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DONBAS: Donetsk: Three Protestant churches banned

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

The unrecognised Donetsk People's Republic (DPR) in eastern Ukraine, has this summer banned three Protestant churches. One of the churches appears still able to meet for worship as it tries to gain registration. The rebel entity's latest Religion Law change restricts registered religious associations' activities to "participants and/or members". In June the Culture Minister ordered musical and other artistic institutions to display lists of banned books and organisations.

On 17 June 2021, the internationally unrecognised Donetsk People's Republic (DPR) entity's General Prosecutor's Office announced that prosecutors had sent a suit to the Arbitration Court in Donetsk to liquidate two Protestant churches, Good News Baptist Church and the Church of Our Lord Jesus Christ. The rebel-held entity in eastern Ukraine claimed the suits had been launched "with the aim of removing violations" of the Religion Law, and announced that the Arbitration Court had upheld the suits and banned the two churches (see below).

On 25 June, the General Prosecutor's Office made a further announcement that Yenakievo Prosecutor's Office had sent a suit to the Arbitration Court in Donetsk to ban the activity of a Baptist church in the town of Yenakievo, Church of the Awakening, as well as any "branches or sub-divisions". Church of the Awakening was taken by surprise by the announcement. "Nobody informed them," a Baptist told Forum 18 on 27 September. "But their registration documents have once again been submitted for consideration. There is a certificate from the Justice Ministry that the documents are under consideration." Baptists told Forum 18 that the Arbitration Court upheld the suit and banned the Church of the Awakening. Officials noted though that the registration denials did not deprive the Church of the right to re-submit documents. "So far, this court decision has not affected the life of the church" (see below).

General Prosecutor's Office and Arbitration Court officials have refused to answer any questions. An official of the Religion and Nationalities Department of the Culture Ministry in Donetsk, who refused to give his name, refused to say why prosecutors had brought suits to court to liquidate the three Protestant Churches. "I can't say by phone," he told Forum 18 and put the phone down (see below).

The unrecognised DPR authorities ban religious communities on three grounds: firstly for not having the registration officials demand; secondly after being specifically banned by a court for failing to gain registration; and thirdly after a court has found them to be "extremist". All non-Moscow Patriarchate religious communities are banned from functioning if they failed to get re-registration by 1 March 2019 (see below).

The latest March amendments to the much-amended 2016 DPR Religion Law change the definition of what constitutes a religious association. The reworded Article 6 continues to say – against international human rights standards - that religious associations exist only if they are registered. It also gives a new and more restrictive definition of a religious association, restricting its activities to only "participants and/or members" (see below).

The unrecognised DPR authorities also have an increasing list of banned literature. The latest June 2021 Justice Ministry "List of Extremist Materials" contains 97 items, some of them religious. Most publications banned by the Supreme Court – including Jehovah's Witness and Muslim publications – also appear on the Justice Ministry banned List (see below).

On 25 June 2021, Culture Minister Mikhail Zheltyakov wrote to the heads of all institutions under the Ministry's control, such as musical and other artistic institutions, reminding them of all the banned organisations and banned publications in the internationally unrecognised rebel DPR. He attached the two lists to his letter (seen by Forum 18) and instructed all institutions to display the two lists publicly in their institutions (see below).

Members of a wide range of religious communities prefer not to discuss their situation for fear of reprisals. They have also told Forum 18 that they fear that meeting for worship in private homes could lead to raids and possible punishment (see below).

The rebel authorities have also seized numerous places of worship of a variety of religious communities, including those belonging to Baptists, Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints (commonly known as Mormons), Seventh-day Adventists, Muslims, as well as Donetsk Christian University. Rebel officials claim many were abandoned, but communities deny

this (see below).

Pro-Russian rebels seized parts of Ukraine's Donetsk Region in April 2014 and proclaimed what they called the Donetsk People's Republic (DPR). Heavy fighting ensued. The rebel administration currently controls nearly half of Ukraine's Donetsk Region.

Severe restrictions

The internationally unrecognised DPR authorities impose severe restrictions on all exercise of the right to freedom of religion or belief.

