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CRIMEA: Only one percent of religious organisations re-registered

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

All 150 re-registration applications submitted to Crimea's Justice Department ahead of the original 31 December 2014 deadline were initially rejected as they were "very bad", Irina Demetskaya of the Justice Department in the Crimean capital Simferopol told Forum 18 News Service. Even after the extended 1 March deadline, only two centralised religious organisations (one of the Orthodox dioceses and the Muftiate) have been re-registered and only 12 local communities. This represents about one percent of the number that had Ukrainian registration, Forum 18 notes. Two more are awaiting approval from the tax authorities, while 13 are being considered in Moscow. Her office is still considering about 150 more. Without registration under Russian law, religious communities can meet, but cannot enter into contracts to rent property, employ people or invite foreigners. Meanwhile, the Sevastopol authorities have reaffirmed their refusal to return the confiscated St Clement's Catholic Church. The parish has been seeking its return since the 1990s. Vladimir Ryabykh of Sevastopol's Culture Department claimed to Forum 18 that it cannot be returned as the parish has not asked for it back.

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 News Service from the Crimean capital 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 since Russia's annexation of Crimea in March 2014.

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 activity.

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 (see F18News 20 January 2015 http://www.forum18.org/archive.php?article_id=2028).

While many religious communities are awaiting state registration under Russian law, they cannot invite foreign citizens. Turkish imams and Catholic priests and nuns were forced to leave Crimea (see F18News 20 January 2015 http://www.forum18.org/archive.php?article_id=2028).

Religious communities awaiting re-registration have also had rental contracts for state-owned premises abruptly terminated (see Forum 18's Crimea religious freedom survey http://www.forum18.org/archive.php?article_id=2051).

Tight restrictions

The forced imposition of Russian restrictions on religion in Crimea since March 2014 has brought other difficulties for those trying to exercise their right to freedom of religion or belief, Forum 18 notes. In addition to expulsions of invited foreign religious leaders and unilateral cancellation of rental contracts, these include: raids, fines, government surveillance and obstructions to regaining places of worship confiscated in the Soviet period (see Forum 18's Crimea religious freedom survey http://www.forum18.org/archive.php?article_id=2051).

Only 14 re-registrations

The Justice Ministry in Moscow has 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 Russian

administrative territory (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, a joint initiative of Russian and Ukrainian human rights defenders, 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, she said.

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, Bishop Jacek Pyl, assistant bishop of Odessa and Simferopol, told Polish Radio the same day.

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, Demetskaya told Forum 18. Nine are Catholic, two are Karaite, one is Augsburg Lutheran and one is Baptist. "The Ministry has to verify that they are religious organisations," she 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 congregations have voluntarily or involuntarily abandoned Ukrainian-based oversight bodies to join Russian structures. On 14 December 2014, representatives of Seventh-day Adventist congregations met in Simferopol to create a new Crimean Mission, separate from Church structures in Ukraine.

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". The Vatican appointed Bishop Pyl as Delegate of the new District, he

told the German Catholic news agency KNA on 29 January 2015.

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, Bishop 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.

"I can't force communities to bring their documents," Demetskaya insisted to Forum 18. "But those that were lodged are all being considered. None have been refused."

Among those that did not lodge re-registration applications are communities of the Ukrainian Orthodox Church Kiev Patriarchate, she noted. 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.

"Automatically no longer regarded as a legal entity"

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". She said she did not know what the tax authorities would do with such communities. She said that if any questions arise over the ownership of places of worship or other property, such communities will be able to assert their ownership through the courts. "Questions on property are not for me," she told Forum 18.

Asked whether religious communities which do not want to register or re-register can still function, Demetskaya initially pointed out that "religious groups" – with fewer than ten adult members – are not required to register under Russian law. Asked what would happen to larger communities continuing to function without registration, she eventually conceded to Forum 18 that they could continue with property owned by private individuals.

Religious affairs official Selevko also confirmed to Forum 18 that religious communities which do not get re-registration or do not apply for it can still function without legal status. "There will be no persecution of them," he insisted. "They can conduct services, but they can't rent premises."

All mosques under Muftiate?

In August 2014 the Muftiate feared that a new, apparently state-backed rival Muslim organisation – the Tavrida Muftiate - was designed to split the Muslim community. The new organisation took control of a mosque in Yevpatoriya. However, on 17 February 2015, Judge Antonina Lantratova of Yevpatoriya City Court ruled against the new organisation and upheld the rights of the Muftiate to the mosque, according to court records.

