District was given an official warning in December 2021.

Prosecutions continue in 2022

The Russian authorities have brought further prosecutions under Russian Administrative Code Article 5.26, Part 3 ("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") in 2022:

- K. Palyokha is facing two cases in Belogorsk. Both were returned to prosecutors on 9 February 2022.

- Yalta's Seventh-day Adventist Church is facing a hearing in Yalta on 11 March 2022.

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List of communities punished for failing to display full name

The list of known 2021 prosecutions under Russian Administrative Code Article 5.26, Part 3 ("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"), based on court records and other information (date of court hearing, name of individual/community, punishment, court, material on which prosecution based, appeal):

List of communities punished for failing to display full name online

1) 3 March 2021

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

Punishment: Fine 30,000 Russian Roubles

Court: Yevpatoriya Magistrate's Court No. 43

Circumstances: Prosecutor's Office found that Synagogue failed to display full official legal name on 10 videos posted to its Facebook page (had missed out the word "in"), (Judge had returned case to prosecutor on 20 January 2021)

Appeal: unsuccessful, Yevpatoriya City Court 30 March 2021

2) 8 April 2021

Name: Local Religious Organisation Church of Christians of Evangelical Faith Pentecostals "Christ's Love", Krasnoperekopsk

Punishment: Warning

Court: Krasnoperekopsk Magistrate's Court No. 59

Circumstances: Prosecutor's Office found that Church failed to display full official legal name on materials posted to its VKontakte page

Appeal: none

3) 4 May 2021

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

Punishment: Fine 30,000 Russian Roubles

Court: Kerch Magistrate's Court No. 48

Circumstances: Prosecutor's Office found that Church failed to display full official legal name on videos of two meetings for worship posted to its VKontakte page

Appeal: none

4) 1 June 2021

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: Prosecutor's Office found that Church failed to display full official legal name on videos of two meetings for worship posted to its VKontakte page

Appeal: none

5) 24 August 2021

Name: Local Religious Organisation Church of Christians of Evangelical Faith Pentecostals "Good News", Simferopol

Punishment: Warning

Court: Simferopol District Magistrate's Court No. 82

Circumstances: Russian FSB found that Church failed to display full official legal name on videos of "Meeting with the Pastor" posted to its YouTube page

Appeal: none

6) 16 September 2021

Name: Local Religious Organisation Church of Christians of Evangelical Faith Pentecostals "New Life", Feodosiya

Punishment: Warning

Court: Feodosiya Magistrate's Court No. 87

Circumstances: Prosecutor's Office found that Church failed to display full official legal name on its VKontakte page (Church corrected this immediately on being told)

Appeal: Church appeal withdrawn, Feodosiya City Court 17 November 2021

7) 7 December 2021

Name: Local Religious Organisation Church of Christians of Evangelical Faith Pentecostals "Christ's Love", Krasnoperekopsk

Punishment: None, case halted, verbal reprimand

Court: Krasnoperekopsk Magistrate's Court No. 59

Circumstances: Russian FSB's Defence of the Constitutional Order and Struggle with Terrorism Service found that Church failed to display full official legal name on its YouTube page (had omitted "Krasnoperekopsk")

Appeal: none

List of communities punished for failing to display full name on literature

1) 10 March 2021

Name: Local Religious Organisation Church of Evangelical Christians Baptists, Yevpatoriya

Punishment: Fine 30,000 Russian Roubles

Court: Yevpatoriya Magistrate's Court No. 40

Circumstances: Prosecutor's Office found that Church failed to give full official legal name on cards with religious quotations offered at meetings for worship (Judge had returned case to prosecutor on 18 February 2021)

Appeal: none

2) 24 May 2021

Name: Local Religious Organisation Muslim community "Alushta"

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

Court: Alushta Magistrate's Court No. 22

Circumstances: Prosecutor's Office found that Mosque failed to give full official legal name on literature

Appeal: unsuccessful, Alushta City Court 16 September 2021

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

1) 14 September 2021

Name: Local Religious Organisation Church of Christians of Evangelical Faith, Yalta

Punishment: Fine 30,000 Russian Roubles

Court: Yalta Magistrate's Court No. 99

Circumstances: Russian FSB found that Church failed to display full official legal name at legal address

Appeal: none

(END)

More reports on freedom of thought, conscience and belief in Crimea (<https://www.forum18.org/archive.php?country=86>)

For background information, see Forum 18's Crimea religious freedom survey (https://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 (<https://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 (https://www.forum18.org/archive.php?article_id=1351)

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