The internationally unrecognised DPR entity's June 2016 Religion Law did not explicitly ban exercising freedom of religion or belief without official permission but did impose other restrictions against international human rights standards. In outlining procedures for gaining official permission to exist the Religion Law presumed that such permission was required (https://www.forum18.org/archive.php?article_id=2428). An April 2018 Religion Law amendment required all non-Moscow Patriarchate religious organisations to re-register by 1 March 2019. The amendment specifically banned religious organisations from functioning if they failed to get re-registration by the deadline.

New more restrictive definition of permitted religious association

The latest amendments to the much-amended 2016 DPR Religion Law (https://www.forum18.org/archive.php?article_id=2428) change the definition of what constitutes a religious association. The internationally unrecognised DPR's People's Council approved the amendments on 26 March 2021, and its leader Denis Pushilin signed them on 30 March. The reworded Article 6 continues to say – against international human rights standards - that religious associations exist only if they are registered.

It also gives a new and more restrictive definition of a religious association, restricting their activities to only "participants and/or members".

The latest March amendment's more restrictive definition of a religious association removes the statement that it conducts: "missionary practice and religious educational activity, including the spread of religious knowledge, the provision of professional religious education and the religious education of its participants".

The three elements of a religious association's activity under the March amendments are:

holding religious beliefs;

"conducting worship services and other religious rites and ceremonies";

and "the teaching of religion and the religious education of its participants and/or members".

Denying registration arbitrarily, raids, re-entry denial

Officials routinely deny registration to religious communities they do not like on arbitrary grounds. Two religious communities have chosen not to seek registration. Communities of the Orthodox Church of Ukraine (the former Kyiv Patriarchate) do not apply for registration as they consider this as recognition of the unrecognised DPR authorities. Communities of the Baptist Council of Churches follow their practice elsewhere of refusing to seek official permission to exercise the right to freedom of religion or belief.

The rebel DPR authorities have throughout the unrecognised entity's existence raided religious communities meeting for worship and handed down fines (https://www.forum18.org/archive.php?article_id=2422). In December 2019, the head of a Protestant church in Makeyevka was fined because the church continued to function after being refused registration (https://www.forum18.org/archive.php?article_id=2542). In January 2020, DPR security forces raided a Protestant community during its Sunday morning worship meeting. It appears no fines were subsequently handed down.

In autumn 2019, Fr Aleksandr Sushko, a priest of the Orthodox Church of Ukraine, temporarily travelled out of the rebel-held area into government-controlled Ukraine. However, when he sought re-entry to rebel-held Donetsk, its officials barred him entry (https://www.forum18.org/archive.php?article_id=2542). They refused to put the ban in writing.

Prosecutors, courts ban three religious communities

Officials appear to have decided to close down religious communities which failed to gain registration by the 1 March 2019 deadline (https://www.forum18.org/archive.php?article_id=2428).

On 17 June 2021, the General Prosecutor's Office announced that prosecutors had sent a suit to the Arbitration Court in Donetsk to liquidate two Protestant churches, Good News Baptist Church and the Church of Our Lord Jesus Christ. It claimed the suits had been

launched "with the aim of removing violations" of the Religion Law. "Violation of the procedure for registering religious organisations leads to their liquidation," the General Prosecutor's Office noted.

The General Prosecutor's Office also announced that the Arbitration Court had upheld the suits and banned the two churches. "Court decisions recognised the claims of the prosecutor declared and supported in the court sessions as justified and satisfied," the General Prosecutor's Office added.

On 25 June, the General Prosecutor's Office made a further announcement that Yenakievo Prosecutor's Office had sent a suit to the Arbitration Court in Donetsk to ban the activity of a Baptist church in the town of Yenakievo, Church of the Awakening, as well as any "branches or sub-divisions". The suit was lodged "in the interests of the state, and in particular the Culture Ministry and the Justice Ministry", the General Prosecutor's Office added. It said church representatives could collect a copy of the suit and the attached documents from Yenakievo Prosecutor's Office.

Church of the Awakening was taken by surprise by the announcement. "Nobody informed them," a fellow Baptist who asked not to be identified told Forum 18 on 27 September. "But their registration documents have once again been submitted for consideration. There is a certificate from the Justice Ministry that the documents are under consideration."

