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## Patriarch Kiril should be prosecuted by the International Criminal Court (ICC), according to a NGO report

***HRWF’s contribution to the investigation of the International Criminal Court on the potential criminal liability of the Primate of the Russian Orthodox Church for aiding and abetting the commission of war crimes and crimes against humanity***

**By Willy Fautré, director of Human Rights Without Frontiers, and Patricia Duval, attorney**

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***Human Rights Without Frontiers*, a Brussels-based NGO, appeals to the Prosecutor of the International Criminal Court, Karim A. A. Khan QC, to hold personally accountable and prosecute Vladimir Mikhaïlovitch Goundiaïev, known as Patriarch Kirill of Moscow and All Russia,**

**for inspiring, inciting, justifying, aiding and abetting war crimes (Art. 8 of the Rome Statute) and crimes against humanity (Art. 7) perpetrated and being perpetrated by the Russian armed forces in Ukraine.**

The International Criminal Court (ICC) is currently busy documenting and evidencing war crimes and crimes against humanity committed in Ukraine, and identifying the perpetrators to be held accountable for the said crimes.

The prosecution of Patriarch Kirill falls within Article 25 of the Rome Statute – Individual criminal responsibility – which provides:

3. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

(…)

(c) For the purpose of facilitating the commission of such a crime**, aids, abets or otherwise assists** in its commission or its attempted commission, including providing the means for its commission;

On 7 April 2002, **the European Parliament adopted a** [**Resolution**](https://r20.rs6.net/tn.jsp?f=001gB9eumgJ7trOgB0QRNBf6Db6bEQ2d2Ce9NPsXuSSIc1Rq1JHUeai0LLcP2nURQKbZSNVzjvZR3QKr0B80njXHdcgweX0LKF86BIqytHz6bGNQxNmmbtvYm9XIkp3Ze3j0sID4zH-B4uKtFIQk1IfpXPdB5B1QRfEtberwjqbZzSTffQyGh0PgR-z18jkMvQkJn-ct68oa1pvevMtyV5yyg==&c=rqpcdIZ0VLQQbjN1-OGXmP7nh0tAaZ4tW7fpVnUBRmKGdmgWn6LM9A==&ch=ozYKa7nUdXJawwbyu-ohsTgl3qyupjgVn9mjXGP55KU9vMuJH-F1gg==) about “the increasing repression in Russia, including the case of Alexei Navalny,” in which itcondemned the role of Moscow Patriarch Kirill in Russia’s war against Ukraine.:

**“Condemns the role of Moscow Patriarch Kirill, head of the Russian Orthodox Church, in providing theological cover for Russia’s aggression against Ukraine;** praises the courage of the 300 priests of the Russian Orthodox Church who signed a letter condemning the aggression and expressed their grief over the ordeal of the Ukrainian people, calling for an end to the war.”[[1]](#endnote-1)

**I - HOW DID PATRIARCH KIRILL AID, ABET OR ASSIST IN THE COMMISSION OF THE SAID CRIMES?**

On 24 February 2022, President Putin of the Russian Federation ordered its army to simultaneously cross the northern, eastern and southern borders of Ukraine, a sovereign State, against the will of its people and government.

We have collected a number of public statements made by Patriarch Kirill before and during the Russian “special operation” in Ukraine, by which he abetted Ukraine’s invasion and the ensuing war crimes and crimes against humanity.

**On 23 February 2022**, **one day before the invasion of Ukraine**, Patriarch Kirill of Moscow and All Russia [**congratulated**](https://r20.rs6.net/tn.jsp?f=001wGrcHQohAP9sS-YnAbz8RTw1JKqRh6xgfP2sfPwGlpqri5TtbPVubrpWXbxpiMF3xv7ma9xTAe-x50IX8lOuvJNKGtkxXSJ1bEQJq5LRk1OvMbRH966OB5FWWBYKdV62APFroKxt3AUvZs3-AfoqDTm_ftwEAddo6QIGO--bx4ZrPMyweQVa9g==&c=mCJefMFs01dRGzsCyqxPIlqp3mpTmF54-pakWr7EV2mKju1hvRrKCA==&ch=a3xm2-pczRYt0kdQ5v_X-iOd0t1Kl0XKeWRqIzrJzGY3qdJk3cNYVw==) Russian President Vladimir Putin on Defender of the Fatherland Day, according to the message published on the website of the Russian Orthodox Church:

"I cordially congratulate you on Defender of the Fatherland Day... I wish you good health, peace of mind and abundant help from the Lord in your high and responsible service to the people of Russia."

