

22 September 2022

CRIMEA: Religious freedom survey, September 2022

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Freedom of religion and belief is, along with other human rights, severely restricted within the Russian-occupied Ukrainian territory of Crimea. Forum 18's survey analysis documents violations including: forced imposition of Russian laws and restrictions on exercising human rights, including freedom of religion or belief; jailing Muslim and Jehovah's Witness Crimean prisoners of conscience; forcible closure of places of worship; and fining people for leading meetings for worship without Russian state permission.

All human rights including the freedom of religion and belief are severely restricted within the Russian-occupied Ukrainian territory of Crimea. Among the occupation forces' violations documented by Forum 18 are:

- forced imposition of Russian laws and restrictions on exercising human rights, including freedom of religion or belief;
- long-term jailings of Muslim and Jehovah's Witness Crimean prisoners of conscience for exercising their freedom of religion and belief since the 2014 Russian invasion;
- the forcible closure of places of worship;
- fining people for without Russian state permission leading meetings for worship;
- fining religious communities for failing to display their full Russian official legal name on places of worship, literature, and internet posts.

Members of a wide range of religious communities and others in Crimea are highly cautious about discussing anything that could be interpreted as criticism of the Russian occupation for fear of possible Russian state reprisals. This includes a reluctance to discuss the occupiers' violations of freedom of religion and belief.

The Office of the UN High Commissioner for Human Rights (OHCHR) has condemned Russian freedom of religion or belief and interlinked human rights violations in Crimea, including "the unlawful application of Russian Federation legislation by the occupation authorities of the Russian Federation in the occupied territory [Crimea]".

As Aleksandr Sedov of the now-banned Crimean Human Rights Group observed to Forum 18, punishments by Russian occupying forces for exercising the right to freedom of religion or belief violate, among other international human rights standards, the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (see below).

Context

In February 2014 Russia invaded and then in March 2014 illegally annexed the Crimean peninsula (<https://www.nhc.no/en/qa-breaches-of-international-law-and-human-rights-issues-2/>) from Ukraine. Occupied Crimea is administered by Russia in two federal subjects or regions following the Ukrainian administrative divisions, the Republic of Crimea and the city of Sevastopol. Russia's illegal annexation of Crimea is not recognised by Ukraine or by the overwhelming majority of United Nations (UN) member states.

In March 2014, Russian-backed rebels also seized parts of Ukraine's Luhansk Region (https://www.forum18.org/archive.php?article_id=2721) and Donetsk Region (<https://www.forum18.org/archive.php?country=87>), declaring what they described as "People's Republics" in both entities. Serious violations of human rights, including freedom of religion and belief, followed Russia's invasion. Russia recognised both entities on 21 February 2022, just before its renewed invasion of Ukraine, but the overwhelming majority of other UN member states do not recognise either entity.

The size of population within Crimea was claimed by Russia to be in January 2021 over 2,400,000. Current 2022 figures are difficult to estimate due to the renewed invasion of Ukraine. Around 60 per cent of Crimea's population is thought to regard themselves as

Orthodox Christians (not all of the same Patriarchate), around 15 per cent to regard themselves as Muslim, and smaller percentages regard themselves as belonging to other (including other Christian) religious communities, as well as those who regard themselves as agnostic or atheist. These figures do not necessarily indicate active participation in any religious or belief group.

Both Freedom House (<https://freedomhouse.org/country/crimea>) and Human Rights Watch (https://www.hrw.org/sitesearch?search=Crimea&f%5B0%5D=region_country%3A9630) have documented many serious human rights violations committed by Russia in occupied Crimea.

Aleksandr Sedov of the Crimean Human Rights Group observed to Forum 18 in 2017 that punishment for exercising the right to freedom of religion or belief violates, among other international human rights standards, Article 27 of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (<https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war>). Russia is a party to the 1949 Convention, and Article 27 states in part: "Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity."

"Protected persons" are defined as "those [such as Ukrainian citizens] who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power [such as Russia] of which they are not nationals".

