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CRIMEA: "Expert conclusions" force structure and activity changes

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

"Expert conclusions" by Russia's Justice Ministry Expert Council have led to some Crimean religious organisations having to make changes to get re-registration under Russian law, Forum 18 News Service notes. The Crimean Muftiate had to cut its ties to the Crimean Tatar Mejlis (a political organisation). The nine Catholic parishes had to formally cut ties with their Diocese of Odessa-Simferopol in southern Ukraine and are now in a Pastoral District of Crimea and Sevastopol. Yalta's Augsburg Lutheran congregation had to remove a reference to pilgrimages in its statute. It is unclear what may happen if a pilgrimage is organised. "Observations" in the "expert conclusion" on the Tavrida Muftiate – the smaller of the two Crimean Muftiates – have so far blocked its re-registration. Of the 15 communities which have undergone "expert analyses" in Moscow so far in 2015, the Tavrida Muftiate is the only one which has so far failed to gain re-registration after receiving an "expert conclusion".

"Expert conclusions" by Russia's Justice Ministry Expert Council have led to some Crimean religious organisations having to make changes to get re-registration under Russian law, Forum 18 News Service notes. These included the Crimean Muftiate which had to cut its ties to the Crimean Tatar Mejlis (a political organisation), while Roman Catholic parishes had to formally cut ties with their Diocese of Odessa-Simferopol in southern Ukraine. "Observations" in the "expert conclusion" on the Tavrida Muftiate – the smaller of the two Muftiates in Crimea – have so far blocked its re-registration, more than a year after it applied.

Of the 15 communities which have undergone "expert analyses" in Moscow so far in 2015, the Tavrida Muftiate is the only one which has failed to gain re-registration. A Yalta Lutheran congregation which also had "observations" in its "expert conclusion", instructing it to change its statute, was able to gain re-registration in May.

"We hope to get state registration in the very near future," Alim Emirsaliyev, spokesperson for the Tavrida Muftiate, told Forum 18 on 26 June. "We wish to be able to continue our activity in full accordance with the law."

The Tavrida Muftiate's Mufti, Ruslan Saitvaliyev has been fined nearly a week's average local wage for possession of "extremist" literature (see F18News 26 June 2015 http://www.forum18.org/archive.php?article_id=2076)

"Expert analyses"

Only some of Crimea's religious communities applying for re-registration under Russian law had to undergo "expert analysis" in Moscow (see F18News 30 January 2015 http://www.forum18.org/archive.php?article_id=2028). These included communities independent of any existing registered centralised religious organisation, those which function in more than one Russian administrative territory (Sevastopol is administratively separate from the Republic of Crimea), and those – such as the Roman Catholic parishes and Pastoral District – which the Russian authorities were for some reason uncertain about. Registration applications from communities which function in more than one Russian administrative territory have to be dealt with in Moscow (see F18News 26 March 2015 http://www.forum18.org/archive.php?article_id=2050).

The 18 February 2009 Russian Justice Ministry Order on State Religious-Studies Expert Analysis gives the Justice Ministry and its local Departments wide powers to commission such "expert analyses".

On 25 June Forum 18 asked Svetlana Boyeva of the department that registers religious organisations at the Justice Ministry in Moscow about the "observations" in the "expert conclusion" that have prevented the Tavrida Muftiate gaining re-registration. But she responded that she is not authorised to discuss anything.

Slow re-registration

Re-registration of Crimea's religious communities under Russian law seems to be proceeding slowly. It appears that fewer than 100 have been re-registered. As of 24 June (the most recent update), only 55 religious communities were listed on the Justice Ministry website in Moscow as having state registration. However, Forum 18 knows of at least another 30 registered communities that have state registration which have yet to be listed on the Justice Ministry website. The United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) has expressed concern about the consequences of the re-registration requirement for Crimea's religious

communities (see F18News 2 June 2015 http://www.forum18.org/archive.php?article_id=2068).

A total of 1,546 religious communities had state registration with the Ukrainian authorities at the time Russia annexed Crimea in March 2014 (see F18News 26 March 2015 http://www.forum18.org/archive.php?article_id=2050).

The re-registration deadline for Crimea's religious communities which wish to continue to enjoy legal status under Russian rule has twice been extended. The deadline is now 1 January 2016. Any communities which fail to gain re-registration by then will lose legal status (see F18News 2 June 2015 http://www.forum18.org/archive.php?article_id=2068).

Under Russian law, an unregistered religious community should be able to operate as a religious group, which does not require registration, and meet privately for worship and study (see F18News 14 April 2005 http://www.forum18.org/archive.php?article_id=543).

Tavrida Muftiate registration – rejected or stalled?

The Tavrida Muftiate – which has just over 30 mosques and prayer rooms in Crimea - has complained of the long delays in getting state registration as a centralised religious organisation under Russian Law. "We first lodged our application to the Justice Department in Simferopol more than a year ago," a member of the Tavrida Muftiate told Forum 18. "We were one of the first."