**“The Russian Orthodox Church has always sought a significant** **contribution to the patriotic education of compatriots, which sees in military service an active manifestation of evangelical love for neighbors**, an example of loyalty to the high moral ideals of truth and good.”[[2]](#endnote-2)

**On 27 February 2022,** **after the invasion of Ukraine started**, during a sermon[[3]](#endnote-3) delivered at the Cathedral of Christ the Savior in Moscow, the Patriarch blessed the Russian soldiers fighting for the Russian World and Holy Russia in Ukraine:

"May the Lord preserve **the Russian land**... A land which **now includes Russia and Ukraine and Belarus** and other tribes and peoples."

The Patriarch castigated those who fight against the historical unity of Russia and Ukraine, targeting them as the "**evil forces**".

He prayed God that the enemies of Holy Russia be defeated:

"God forbid that the present political situation in fraternal Ukraine so close to us should be aimed at making **the evil forces that have always strived against the unity of Russia and the Russian Church**, gain the upper hand," he said.

By labelling the Ukrainian defenders as the “forces of evil”, Patriarch Kirill gave his blessing and canonical justification for Putin’s “special operation” in Ukraine and the ensuing massacres.

In Patriarch Kirill’s argumentation, the reason why Ukrainians are to be considered forces of evil is that they allegedly support the decadent mores imported from the West.

**On 6 March 2022**, he gave a homily on Forgiveness Sunday[[4]](#endnote-4) where he addressed Russia's military operation in Ukraine in the following terms:

For eight years there have been attempts to destroy what exists in the Donbass. And in the Donbass there is rejection, a fundamental rejection of the so-called values ​​that are offered today by those who claim world power. Today there is such a test for the loyalty of this government, a kind of pass to that “happy” world, the world of excess consumption, the world of visible “freedom”. Do you know what this test is? **The test is very simple and at the same time terrible - this is a gay parade**. **The demands on many to hold a gay parade are a test of loyalty to that very powerful world**; and we know that if people or countries reject these demands, then they do not enter into that world, they become strangers to it.

He further explained that the Russian World and Holy Russia will never tolerate on their soil those who adhere or tolerate such a decadent civilization:

"We do not condemn anyone, we do not invite anyone to ascend the cross, we just say to ourselves: we will be faithful to the word of God, we will be faithful to His law, we will be faithful to the law of love and justice, and if we see a violation of this law, **we will never put up with** **those who destroy this law, including blurring the line between holiness and sin, and even more so with those who propagandize sin,"** the Patriarch said.

He went on: “All of the above indicates that we have entered into a struggle that has not a physical, **but a metaphysical significance**.”

**The Patriarch therefore considers that the territory of Donbass and other Ukrainian areas “belonging” to “Holy Rus”[[5]](#endnote-5) should be purified from their enemies, i.e. the supporters of Western decadent values.**

Going further in his homily of March 6, the Patriarch of Holy Russia called for a fight “for human salvation”:

“Therefore, what is happening today in the sphere of international relations has not only political significance. We are talking about something different and much more important than politics. **We are talking about human salvation**, **about where humanity will end up, on which side of God the Savior**, who comes into the world as the Judge and Creator, on the right or on the left.”

In particular, the people of Donbass have been fighting to protect their faith:

“Today, our brothers in the Donbass, Orthodox people, are undoubtedly suffering, and we cannot but be with them, first of all in prayer. It is necessary to pray that the Lord would help them **to preserve the Orthodox faith**, **not to succumb to temptations and temptations**.”

All in all, Patriarch Kirill has backed **Putin’s purifying “operation”** in Ukraine by equating it **to a spiritual purification of Ukraine, a religious cleansing operation and** **religious crusade**.

The proximity between the Russian Orthodox Church (ROC) and the Kremlin is however not only physical, as they are only a few hundred meters from each other, but it is also political, geopolitical and spiritual.

In a long article titled “The Law, the Rights and the Rules,” and published in The Diplomat Magazine on July 4, 2021, Sergey Lavrov, Russian Minister of Foreign affairs, criticized the “aggressive LGBT propaganda” by the “enlightened Europe”, the US interference in church affairs, “openly seeking to drive a wedge into the Orthodox world, whose values are viewed as a powerful spiritual obstacle for the liberal concept of boundless permissiveness”.[[6]](#endnote-6)

Quite often, Patriarch Kirill has presented President Putin as the sole defender of Christianity in the world and even as the savior of Christians in Syria after he had sent his troops to save Bashar al-Assad and his regime.[[7]](#endnote-7)

**II – BACKGROUND**

**The Russian World: Collusion between President Putin and the ROC**

The rapprochement between the Russian Orthodox Church (ROC) and the Russian State started in the early 1990s, on the ashes of Communism after seventy years of anticlerical policy. In 1989, at the time of Gorbatchev *Perestroika*, Vladimir Mikhaïlovitch Goundiaïev, his civil name before becoming Patriarch Kirill, was appointed President of the Department of External Ecclesiastical Relations of Moscow Patriarchate.