(On 4 May 2022, Russia's General Prosecutor's Office declared the Crimean Human Rights Group to be an "undesirable organisation", rendering anyone involved with it punishable, including with jail terms.)

Forced imposition of Russian restrictions

Within the Russian-occupied Crimea peninsula, after the 2014 invasion there was a forced imposition of Russian laws and restrictions on exercising human rights, including freedom of religion or belief. Individuals and religious communities have faced raids, fines, religious literature seizures, government surveillance, expulsions of invited foreign religious leaders, unilateral cancellation of property rental contracts, and obstructions to regaining places of worship confiscated in the Soviet period.

Compulsory Russian re-registration of religious communities was imposed, and of the 1,546 religious communities which had legal status under Ukrainian law only about 400 had gained Russian legal status by the 1 January 2016 deadline. The number of Russian-registered religious communities in Crimea (including Sevastopol) has since risen to more than 900.

"Expert conclusions" by Russia's Justice Ministry Expert Council in Moscow led some Crimean religious organisations having to make changes to get re-registration under Russian law. The Muslim 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 Muslim Tavrida Muftiate – the smaller of the two Crimean Muftiates – blocked its re-registration. Of the 15 communities which underwent "expert analyses" in 2015, the Tavrida Muftiate was the only one which failed to gain re-registration after receiving an "expert conclusion". The Crimean Justice Ministry has registered 10 of its mosque communities independently, but refuses to register the Tavrida Muftiate as a centralised religious organisation.

The Crimean Justice Ministry has also repeatedly rejected registration applications from the Orthodox Church of Ukraine's Simferopol parish, most recently on 20 September 2019. The Justice Ministry claimed there were "violations" in the documents presented, but insisted to Forum 18 that "nothing in principle" obstructs the registration of communities of the Orthodox Church of Ukraine.

The Office of the UN High Commissioner for Human Rights (OHCHR) has condemned, in its Report on the human rights situation in Ukraine (<https://www.ohchr.org/sites/default/files/Documents/Countries/UA/31stReportUkraine-en.pdf>) for 1 August 2020 to 31 January 2021, "the unlawful application of Russian Federation legislation by the occupation authorities of the Russian Federation in the occupied territory [Crimea]". It also stated: "In Crimea, violations of international humanitarian law and international human rights law were committed by the occupying Power [Russia], including violations of the right to freedom of religion and belief".

Among other recommendations, the OHCHR called for Russia to: "Lift discriminatory regulatory barriers prohibiting or limiting the activities of religious groups in Crimea, including Jehovah's Witnesses and the Orthodox Church of Ukraine".

Members of a wide range of religious communities and others in Crimea are highly cautious about discussing anything that could be interpreted as criticism of the Russian occupation for fear of possible Russian state reprisals. This includes a reluctance to discuss the occupiers' violations of freedom of religion and belief.

Prisoners of conscience

Russian-controlled courts in Crimea have imposed long-term jailings of Muslim and Jehovah's Witness Crimean prisoners of conscience for exercising their freedom of religion and belief since the 2014 Russian invasion. Currently (September 2022) there are four such long-term prisoners, all of them Jehovah's Witnesses.

On 5 March 2020, Sergei Viktorovich Filatov (born 6 June 1972), was sentenced to six years' jail with a range of post-prison restrictions (see below). The last group of restrictions is due to end on 23 January 2035. Prisoner of conscience Filatov's co-believer Artyom Vyacheslavovich Gerasimov (born 13 January 1985) was in a separate trial – initially – the same day fined about two years' average salary. "I'm outraged, because it is unjustifiable to jail someone for reading the Bible," Filatov told Forum 18 before the sentence.

On 3 June 2020, Gerasimov's fine was changed to a six-year jail term with a range of post-prison restrictions due to finally end on 3 January 2035.

The trials followed November 2018 raids by about 10 groups of Russian FSB security service officers, Russian OMON riot police, and possibly officers of other Russian agencies who had come from the regional capital Simferopol. The raids were directed against homes in Dzhankoi of eight families (including that of Filatov) who were members of the two local Jehovah's Witness communities before Russia banned them as "extremist" in 2017. Officers used violence against some people in the homes they raided, and a pregnant woman suffered a miscarriage following the raids.

