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Human rights situations that require the Council's attention

Written statement* submitted by Public Organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2019]

* Issued as received, in the language(s) of submission only.



Impunity for Human Rights violations and abuses committed against rights defenders who defend Ukrainian Orthodox Church

Since 2015, overt violence against the UOC has become widespread in Ukraine. During the period from 2015 to 2019 more than 120 churches of the UOC have been unlawfully seized. The faithful and clergymen, who are engaged in advocacy and protection of the victims of crimes, have been labelled as “enemies of the people” of Ukraine and are now listed in a notorious defamation website Peacemaker (Mirotvorets),¹ in particular, the Primate of the Ukrainian Orthodox Church Metropolitan Onufry, the Chancellor of the Ukrainian Orthodox Church Metropolitan Antony, the Head of the Representative Office of the Ukrainian Orthodox Church at the International European Organisations Bishop Victor etc. There have been numerous cases when bishops faced obstacles to freely cross the Ukrainian border. Unfortunately, the state authorities are directly and indirectly supporting the radicals and perpetrators, thus showing to the general public that crimes against the UOC are not intended to be investigated. In the years of 2015 and 2016, more than 20 criminal cases were initiated, however not a single criminal was ever brought to justice. Such impunity leads to a situation when serious crimes are overtly committed against the faithful of the UOC even in front of the police.²

The legislation of Ukraine in relation to human rights defenders who are engaged in the protection of the rights of believers of the UOC, unfortunately, plays only a formal role. In recent years, we have not known a single case when those who exert physical and psychological pressure on human rights defenders were brought to justice.

We believe that the main difficulty that hinders the investigation of violations is the political will of the Ukrainian high officials and policymakers who are committed to completely eliminate the existence of the UOC as such. For this end, in 2019 upon the initiative of the Ex-President of Ukraine Petro Poroshenko a new church structure was created under the name *the Orthodox Church of Ukraine*. The operations of the Orthodox Church of Ukraine are supported by the state by all legal and non-legal means. At the same time, the UOC along with its human rights defenders is being persecuted. However, when it comes to persecution of the UOC, government institutions in Ukraine demonstrate high cohesion at all levels³

Due to the above, Ukraine is witnessing a rapid increase in the number of facts of incitement of religious strife and hatred, numerous cases of seizure and destruction of churches of the UOC, insults of believers' feelings due to their religious beliefs. All of these is combined with violence and threats against clerics and their human rights defenders.

For clearer presentation of the situation, below we give an account of the most egregious case, when the Security Service of Ukraine violated the rights of human rights defender Archpriest Victor Zemlyanoy (hereinafter - “Father Victor”).

Father Victor is the head of the Department for the Resolution of Interfaith Conflicts at the Rivne Diocese of the Ukrainian Orthodox Church (hereinafter referred to as “the Department”).⁴ The functions of the Department include preparing legal documents, providing legal advice, representing the interests of the Church at different state bodies. The Department is engaged in communication activities and other assistance in terms of protecting the property of religious communities of the UOC. In fact, it carries out all

¹ <https://spzh.news/en/zashhita-very/58186-zapugannyje-i-ne-zapugannyje>.

² <https://www.youtube.com/watch?v=J4M4pIqRmLw>.

³ <https://spzh.news/en/zashhita-very/60840-baranovka-khroniki-neudavshegosya-shturma-khrama-upc>,
<https://spzh.news/ru/news/54411-v-khustskoj-jeparkhii-upc-zhestoko-izbili-svyashhennika>,
<https://spzh.news/ru/zashhita-very/60699-stanovlenije-pcu-na-zakarpatyje-fejki-dezinformacija-i-otkrovennaja-lozhy>.

⁴ <https://spzh.news/en/news/32271-archpriest-victor-zemlianoy-there-is-no-politics-in-cross-procession>.

necessary actions to prevent violent seizures of churches of the UOC, as well as is committed to returning the property to its legal owner. Therefore, Father Victor together with other staff of the Department has defended and promoted the rights of the UOC to religious freedom. The activities of the Department has proved to be effective, given the fact that three churches were returned to the UOC and 27 churches were prevented from illegal takeover.⁵

In January 2016, investigative officers of the Security Service of Ukraine (hereinafter referred to as “the SSU”) in connection with the criminal investigation, in which Father Victor was a witness, searched the house of the priest where he lived with his family⁶. The officers of the SSU, armed with machine guns, threatened Father Victor, his wife and young children (7, 8 and 9 years old) to use force, brutally pushing them into the rooms of the house and not allowing them to get out.

