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CRIMEA: Paying fines "would be to admit that they did something wrong"

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

Three of eight Baptists from Saki in western Crimea who refused to pay fines for holding a public religious meeting were sentenced to 20 hours' community service each in October 2015. Five fines were imposed by Judge Irina Shevchenko without a formal court hearing. A fine of about six weeks' average local wages has been ordered to be automatically deducted from the wages of another Baptist. Items from the homes of four others have been identified for possible seizure. Council of Churches Baptists refuse to pay fines imposed for exercising their freedom of religion or belief. "They didn't pay the fines as to do so would be to admit that they did something wrong," a church member told Forum 18 News Service. However, Crimea's Supreme Court has overturned September 2015 fines imposed on two Jehovah's Witnesses distributing religious literature. Meanwhile, after the deadline for all religious communities to re-register with the Russian Justice Ministry expired on 1 January 2016, only about 400 religious organisations have been re-registered. Over 1,100 religious communities which had legal status under Ukrainian law no longer have legal status under Russian law.

Three of eight Baptists from Saki in western Crimea who refused to pay fines for holding a public religious meeting were sentenced to 20 hours' community service each in October 2015. Two have already conducted the community service while the third is waiting to be assigned the work, church members told Forum 18 News Service from the town. A court bailiff also ordered the fine of about six weeks' average local wages to be automatically deducted from the wages of another of the Baptists. She has identified items from the homes of four others for possible seizure.

By contrast, in late 2015 Crimea's Supreme Court overturned fines handed down to two Jehovah's Witnesses for offering religious literature on the streets of the capital Simferopol in July 2015 (see below).

Meanwhile, the extended deadline for all religious communities - which had state registration under Ukrainian law before the Russian annexation of Crimea in March 2014 and who wished to retain it - to re-register with the Russian Justice Ministry expired on 1 January 2016.

Only about 400 religious organisations have been able to gain re-registration in the Republic of Crimea and in the city of Sevastopol (an administratively separate territory) since the annexation. Forum 18 notes that more than 1,100 religious communities which had legal status under Ukrainian law are thus no longer recognised as legal entities under Russian law (see below).

Because of public holidays in Crimea (and in Russia's capital Moscow) between New Year and Christmas (marked on 7 January), Forum 18 was unable to seek comment from officials.

Fined for outdoor religious meeting

Nine Council of Churches Baptists travelled from their home town of Saki to conduct an outdoor religious meeting in the village of Maryanovka in Krasnogvardeiskoe District of central Crimea on 10 May 2015. District Police detained "and subjected them to protracted interrogation", fellow Baptists complained. "Then records of an offence were drawn up against them, they were fingerprinted and photographed, and their vehicle, literature and equipment were examined" (see F18News 2 June 2015 http://www.forum18.org/archive.php?article_id=2068).

Eight of the nine Baptists were found guilty in hearings at Krasnogvardeiskoe District Court between 19 May and 24 June 2015 of violating Russia's Code of Administrative Offences' Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket").

The Baptists' leader, Sergey Shokha, was fined 20,000 Russian Roubles. This represents about six weeks' average local wage, according to Crimean residents. The others - Anatoly Gerasimenko, Semyon Vinnikov, his brother Denis Vinnikov, Mark Dombrovsky, Yelena Kuskova, Galina Romanovich and Kristina Matafonova - were each fined 10,000 Russian Roubles (see F18News 24 June 2015 http://www.forum18.org/archive.php?article_id=2075).

No formal court hearings before five Baptists fined

In the six cases decided on 19 May 2015, only in the case of Semyon Vinnikov did a hearing take place, Baptists complained to Forum 18. In the cases of the five others punished that day, Judge Irina Shevchenko simply came out into the corridor where the five Baptists were waiting, asked them if they rejected the charges as Semyon Vinnikov had done and then returned after an hour with the guilty verdicts in all six cases. Judge Shevchenko handed a written decision only to Semyon Vinnikov.

In separate hearings between 16 July and 25 August 2015, judges of Crimea's Supreme Court rejected all eight appeals (see F18News 16 September 2015 http://www.forum18.org/archive.php?article_id=2100).

Council of Churches Baptists have a policy of civil disobedience, refusing to pay fines imposed to punish them for exercising the right to freedom of religion or belief. "They didn't pay the fines as to do so would be to admit that they did something wrong," a church member told Forum 18.

