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CRIMEA: Court orders parish to destroy its chapel

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

A Crimean Court ordered the Orthodox Church of Ukraine to destroy its wooden chapel in Yevpatoriya, built before the 2014 Russian occupation. The parish is challenging the 6 November decision. A Judge again fined Imam Aydar Islyamov one week's average wages for leading Friday prayers at a Mosque. Prosecutors lodged "missionary activity" charges after failing to find Land Code violations.

The Orthodox Church of Ukraine fears that the authorities in the western Crimean city of Yevpatoriya will demolish a small wooden chapel it built between two blocks of flats in 2013, before Russia's invasion and annexation of Crimea. The city court ruled on 6 November 2019 that the Church is using the site illegally and that it should demolish its chapel within one month.

The Church complains it learnt about the court hearing only on that day. Its lawyer said the Church is appealing against the decision (see below).

Ukrainian journalist Oleksandra Yefymenko visited the Yevpatoriya church during Sunday liturgy on 1 December, which was attended by "a large number of parishioners" squeezing into the small church. Many had come specially from other cities of Crimea, she told Forum 18 (see below).

Russia's March 2014 annexation of Crimea is not recognised by Ukraine or internationally.

The Russian authorities in Crimea use the wide range of available laws and regulations to punish communities that meet for worship in places the authorities do not like.

The United Nations Human Rights Committee has called on the Russian government not to evict the Orthodox Church of Ukraine congregation from its rented accommodation in the Crimean capital Simferopol while the Committee considers an appeal by 62 parishioners (http://www.forum18.org/archive.php?article_id=2525). The premises serve as the Crimean Diocese's Sts Volodymyr and Olga Cathedral.

On 18 November a Russian arbitration court rejected the Diocese's latest appeal against a court order to annul the rental agreement and evict the Cathedral. On 28 November, the Diocese lodged a last-ditch appeal to Russia's Supreme Court in Moscow.

On 8 November, a Magistrate's Court in Simferopol District fined Imam Aydar Islyamov one week's average local wages for leading Friday prayers at a Mosque in a home in the village of Ukrainka (Kurtsy in Crimean Tatar) near Simferopol on 11 October which was raided by armed Russian security personnel. He was punished under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity"). A municipal official told Forum 18 that an inspection had found that Islyamov had not violated the Land Code. The Prosecutor's Office official who led the case in court refused to explain why an individual should be punished for leading worship (see below).

The Prosecutor's Office, OMON riot police and officers of the Police's Anti-Extremism Centre raided Friday prayers on 5 July and again on 25 October at a mosque in the village of Zarechnoe, also in Simferopol District (http://www.forum18.org/archive.php?article_id=2518). After the first raid, Prosecutors similarly brought a case against Imam Arsen Kantemirov under Russian Administrative Code Article 5.26, Part 4. However, on 7 October the Magistrate cancelled the case because it had been lodged outside the deadline for such administrative cases.

Neither of these two Simferopol District Mosques have Russian state registration. The Crimean Justice Ministry has rejected the registration application from the Orthodox Church of Ukraine's Simferopol parish, most recently on 20 September. It claimed there were "violations" in the documents presented. A Justice Ministry official insisted to Forum 18 that "nothing in principle" obstructs the registration of communities of the Orthodox Church of Ukraine (see below).

Another community which has been repeatedly denied Russian state registration is the Tavrida Muftiate, a body independent of the state-backed Crimean Muftiate. The Justice Ministry has registered ten of its mosque communities independently, but refuses to

register the Tavrida Muftiate as a centralised religious organisation (see below).

Court orders chapel destruction

The Kyiv Patriarchate of the Orthodox Church built a small, wooden chapel between two blocks of flats in the western Crimean city of Yevpatoriya in 2013. This was before the 2014 Russian invasion and illegal annexation (<https://www.nhc.no/en/qa-breaches-of-international-law-and-human-rights-issues-2/>) of Crimea. The now Kyiv-based lawyer for the Church, Sergei Zayets of the Regional Centre for Human Rights, told Forum 18 that the chapel was built on land belonging to the community of those living in the flats.