The Russian FSB security service accused Filatov of "continuing the activity" of the local Jehovah's Witness community. Filatov rejected the accusations, telling the Investigator that believers met together not as an organisation but as private individuals under the guarantees enshrined in the Russian Constitution.

Gerasimov told the court on 3 March 2020 that one investigator "repeatedly stated that in Russia there is not a single prohibited religion, but at the same time he considers my conversation about the Bible in the park to be illegal". "Therefore", Gerasimov continued, "the investigation allows only the first part of Article 28 [of the Russian Constitution] to be used, which states that I have the right to choose and have a faith, but prohibits the use of the second part .. to profess and act in accordance with my convictions."

"It's the same as giving a car to a person who does not have a driver's licence. There is a car, but no right to use it," Gerasimov commented. "The religion of Jehovah's Witnesses is not prohibited, but there is no right to profess it!"

On 29 March 2021, Jehovah's Witness Viktor Vladimirovich Stashevsky (born 11 July 1966) was jailed for six years, six months, with a variety of post prison restrictions including a seven-year ban on educational activity, speaking publicly and publishing in the media and on the internet. The final restrictions are due to end on 24 July 2034.

Prisoner of conscience Stashevsky's jailing followed 4 June 2019 raids without showing warrants carried out by Russia's FSB security service on nine homes in the port city of Sevastopol. One of the homes raided was that of a 91-year-old woman, and officers threatened to plant drugs in the homes, Jehovah's Witnesses stated.

FSB Investigator Filipp Rybalka completed the criminal case on 21 February 2020, describing Stashevsky as "the ideological inspirer of the extremist organisation, using his authority, well-developed strong-willed qualities and organisational abilities, as well as special knowledge and propaganda skills he had previously acquired". Investigator Rybalka claimed that Stashevsky "deliberately took active organisational actions with the aim of continuing the unlawful activities of an extremist organisation prohibited by the court".

At a 30 June 2020 court hearing (one of many between October 2020 and March 2021), two former members of the registered Jehovah's Witness organisation in Sevastopol testified that after the Russian Supreme Court declared the Jehovah's Witness organisation "extremist" and banned its activity in 2017, the Sevastopol organisation ceased to exist. The former members stated that neither Stashevsky nor other organisation members conducted any further activity on behalf of the organisation. They pointed out the difference between the organisation's activities – such as handling legal, financial and administrative matters – and individuals' activity of reading the Bible, praying and singing.

The prosecution rested much of its cases on recordings of religious meetings at which Stashevsky spoke. In his final word at the trial on 29 March 2021, Stashevsky called on the Judge to acquit him, insisting that he had done nothing wrong. "If I stop being Jehovah's Witness," he told the court, "there would no longer be any complaint against me and all charges would be dropped. But I'm not prepared to renounce my faith in God. I was and remain Jehovah's Witness."

On 22 October 2021, Jehovah's Witness Igor Yakovlevich Schmidt (born 18 June 1972) was jailed for six years on "extremism"-related charges. He will be under one year's restricted freedom, and under a concurrent six-year ban on educational activity, speaking publicly and publishing in the media and on the internet. The final restrictions are due to end in 2031.

Schmidt's trial followed 1 October 2020 police raids on at least nine homes in Sevastopol. Raids began in the early morning and lasted several hours. Officers seized a packet of dried milk from one family's fridge, claiming it might be drugs, and – on no evidence at all – sent the married couple for forced assessment at a drug treatment centre. An expert analysis subsequently found the dried milk to be dried milk.

After the raids, officers took five Jehovah's Witnesses for interrogation, sending four to an Investigation Prison. On 23 March 2021, after nearly six months in pre-trial detention, Schmidt was transferred to house arrest. A week later prosecutors handed his criminal case to court for trial.