Bailiff and court punish failure to pay fines

On 20 October 2015, Saki's court bailiff Yuliya Chubko ordered part of Shokha's wages to be deducted at source from November 2015 to begin paying off his fine, church members told Forum 18. Chubko identified property owned by four others – including those not given a formal court hearing - for possible seizure: an acoustic guitar and wardrobe from Semyon Vinnikov; a violin, accordion and music centre from Denis Vinnikov; a table, bed and floor lamp from Dombrovsky; and a computer and camera from Matafonova.

Cases were also brought to Saki District Court to punish the Baptists under Article 20.25, Part 1 of the Russian Administrative Code. This punishes "failure to pay an administrative fine in the period specified by the current [Administrative] Code" with a fine of double the previous fine (with a 1,000 Russian Rouble minimum), up to 15 days' imprisonment, or up to 50 hours' community service.

Between 7 October and 2 December 2015, different Judges found all eight Baptists guilty. Three – Dombrovsky and the Vinnikov brothers - were punished by Judge Yevgeniya Glukhova in separate hearings on 12 October with 20 hours' community service each, according to the court decisions seen by Forum 18. Dombrovsky and Denis Vinnikov have already completed their community service. Semyon Vinnikov is awaiting work to be assigned.

"The court bailiff has not yet seized any items, but has checked to see they are still there," a church member told Forum 18. "She said they will soon be taken and put up for sale. The punishments handed down recently do not release the church members from the earlier fines."

Because of the public holidays, the telephone at the Saki Bailiffs' Office went unanswered on 4 and 5 January.

Fines for offering religious literature overturned

Two Jehovah's Witnesses have finally succeeded in overturning fines handed down to punish them for offering religious literature outdoors. On 7 September 2015, Simferopol's Zheleznodorozhny District Court found Valentina Markova guilty and fined her 10,000 Roubles, about three weeks' average local wage. The following day the same court found Svetlana Donskova guilty and fined her the same amount. Both were punished under Administrative Code Article 20.2, Part 1 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket").

However, on 26 October 2015, Judge Natalya Mostovenko of Crimea's Supreme Court overturned the fine on Markova, finding that she had committed no offence, according to the decision seen by Forum 18. On 9 November 2015, Judge Natalya Cherevatenko at the same court issued a similar finding in relation to Donskova, according to the decision seen by Forum 18.

The two women were among eight Jehovah's Witnesses stopped by police as they offered religious literature to passers-by from mobile stands on the streets of Simferopol on 2 July 2015. Officers claimed they were violating Russia's June 2004 Demonstrations Law. Although Markova and Donskova were initially found guilty and fined, Judges found that the others had not committed any offence and acquitted them (see F18News 16 September 2015 http://www.forum18.org/archive.php?article_id=2100).

Other cases for offering religious literature dropped

Cases under Administrative Code Article 20.2 against three other Jehovah's Witnesses in the towns of Feodosiya and Sevastopol for offering religious literature to others on the streets were dropped in autumn 2015, Jehovah's Witnesses told Forum 18.

They welcomed the decisions to drop these and the earlier Simferopol cases. "These decisions testify to the fact that the judges considering the cases took their decisions without prejudice in relation to Jehovah's Witnesses, while also having examined closely

in the light of the Demonstrations Law the essence of the religious service the Witnesses were conducting," they told Forum 18. Fines under Russia's Demonstrations Law are imposed under the linked Administrative Code Article 20.2.

Earlier legal status annulled for more than 1,100 communities

Following the March 2014 Russian annexation, the Russian authorities insisted that all religious communities that had legal status needed to re-register with the Russian Justice Ministry if they wished to retain such legal status (see F18News 10 September 2014 http://www.forum18.org/archive.php?article_id=1995).

Religious communities needed to submit applications to the Justice Department in the regional capital Simferopol. Religious organisations that operated in more than one Russian region (such as both in the Republic of Crimea and Sevastopol), as well as autonomous religious communities and ones about which the Justice Department had questions, also need to undergo a Religious Studies "Expert" Analysis arranged by the Justice Ministry in Moscow (see F18News 26 June 2015 http://www.forum18.org/archive.php?article_id=2076).

The deadline for such re-registration was twice extended. It finally expired on 1 January 2016, after which the legal status any community had under Ukrainian law was no longer recognised under Russian law (see Forum 18's Crimea religious freedom survey http://www.forum18.org/archive.php?article_id=2051).

As of 5 January 2016, Russia's Federal Tax Service listed 332 religious organisations registered in the Republic of Crimea. It listed 67 registered in Sevastopol. (The Russian Justice Ministry website's figures, as of 30 December 2015, were slightly lower: 303 in the Republic of Crimea and 60 in Sevastopol.) These figures do not appear to include centralised religious organisations which function in both these territories, such as the Crimean Muftiate, the three Crimean-based Russian Orthodox dioceses and the Roman Catholic Pastoral District of Crimea.

