

25 August 2022

CRIMEA: Catholic priest latest fined for failing to use full name

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

Yalta's Catholic priest, Fr Tomasz Wyrwal, was fined one month's average wage on 5 August for his parish's failure to use its full official name on material it had produced. Under a Russian Supreme Court decision, only organisations, not individuals, can be subject to such punishments. His is one of nine cases against religious communities so far in 2022. The warning to Simferopol's Orthodox Jewish community followed an inspection by the FSB security service's Service for the Defence of the Constitutional Order and the Struggle Against Terrorism.

The Catholic priest of the southern coastal town of Yalta in Russian-occupied Crimea was fined about one month's average local wage on 5 August for his parish's failure to use its full official legal name on material it had placed on its page on the Russian social media site VKontakte. The fine came despite a 2017 Russian Supreme Court decision that only organisations, not individuals can be prosecuted under this provision of Russia's "anti-missionary" laws.

A Magistrate's Court in Yalta handed down the fine - of 30,000 Russian Roubles – on Catholic priest Fr Tomasz Wyrwal. A Dominican friar originally from Poland, he is priest at the town's Immaculate Conception Church, which is part of the Pastoral District of Crimea and Sevastopol which the Catholic Church had to set up in 2015 (https://www.forum18.org/archive.php?article_id=2076) after the Russian annexation (see below).

An official of Yalta's Prosecutor's Office declined to discuss why the administrative case had been brought against Fr Wyrwal when cases can be brought only against organisations. She also declined to discuss another case against a Pentecostal Church in the nearby town of Alupka. "You have to come in in person," she told Forum 18 (see below).

Fr Wyrwal's is one of nine cases against religious communities which failed to display their full official legal name on internet postings, on literature or outside the place where they meet for worship which are known to have reached Magistrate's Courts in Russian-occupied Crimea between January and late August 2022.

(A full list of the known 2022 cases is at the foot of this article.)

Of the 9 known 2022 cases so far:

- 2 ended with a fine of 30,000 Russian Roubles;
- 4 ended with official warnings (all of them after the fine of 30,000 Russian Roubles was commuted);
- 2 cases (against one individual) were sent back to prosecutors as cases are supposed to be brought only against organisations, not against individuals;
- 1 case (against a Pentecostal Church in Alupka near Yalta) is due to be heard on 2 September.

The cases were brought 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").

Six of the 9 known cases related to alleged failure to give a religious organisation's full official legal name on material posted online. It remains unclear if the other cases related to online material, printed material or places of worship (see below).

Both the Prosecutor's Office and the Russian FSB security service conduct "monitoring" of religious communities' websites and social media sites looking for "violations" to punish. Of the 9 cases in Crimea in 2022 so far, two appear to have been launched by the Prosecutor's Office after it found "violations" during a review of a religious organisation's online materials. Three others appear to have begun after a Russian FSB security service internet search (see below).

Case files in the prosecution of Simferopol's Orthodox Jewish community included a 16-page report of an inspection by the Service for the Defence of the Constitutional Order and the Struggle Against Terrorism of the Crimean FSB security service (see below).

Not only can such administrative prosecutions end with fines, they also take time, energy and money for a religious community to respond, even if they conclude without a fine. Leaders of a religious community often also have to submit a statement to the Prosecutor's Office.

Meanwhile, Foti-Sala Mosque in a village near Bakhchiserai in south-western Crimea has twice faced court proceedings in 2022 for alleged failure to produce documents for Justice Ministry inspections. It was given an official warning, and then a fine. A Mosque member insisted to Forum 18 that the community had provided all documents demanded of it. Forum 18 was unable to reach the head of the Registration Department for Non-Commercial Organisations at Crimea's Justice Ministry (see below).

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.

Since the annexation, Russia has imposed in the peninsula all its restrictive laws on the exercise of freedom of religion or belief. Muslims and Jehovah's Witnesses have been jailed. Several Jehovah's Witnesses are currently on trial in Crimea.

Other punishments continue for exercising freedom of religion or belief

Seven individuals are known to have been punished in Russian-occupied Crimea under Russian Administrative Code Article 5.26, Part 4 (https://www.forum18.org/archive.php?article_id=2755) ("Russians conducting missionary activity") between January and June 2022.

Since then, two more individuals were fined in July. On 7 July, a Magistrate's Court in Belogorsk fined Ibrakhim Alimov 5,000 Russian Roubles (about 5 days' average wage) after police found him leading Friday prayers in a mosque. On 29 July, a Magistrate's Court in Lenino fined N. Almezhitov 20,000 Russian Roubles (about three weeks' average local wages).