Despite these earlier fears, the Muftiate now appears to be about to receive a de facto monopoly on all mosques which will be registered.

Following the re-registration of the Muftiate itself, it is preparing to lodge re-registration applications for its more than 300 individual mosques and religious schools.

However, one of Crimea's Deputy Chairs of the Council of Ministers, Ruslan Balbek, told a visiting Turkish delegation in Simferopol on 25 March that all mosques in Crimea would be handed to the Muftiate and would be legally registered, according to local news agencies. The reason was "not to give sects the possibility to wage a struggle for places of worship". Balbek spoke of alleged earlier seizures of mosques by radicals, such as Wahhabis and members of the Hizb ut-Tahrir (https://www.forum18.org/archive.php?article_id=170) movement.

No hope of property return?

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 (see F18News 27 June 2014 http://www.forum18.org/archive.php?article_id=1973).

Russia's 2010 Law has proved to be no guarantee that the restitution process will be easy or unchallenged, or indeed that religious property confiscated during the Soviet period will be returned at all (see F18News 31 May 2014 http://www.forum18.org/archive.php?article_id=1961).

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.

Sevastopol's Culture Department is not prepared to return the church to the congregation, Dmitry Garnega, head of the newly-established Sevastopol Kino, which manages on behalf of the city all its cinemas, told the local ForPost news website on 23 March. He said his agency is planning to renovate the building – of which, he added, the roof is leaking - and re-open it as a children's cinema soon.

Garnega told Radio Free Europe's Crimean Service on 6 March that as 70 percent of the building had been destroyed during the Second World War and been rebuilt as a cinema, it should not be returned to the Catholics. He pointed out that the parish had lost its attempts to regain the building through the local courts even as far up as the Ukrainian Supreme Court in Kiev.

However, an unnamed local lawyer told Radio Free Europe that as Russian law is clearer than Ukrainian law on the issue of return of confiscated religious property, it might now be easier for the Catholics to regain their property.

Aleksandr Litvinenko, head of Sevastopol's Culture Department, was unable to speak to Forum 18 on 25 March as he had visitors, an official told Forum 18. She insisted that the issue of the future use of the cinema "is not within the competence of the Culture Department".

Vladimir Ryabikh, head of the Nationalities Section of Sevastopol's Culture Department, claimed that the church cannot be returned as the Catholic parish has not asked for it back. "I recently had a meeting with the priest Fr Anatolij Klak, but he isn't a citizen," Ryabikh told Forum 18 from Sevastopol on 25 March. "If a group of citizens submit an appeal we will consider it. Everything will be done according to procedure."

Following the rejection of their suits through the Ukrainian courts, the parish lodged a case against the Ukrainian government at the European Court of Human Rights (ECtHR) in Strasbourg (Application No. 22607/02) on 6 November 2000. The ECtHR sought a response from the Ukrainian government in October 2008 without receiving any reply (see F18News 27 June 2014 http://www.forum18.org/archive.php?article_id=1973). No reply has been received and no admissibility decision has been made, an ECtHR spokesperson told Forum 18 on 24 March 2015.

In contrast to the Catholic parish, on 23 July 2014 the Crimean Council of Ministers issued a decree returning the confiscated Kenasa (synagogue) in Simferopol to the Karaite community, according to its website. A handover ceremony was held at the building the same day.

The Kenasa – located on Karaim street in Simferopol – was opened in 1896 but forcibly closed it in 1930. The community had been seeking its return since 1992. Officials began responding to these demands in summer 2014 (see F18News 27 June 2014 http://www.forum18.org/archive.php?article_id=1973).

Building plots threatened?

The Kiev Patriarchate has been alarmed by a 5 February letter from Gennady Bakharev, head of Simferopol city administration, that asked for the church to "voluntarily give up" the site of 0.49 hectares (1.2 acres) it had been allocated in April 2013 to build a new cathedral. The letter – seen by Forum 18 – explained that the site was needed for housing for the military and their families, and came at the request of the FSB security service. Archbishop Kliment noted to Forum 18 that this issue has not yet been resolved.

Similarly, the Muftiate has insisted that the site for a future Cathedral Mosque for Simferopol must not be revoked. On 12 February, one of the Deputy Muftis, Ayder Ismailov, rejected calls by some politicians to take back the site, the local QHA news agency noted. He pointed out that community members had already collected 180,000 stones towards its construction. The city authorities allocated the site to the Muftiate in 2011. (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>.

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

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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