He held this function for twenty years and was able to implement his project of restoring the former glory of the Church by extending its influence not only in Russian society and politics, but also on the international scene.

He then built a network of influence which attracted the attention of Vladimir Putin when he came in power in 2000. For Putin, the Patriarchate’s sphere of influence appeared to be the only thing left of the former Russian Empire.

In his eyes, Kirill was the only powerful actor in the country to be able to address the Russian World (*Russki Mir*) which he would try to reconquer later through the use of weapons. A kind of deal was made. Vladimir Putin would support the restauration of the glory of the Church and the construction of innumerable church buildings while Kirill would give him his diplomatic relays and the support of the Russian people.

In the 2000 Russian National Security Concept, the Putin Administration explained:

 “Assurance of the Russian Federation’s national security also includes protecting the cultural and spiritual-moral legacy and the historical traditions and standards of public life and preserving the cultural heritage of all Russia’s peoples. There must be a state policy to maintain the population’s spiritual and moral welfare, prohibit the use of airtime to promote violence or base instincts, and counter the adverse impact of foreign religious organizations and missionaries.”[[8]](#endnote-8)

The Spiritual Security concept in its internal dimension meant the protection of the ROC, especially against religious minorities newly arrived in Russia and perceived as competitors to the ROC. In its external dimension, “spiritual security” required the building of a civilizational sphere of influence – of the Russian cultural (spiritual) space, the *Russkiy mir*’.

In 2007, the Russki Mir Foundation was established by a Decree of Vladimir Putin to “reconnect the Russian community abroad with their homeland, forging new and stronger links through cultural and social programs, exchanges and assistance in relocation”. The foundation functions actively abroad, for example through “Russian Centers”, which are designed to spread the Russian language and culture “as important elements of world civilization”.[[9]](#endnote-9)

In November 2007, Foreign Minister Lavrov presented certain aspects considering the cooperation between the Ministry of Foreign Affairs (MFA) and the Church at a press conference held after the tenth meeting of the Working Group on MFA-Russian Orthodox Church Interaction. According to Lavrov, “Orthodox values formed the basis of Russian culture and Russian statehood” and “the Church engages in tackling the same tasks as does diplomacy”.[[10]](#endnote-10)

In 2009, the Russki Mir foundation and the ROC signed a cooperation agreement aiming to “strengthen the spiritual unity of the Russian World”. At the 2009 third assembly of the Russki Mir foundation, the Patriarch defined the core of *Holy Rus* (Holy Russia) as Russia, Ukraine and Belarus. Patriarch Kirill added that the ROC also regards Moldova as a part of the Russian World.[[11]](#endnote-11)

At a reception for Orthodox Easter in Moscow on 18 April 2017, Foreign Minister Sergey Lavrov reiterated that “Russian diplomacy invariably receives the support of the Russian Orthodox Church. We highly appreciate the ROC’s contribution to strengthening the country’s moral authority, to creating an unbiased image of our country, to unifying the Russian world, and promoting the Russian language and culture.”

According to the Ukrainian Crisis Media Center “These organizations [the Russian centers in Ukraine] are involved in the promotion of historical and territorial revisionism, Russian disinformation narratives and hatred towards the Ukrainian state, polarizing society and, according to the Security Service of Ukraine, often serving as a façade for the activities of the intelligence services.”[[12]](#endnote-12)

**Call for Spiritual Expansionism and Eradication of the “Forces of Evil”**

In 2009, after the invasion of Georgia in 2008 and before the annexation of Crimea in 2014, Patriarch Kirill emphasized in one of his speeches how **spiritual connections are of greater value than national borders**.[[13]](#endnote-13)

Spiritual expansionism and hailing Russia as the Third Rome and the heir to “Byzantium’s fallen Orthodox greatness” have for ever been promoted by both the Kremlin and the ROC.[[14]](#endnote-14)

On the same lines, Patriarch Kirill of Moscow and All Russia declared three years ago, on 31 January 2019:

**“Ukraine is not on the periphery of our Church.** We call Kyiv the Mother of all Russian cities. **Kyiv is our Jerusalem**. **Russian Orthodoxy started there**. It is impossible for us to abandon this historical and spiritual relationship”.[[15]](#endnote-15)

With homilies widely promoted in Russia, Patriarch Kirill laid the spiritual foundation justifying the aggression of Ukraine and blessed all those who would carry out this holy mission, and the war crimes and the crimes against humanity it involved.