Three more were fined in August after a police, prosecutor's office and Russian FSB security service raid on a Council of Churches Baptist congregation's Sunday morning meeting for worship in Saki on 5 June. On 16 August, Judge Anatoly Smoly at Saki District Magistrate's Court No. 71 fined three church leaders - Sergei Gerasimenko, Pyotr Shokha and Leonid Shokha - 5,000 Russian Roubles each, according to court records.

[UPDATE 15 November 2022: Saki District Court overturned the cases against Pyotr Shokha and Leonid Shokha on 18 October, and against Gerasimenko on 15 November.]

The same Judge also fined Gerasimenko 300 Russian Roubles on 27 July under Russian Administrative Code Article 19.7 ("Failure to provide or late provision of information to a state body") for failing to notify the authorities of the existence of his Council of Churches Baptist congregation. Council of Churches Baptists do not seek state permission to exercise freedom of religion or belief.

Individuals can also face jail terms if the authorities regard their exercise of freedom of religion or belief as promoting "extremism".

In March 2021, a Sevastopol court handed down the longest jail term yet in Crimea on "extremism"-related charges to punish an individual for exercising freedom of religion or belief. Gagarin District Court jailed Jehovah's Witness Viktor Stashevsky for six and a half years (https://www.forum18.org/archive.php?article_id=2694). His prison term is to be followed by a seven-year ban on educational activity, speaking publicly and publishing in the media and on the internet (which would be due to end in July 2034, when he would be 68).

The criminal trial of three Jehovah's Witnesses - which began in May 2021 – continues in Sevastopol. Two other criminal trials which began in April 2022 continue in Yalta and Armyansk.

Penalties for ill-defined "missionary" activity

The 8 Russian Administrative Code cases in Crimea which reached a conclusion in the first half of 2022 were all brought under wide-ranging and ill-defined "anti-missionary" Russian legal changes made in July 2016. The Russian authorities immediately imposed these punishments in Crimea, which they occupied in March 2014.

Russian Administrative Code Article 5.26, Part 3 punishes the "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" (https://www.forum18.org/archive.php?article_id=2246). This incurs a fine of 30,000 to 50,000 Roubles and the confiscation of any

literature or other material.

Russian Administrative Code Article 5.26, Part 4 (https://www.forum18.org/archive.php?article_id=2246) 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. All religious communities which are not registered, and so have no legal status, must notify the authorities of their existence and provide the names and addresses of all their members, as well as addresses where any meetings take place. Their members are therefore subject to prosecution as individuals.

Russian Administrative Code Article 5.26, Part 5 punishes "Foreigners conducting missionary activity" (https://www.forum18.org/archive.php?article_id=2246). This incurs a fine of 30,000 to 50,000 Roubles with the possibility of deportation.

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

In its report, the United Nations Human Rights Monitoring Mission in Ukraine pointed to the many fines handed down in Crimea under Russian Administrative Code Article 5.26. Its report "Civic Space and Fundamental Freedoms in Ukraine" (<https://www.ohchr.org/Documents/Countries/UA/UkraineCivicSpace2021-EN.pdf>), published on 8 December 2021, noted that "the application of anti-extremist laws of the Russian Federation, commonly referred to as the 'Yarovaya package', [...] significantly limited the ability of various religious groups to conduct religious practices together by banning broadly defined 'missionary activities'."

Prosecutions have also been brought in Crimea to punish exercise of freedom of religion or belief in public under Russian Administrative Code Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket") (https://www.forum18.org/archive.php?article_id=2246), which is linked to Russia's Demonstrations Law.

Human rights defender Aleksandr Sedov of the Crimean Human Rights Group stated in 2017 that the punishments violate the rights to freedom of religion or belief enshrined in the European Convention on Human Rights and Fundamental Freedoms. He also pointed out that they break Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (https://www.forum18.org/archive.php?article_id=2299), which enshrines the rights of civilians in occupied territories.

(On 4 May 2022, Russia's General Prosecutor's Office declared the activity of the Crimean Human Rights Group to be "undesirable". "Undesirable organisations" are banned from functioning in Russia (https://www.forum18.org/archive.php?article_id=2707), while anyone involved with them can be punished, including with jail terms.)

Full official name, including religious affiliation and organisational and legal form

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 list 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 Russian Article 5.26, Part 3 of 30,000 Russian Roubles represents about one month's average wage 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 Russian Article 5.26, Part 3 can be brought by the police, Prosecutor's Offices, or local Justice Departments.

Both the Prosecutor's Office and the Russian FSB security service conduct "monitoring" of religious communities' websites and social media sites looking for "violations" to punish.

Of the 10 cases in Crimea in 2021 (https://www.forum18.org/archive.php?article_id=2722), 7 of the "offences" were discovered by the Prosecutor's Office and 3 by the Russian FSB security service.