Four more Jehovah's Witnesses arrested with prisoner of conscience Schmidt were put under criminal investigation in Sevastopol: Vladimir Fedorovich Sakada (born 4 October 1970), Vladimir Ivanovich Maladyka (born 8 July 1963), Yevgeny Sergeyevich Zhukov (born 19 November 1969) and Aleksandr Viktorovich Kostenko (born 15 July 1991).

The Russian FSB security service's Investigation Department investigated the four under Russian Criminal Code Article 282.2, Part 1 ("Organisation of the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity"). Prosecutors handed the criminal cases against Sakada, Makadyka and Zhukov to court in April 2021. The trial continues.

Prosecutors handed another criminal case to court in Yalta in March 2022 against four local Jehovah's Witnesses. Several others in Crimea remain under criminal investigation.

Like all the Muslim and Jehovah's Witness long-term prisoners of conscience jailed for exercising freedom of religion and belief since the Russian invasion, Schmidt was illegally sent by the Russian occupiers of Crimea to a labour camp in Russia to serve his sentence. The 1949 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (<https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war>) covers the rights of civilians in territories occupied by another state (described as "protected persons"). Article 76 includes the provision: "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein."

The Office of the UN High Commissioner for Human Rights (OHCHR) has condemned "the unlawful application of Russian Federation legislation by the occupation authorities of the Russian Federation in the occupied territory [Crimea]". OHCHR also noted in its Report on the human rights situation in Ukraine (<https://www.ohchr.org/sites/default/files/Documents/Countries/UA/31stReportUkraine-en.pdf>) for 1 August 2020 to 31 January 2021: "In Crimea, violations of international humanitarian law and international human rights law were committed by the occupying Power [Russia], including violations of the right to freedom of religion and belief, unlawful deportations and forced transfers, including of detainees, as well as deplorable treatment and conditions in detention."

Excuses to jail prisoners of conscience for exercising freedom of religion or belief

Those accused of "extremism" under the Russian Criminal Code could be charged under articles:

- Article 282.2 for "organising" (Part 1, possible prison term of 6 to 10 years), or "participating in" (Part 2, possible prison term of 2 to 6 years), "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity".

All four of the current (September 2022) Crimean prisoners of conscience jailed for exercising freedom of religion or belief are Jehovah's Witnesses, and all have been convicted Russian Criminal Code Article 282.2, Part 1.

Several Jehovah's Witnesses are currently on trial under Russian Criminal Code Article 282.3, Part 1 ("Financing extremist activity") with a possible prison term of 3 to 8 years.

Other possible Russian Criminal Code articles, which have been used by Russia inside its internationally recognised borders, include:

- Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation") with a possible prison term of 4 to 8 years.

Consequences of Russian "extremism" criminal investigations and convictions

There are eight interlocking consequences related to Russian "extremism" investigations and convictions for exercising freedom of religion or belief:

1) during investigation and even if no trial takes place, inclusion on Russia's Rosfinmonitoring "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687). This blocks bank accounts, and causes for problems in finding formal employment, obtaining insurance, buying and selling property, and a range of other financial activities. Most of those listed below have been placed on Russia's Rosfinmonitoring List;

2) if convicted, the prison sentence itself, or possible fines. Fines must be paid within 30 days of the fine entering legal force – this happens either 10 days after the judge issues the sentence, or upon an unsuccessful appeal;

3) for suspended sentences, the probationary period (https://www.forum18.org/archive.php?article_id=2681), which is the time during which any other conviction would send the defendant to prison;

4) for those not given prison or suspended sentences, or fines, a possible period of assigned work (https://www.forum18.org/archive.php?article_id=2681). This may take the form of a paid job in any organisation, as determined by the correctional centre administering the sentence. The assigned work depends on availability and the convicted person has no right to refuse. Officials check on convicted persons' locations at least once a day;

5) a possible period of restrictions on freedom (https://www.forum18.org/archive.php?article_id=2681). This normally includes a curfew between particular hours, a ban on visiting certain places, a ban on leaving one's home town, a ban on attendance at or participation in particular events, a ban on changing one's place of residence, work, or study without the probation authorities' permission, and an obligation to register with probation authorities one to four times per month;