According to court documents seen by Forum 18, the wooden chapel is 5.5 metres (18 feet) by 5.5 metres and its height to the top of the gold-painted cross on the wooden onion dome is just over 10 metres (35 feet).

After the Russian annexation, the Russian-backed Yevpatoriya city administration began moves to have the chapel demolished. Officials began with written warnings.

On 17 September 2019, the municipal authorities, including its Municipal Control Department, brought a suit to Yevpatoriya City Court, seeking the demolition of the chapel. It claimed that the Diocese had never gained approval for the chapel's construction.

Judge Galina Lobanova at the City Court ruled on 6 November that the Church is using the site illegally and that the Church must demolish its chapel within one month of the decision coming into force, according to the decision seen by Forum 18.

The Church complains it learnt about the court hearing only on that day. Its lawyer, Zayets, told Forum 18 that, as the hearing took place in the absence of representatives of the parish, it has lodged a request to the same Yevpatoriya City Court for a re-examination of the decision taken in absentia. "This method has in the past proved more effective than an appeal to Crimea's Supreme Court," Zayets told Forum 18.

Following the creation of the Orthodox Church of Ukraine and its recognition by Ecumenical Patriarch Bartholomew in January 2019, the Crimean Diocese of the Kyiv Patriarchate became part of the Orthodox Church of Ukraine. Members of the Yevpatoriya parish then stuck a notice on the window of the chapel door: "Our Church is canonical".

Ukrainian journalist Oleksandra Yefymenko visited the Yevpatoriya church during Sunday liturgy on 1 December, which was attended by "a large number of parishioners" squeezing into the small church. Many had come specially from other cities of Crimea, she told Forum 18 on 3 December.

The Orthodox Church of Ukraine lawyer, Sergei Zayets, told Forum 18 that it later added information about the threatened destruction of the Yevpatoriya chapel to its 28 August appeal to the United Nations Human Rights Committee about the threatened eviction of its cathedral from the rented premises in Simferopol.

Kirill Vavrenyuk, first deputy head of Yevpatoriya Municipality, insisted that the chapel is not a place of worship. "Some people, provocateurs, call it a church, but the court decided it was not," he told Forum 18 from Yevpatoriya on 2 December. He insisted that it had been a court decision, not his own, that the chapel must be destroyed. "They had no documents to build a church there."

Asked if the Municipality was seeking the destruction of any other buildings because they do not have full documentation, Vavrenyuk told Forum 18 he did not know.

Asked if the chapel would be ordered destroyed if it belonged not to the Orthodox Church of Ukraine but to the Moscow Patriarchate, Vavrenyuk chose not to answer. He told Forum 18 that he was unaware of the Church's appeal to the UN Human Rights Committee.

Punished again for leading Friday prayers

On 11 October, Imam Aydar Islyamov led Friday prayers as he has done since 2016 in a Mosque in a home in the majority Crimean Tatar village of Ukrainka (Kurtsy in Crimean Tatar) in Perovo Settlement in Simferopol District, on the south-western edge of Crimea's capital Simferopol. Armed Russian security personnel - some of them masked - arrived in armoured cars, telling those at Friday prayers that they were there to "check the electricity meters and the mosque's documents", the Crimean Solidarity monitoring group noted the same day. Officials questioned witnesses as they prepared a possible prosecution.

On 15 October, at the request of the Prosecutor's Office, the chief specialist of Simferopol District Municipal Control Department examined the land plot for the building (which the court decision describes as a mosque) where Friday prayers are held. The land is owned by Perovo Village Administration.

"We control land use, and we found no violations of the Land Code," Sergei Sayenko, head of the Municipal Control Department,

told Forum 18 on 9 December. He pointed out that the land is allocated in the urban development plan as a place of worship. "So Islyamov has the right to apply for it to be recognised as such."