Like all religious communities seeking registration as a centralised organisation (with communities in more than one federal territory of the Russian Federation), the Tavrida Muftiate needed registration from the Justice Ministry in Moscow. It also needed a positive "expert conclusion" from the Justice Ministry's Expert Council for Conducting State Religious-Studies Expert Analysis. Since early 2015 the Expert Council has been headed by Viktoriya Burkovskaya, a Moscow law professor.

Justice Department officials repeatedly told Tavrida Muftiate officials that the necessary "expert analysis" in Moscow had been completed successfully, the Muftiate member told Forum 18. Twice, however, the Muftiate was then told that the application was inadequate and needed further work. "It was months between being told everything was OK and being told we needed to make further corrections."

Enver Akhmetov, the Chair of the Tavrida Muftiate, had been in Moscow in February and been told that the application was in order, the Muftiate member added. Only in mid-June had the Justice Department in Simferopol handed the community the "expert conclusion". "We waited five months for this, only to hear we made mistakes," he lamented. He said the Muftiate's lawyer is now working on revising the application before resubmitting it yet again.

Irina Demetskaya, the former head of the Registration Department for Non-Commercial Organisations at the Justice Department in Simferopol and now the Deputy Head of the Justice Department, is away from the office until 29 June, her colleague told Forum 18 on 24 June. The colleague, who did not give his name, said the Tavrida Muftiate's registration application is "under consideration" but declined to answer any other questions about the application or any other re-registration issue.

"Observations" stall application

The most recent "expert conclusion" on the Tavrida Muftiate, seen by Forum 18, was handed down by the Expert Council on 12 May and signed by Expert Council head Burkovskaya. While the Expert Council took between two and 10 weeks to produce the 14 other such "expert conclusions" on Crimean religious communities in 2015, it took 14 weeks to produce its conclusion on the Tavrida Muftiate, Forum 18 notes.

Under the 2009 Russian Justice Ministry Order, such "expert analyses" should be completed within three months, though an extra month can be requested in writing if extra information is needed. Forum 18 has been unable to establish if an extra month was requested for the Tavrida Muftiate conclusion.

The "expert conclusions" on the nine Roman Catholic parishes, as well as on the Crimean Muftiate, Baptist Union, and two Karaite communities – signed by Expert Council head Burkovskaya and seen by Forum 18 - simply conclude that the communities are indeed religious and that the information presented in the applications is reliable. By contrast, only the "expert conclusions" on the Tavrida Muftiate and on the Yalta Lutheran congregation contain "observations".

The Expert Council claims in its concluding "observations" that the Tavrida Muftiate had failed to provide information about its history and emergence, how it would operate and how the civil rights and obligations of its spiritual leaders might or might not be restricted. Although the Expert Council makes no decision on whether or not these "observations" have any bearing on whether or not the Justice Ministry should grant registration, the Justice Ministry has used the "expert conclusion" to justify returning the registration application to the Tavrida Muftiate.

Forum 18 asked Expert Council head Burkovskaya in writing on the afternoon of 24 June via her legal firm in Moscow why the Expert Council she chairs appears to have singled out the Tavrida Muftiate in particular for extensive "observations" which other

religious communities did not receive. Forum 18 had received no response by the middle of the working day in Moscow on 26 June.

Yalta Lutherans – correction before re-registration

Burkovskaya's "expert conclusion" on the Augsburg Lutheran St Mary congregation in Yalta was issued on 24 February. The registration application was one of 13 sent to Moscow for "expert analysis" by March 2015 (see F18News 26 March 2015 http://www.forum18.org/archive.php?article_id=2050).

Like all the other "expert conclusions", the February Lutheran "conclusion" agrees that the congregation is a religious community and that the information it provided in the registration application was trustworthy. It was the only other of the 15 "expert analyses" to contain "observations". However, the community is listed on Russia's Federal Tax Service website as having gained re-registration on 7 May. It was not yet listed on the Justice Ministry website as of 24 June.

The "expert conclusion" claims that the congregation's statute is "not in accord with the doctrine of Lutheran teaching" because it includes as an aim maintaining international contacts "including for the purposes of pilgrimage". The Expert Council believes this contradicts a statement elsewhere in the statute: "Lutherans do not venerate the Virgin Mother, angels, saints, the cult of relics and holy remains." It called on the congregation to change its statute to "correct" this.

It remains unclear what would happen were the congregation to undertake a pilgrimage.

Other Lutheran congregations listed on the Justice Ministry website as registered - in Simferopol, Yevpatoriya and Sevastopol - did not need to undergo "expert analysis" by the Expert Council.