Baptists told Forum 18 that the Arbitration Court upheld the suit and banned the Church of the Awakening. It had earlier tried to register several times, but each time was rejected. Officials noted though that the registration denials did not deprive the Church of the right to re-submit documents. "So far, this court decision has not affected the life of the church," a Baptist said.

Forum 18 was unable to reach Yenakievo's Prosecutor Konstantin Gerasimenko to find out why he wanted to close down the Church of the Awakening. The telephone went unanswered each time Forum 18 called on 1 October.

Officials at the Arbitration Court refused to answer any questions by telephone on 28 September, asking that questions be sent in writing. Forum 18 sent written questions the same day asking for copies of the court decisions and whether the three Churches had appealed against the banning decisions. Forum 18 received no response by the end of the working day in Donetsk of 4 October.

An official of the Religion and Nationalities Department at the Culture Ministry in Donetsk, told Forum 18 on 28 September that its head, Sergei Gavrish, was not in the office. The official refused to say why prosecutors had brought suits to court to liquidate the three Protestant Churches. "I can't say by phone," he said and put the phone down.

Forum 18 sent a written enquiry to the Culture Ministry spokesperson on 28 September as to why prosecutors brought the suits to liquidate the three Churches. Forum 18 received no response by the end of the working day in Donetsk of 4 October.

Banning religious communities

The unrecognised DPR authorities ban religious communities on three grounds:

firstly for not having the registration officials demand;

secondly after being specifically banned by a court for failing to gain registration (such as the 2021 bans on the three Protestant Churches – see above);

and thirdly after a court has found them to be "extremist".

On 13 April 2018, the DPR People's Council adopted an amendment to the Religion Law requiring all non-Moscow Patriarchate organisations to re-register by 1 March 2019 (https://www.forum18.org/archive.php?article_id=2428). The amendment specifically banned religious organisations from functioning if they failed to get re-registration by the deadline.

Registration was supposed to be enacted by the Justice Ministry on the recommendation of the Religion and Nationalities Department of the Culture Ministry.

However, most non-Moscow Patriarchate communities (including all Protestant communities) were initially rejected. Only later in 2019 did a few more get registration. The Justice Ministry listed 36 non-Moscow Patriarchate religious communities as having registration as of 1 September 2019 (https://www.forum18.org/archive.php?article_id=2542): Baptists - 24; Seventh-day Adventists - 4; Pentecostals - 3; Muslims - 2; Jews - 1; Greek Catholics - 1; Hare Krishna devotees - 1. The Justice Ministry has issued no new information subsequently.

The Justice Ministry refused to answer any questions about the registration of religious communities. The Registration of Non-Commercial Organisations referred all enquiries to the Culture Ministry. "This is no longer the responsibility of the Justice Ministry," the official – who did not give her name – told Forum 18 on 28 September 2021.

Forum 18's written enquiry to the Culture Ministry spokesperson on 28 September also asked whether the Culture Ministry has taken over responsibility for registration; and whether the 36 non-Moscow Patriarchate religious communities recorded by the Justice Ministry as having registration as of 1 September 2019 still have it. Forum 18 received no response by the end of the working day in Donetsk of 4 October 2021.

On 26 September 2018, the DPR rebels' Supreme Court in Donetsk banned all Jehovah's Witness activity "in connection with the carrying out of extremist activity" (https://www.forum18.org/archive.php?article_id=2428). The suit had been brought by the then acting General Prosecutor Andrei Spivak (now the General Prosecutor).

The General Prosecutor's Office announced on its website the same day that any future activity by Jehovah's Witnesses "in any form" would face punishment under the Criminal Code.

DPR Criminal Code

Article 329 of the DPR Criminal Code punishes "organising an extremist organisation" with fines, compulsory labour or imprisonment of up to eight years. "Participating in an extremist organisation" carries a maximum punishment of four years' imprisonment. Recruiting others to join such an organisation carries a maximum punishment of six years' imprisonment.

