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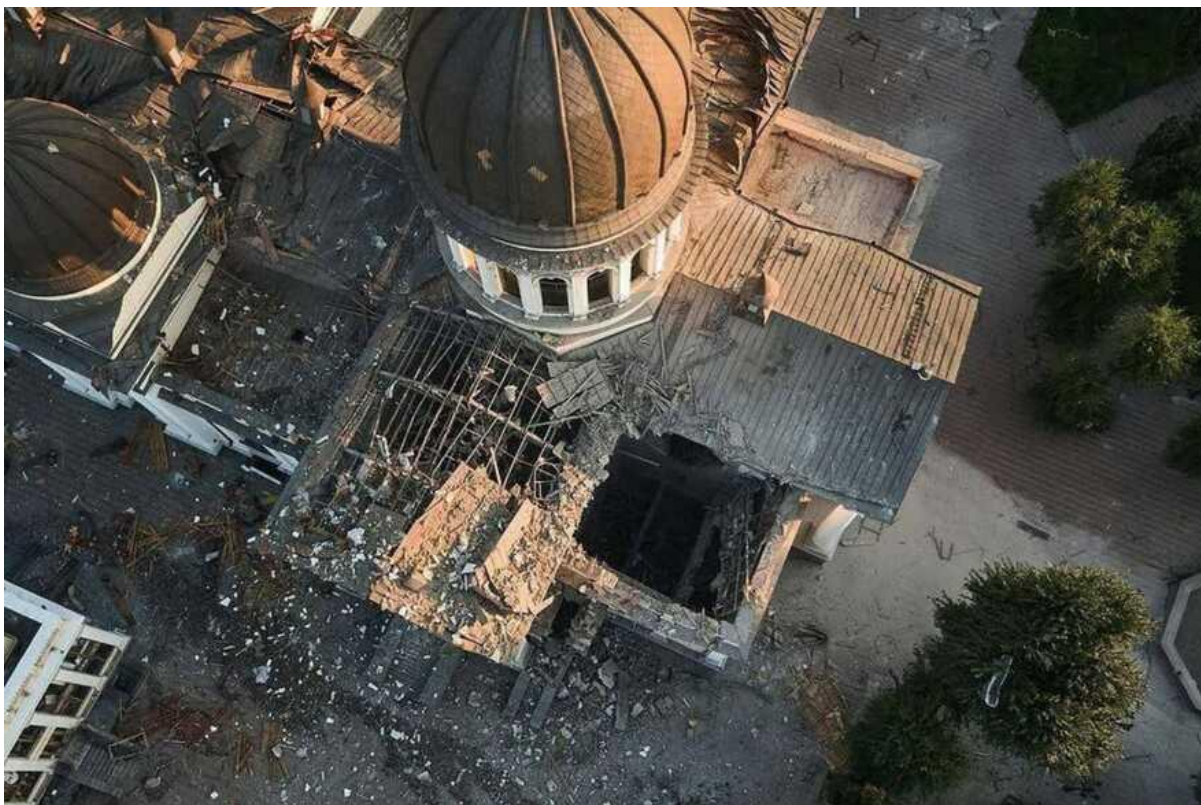
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## **Bombed Odesa Cathedral: Financial assistance from Italy expected in December**

**See photos and videos [HERE](#)**

**Previous articles of HRWF: [01.09.2023](#), [02.09.2023](#) and [15.09.2023](#)**



HRWF with ([Dilova](#) 09.12.2023) – Mayor of Odesa Gennady Trukhanov has just been told that the first tranche of financial assistance promised by Italy to save the Orthodox Transfiguration Cathedral of Odesa which was heavily damaged in summer by a Russian missile attack is planned to be transferred to the city in December.

This was the result of negotiations with the rector of the University of Genoa, Federico Delfino, and the director of the Faculty of Architecture and Design.

In addition, during the conversation online with his interlocutors, the Odessa mayor talked about further possibilities for reconstruction and restoration of other cultural heritage objects located in the UNESCO zone.

### ***Prime Minister Giorgia Meloni, first to promise help***

"Italy, which has unique restoration skills in the world, is ready to commit itself to the reconstruction of the Odesa Cathedral and other treasures of Ukraine's artistic heritage," then [said](#) Italian Prime Minister Giorgia Meloni.

