

PERSECUTION ON RELIGIOUS GROUNDS ON THE TERRITORY OF THE TEMPORARILY OCCUPIED CRIMEAN PENINSULA

(on the Example of the Orthodox Church of Ukraine)



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Since the occupation of the Crimean peninsula, the Russian Federation has been systematically exerting pressure and conducting politically motivated persecution of the Orthodox Church of Ukraine (formerly the Ukrainian Orthodox Church of the Kyiv Patriarchate).

As of 2014, the Crimean Diocese of the OCU consisted of 45 parishes. In 2022, their number dropped to 7. This has occurred because the OCU is not compliant with Russian policy and openly opposes the occupation authorities in Crimea, which is why Russia persecutes church representatives. Religious officials and church members are subjected to abduction and torture, prosecuted for missionary activities, and church property is illegally seized.

| Abduction and torture of OCU parishioners

In March 2014, the so-called Self-Defence of Crimea abducted and tortured two parishioners of the OCU, Andriy Shchekun and Anatoliy Kovalskiy.

In June 2014, the country house (“dacha”) of the head of the Crimean Diocese of the UOC, Metropolitan Klyment, was completely burned down.

In March 2019, Metropolitan Klyment was detained at a bus station while trying to travel to the Russian Federation to Rostov-on-Don to attend a court hearing in the case of one of the Ukrainian political prisoners.

| Unlawful seizure of property

In June 2014, the Church of the Intercession in the village of Perevalne was illegally seized, and, as it became known in 2017, was transferred to the UOC of the Moscow Patriarchate. The same month, the Church of the Apostles Peter and Paul and

St. Nicholas, Archbishop of Myra, located in Sevastopol, was liquidated. In 2016, the decision of the 'Arbitration Court of the Republic of Crimea' deprived the UOC-KP of part of its premises. Later, the "Sevastopol Court of Appeal" ordered the UOC-KP to vacate the premises and pay a penalty of 59,1128.65 rubles.

In 2019, the occupation authorities made an attempt to seize the Cathedral of the Equal-to-the-Apostles Princes Volodymyr and Olga in Simferopol. The decision of the «Arbitration Court» terminated the lease agreement and the occupation authorities stated that the cathedral would be transferred to the Russian Orthodox Church. The reason for the termination was a debt of UAH 2.30. The same year, the «Yevpatoria City Court» ordered the OCU to demolish a church in Yevpatoria and vacate the land plot. The obligation to demolish the church was imposed on the OCU.

| Prosecution for missionary activities

On 6 June 2016, the President of the Russian Federation signed the Federal Law "On Amendments to the Federal Law 'On Countering Terrorism' and Certain Legislative Acts of the Russian Federation in Terms of Establishing Additional Measures to Counter Terrorism and Ensure Public Safety", which introduced the concept of *"missionary activity"* into Russian law. Such activities could be carried out only with written permission from a religious organization and in specially designated places. The law also provided for amendments to the Code of Administrative Offences, which introduced liability for *«carrying out activities by a religious organization without indicating its official full name, including the publication or distribution of literature, printed, audio and video materials without labeling with*

the specified name or with incomplete or deliberately false labeling as part of missionary activities” (part. 3 of Article 5.26 of the Code of Administrative Offences of the Russian Federation) and *“carrying out missionary activities in violation of the requirements of the legislation on freedom of conscience, freedom of religion and religious associations”* (part 4 of Article 5.26 of the CoAO of the RF).

Penalties for violation of these rules provide for a fine of 30 to 50 thousand rubles with confiscation of literature, printed, audio, and video materials, and part 4 provides for a fine of 5 to 50 thousand rubles for individuals and from 100 thousand to one million rubles for legal entities, respectively.

In August 2021 Archimandrite Damian (whose mundane name is Pavel Georgievich Skokov) was brought to administrative liability for carrying out missionary activities, even though the liturgy was performed for people who were already Orthodox believers and was not aimed at attracting new members to the church, i.e., could not be considered missionary activity under Russian law.

Violation of international law

The persecution of OCU representatives is a violation of international human rights law, in particular Article 9 of the European Convention on Human Rights and Article 18 of the International Covenant on Civil and Political Rights, which provide for the right of everyone to freedom of thought, conscience and religion, as well as Article 10 of the European Convention on Human Rights and Article 19 of the International Covenant on Civil and Political Rights, which establish the right to express one’s opinions.

Russia, as an Occupying Power, is likewise responsible for comply with the norms of international humanitarian law. The persecution of the OCU representatives by the Russian Federation is a violation of the obligations of the Occupying Power which ensure: the right of protected persons to respect for their religious convictions and prohibiting discrimination on religious grounds (Article 27 of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War); permission for ministers of religion to give spiritual assistance to the members of their religious communities (Article 58 of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War); protection of and respect for civilian personnel and protection of places of worship (Article 15 and Article 53 of the Protocol (I) Additional to the Geneva Conventions).

Moreover, such actions of the Russian Federation can be qualified as crimes against humanity, namely: discriminatory persecution - Article 7(1)(h) of the Rome Statute of the International Criminal Court, torture - Article 7(1)(f) of the Statute, and enforced disappearance of persons - Article 7(1)(i) of the Statute, and war crimes of torture and inhuman treatment - Article 8(2)(a)(ii) of the Statute and of wilfully causing great suffering, or serious injury to body or health - Article 8(2)(a)(iii) of the Statute.

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