The authorities then accused Imam Islyamov of violating Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") for leading Friday prayers on 11 October. On 24 October the case was handed to Simferopol District's Magistrate's Court No. 76, according to court records.

On 8 November, Judge Tatyana Syanova found Imam Islyamov guilty and fined him 5,000 Russian Roubles, about one week's average local wages, according to the decision seen by Forum 18. An official at the Magistrate's Court refused to discuss Islyamov's case, but told Forum 18 that he had not appealed against the punishment.

Imam Islyamov denied any wrongdoing in court. He added that he would register his use of the land.

The Prosecutor's Office official who led the case in court, Aleksandr Bogdan, supported punishment for Imam Islyamov.

Bogdan refused to explain why an individual should be punished for leading worship. "I give no comments on my activity," he told Forum 18 on 3 December. Asked if he had been present at the Mosque on 11 October he put the phone down.

The authorities accused Imam Islyamov on the same charges of conducting "missionary activity" for leading Friday prayers on 11 May 2018. The same Judge Syanova fined him 5,000 Russian Roubles on 20 June 2018.
(http://www.forum18.org/archive.php?article_id=2441)

Imam Islyamov's 2018 prosecution under Russian Administrative Code Article 5.26 was one of 23 prosecutions brought against individuals for ill-defined "missionary activity", of which 19 ended with punishment.
(http://www.forum18.org/archive.php?article_id=2441) Many of those punished were prosecuted for sharing their faith on the street or for holding worship at unapproved venues.

The Mosque community had lodged a registration application, but Crimea's Justice Ministry had "left it without consideration", according to the court decision.

Yelena Shadrina of Crimea's Justice Ministry would not discuss the Mosque's registration application and why it had been rejected. But she confirmed to Forum 18 that no religious communities in Perovo have Russian state registration.

Registration denials "all done on basis of law"

In addition to Imam Islyamov's Mosque in Simferopol District, some other religious communities in Crimea have tried in vain to gain registration with the Russian Justice Ministry.

The Simferopol community of the Orthodox Church of Ukraine finally decided it would seek Russian state registration after insisting for many years that it would not do so after the Russian annexation of the peninsula. It reluctantly lodged an application for the Simferopol parish without any mention of any subordination to the Orthodox Church of Ukraine in mid-March 2019.

"The question now arises," Archbishop Kliment told Radio Free Europe's Krym Realii on 23 March, "either we register in accordance with the demands of the Crimean authorities, or we lose the diocese and everything that we had before 2014. I can't take such a risk."

Archbishop Kliment submitted to Crimea's Justice Ministry the same statute another community had used to register a congregation in 2014, soon after the Russian annexation of Crimea. The only difference was that in the Orthodox Church of Ukraine's case, no affiliation with a hierarchical body was given.

The Crimean Justice Ministry issued its first refusal, signed by the then deputy head Irina Demetskaya, on 12 April. The second refusal, dated 1 August, was signed by the then head Valery Pesenko. Demetskaya again signed the third refusal on 20 September.

Another community which has been repeatedly denied Russian state registration is the Tavrida Muftiate, a body independent of the state-backed Crimean Muftiate. The Justice Ministry has registered ten of its mosque communities independently, but refuses to register the Tavrida Muftiate as a centralised religious organisation.

"The bishop applied for registration because there was no other way to preserve the religious community," its lawyer Sergei Zayets of the Regional Centre for Human Rights told Forum 18 from Kyiv.

"We want to have registration as a centralised religious organisation to be able to present ourselves publicly," a Muftiate official told Forum 18 from Crimea on 2 December. "We want to be able to hold conferences and undertake projects. We have repeatedly applied, but each time they turn us down, most recently in November 2019."

The Muftiate official also noted that the Justice Ministry will no longer register any of its mosques. "There's an unwritten regulation," the official claimed. The official added that their Mosques have not faced raids or fines.