Crimean Muftiate adjustments to Russian requirements

The Crimean Muftiate and Roman Catholic parishes have had to adjust their organisation to be able to get positive "expert conclusions" from the Justice Ministry's Expert Council in Moscow, Forum 18 notes.

The Justice Ministry sent the Crimean Muftiate's application to the Expert Council on 29 January, and the conclusion was issued on 13 February. This was the first such "expert conclusion" of a religious organisation in 2015 and was completed in just two weeks. This period included a 6 February meeting in Moscow at which Muftiate officials were asked to provide more documentation.

The Justice Ministry in Moscow re-registered the Crimean Muftiate on 16 February and the organisation received its re-registration certificate on 27 February (see F18News 26 March 2015 http://www.forum18.org/archive.php?article_id=2050).

The "expert conclusion" notes that while Crimea was under Ukrainian rule, the Muftiate "co-operated with organisations banned in Russia", including organisations in Ukraine linked to the Muslim Brotherhood. "One needs to bear in mind on this that the given organisations were not banned in Ukraine, where the Muftiate was operating at that time," the "expert conclusion" notes. It added that Muftiate Chair Ayder Ismailov has assured the Expert Council in his answers "that any such co-operation has ceased".

The "expert conclusion" also notes that, under its previous statute registered under Ukrainian law, the Chief Mufti of the Muftiate was governed not only by decisions of the Kurultai of Crimean Muslims but of the Crimean Tatar Mejlis, a political organisation. However, by the time the statute was submitted for registration under Russian law in 2014, the reference to the Crimean Tatar Mejlis had been removed.

Catholic adjustments to Russian requirements

At the time of the Russian annexation, Crimea's Roman Catholic parishes were an integral part of the southern Ukrainian Odessa and Simferopol Diocese, headed by Bishop Bronislaw Bernacki and based in the Ukrainian city of Odessa. The Diocese's assistant bishop, Jacek Pyl, was already based in Simferopol.

Like the Crimean Muftiate, the nine Crimean Roman Catholic parishes which have gained positive "expert conclusions" in 2015 (all were issued on 8 April) also had to adjust their structures to meet Justice Ministry demands, Forum 18 notes. The conclusion for St Clement's parish in Sevastopol, for example, notes that the parish held a meeting on 28 December 2014 "on leaving the Odessa-Simferopol Diocese of the Roman Catholic Church".

Applications for this and other Roman Catholic parishes in Crimea also contained copies of 22 December 2014 and 21 February 2015 letters from the Holy See's Secretariat of State "on the creation in Crimea and Simferopol of a centralised religious organisation of a Pastoral District of Crimea and Sevastopol and the subordination to the District of local Roman Catholic religious organisations".

However, these two letters from the Holy See were not enough. The Justice Ministry required a further letter from the Head of the Pastoral District, Bishop Pyl, submitted on 17 March, "about the canonical subordination of the organisation," according to the

"expert conclusions". In the case of the Sevastopol Parish, the Justice Ministry sought further information on its canonical subordination from the Chair of the Parish Council.

Having been satisfied about the "canonical subordination", the Expert Council confirmed that the nine Roman Catholic parishes are religious organisations and that the information in the applications was trustworthy.

Will Catholic Pastoral District be registered?

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 allowed their parishes in Crimea to be able to gain re-registration. Bishop Pyl insisted in February that the Pastoral District was created within the Odessa and Simferopol Diocese on 22 December 2014 "exclusively for administrative purposes" to facilitate registration.

The Pastoral District was refused registration as a centralised religious organisation in December 2014. Simferopol Justice Department officials told the Catholics they would have to register all their parishes first, before three of them could then officially form a centralised organisation which could apply for state registration, Bishop Pyl noted in January 2015 (see F18News 26 March 2015 http://www.forum18.org/archive.php?article_id=2050).

Nine Crimean Roman Catholic parishes - including St Clement's Church in Sevastopol – gained re-registration between 21 May and 2 June. Forum 18 has been unable to establish if the Pastoral District has now applied for registration as a centralised religious organisation and, if so, if the application has been sent for an "expert conclusion" from the Expert Council.

Will St Clement's Church regain its church building?

Interestingly, the "expert conclusion" for St Clement's Church makes clear that the parish was deprived of its church building in 1936 and that after the end of the Soviet Union it has tried repeatedly under Ukrainian and Russian rule to regain it. These attempts include in 2000 launching a case against the Ukrainian government at the European Court of Human Rights (ECtHR) in Strasbourg (see F18News 27 June 2014 http://www.forum18.org/archive.php?article_id=1973).

Sevastopol city officials have repeatedly refused to return the confiscated church to the Catholic parish, stating that it will be renovated and turned into a children's cinema. One claimed reason was that the community had not asked for it back. Another claim was that the priest is a foreign citizen (see F18News 26 March 2015 http://www.forum18.org/archive.php?article_id=2050). (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.

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