6) sudimost, or the state of having an active criminal record (https://www.forum18.org/archive.php?article_id=2681). Individuals may face a harsher sentence if prosecuted and convicted again during this period. Individuals are also barred from holding certain jobs in sectors such as education, finance, the police and similar agencies, and the civil service, and from standing for election. Although there is no legal bar on employment in other sectors, many people find it hard to secure formal work after criminal convictions. Sudimost expires at the end of the probationary period (https://www.forum18.org/archive.php?article_id=2681) for those who have received suspended sentences. For those who have received fines, sudimost expires one year after the fine is paid. The length of sudimost for those given prison terms depends on the category of crime of which they have been convicted – for serious offences such as those under Criminal Code Article 282.2, sudimost lasts for eight years;

7) for those given prison sentences, administrative supervision (https://www.forum18.org/archive.php?article_id=2681) for the entirety of their period of sudimost. Administrative supervision consists of a set of restrictions on movements and activities, and a requirement to register regularly with the police;

8) and for those convicted under Russian Criminal Code Article 282.2, Parts 1 or 2 (https://www.forum18.org/archive.php?article_id=2215) either compulsory or discretionary bans on holding particular positions or undertaking particular activities (https://www.forum18.org/archive.php?article_id=2681).

For example, in January 2019 Crimea's Supreme Court jailed Muslim Renat Suleimanov for four years for meeting openly in mosques with three friends to discuss their faith. Taking account of time spent in pre-trial detention, in December 2020 Suleimanov was freed from labour camp, yet remained under post-prison administrative supervision - including a curfew - until 24 December 2021. For eight years after this, until 24 December 2029, former prisoner of conscience Suleimanov remains under sudimost, administrative supervision, and on Russia's Rosfinmonitoring "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687).

Russian "anti-missionary" and other laws imposed on occupied Crimea

Russian "anti-missionary" laws from 2016, introduced as part of what is collectively known as the "Yarovaya laws" (which also increased punishments for extremism-related offences), have been imposed on occupied Crimea. Russian Administrative Code Article 5.26 was introduced as part of this package. This punishes broadly defined "missionary activity", as well as failing to put a registered religious organisation's full official legal name on a publication, social media post or a building.

The UN Human Rights Monitoring Mission in Ukraine pointed to the many fines handed down in Crimea under Russian Administrative Code Article 5.26 in an 8 December 2021 report "Civic Space and Fundamental Freedoms in Ukraine, 1 November 2019 – 31 October 2021" (<https://www.ohchr.org/sites/default/files/2021-12/UkraineCivicSpace2021-EN.pdf>). The application of Russian laws of the "Yarovaya package", it added, "significantly limited the ability of various religious groups to conduct religious practices together by banning broadly defined 'missionary activities'."

Prosecutions under Russian Administrative Code Article 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket") have also been brought in occupied Crimea to punish the exercise of freedom of religion or belief.

Many prosecutions begin with so-called "inspections" of Crimean religious communities, which involve looking at documents

relating to a community's Russian registration (if it is registered as a religious organisation, or has notified the Russian Justice Ministry of its existence as a religious group), its place of worship, and its leader. Russian police Centres for Countering Extremism, Prosecutors, and Russia's FSB security service often initiate such inspections and raids.

Particularly in the cases of mosques and their imams, "inspections" sometimes take the form of raids by armed officers of the Russian police, Russian OMON riot police or Russian FSB security service on communities meeting for worship.

These Russian laws have facilitated freedom of religion or belief violations by the occupiers including the closure of places of worship, fining people for without Russian state permission leading meetings for worship, and fining communities for failing to display their full official legal name on places of worship, literature, and internet posts (see below).

- Closing places of worship

On 20 March 2020, uniformed Russian police and plain clothes officers raided the mosque in Zavetnoye after Friday prayers. The insisted that the mosque the community was given, has repaired, and has been using since 2004 – 10 years before the Russian invasion - is not a mosque but a sports complex. The initial excuse for the raid was an investigation under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity").