Yelena Shadrina of the Registration Department for Non- Commercial Organisations at Crimea's Justice Ministry in Simferopol would not discuss in detail the registration rejection of the Simferopol parish of the Orthodox Church of Ukraine. "The documents were not in accordance with the law," she claimed to Forum 18 on 2 December. "We conducted a legal expert analysis and our rejection letter included references to the law explaining the violations. They could correct them."

Asked if there is any reason why her Ministry would not register communities of the Orthodox Church of Ukraine, Shadrina responded: "There is no reason in principle why they cannot be registered." She insisted that any registration decisions would be unrelated to the issue of the Church's property.

Shadrina similarly refused to discuss in detail the registration rejections of the Tavrida Muftiate. "They committed violations in their documents and the reasons for the rejection are given in the letters," she insisted to Forum 18.

Shadrina refused to discuss the specifics of registration denials, noting that she handles thousands of non-commercial organisations and cannot remember all of them. "All is done on the basis of the law," she insisted to Forum 18.

Several other communities function without Russian state registration. Among these are communities of the Council of Churches Baptists, who choose not to seek state registration on principle.

Communities of the Russian Orthodox Church Outside Russia (ROCOR) which belong to the ROCOR branch which did not join other parts of ROCOR when they joined the Moscow Patriarchate in 2007 are also not registered. "Our parishes function as in the Soviet Union," a priest told Forum 18 from the Ukrainian city of Odessa on 3 December. "If you don't function loudly, they don't touch you."

Banned as "extremist"

Among religious communities banned as "extremist" under Russian rule in Crimea are Jehovah's Witnesses and the Muslim missionary movement Tabligh Jamaat. Any activity by any of their adherents risks criminal prosecution.

After more than 15 months in pre-trial detention following his October 2017 arrest by the Russian FSB security service, the Crimean Supreme Court jailed local Muslim Renat Suleimanov for four years (http://www.forum18.org/archive.php?article_id=2444). He was punished on "extremism"-related charges for alleged Tabligh Jamaat membership. He is serving his sentence in a labour camp in Russia, where he has spent months in a prison punishment cell (http://www.forum18.org/archive.php?article_id=2518). Three others on trial with him were given two and a half year suspended sentences, when they will live under restrictions.

The first criminal trial of a Jehovah's Witness in Crimea since Russia annexed the peninsula in 2014 began in the northern Crimean town of Dzhankoi with a closed preliminary hearing on 6 September. Sergei Filatov is facing "extremism" charges, which he denies (http://www.forum18.org/archive.php?article_id=2518). Repeated hearings have been postponed because witnesses failed to appear. The next hearing at Dzhankoi City Court is due on 10 December, according to court records.

Filatov headed the Sivash Jehovah's Witness community in the town of Dzhankoi (http://www.forum18.org/archive.php?article_id=2432), one of two Jehovah's Witness communities in the town registered by the Russian authorities in April 2015. Both communities were liquidated in May 2017 following Russia's nationwide ban on Jehovah's Witnesses. "I no longer meet my friends because it might cause them problems," Filatov told Forum 18. "We simply ask the authorities to respect our rights to meet together and read the Bible. We're not law-breakers and we're not against the government."

Also on trial on "extremism"-related charges is another Crimean Jehovah's Witnesses, Artyom Gerasimov from Yalta. His trial began at Yalta City Court with a preliminary hearing on 20 September. (http://www.forum18.org/archive.php?article_id=2518) Repeated hearings have been postponed because witnesses failed to appear. The next hearing is due on 11 December, according to court records.

An "extremism"-related criminal case was also launched against fellow Yalta Jehovah's Witness Taras Kuzio. He remains a suspect. Viktor Stashevsky from Sevastopol is facing a similar "extremism" prosecution instigated by the Russian FSB security service (http://www.forum18.org/archive.php?article_id=2518). (END)

Full reports on freedom of thought, conscience and belief in Crimea
(<http://www.forum18.org/archive.php?query=&religion=all&country=86>)

For more background, see Forum 18's Crimea religious freedom survey (http://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 (<http://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 or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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