DPR Criminal Code Article 330 punishes "organising the activity of an extremist organisation", including religious organisations, which have been banned by a court. Organising such activity carries a maximum eight-year prison term, participation in such activity carries a maximum four-year prison term and recruiting others carries a maximum six-year prison term.

Jehovah's Witnesses are No. 51 on the DPR list of 53 "liquidated or banned social and religious associations and other organisations".

Fear of reprisals

Members of a wide range of religious communities prefer not to discuss their situation for fear of reprisals. They have also told Forum 18 that they fear that meeting for worship in private homes could lead to raids and possible punishment (https://www.forum18.org/archive.php?article_id=2422).

Growing list of banned books

On 20 July 2016, the DPR Supreme Court banned three Muslim booklets published by the Donbas Muftiate. In four separate decisions from July 2017 to March 2018, the Supreme Court declared 11 Jehovah's Witness publications "extremist" (https://www.forum18.org/archive.php?article_id=2428). The 15 March decision banned four past issues of the Witnesses' religious magazine, "The Watchtower". On 22 August the Supreme Court banned their main international website jw.org.

No Supreme Court banning decision can be challenged in the DPR.

The latest religious books banned by the DPR as "extremist" were six publications by the Latvian-based Pastor Aleksey Ledyayev, head of New Generation Protestant Church. All six were available online in Russian on the Church's website. On 28 January 2020, Donetsk's Voroshilovgrad Inter-District Court declared them "extremist" and banned them. The Justice Ministry later added them to its online "List of Extremist Materials".

Officials at Voroshilovgrad Inter-District Court refused to comment by telephone on the banning of the six religious publications, asking for questions to be sent in writing. Forum 18 asked in writing on 27 September who had initiated the suit to ban the books and asking for a copy of the January 2020 court decision. Forum 18 received no response by the end of the working day in Donetsk of 4 October 2021.

The latest June 2021 Justice Ministry "List of Extremist Materials" contains 97 items, some of them religious. Most of the publications banned by the Supreme Court appear on the Justice Ministry banned List.

Artists ordered to display banned book and organisations lists

On 25 June 2021, Culture Minister Mikhail Zheltyakov wrote to the heads of all institutions under the Ministry's control, such as musical and other artistic institutions, reminding them of all the banned organisations and banned publications in the internationally unrecognised rebel DPR. He attached the two lists to his letter (seen by Forum 18) and instructed all institutions to display the two lists publicly in their institutions.

Forum 18 tried to reach Viktoriya Kamynina, who drafted Zheltyakov's letter, but her colleagues told Forum 18 on 1 October that she was not in the office.

Seizing places of worship

In 2018 the DPR rebels seized two Orthodox churches in Donetsk (https://www.forum18.org/archive.php?article_id=2542) from the Ukrainian Orthodox Kyiv Patriarchate (now the Orthodox Church of Ukraine). In January 2019, the DPR entity formally opened a Registry Office in the seized building of New Life Baptist Church in Makeyevka (https://www.forum18.org/archive.php?article_id=2542), attended by the first Deputy Justice Minister. The Justice Ministry refused in February 2020 to explain to Forum 18 through in February 2020 to ask the Deputy Minister why.

The rebel authorities had earlier also seized numerous places of worship of a variety of religious communities, including those belonging to Baptists, Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints (commonly known as Mormons), Seventh-day Adventists, Muslims, as well as Donetsk Christian University (https://www.forum18.org/archive.php?article_id=2422). Rebel officials claim many were abandoned, but communities deny this.

"Every country has its own Religion Law" ?

Asked about all these specific violations of the right to freedom of religion or belief, the rebels' Human Rights Ombudsperson Darya Morozova told Forum 18 in February 2020 that her office had received no appeals about any such violations (https://www.forum18.org/archive.php?article_id=2542) in 2019 or 2020. "To take any action I need a written appeal from an individual or community," she insisted.

Asked why religious communities which meet for worship without registration should be punished, Morozova insisted that everyone must follow the law. "Each country has its own Religion Law," she claimed, wrongly. (END)

Full reports on freedom of thought, conscience and belief in Donbas
(<https://www.forum18.org/archive.php?query=&religion=all&country=87>)

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