The mosque community first gained registration with the Ukrainian authorities in 2000. Zavetnoye Village Council handed over to the community a former sports building of about 130 square metres (1,400 sq. feet) as a mosque in 2004. The building is next to a sports field. The community repaired and rebuilt the run-down building with its own resources.

Officers prevented worshippers from leaving and questioned them, claiming that they were conducting an investigation about alleged "missionary activity". Police also pressured the Imam, Dilyaver Khalilov, to write a statement. On 29 April 2020, a Court fined him for leading Friday prayers (see below). Only one of the police officers, Valentin Shostak, gave his name. Forum 18 reached police officer Shostak on 7 April, but he put the phone down as soon as it asked him about the raid.

"Officials closed the mosque immediately after the [20 March] raid, telling the people that no one can go in there to pray," the lawyer Emil Kurbedinov told Forum 18 from Simferopol on 3 August 2020. Local officials defended the enforced closure, which was unrelated to measures to counter the coronavirus pandemic. "Worship there is banned," Olga Fisenko, head of Zavetnoye Village Council, told Forum 18 on 17 August. Asked why, she responded: "The building is not their property." When Forum 18 pointed out that the community was given the building by the Village Council in 2004, and has been worshipping there over the 16 years since then, she added: "They're not registered."

Village Council head Fisenko refused to answer any other questions and referred Forum 18 to Emil Velilyayev, deputy head of Sovetsky District, where the village of Zavetnoye is located. Velilyayev insisted to Forum 18 on 17 August that the mosque building is a sports complex. When Forum 18 pointed out that the building was given by the Village Council to the community in 2004, when it was half-ruined, and it was then restored and rebuilt by the community with its own resources, he replied: "It must be registered, and it is not. People must visit an officially-registered mosque."

Velilyayev claimed that the community cannot use the place of worship it has been using since 2004 as: "They don't have documentation for the building, whether under Ukrainian or Russian law." When Forum 18 asked how Zavetnoye's Muslim community should meet to worship, now that the Russian authorities have closed their place of worship, Velilyayev replied: "There is no community there."

In another example, officials ordered the expulsion of the Orthodox Church of Ukraine cathedral from the part of a larger building it occupied in the centre of Simferopol. Elsewhere, in the western Crimean city of Yevpatoriya, officials claimed the Church's small wooden chapel was built illegally and ordered the community to destroy it.

- Fining people for leading meetings for worship without Russian state permission

Forum 18 found that in all of 2021 there were 23 known prosecutions in Russian-occupied Crimea under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activities") and Part 5 ("Foreigners conducting missionary activity") for conducting unclearly defined "missionary activity" without state permission. This is a return to the levels before the coronavirus pandemic, which led to a reduction in 2020 in the number of meetings for worship.

- In 2018 there were 23 such prosecutions, of which 19 ended in punishment.

- In 2019 there were 24 such prosecutions, of which 17 ended with punishment.

For example, on 29 April 2020 a Court fined Imam Dilyaver Khalilov for leading Friday prayers in Zavetnoye's mosque. The fine followed a 20 March raid and forcible closure of the mosque (see above). Judge Igor Brazhnik of Sovetsky District Court found Imam Khalilov guilty under Russian Administrative Code Article 20.2, Part 2 ("Violation of the established procedure for organising

or conducting a gathering, meeting, demonstration, procession or picket") and fined him 30,000 Russian Roubles, according to the decision seen by Forum 18. This is about one month's average wage in Crimea for those in formal work.

On 1 April 2020, the Prosecutor of Sovetsky District, Dmitry Bailema, summoned Imam Khalilov for questioning related to a prosecution under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") following the 20 March raid (described as "an inspection") on the mosque. Prosecutor Bailema's phone was not answered each time Forum 18 called on 7 April.

Russian Administrative Code Article 5.26, Part 4 punishes "Russians conducting missionary activity", and incurs a fine of 5,000 to 50,000 Roubles for individuals. For organisations (legal entities), the fine is 100,000 to 1 million Roubles. Average monthly wages in Crimea for those in formal work in 2020 were about 30,000 Roubles. The Russian occupying authorities in Crimea frequently use Article 5.26, Part 4 to punish the exercise of freedom of religion or belief (see below).

