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Technical assistance and capacity-building

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.

[12 August 2020]

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

GE.20-12774(E)



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Ukraine 2020: seizures of temples, beatings of the faithful of the Ukrainian Orthodox Church after alternation of political power

Our organization informs on a regular basis the United Nations (UN) Human Rights Council (HRC) and other international bodies about systematic violations of the rights of believers of the Ukrainian Orthodox Church (UOC). Facts and evidence of such violations can be found in our statements during the 37th – 43rd sessions of the UN HRC, posted on the Extranet system and on the website of the UN Documentation Center¹.

Also, during the 41st and 42nd sessions of the UN HRC, our organization held a number of side-events² with the participation of official representatives of the Ukrainian Orthodox Church. At these events, in the face of diplomats and international human rights defenders, the Ukrainian faithful testified to the seizures of their temples, beatings of worshipers by the police, illegal persecution of the believers and clergy of the UOC by State intelligence services, as well as bills and laws having been adopted in Ukraine in order to discriminate against this religious denomination.

Over the period of 2014-2020, across the territory of Ukraine, there have been committed over 120 open attacks of worship buildings, which belong to the Ukrainian Orthodox Church, mostly in Rivne, Ternopil and Volyn regions. Unfortunately, the rights of the UOC were discriminated and infringed by the top-rank officials. As a result, in its statement the Holy Synod of the UOC decided to seek the protection of international organizations.

In particular, the decision of the Holy Synod of UOC of April 3, 2019, noted, “Coercive force, discrimination and violation of the rights of the faithful of the Ukrainian Orthodox Church have come under scrutiny of international human rights organisations... These offences, often supported by local authorities, compromise our country in the world. Acts of violence, hostile takeovers of our shrines and other unlawful acts will not lead to church unity in Ukraine. This is a false path to take and one needs to have the courage to recognise this mistake. We respectfully request that representatives of the ruling authorities stop their artificial initiation of the change of jurisdiction of our parishes, since our clergy and worshipers are not willing so. We believe that the defamation campaign against the Ukrainian Orthodox Church, prohibition for the clergy of our Church to provide spiritual guidance to the Ukrainian Army, attempts to forcibly change the name of our Church and other similar anti-church actions are a strategic blunder of the authorities in the field of domestic policy and stability of our country... We call on the state authorities not to interfere into church affairs and thus not to add to the incitement of religious hatred by their actions. We also insist that the requirements under the Law of Ukraine No. 2673-VIII of 17.01.2019 on the compulsory renaming of the Ukrainian Orthodox Church be rescinded as unconstitutional and contrary to the norms of Ukrainian and International Law as well as fundamental principles of human rights and freedoms. In addition, we urge the government not to serve to forcible seizures of our parishes by their illegal re-registration³” (read more at A/HRC/42/NGO/20).

The religious communities of the UOC and individual believers, with the assistance of our organization, have sent more than 50 individual and collective complaints in accordance with International Law to the UN HRC, the UN Special Rapporteur on Freedom of Religion or Belief, as well as the Human Rights Committee, with the aim of seeking international protection.

Upon the consideration of these documents, on October 30, 2018, a communication⁴ was signed by the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of

¹ A/HRC/42/NGO/19, A/HRC/42/NGO/21, A/HRC/41/NGO/19, A/HRC/NGO/20, A/HRC/NGO/21, A/HRC/41/NGO/22, A/HRC/41/NGO/23, A/HRC/41/NGO/24, A/HRC/41/NGO/26.

² <https://www.protiktor.com/42hrsession/>.

³ A/HRC/42/NGO/20.

⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24107>.

association; and the Special Rapporteur on freedom of religion or belief. This document is a motion of the above rapporteurs to the State of Ukraine to substantiate the facts of violation of the believers' rights of the Ukrainian Orthodox Church. Also, as a result of the appeal of the UOC religious community to the Human Rights Committee, eviction of the UOC community from the church building owned by the community was blocked. The decision on the eviction had been initiated by local authorities and challenged in national courts and in the above-mentioned international bodies⁵.

