



Submission on Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16

This Submission was prepared by a Crimean Human Rights Group

The Crimean Human Rights Group (CHRG) is a non-profit Ukrainian human rights organization of Crimean human rights defenders and journalists, aimed at promoting the observance and protection of human rights in Crimea by attracting wide attention to problems of human rights and international humanitarian law in the territory of the Crimean peninsula. The CHRG focuses on documentation and ongoing monitoring of human rights violations and war crimes in connection with the illegal actions of the Russian Federation in Crimea. The CHRG is guided by principles of objectivity, reliability and timeliness in the preparation and spreading of the information.

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Violations of Freedom of Religion or Belief in Crimea: Discrimination in law and practice

The occupation of the Autonomous Republic of Crimea and the city of Sevastopol resulted into global and systematic violations of freedom of religion. The Russian Federation (RF) extended its laws and its enforcement practice that are basically different from the tolerant policy of Ukraine and other democratic countries in the field of religion, to the peninsula. The Russian law norms are applied to persecute and discriminate most religious communities and the faithful. The religious freedom is restricted through a mandatory registration of communities as institutions and a registration of religious purpose assets, a monitoring of publication and dissemination of religious literature, major penalties for violations of requirements on the religious institution registration. The religious groups and the faithful are subject in the RF not to the laws restricting the freedom of religion, but also anti-terrorist, anti-extremist laws and laws on restricting the freedom of peaceful assemblies. The number of criminal and administrative cases due to confession is constantly growing.

Muslims

On February 11th 2003 the RF Supreme Court, decision No GKPI 03-116, declared the Hizb ut-Tahrir a terrorist organization in the RF¹. The decision was made for the list of 15 organizations that included Hizb ut-Tahrir. The part of the document justifying the reasons for including Hizb ut-Tahrir in the list does not indicate any facts of the organization contribution to carrying out or preparing any act of terror.

Before the occupation of Crimea Hizb ut-Tahrir organization was not forbidden by the Ukrainian authorities in Crimea, and its activities were not restricted. When the RF included the Autonomous Republic of Crimea and the city of Sevastopol into its jurisdiction, the RF FSB (Federal Security Service) started persecuting

¹ National Anti-Terrorist Committee/Decision of Supreme Court of RF, 11 February 2003, No GKPI 03-116 — <http://nac.gov.ru/zakonodatelstvo/sudebnye-resheniya/reshenie-verhovnogo-suda-rf-ot-14-fevralya.html>

the Crimeans. The persecution may be caused by information on membership in the organization before the occupation, Islamic literature found during the searches, posts in the social networks. It should be pointed out that the Muslims are persecuted for the posts published in the social networks before the occupation of Crimea. Combination of actually non-substantiated determination of the organization as terrorist one and an unproven involvement into this organization allows the RF FSB for charging almost any Muslim in Crimea as a member or organizer of terrorist organization.

Ongoing is the criminal prosecution of Crimean Muslims on charges of membership in the organization Hizb ut-Tahrir. The official justification for this persecution is information obtained from “secret witnesses” (many of whom are members of Russia’s FSB or Ministry of Internal Affairs), books found during searches and posts on social networks (including those published before 2014). The FSB have provided no direct proof of terrorist activities. Among the Muslims and Crimean Tatars detained in March 2019, most are bloggers, journalists or local activists.

In 2019, 35 more people were deprived of their liberty in Crimea for being members of Hizb ut-Tahrir. As of May 2020, **65 Muslims** are being held in places of detention. 4 others have had their freedom of movement restricted. 3 persons are under surveillance and not allowed to leave the occupied territory, 1 is under house arrest. In 2019, 12 convictions were delivered in the “case of Crimean Muslims”, with sentences ranging from 7 to 17 years in maximum security prisons. Another sentence (2 years and 2 months in a penal colony) was delivered against media activist and blogger Nariman Memedeminov for promoting Hizb ut-Tahrir (Article 205.2 of Russia’s Criminal Code).

On 15 April 2019 Rustem Abilyev, imam of a mosque in the village of Shturmove, was arrested after a search under part 1, Art. 280 of Russia’s Criminal Code (public incitement to extremist activities) for conducting sermons in the mosque using banned works of literature. He had been held at the Simferopol pre-trial detention center for at least 2 months; on 10 October 2019 he was fined for 100,000 rubles. Searches were also conducted at the mosque in the village of Zarichne, Simferopol District, as well as the mosque of the Kurtsy village, during Friday prayers.

Jehovah's Witnesses

On 20 April 2017 the RF Supreme Court recognized the ‘Administrative Center of Jehovah’s Witnesses in Russia’ an extremist organization. The court determined to close down the organization and forbid its activities on the RF territory. The court also decided to forfeit the organization’s property to the State. 22 organizations of ‘Jehovah’s Witnesses’ in Crimea are also subject to this ban². According to the information of ‘Jehovah’s Witnesses in Russia’ website, 8,000 faithfuls of ‘Jehovah’s Witnesses’ live now in the territory of Crimea. Members of the religious organization Jehovah's Witnesses are still being persecuted in Crimea. Ukrainian law does not consider it an extremist organization, yet Russia, in violation of international humanitarian law, has extended its ban of the Jehovah's Witnesses to the territory of the occupied Crimea.