On both 15 and 22 April, Sovetsky District Prosecutors summoned Imam Khalilov to meetings, where he was accompanied by his lawyers Nazim Sheikhmambetov and Emil Kurbedinov. On 22 April Imam Khalilov was told that, instead of facing charges under Russian Administrative Code Article 5.26, Part 4, he would be charged under Russian Administrative Code Article 20.2, Part 2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket"), which is linked to Russia's Demonstrations Law. Prosecutors claimed that "the conducting of Friday prayers does not represent the carrying out of a compulsory religious rite", the lawyer Kurbedinov told the human rights monitoring group Crimean Solidarity the same day, "but rather that people gathered there to hold a meeting."

Because Zavetnoye's mosque community has not been re-registered under Russian law, Sovetsky District Prosecutors insisted that Friday prayers in the mosque are an illegal meeting without Russian state permission. Defence lawyer Kurbedinov considered it "absurd" that Imam Khalilov should have to go to Zavetnoye Village Council to ask permission every time the community holds meetings for prayer.

Kurbedinov also pointed to procedural violations, including over Imam Khalilov's request for a translator from Russian into Crimean Tatar. Officials provided a translator. "However, when Dilyaver Khalilov asked for the indictment to be translated for him, the Prosecutor's Office refused." The lawyer Kurbedinov also complained that the Deputy Prosecutor was secretly filming the interview. "After repeated demands, he stopped his covert filming," Kurbedinov told Crimean Solidarity.

On 6 July 2020, Crimea's Supreme Court in Simferopol rejected Imam Khalilov's appeal against being fined about one month's average wages for leading Friday prayers on 20 March, according to the decision seen by Forum 18.

Such freedom of religion or belief violations continue. On 16 June 2022, Dzhankoi District Court rejected Emir Medzhitov's appeal against a fine of three weeks' average local wages for leading Friday prayers in a mosque. His public defender Aider Suleimanov insisted that the prosecution had not proved that Medzhitov had conducted the "missionary activity" for which he was punished. "It turns out that Emir was punished simply for conducting communal prayers," Suleimanov observed.

Dzhankoi District Prosecutor's Office official Natalya Tishchenko – who led the case in court – put the phone down when Forum 18 asked why the Prosecutor's Office had opened a case against Medzhitov at the instigation of Russia's FSB security service, and why he had been prosecuted and punished for exercising freedom of religion or belief.

Medzhitov is one of 12 individuals known to have been prosecuted in Russian-occupied Crimea between January and August 2022 under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity"). Nine of these ended up with fines, of whom five (including Medzhitov) were Crimean Tatar Muslims fined for leading prayers in their own communities.

Another of the five Muslim prayer leaders fined, Reshat Seidaliyev, led worship in the Ikhlyas Muslim community in Simferopol District, the area around Crimea's capital. The District Prosecutor's Office drew up a record of an offence against Seidaliyev under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity"). It claimed that Seidaliyev "conducted services (namaz) for an undetermined circle of people who were not members (or followers) of the given religious group".

The District Prosecutor's Office also claimed that Seidaliyev did not have the appropriate written authority to lead worship from the Crimean Muftiate, a body that the Russian authorities appear to want to control all Muslim activity on the peninsula.

Simferopol District Prosecutor's Office refused to put Forum 18 through on 30 June 2022 to District Prosecutor Sergei Zaitsev or any of his assistants. Asked why the Prosecutor's Office sought to punish Seidaliyev for exercising his right to freedom of religion or belief, and who was guilty for drawing up the record of an offence, an official of the chancellery responded: "An assistant to the prosecutor can't be guilty." She then put the phone down.

Simferopol District Prosecutor's Office handed the case to Magistrate's Court No. 76 on 22 April 2022. On 19 May, Judge Tatyana Kiryukhina found Seidaliyev guilty, according to the decision seen by Forum 18. Given the "character of the administrative offence committed, the personality of the guilty individual, the circumstances mitigating the administrative offence and the absence of

exacerbating circumstances", Judge Kiryukhina chose to fine Seidaliyev at the lower end of the scale of possible fines. She fined him 10,000 Russian Roubles, or about 10 days' average local wages.