The search was carried out with numerous procedural violations,⁷ including, but not limited to, the fact that the officers did not instruct Father Victor in his rights, denied him to contact his lawyer, threatened and intimidated him, and tried to convince him that it was better not to inform anyone about the incident.

In addition, the officers of the SSU searched the Holy Ascension Church, where Father Victor serves as a priest, his private car and office of the Department.

Father Victor was interrogated by the SSU for three times. The officers questioned also:

All the member of his family, namely:

- wife N. Zemlyannaya (she was interrogated twice);
- sister N. Ivanchenko;
- nephew I. Ivanchenko;

23 priests of Rivne Region, whose parishes Father Victor defended as the head of the Department.

Later, on March 15, 2019 the SSU offered Father Victor a notice of suspicion of criminal offenses under Part 1 of Art. 161 of the Criminal Code of Ukraine (deliberate actions aimed at inciting religious strife and hatred, insulting the feelings of citizens in connection with their religious beliefs) and Part 1 of Art. 300 of the Criminal Code of Ukraine (deliberate actions aimed at the acquisition, distribution and storage of literature that promotes religious intolerance).⁸

Such suspicions in relation to Father Victor are not supported by any facts and are actually a fiction. The books, which were confiscated from Father Victor. They contain evidence on violations of the rights of believers of the UOC. There are no calls for religious intolerance in the confiscated books. The accusations that Father Victor took part in video footages produced in the Russia Federation are baseless, since, firstly, the videos contain no insults of religious feelings of believers and, secondly, the videos were taken from the Internet without prior consent of Father Victor.

The result of many facts of pressure exerted on Frather Victor was that he made a public video-address stating his being persecuted by the state authorities.⁹

⁵ <https://spzh.news/en/news/60833-sbu-vyzvala-na-dopros-svyashhennosluzhitelya-rovenskoj-jeparkhii-upc>, <https://spzh.news/ru/news/60857-prot-viktor-zemlyanoj-o-presledovanii-sbu-my-ne-boimsya-i-ne-ostanovimsya>.

⁶ <https://spzh.news/ru/news/38715-sbu-obyskivaet-ne-tolko-zhurnalistov-spzh-no-i-organizatorov-krestnogo-khoda>.

⁷ <http://news.church.ua/2017/01/27/v-dome-uchastnika-vseukrainskogo-krestnogo-xoda-lyubvi-mira-i-molitvy-za-ukrainu-provodyatsya-obyski/?lang=ru>.

⁸ <https://spzh.news/en/news/61138-sud-otkazal-sbu-v-izbranii-mery-presechenija-proti-jereju-viktoru-zemlyanomu>.

⁹ <https://spzh.news/en/news/60833-sbu-vyzvala-na-dopros-svyashhennosluzhitelya-rovenskoj-jeparkhii-upc>; <https://www.youtube.com/watch?v=uw1gvobpIKY>; <https://spzh.news/ru/news/60857->

We believe that the main purpose behind the abovementioned criminal investigations, interrogations and searches is to exert pressure on Father Victor due to his activities as the head of the Department with a view to stop his advocacy and protection of the rights of believers of the UOC.

One of the investigative officers of the SSU answering a question posed by believers about the status of Father Victor stated: “You’re saying that he [Father Victor] prayed for you? Well, now it’s time for you to pray for him.”¹⁰

Therefore, the facts set forth above prove the intention of the Security Service of Ukraine to intimidate and forcibly stop the operations of the Department led by Father Victor. In this regard, we believe that the activities of the law enforcement agencies of Ukraine are disproportionate to the aim pursued, are illegal and constitute a gross interference in the personal life of the human rights activist Father Victor.

We call upon the UN Human Rights Council and the international community to immediately pay attention to the blatant facts of the persecution of the clergy and laity of the UOC who are at the same time human rights activists who defend their right to freedom of religion from unlawful violation by state bodies and protect their churches from violent seizures.

prot-viktor-zemlyanoj-o-presledovanii-sbu-my-ne-boimsya-i-ne-ostanovimsya;
https://www.youtube.com/watch?v=h16Y3k_8rsY.

¹⁰ <http://news.church.ua/2019/03/15/chas-vam-molitisya-za-nogo-slidchij-sbu-pastvi-o-viktora-zemlyanogo-foto/>.