Thus, on 5 March 2020 Judge of the “Dzhankoi District Court” Maria Yermak sentenced **Sergiy Filatov**, a member of the Jehovah's Witnesses, to 6 years in a general security prison under part 1, Art. 282.2 of Russia’s Criminal Code (organizing the activities of extremist organizations)³. On 26 May 2020 the court of appeal has upheld the prison sentence. Also on 5 March 2020 Judge of the “Yalta City Cour” Volodymyr Romanenko imposed a fine of 400,000 rubles on Yalta resident **Artem Gerasymov** under part 1, Article. 282.2 for being a member of the Jehovah's Witnesses⁴. On 26 May 2020 **Artem Shabliy** was detained in Kerch and was charged as a Jehovah's Witnesses’ member under part 1.1, Article. 282.2.

² 22 Crimean Jehovah’s Witnesses Organizations Applied to the RF Supreme Court/ Jehovah’s Witnesses in Russia, March 30, — <https://www.jw-russia.org/news/17033011-120.htm>

³ CHRГ: S.Filatov, Defendant of Jehovah’s Witnesses Case in Crimea, Imposed a 6 Year Sentence <https://crimeahrg.org/en/s-filatov-defendant-of-jehovahs-witnesses-case-in-crimea-imposed-a-6-year-sentence/>

⁴ CHRГ: A.Gerasimov, Defendant of Jehovah’s Witnesses Yalta Case, Sentenced to RUR400,000 Penalty <https://crimeahrg.org/en/a-gerasimov-defendant-of-jehovahs-witnesses-yalta-case-sentenced-to-rur400000-penalty/>

Orthodox Church of Ukraine

The Russian authorities' actions caused elimination of several dozens of the Orthodox Church of Ukraine (called Ukrainian Orthodox Church of the Kyiv Patriarchate before 2019) communities and has resulted in the virtual eradication of the parishioners of this Church.

On 23 March 2019 Clement, Archbishop of the Orthodox Church of Ukraine, informed that he had to submit documents on registering a Ukrainian Orthodox parish in Crimea according to the Russian laws. On 12 April 2019 the 'Department of RF Ministry of Justice for Crimea' denied registering the Ukrainian Orthodox parish.

Also in 2019, an attempt was made to seize the main and last church of this religious community, the Cathedral of the Holy Apostles Volodymyr and Olga in Simferopol.

Administrative punishment practice

The practice of administrative prosecution under Art. 5.26 of the Code of Administrative Offences of the Russian Federation (RF CoAO) (violating the law on freedom of conscience, freedom of religion and religious associations), which involves punishment for missionary activities, is still ongoing in Crimea. Believers in Crimea are being persecuted for performing rites outside or on premises not registered under Russian law as religious buildings. Since the beginning of the occupation, the Crimean Human Rights Group has recorded 86 administrative proceedings against religious organizations and their members under Art. 5.26, including Muslims, Protestants, Baptists, Judaists, Scientologists and members of the Hare Krishna movement. These proceedings have resulted in fines amounting to at least 1.040,500 rubles in total.

For instance, on 11 March 2020 Alime Ametova, 'judge of peace' of Yevpatoria, determined that Viktor Vilensky, rabbi of the Jewish Messianic community of Crimea, be fined of at least RUR5,000 under the RF CoAO Article 5.26-4. The rabbi published an invitation to worship in a newspaper in Sevastopol. The reason for the administrative case was the fact that the Jewish Messianic community of Crimea was registered in Yevpatoria, and not in Sevastopol⁵.

On 1 April 2020 the "prosecutor" of Alushta opened administrative proceedings against **Mr. Yusuf Ashirov**, the imam of the "Alushta" religious community, for "illegal missionary activity" under Article 5.26-4 of RF CoAO (Illegal missionary activity). The reason for this was holding Friday prayers⁶, a traditional rite for Muslims.

The Russian authorities' policy in Crimea is intolerant to other religious confessions, but for the controlled Orthodox church. The evidence for this is that the Russian Orthodox Church and the Ukrainian Orthodox Church of Moscow Patriarchate do not face any restrictions, and are not subject in Crimea to many Russian law's norms aimed at restricting substantially the freedom of religion. The situation that has developed in Crimea after occupation shows that the Russian Federation does not recognize the freedom of religion as a fundamental human right, and allow the activities of the religious communities depending on the level of their loyalty to the Russian power and support of the peninsula occupation.

⁵ Republic of Crimea Judges of Peace / Case no 05-0088/40/2020 <http://mirsud82.rk.gov.ru/officework/dectextsas/?id=1379403>

⁶ CHRG / 'Prosecutor's Office Accused Imam in Alushta of 'Illegal Missnary Activity'
<https://crimeahrg.org/ru/prokuratura-obvinila-imama-v-alushte-v-nezakonnom-missionerstve/>