Another individual fined in 2022, Liana Palyokha, was on 18 February fined 7,000 Russian Roubles (just over a week's average wages) by Belogorsk Magistrate's Court No. 31. The case was launched after the Russian FSB security service found her leading worship in a Pentecostal group which had informed the Russian authorities of its existence.

The other three individuals fined – all of them Council of Churches Baptists, who refuse to seek state registration on principle – were punished on 16 August after a Russian police, Prosecutor's Office and FSB security service raid during their church's Sunday morning meeting for worship in Saki on 5 June.

- Fining communities for failing to display full official legal name

In addition to the 23 prosecutions in 2021 under Russian Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activities") and Part 5 ("Foreigners conducting missionary activity"), the Russian occupation authorities also brought 10 prosecutions in 2021 against religious communities in Crimea under 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").

This incurs a fine of 30,000 (about one month's average wages) to 50,000 Russian Roubles and the confiscation of any literature or other material.

Such prosecutions are for communities failing to display their full official legal name on places of worship, literature, and internet posts. 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. This also affects websites and social media. Both Crimea's Russian Prosecutor's Office and the Russian FSB security service conduct "monitoring" of religious communities' websites and social media sites looking for "violations" to punish.

- In 2018 there were 17 such prosecutions brought against 12 religious communities and 5 individuals.

- In 2019 there were 11 such prosecutions brought against 10 religious communities and one individual.

- In 2020 there were 20 such prosecutions brought against 20 religious communities.

Prosecutions continued in 2022. On 5 August, a Magistrate's Court fined Fr Tomasz Wytrwal, the Catholic priest of the southern coastal town of Yalta, 30,000 Russian Roubles (about one month's average local wage) for his parish's failure to use its full official legal name on material it had produced. 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. 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.

Fr Wytrwal'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 Crimea between January and August 2022.

In 2021, courts in occupied Crimea also fined a number of registered religious communities under Russian Administrative Code Article 19.4.1, Part 2 ("Actions obstructing an official conducting or completing an inspection"). In February 2022, a Magistrate's Court issued a warning to a mosque community under this Article (see below).

In 2021 and 2022, courts also fined a number of Russian-registered religious communities in occupied Crimea 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.

In another recent case, the Foti-Sala Mosque community in the village of Golubinka near Bakhchisarai was fined 10,000 Russian Roubles 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"). 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.

Golubinka's Muslim community regained their mosque in 1991, naming 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 August 2022.

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.

Contrary to this claim, the community states it did present the documents. "Our representative was summoned to the Justice Department and he took all our documentation, including documents on the building and the land," a community member told Forum 18 on 23 August 2022. "They [the Justice Department] 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 "Tavrida Muftiate" to the full name of the community in line with legal requirements. The community also gave the Muftiate 3,600 Russian Roubles for 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 the Mosque 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 to the Justice Department, the Department presented a list of organisations outside Crimea or Russia that it claimed the Mosque community was linked with. "Our representative told them we aren't connected with anyone abroad," the Mosque 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.

The future?

The future of Russia's occupation of the Ukrainian territory of Crimea is uncertain in the light of the war caused by Russia's renewed February 2022 invasion of Ukraine (<https://www.rferl.org/s?k=Crimea>). Throughout the Russian occupation since 2014, the occupation forces have seriously and repeatedly violated human rights, including the interlinked freedoms of religion and belief, of association, and of expression. There is no current evidence that human rights violations within Russian-occupied areas of Ukraine are likely to reduce. (END)

More reports on freedom of thought, conscience and belief in Crimea (<https://www.forum18.org/archive.php?country=86>).

Previous Forum 18 Crimea religious freedom surveys (<https://www.forum18.org/analyses.php?region=86>).

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 or belief commitments (https://www.forum18.org/archive.php?article_id=1351).

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