**III – CONCLUSION**

All the above indicates that Patriarch Kirill of Moscow and All Russia has inspired, incited, justified, aided and abetted the war crimes (Art. 8) and crimes against humanity (Art. 7) committed by the Russian armed forces in Ukraine.

In its decision Bemba et al. of 19 October 2016, the International Criminal Court found:

89. With regard to the notion of ‘abet’, the Oxford Dictionary defines it as to ‘encourage or assist (someone) to do something wrong, in particular to commit a crime’. In the Chamber’s understanding, the notion of ‘abet’ describes the moral or psychological assistance of the accessory to the principal perpetrator, taking the form of encouragement of or even sympathy for the commission of the particular offence. The encouragement or support shown need not be explicit. Under certain circumstances, even the act of being present at the crime scene (or in its vicinity) as a ‘silent spectator’ can be construed as tacit approval or encouragement of the crime.[[16]](#endnote-16)

*Human Rights Without Frontiers* welcomes the opening of an investigation on possible crimes committed in Ukraine under the Rome Statute.

We welcome the investigation to identify the perpetrators, including possibly going up the command chain to President Vladimir Putin.

We kindly request to the Prosecutor that the above facts be included in the investigation in order to establish the possible liability of Patriarch Kirill for aiding and abetting the perpetrators.

**For more information and interview, please contact Patricia Duval, attorney:** [**duval.patricia@gmail.com**](mailto:duval.patricia@gmail.com)

1. Resolution of 7 April 2022 about the increasing repression in Russia, including the case of Alexei Navalny: <https://www.europarl.europa.eu/doceo/document/TA-9-2022-0125_EN.html> [↑](#endnote-ref-1)
2. Message published on the website of the Russian Orthodox Church: <http://www.patriarchia.ru/db/text/5900861.html> [↑](#endnote-ref-2)
3. See <http://www.interfax-religion.com/?act=news&div=16449> and <http://www.patriarchia.ru/db/text/5904390.html> [↑](#endnote-ref-3)
4. See <http://www.patriarchia.ru/db/text/5906442.html> [↑](#endnote-ref-4)
5. See under Background below for the meaning of this concept, p.8. [↑](#endnote-ref-5)
6. <https://diplomatmagazine.eu/2021/07/04/the-law-the-rights-and-the-rules/> [↑](#endnote-ref-6)
7. “Russian Patriarch Says War on Terrorism Is ‘Holy War for All’”, pravoslavie.ru 19.10.2016. [↑](#endnote-ref-7)
8. “2000 Russian National Security Concept,” available at:

   <http://www.russiaeurope.mid.ru/russiastrat2000.html> [↑](#endnote-ref-8)
9. Information Portal of the Russki Mir Foundation, 2017.<http://russkiymir.ru/rucenter/>. [↑](#endnote-ref-9)
10. Opening Remarks by Foreign Minister Sergey Lavrov at Press Conference After Tenth

    Meeting of Working Group on MFA-Russian Orthodox Church Interaction, Moscow,

    20.11.2007: http://www.mid.ru/en/vistupleniya\_ministra/-/asset\_publisher/

    MCZ7HQuMdqBY/content/id/356698 [↑](#endnote-ref-10)
11. The Presentation of Patriarch Kirill at the opening ceremony of the Third Assembly of the Russian World, Internet Journal of the Russian Orthodox Church 3.11.2009.

    <http://www.patriarchia.ru/db/print/928446.html>. [↑](#endnote-ref-11)
12. <https://uacrisis.org/en/russkiy-mir-as-the-kremlin-s-quasi-ideology>, *Оригінал статті - на сайті Українського кризового медіа-центру:*[*https://uacrisis.org/en/russkiy-mir-as-the-kremlin-s-quasi-ideology*](https://uacrisis.org/en/russkiy-mir-as-the-kremlin-s-quasi-ideology). [↑](#endnote-ref-12)
13. “Spirituality as a political instrument”, the Finnish Institute of International Affairs, p.10

    https://www.fiia.fi/wp-content/uploads/2017/11/wp98\_russia.pdf. [↑](#endnote-ref-13)
14. “Putin and the monk”, *Financial Times*, 25 January 2013. <https://www.ft.com/content/f2fcba3e-65be-11e2-a3db-00144feab49a>. [↑](#endnote-ref-14)
15. https://fr.aleteia.org/2022/03/03/vladimir-poutine-a-la-reconquete-de-leglise-autocephale-ukrainienne/ [↑](#endnote-ref-15)
16. *Bemba et al.*, Trial Judgment, para 89. [↑](#endnote-ref-16)