"The attacks in Odesa, the death of innocents, the destruction of the Transfiguration Cathedral deeply touched us. Russian aggressors are demolishing granaries, depriving millions of starving people of food. They devastate our European civilization and its sacred symbols. Free people will not be intimidated, barbarism will not triumph [," the Italian government](#) then said in a statement.

In October 2023, Italy and Ukraine signed an agreement on assistance in carrying out restoration work at the Savior Transfiguration Cathedral.

As previously noted by Gennady Trukhanov, it is necessary to work out mechanisms that allow the legislative norms of Italy and Ukraine to be observed as soon as possible.

The builders calculated the preliminary cost of restoring the Transfiguration Cathedral which could be around 200 million hryvnias (5 million EUR).

All the destroyed structures are planned to be covered with a hydrobarrier, for which 900 square meters of ceiling have already been prepared.

It was possible to protect part of the roof of the cathedral at the expense of parishioners and volunteer organizations.

However, on the night of 10-11 November, the building was flooded as a result of heavy rains. Excessive moistening of the cathedral structures can lead to further destruction. Carrying out the restoration work of the cathedral is therefore an extremely urgent issue.

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## **Russia's criminal bombing of the Odesa Cathedral: Assessing the damages**

***An interview with Architect Volodymyr Meshcheriakov, who led the rebuilding of the historical church in 2000–2010, destroyed by Stalin in the 1930s***

***By Ievgeniia Gidulianova, correspondent of Human Rights Without Frontiers***

[Bitter Winter](#) (14.09.2023) - In August 2023, less than a month after Russia's missiles heavily damaged the Transfiguration Cathedral of Odesa, Architect [Volodymyr Meshcheriakov](#) was in the Ukrainian seaport to assess the damage of the Russian strike.

Ph.D. Arch., Associate Professor, Meshcheriakov is a member of the Ukrainian Committee of ICOMOS (International Council on Monuments and Sites), Chairman of the Odesa regional branch of the Architectural Chamber of the National Union of Architects of Ukraine, forensic expert of the Ministry of Justice of Ukraine, Research Fellow on the British Academy's Researchers at Risk Programme, and Visiting Scholar at Trinity College, University of Cambridge. He is the author of two monographs and more than seventy scientific publications, articles, theses in the field of architecture and protection of cultural heritage.

Meshcheriakov is a personality whose name is directly connected with the history of the reconstruction of the Odesa Cathedral of the Transfiguration of the Savior, which was completely destroyed during the time of Stalin.

In 1999, a group of architects under his leadership was the laureate of the national call for projects for the reconstruction of the Odesa Cathedral of the Transfiguration of the Savior. The cathedral was rebuilt in 2000–2010 on the basis of his project and he was then awarded the State Prize of Ukraine in the field of architecture for the reconstruction of the Odesa Cathedral. He is also the author of a monograph on this topic.

**From your professional point of view, how do you assess the extent of the destruction caused to the Transfiguration Cathedral as a result of the Russian missile shelling on Odesa on the night of 23 July 2023?**

**Volodymyr Meshcheriakov:** The rocket passed vertically through the roof above the right altar, destroying the floor of the cathedral and two underground reinforced concrete floors of the lower part of the church. The walls of this part of the building were significantly damaged. More than 70% of the roof structures and copper covering of the cathedral were completely destroyed or damaged by shrapnel and the blast wave. Almost

all the copper coating of the roof of the cathedral is subject to dismantling and restoration. The artistic decoration of the premises of the upper part of the building was almost completely destroyed. All iconostases were also thoroughly destroyed—the marble one and the two side ones. The marble flooring was significantly damaged by rocket fragments.

### **How much do you think it will cost to completely restore the Odesa Cathedral of the Transfiguration of the Savior?**

**Volodymyr Meshcheriakov:** The exact amount required for the complete restoration of the cathedral can only be determined on the basis of the development of a scientific study, design, and estimate documentation for the needed work. The preparation of documentation for a detailed survey, dismantling and restoring the damaged structures, architectural and artistic decoration inside and outside of the cathedral is a big job that can take several years. So far, the development of such documentation according to my information is not underway, and the proposals for such work and sources of funding have not been identified.