It should be noted that since mid-2019, after the new President of Ukraine V. Zelensky took office, violations of the rights of the UOC were put on hold. However, even after the change in political leadership of the country, religious conflicts did not stop. The seizures of temples belonging to the UOC, as well as the beating of its worshipers, continue. These offences are committed by adherents of the transfer of religious buildings to another denomination – the "OCU", which was created on the basis of the Tomos issued by the Ecumenical Patriarch Bartholomew with the active administrative support of ex-president of Ukraine P. Poroshenko.

For example, on January 20, 2020, supporters of the "OCU" cut down the locks on the doors of the church of St. John the Theologian in Mascha village of Kostopil District and captured it. According to the eyewitnesses, law enforcement officials and the head of the state administration assisted the offenders by seizing the UOC temple.⁶

On March 11, 2020, supporters of the religious confession "OCU" undertook a hostile takeover of the church in the village of Buderazh, Zdolbuniv District of the Rivne Region⁷.

On the night of May 3 to 4, 2020, tragic events took place – gunmen attacked the building of the UOC temple in honor of St. Archangel Michael in the village of Zadubrivka, Chernivtsi Region. As a result of criminal actions, three believers of the Ukrainian Orthodox Church were wounded. The circumstances of the crime were aggravated by the fact that the day before the raider attack, the rector of the church of St. Archangel Michael passed away, which played into the criminals' hands.

The seizure of the temple had been carefully prepared as evidenced by the blockade of the village by criminals, at the entrance to which a tree was toppled, while the ambulance that arrived to rescue the victims was intentionally stopped at the entrance to the village. According to the eyewitnesses, the clergyman of the OCU community, which claims the church building, took an active part in the preparation and implementation of criminal actions.

According to the eyewitnesses: The Chernivtsi-Bukovina Eparchy described this unequal battle with the representatives of the OCU as follows: "They had been crucifying Father Leonid for two years ... He would sleep in the church on the floor, guard the shrine at night, offer prayers near the church in wintertime in severe frost, turn to the courts, police, functionaries ... his heart did ache for the shrine. He did not miss a single service, earnestly exhorted everyone to pray and rely on God's will in everything ... His body grew feeble ... he got ill and died ..."

On the evening of the same day, May 4, two buses with armed people in balaclavas arrived at the temple. Here is an eyewitness testimony: "One of our local Orthodox Christians saw that a crowd of military men in balaclavas was heading towards the temple – at about 21:30. We had four guys and three women on duty. One guy with the women remained to guard the temple inside, while the remaining three went to the main entrance. When they (supporters of the OCU – Ed.) approached, a bus came up right away, they pulled out a generator, a grinder, cut the locks on the first and second gates and then entered the temple territory. We stood at the main entrance to prevent them from entering the door. There were approximately

⁵ <https://www.protiktor.com/eng/interim-measures-ivano-frankivsk/>.

⁶ <https://spzh.news/en/news/67977-aktivisty-pcu-povtorno-zahvatili-khram-kanonicheskoy-cerkvi-v-sele-mashha>.

⁷ <https://spzh.news/en/news/69379-storonniki-pcu-v-ocherednoj-raz-srezali-zamki-na-khrame-v-sele-buderazh>.
<https://law.church.ua/2020/03/12/prixilniki-pcu-zrizali-zamki-ta-zavolodili-xramom-v-seli-buderazh-na-rivnenshhini/#more-3858>.

40 of them together with the local villagers – these are only men in balaclavas, with batons, with [gas] spray cans.”

These people, using a knife and batons, beat up the believers guarding the temple and did it so brutally that they ended up in the hospital, and one of them needed an eye surgery⁸.

We believe that Ukraine needs to immediately finalize the investigation of criminal cases opened on the statements of the UOC believers in connection with violations of their rights in 2015-2019 and bring to justice those whose guilt is evident. In effect, this will prevent new crimes.

Otherwise, the State of Ukraine will be responsible for the actual provocation of unpunished violence in relation to the country's largest denomination.

We request the UNHRC to take effective action on the aforesaid issues.

⁸ <https://spzh.news/en/zashhita-very/71132-zadubrovka-kak-lyudi-perestajut-byty-lyudymi>.