Of the 9 cases in Crimea in 2022 so far, two appear to have been launched by the Prosecutor's Office after it found "violations" during a review of a religious organisation's online materials. Three others appear to have begun after a Russian FSB security service internet search. Case files in the prosecution of Simferopol's Orthodox Jewish community included 16-page report of an inspection

by the Service for the Defence of the Constitutional Order and the Struggle Against Terrorism of the Crimean FSB security service.

Case files presented to court are often long, with many in Crimea in 2022 running to about 35 pages. The longest known 2022 case file was in the case against Simferopol's Old Believer community, given an official warning on 30 May 2022. The 53-page file includes not only screenshots of the materials that led to the prosecution, but documents related to the community's purchase of land for its place of worship.

Three 2022 cases filed against individuals

In November 2017, Russia's Supreme Court issued a decision that only organisations, not individuals can be prosecuted (https://www.forum18.org/archive.php?article_id=2474) under Russian Administrative Code Article 5.26, Part 3.

Despite this, two cases were initiated against K. Palyokha in Belogorsk in February 2022. The Magistrate's Court returned both cases on 9 February.

A case was initiated against Catholic priest Tomasz Wytrwal in Yalta and handed to Magistrate's Court No. 95 on 6 July. On 5 August, Judge Anna Yudakova found Fr Wytrwal guilty and fined him 30,000 Russian Roubles (about one month's average local wage), according to the court decision seen by Forum 18. The prosecution came despite the fact that individuals should not be prosecuted under this provision of Article 5.26.

An official of Yalta's Prosecutor's Office declined to discuss why the administrative case had been brought against Fr Wytrwal when cases can be brought only against organisations. She also declined to discuss the pending case against a Pentecostal Church in the nearby town of Alupka. "You have to come in in person," she told Forum 18 from Yalta on 24 August.

Four 2022 fines commuted to warnings

In four cases in 2022 so far, Judges have found communities guilty of not using their full official legal name and fined them each 30,000 Russian Roubles (about one month's average local wage). As first time "offences" which did not cause harm to life or health or the "security of the state", however, the Judge in each of the cases commuted the fine to a warning, according to the decisions seen by Forum 18.

On 19 May, Simferopol's Magistrate's Court No. 18 fined Simferopol's Orthodox Jewish community 30,000 Russian Roubles for failing to display its full official legal name on an online video. However, the Judge commuted the fine to a warning.

On 25 May, a Magistrate's Court in Simferopol commuted the fine on a local Baptist congregation.

On 30 May a Magistrate's Court in Simferopol commuted the fine on the city's Old Believer community for failing to display its full official legal name on its page "Old Believers of Crimea" on the Russian social media site VKontakte.

Similarly, on 29 June a Judge in Kerch commuted the fine on a local Pentecostal Church.

Rate of prosecutions little changed since 2021

The 9 known prosecutions in Russian-occupied Crimea between January and late August 2022 for failing to use a full official legal name show a similar level compared to the number of such prosecutions in most earlier years.

- In 2021, 10 such prosecutions were brought (https://www.forum18.org/archive.php?article_id=2722) against 10 religious communities.

- 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.

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 (https://www.forum18.org/archive.php?article_id=2722) under Russian Administrative Code Article 19.4.1, Part 2 ("Actions obstructing an official conducting or completing an inspection").

In 2021 and 2022, courts also fined a number of registered religious communities (https://www.forum18.org/archive.php?article_id=2722) 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.

260-year-old Mosque targeted

The Muslim community in the village of Golubinka near Bakhchisarai regained their mosque in 1991. They named it Foti-Sala Mosque after the Ottoman name for the village. It gained state registration under Ukrainian law in 1993 and, after the Russian annexation in 2014, under Russian law in 2015. The community renovated the building with its own resources, renovation that continues now, a community member told Forum 18.

In autumn 2021, the non-commercial organisations department of Russia's Justice Department in Crimea ordered Foti-Sala Mosque to present all its documentation for a "planned inspection" by 1 October 2021. The community failed to provide the documentation by the deadline, according to the subsequent court decision.

The community member disputes this. "Our representative was summoned to the Justice Department and he took all our documentation, including documents on the building and the land," the community member told Forum 18 on 23 August 2022. "They took copies of it all."

In January 2022, the community had sent documents to the Crimean Muftiate about a change in the community's name to add "Tavrada Muftiate" to the full name of the community in line with legal requirements. The community also gave the Muftiate 3,600 Russian Roubles for the lawyer's fees. However, the Muftiate failed to submit any change of name request to the Justice Department

On 24 February 2022, Bakhchisarai's Magistrate's Court No. 28 found the Foti-Sala Mosque community guilty under Russian Administrative Code Article 19.4.1, Part 2 ("Actions obstructing an official conducting or completing an inspection"). The Judge issued the community with a warning, according to the court decision seen by Forum 18.