Among the communities re-registered are Russian Orthodox, Muslims from the Crimean Muftiate and autonomous communities, Protestants of a range of affiliations, Roman Catholics, Jews of a range of affiliations, Karaites, Jehovah's Witnesses and Hare Krishna communities.

This means that the legal status of more than 1,100 religious organisations automatically ended on 1 January 2016, Forum 18 notes. Because of the holiday period, Forum 18 was unable to find out from the Justice Department in Simferopol how many religious communities are still waiting for re-registration and why, how many have been rejected, how many chose not to seek re-registration and how many had already ceased to exist before the Russian annexation.

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.

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.

One Protestant community which had registration under Ukrainian law told Forum 18 that it had chosen not to seek re-registration under Russian law. It told the Justice Department that it would continue to operate as a "religious group", which requires Justice Department notification (with a list of all its members) and does not confer legal status. "Life is continuing for our church – we haven't faced any problems meeting," a church member told Forum 18 on 5 January.

Changes in 2015 to Russia's Religion Law mean that "religious groups" now have to provide local Justice Departments with a list of all their members, whereas registered religious organisations only have to provide a list of their founders. Russian Baptists have equated the notification requirement for groups to "mandatory registration", which "makes a citizen's right to freedom of worship and assembly arbitrary", conditional upon informing the authorities (see F18News 17 September 2015 http://www.forum18.org/archive.php?article_id=2101).

Re-registration struggles

Members of a variety of religious communities complained – usually asking not to be identified – of the time, effort and expense of preparing re-registration applications and seeing the process through with the Justice Department.

For religious communities that required an "Expert Analysis" from the Justice Ministry in Moscow, several were required to wait for

months, while some were required to change their structures to gain approval. 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. Yalta's Augsburg Lutheran congregation had to remove a reference to pilgrimages in its statute (see F18News 26 June 2015 http://www.forum18.org/archive.php?article_id=2076).

Re-registration refused or still waiting?

Of the 33 religious organisations for whom the Justice Ministry conducted an "Expert" Analysis in 2015, three appear not to have received re-registration: the Tavrida Muftiate, St Peter's (earlier St Martin's) Lutheran Church in Krasnoperekopsk, and the Seventh-day Adventist Reformed Church in Yevpatoriya. For each of these the "Expert Analysis" included "observations" (such as failure to supply full information) which could allow officials to choose not to re-register them.

"We have still not been re-registered," a member of the Tavrida Muftiate told Forum 18 on 5 January. "We don't know why, as we have not been refused. We're just waiting and waiting." (see F18News 26 June 2015 http://www.forum18.org/archive.php?article_id=2076).

One of Crimea's Deputy Chairs of the Council of Ministers, Ruslan Balbek, declared on 25 March 2015 that all mosques in Crimea would be handed to the Crimean Muftiate, a much larger rival Muslim body to the Tavrida Muftiate. However, despite these fears, the Justice Department in 2015 re-registered at least 10 Muslim organisations which function independently. All 10 were among the 33 religious organisations which underwent an "Expert Analysis" at the Justice Ministry in Moscow in 2015

Nine Roman Catholic parishes were re-registered in 2015 (see F18News 26 June 2015 http://www.forum18.org/archive.php?article_id=2076). The Catholic Pastoral District was registered on 26 August 2015, but none of the five Greek Catholic parishes which applied for re-registration have yet received it. "We were promised re-registration by New Year, but it hasn't yet happened," a Greek Catholic clergyman told Forum 18 on 5 January. "The parishes' documents are still in Moscow for an 'expert analysis'."

The Greek Catholic Church would like to register as many as 11 or 12 parishes in Crimea, and also intends to seek registration for its Crimean Exarchate to oversee the parishes once they get registration, the clergyman told Forum 18.

Lack of registration under Russian law makes the presence of their current four priests in Crimea (one of them married, the other three monks) precarious. "They must be registered for work, but without legal status the parishes can't apply for residence permits for them." The Greek Catholics would like to be able to have more priests in Crimea.

None of the Armenian Apostolic parishes in Crimea appear to have gained re-registration, according to official records.

One community which chose not to apply for legal status are parishes of the Ukrainian Orthodox Church Kyiv Patriarchate. The diocesan head, Archbishop Kliment (Kushch) of Simferopol and Crimea, told journalists on 17 December 2015 that, even if the Church could overcome the difficulties in the documentation required for re-registration, "there is no guarantee" that re-registration would allow his churches to continue to exist. (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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