I am a forensic expert at the Ministry of Justice of Ukraine, and I believe that one of the elements of documentation for the restoration of the cathedral and other destroyed objects should be a forensic report with conclusions and the amount of damage. In my opinion, this amount may be equivalent to five million dollars. The amount needed for the restoration of the cathedral in its original form can be brought in court for compensation to the aggressor country.

### **How long can it take to achieve the restoration?**

**Volodymyr Meshcheriakov:** I think that after identifying the sources of financing, the donors, and the rebuilding companies, it will take five to ten years of intensive and qualified work to completely restore the cathedral. Now, first of all, it is necessary to inspect the cathedral and prepare design estimates for restoration.

The cathedral was built and reconstructed in stages over more than a hundred years. The Cathedral Square was designated in 1794 on the first plan of Odesa drawn up by the Dutch military engineer Franz De Volan. After the last reconstruction in 1900–1903, it accommodated up to 12,000 people and was the largest church building in the south of Ukraine, the center of spiritual life for Odesa residents.

In 1936, the Odesa Cathedral of the Transfiguration of the Savior was robbed and destroyed by the Soviet authorities, like many other churches in the USSR.

In 1991, I began collecting original data and other information about the cathedral, and in 1993, under my leadership, the first project to reconstruct this outstanding lost cultural heritage site of Ukraine was completed.

In 1999 our project to rebuild the cathedral won a national competition and we continued to further develop the project. The cathedral was built in three stages, starting in 2000. In 2007, it was put into operation, received the status of a historical monument of local significance in Ukraine, and was solemnly consecrated in 2010. Construction, decorative and artistic work continued for more than ten years without the use of public funds, based exclusively on donations from citizens, enterprises, and various other

organizations. The Black Sea Orthodox Fund was created in Odesa to collect funds and donations for the design, construction, and artistic decoration of the cathedral.

**Are any works already underway related to urgent measures aimed at preserving and protecting the cathedral as an object of cultural heritage of Ukraine from further destruction?**

**Volodymyr Meshcheriakov:** At the moment, thanks to the efforts of citizens, the rubble of fragments of destroyed structures and the interior of the cathedral has been cleared. The main thing now is the installation of temporary covering before the autumn-winter period, protecting the interiors from rain and snow. Work in this direction is proactively underway, but they are insufficient in my opinion.

All forces and means of Ukraine are now aimed at ensuring the Ukrainian army for victory over the terrible aggressor—Putin's Russia. Also, first of all, Ukrainian citizens whose homes have been destroyed need financial support. The cathedral building is owned by the Odesa Diocese of the Ukrainian Orthodox Church (UOC), which also helps refugees and does not have such significant funds for the restoration of the Transfiguration Cathedral.

**Who in Ukraine promised to contribute to the reconstruction? What is the amount of their promised contribution?**

**Volodymyr Meshcheriakov:** Odesa Cathedral in 1999 was included in the State Program for the Reconstruction of the Outstanding Lost Cultural Heritage Sites of Ukraine, which provides for the allocation of funding for all work but no funding for this project was ever allocated. The Black Sea Orthodox Fund has been opened to collect funds for the restoration of the cathedral. To date, I have no information about the Ukrainians who volunteered to finance the restoration of the cathedral destroyed by the Russian missile attack.

**Have the city authorities of Odesa approached you with an offer to take part in the restoration of the Odesa Transfiguration Cathedral?**

**Volodymyr Meshcheriakov:** No, they did not contact me. As the head of the team of designers of the rebuilt cathedral, I consider it necessary to make visible for present and future generations the fact that the Odesa shrine was destroyed by a Russian missile. To this end, the restoration project should include a provision mentioning the origin of the destruction on the main damaged walls outside the cathedral and inside. To do this, in a future restoration project, cracks in the damaged walls outside and inside the cathedral should be recorded and revealed in red. Such a decision will visually immortalize the strike of a Russian missile on the Odesa Cathedral. The recorded and highlighted destruction of this part of the cathedral can become one of the memorial sites of Ukraine in memory of the military aggression of Putin's Russia.