In early 2022, the non-commercial organisations department of Russia's Justice Department in Crimea went ahead with the "planned documentary inspection" of Foti-Sala Mosque. The Justice Department claimed that it had failed to update its documentation, including by amending its name to include the full affiliation of the Mosque. Officials warned the mosque community to do so by 28 January.

When the mosque failed to make the changes by the deadline, Justice Department officials brought a case against it on 29 January 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").

On 23 March, Bakhchisarai's Magistrate's Court No. 28 fined the Foti-Sala Mosque community 10,000 Russian Roubles under Russian Administrative Code Article 19.5, Part 1. The fine represents about two weeks' average wages for those in work. The community was informed of the hearing but did not attend court, according to the decision seen by Forum 18.

On another occasion when the Mosque representative was summoned, the Justice Department presented a list of organisations outside Crimea or Russia that it claimed the community was linked with. "Our representative told them we aren't connected with anyone abroad," the community member told Forum 18.

Forum 18 was unable to find out why the documents provided by the Mosque community were deemed inadequate and why the Mosque was punished. Colleagues of Yelena Shadrina, head of the Registration Department for Non-Commercial Organisations at Crimea's Justice Ministry in Simferopol, referred all enquiries to her. However, her phone went unanswered each time Forum 18 called on 25 August.

The Mosque still holds prayers regularly in part of the building while the rest is being repaired. "But we are waiting for the next blow," the community member told Forum 18.

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List of communities punished for failing to display full name

The list of known 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) 11 March 2022

Name: Local Religious Organisation Church of Seventh-day Adventist Christians Yalta

Punishment: Fine 30,000 Russian Roubles

Court: Yalta Magistrate's Court No. 96

Circumstances: On 24 January posted video online without full official legal name. Church later deleted all videos

Appeal: None

2) 19 May 2022

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

Punishment: Warning after fine of 30,000 Russian Roubles commuted

Court: Central District, Simferopol Magistrate's Court No. 18

Circumstances: Failed to put full official legal name on online video talk on "The Torah in Every Home. About the Sabbath". Case files included 16-page report of inspection by the Service for the Defence of the Constitutional Order and the Struggle Against Terrorism of the Crimean FSB security service

Appeal: None

3) 25 May 2022

Name: Local Religious Organisation "First Church of Evangelical Christians-Baptists Simferopol"

Punishment: Warning after fine of 30,000 Russian Roubles commuted

Court: Central District, Simferopol Magistrate's Court No. 20

Circumstances: posted video online on YouTube without full official legal name

Appeal: None

4) 30 May 2022

Name: LRO [Local Religious Organisation] "Orthodox Old Believer Community Simferopol of the Russian Orthodox Old Believer Church"

Punishment: Warning after fine of 30,000 Russian Roubles commuted

Court: Central District, Simferopol Magistrate's Court No. 16

Circumstances: Failed to display its full official legal name on its page "Old Believers of Crimea" on the Russian social media site VKontakte

Appeal: None

5) 29 June 2022

Name: Local Religious Organisation Church of Christians of Evangelical Faith "Ark of Salvation in Kerch"

Punishment: Warning after fine of 30,000 Russian Roubles commuted

Court: Kerch Magistrate's Court No. 44

Circumstances: In a 10 June inspection, the Crimean FSB security service found that church failed to display its full official legal name on its page on the Russian social media site VKontakte

Appeal: None

6) 5 August 2022

Name: Tomasz Wytrwal

Punishment: Fine 30,000 Russian Roubles

Court: Yalta Magistrate's Court No. 95

Circumstances: Yalta's Catholic priest, failed to display full official legal name on parish's page on the Russian social media site VKontakte

Appeal: None

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

None known

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

None known

Unknown reason for prosecution

7) 9 February 2022

Name: K. Palyokha

Punishment: none

Court: Belogorsk Magistrate's Court No. 31

Circumstances: Case returned

Appeal: None

8) 9 February 2022

Name: K. Palyokha

Punishment: none

Court: Belogorsk Magistrate's Court No. 31

Circumstances: Second case returned

Appeal: None

9) 28 August 2022

Name: Local Religious Organisation Church of Christians of Evangelical Faith Pentecostals "Church of Christ the Saviour"

Punishment: hearing due 2 September 2022

Court: Yalta Magistrate's Court No. 100

Circumstances: unknown circumstances

Appeal: n/a

[UPDATE 2 September 2022: On 2 September 2022, the Magistrate fined the Church's leader Mark Iosifiv 30,000 Russian Roubles.]

(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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