**Who is Volodymyr Meshcheriakov?**

*[Volodymyr Meshcheriakov](#) is a Ph.D Arch, Ass. Prof., Laureate of the State Prize of Ukraine in the field of architecture in 2010 for the reconstruction of the Odesa Transfiguration Cathedral, Member of the Ukrainian Committee of ICOMOS, Chairman of the Odesa regional branch of the Architectural Chamber of the National Union of*



*Architects of Ukraine. Forensic expert of the Ministry of Justice of Ukraine. Research Fellow on the British Academy's Researchers at Risk Programme and Visiting Scholar Trinity College, University of Cambridge.*

*Author of two monographs and more than 70 scientific publications, articles, theses in the field of architecture and protection of cultural heritage.*

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## **Odesa Transfiguration Cathedral: international uproar about Putin's missile strike (II)**

***The world condemned the criminal Russian missile strike. It should now help Ukraine to rebuild the historical church, UNESCO said.***

***See Part I [HERE](#) and see pictures of the damages [HERE](#).***

By Dr Ievgeniia Gidulianova and Willy Fautré

[Bitter Winter](#) (09.01.2023) - 23 July 2023 was a Black Sunday for the city of Odesa and for Ukraine. When Ukrainians and the rest of world woke up, they discovered with horror and anger that the heart of the UNESCO World Heritage Site, the Orthodox Transfiguration Cathedral had been severely damaged by a Russian missile strike. Voices were quickly raised to condemn and protest against this new war crime and UNESCO quickly sent a fact-finding mission to Odessa.

### ***An international uproar***

[British Ambassador to Ukraine Melinda Simmons](#) noted that there were no military facilities in the center of Odesa.

"It's just a beautiful Ukrainian city, a UNESCO World Heritage Site, through whose ports vital food is exported around the world," Simmons said.

[U.S. Ambassador to Ukraine, Bridget Brink](#) said: "Russia continues to attack civilians and infrastructure in Odesa. It is a World Heritage Site and a port vital to global food security." [said](#) U.S. Ambassador to Ukraine Bridget Brink.

She stressed that Russia's unjustified war against Ukraine and its people entails terrible consequences. In particular, the ambassador mentioned the destroyed Transfiguration Cathedral, which was recreated at the beginning of this century after it was blown up by order of Stalin in the 30s of the last century.

[EU High Representative of the European Union for Foreign Affairs and Security Policy Josep Borrell](#) called the night strike on Odesa another Russian war crime and tweeted: "Russia's relentless missile terror against UNESCO-protected Odessa is yet

another war crime by the Kremlin, which has also destroyed the main Orthodox cathedral, a World Heritage Site. Russia has already damaged hundreds of cultural sites in an attempt to destroy Ukraine."

**UN Secretary-General António Guterres** strongly condemned the Russian missile attack on Odesa, which killed two people and damaged the Transfiguration Cathedral, as well as several other historical buildings in the historic center of the city. [A statement about this](#) event, attributable to Stéphane Dujarric, Spokesman for the Secretary-General, was published on the official website of the organization on Sunday 23 July.

The statement called the shelling of the cathedral and other historical monuments "an attack on the territory protected by the World Heritage Convention, in violation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict," which occurred "in addition to the horrific civilian casualties that war brings."

The UN spokesman noted that since the beginning of Russia's full-scale invasion of Ukraine, UNESCO has confirmed damage to at least 270 cultural sites in Ukraine, including 116 religious sites. The UN Secretary-General calls on the Russian Federation to immediately stop attacks on objects protected by "widely ratified international normative documents", Ukraine's civilian infrastructure and its civilians, Dujarric said.

**The United Nations Educational, Scientific and Cultural Organization (UNESCO)** also issued a statement strongly condemning the new Russian attacks on World Heritage sites in Odessa.

"This outrageous destruction marks an escalation of violence against Ukraine's cultural heritage. I strongly condemn this attack on culture and call on the Russian Federation to take constructive action to fulfill its obligations under international law, including the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1972 World Heritage Convention," said UNESCO Director-General Audrey Azoulay.

These attacks contradict recent statements by the Russian authorities about the precautions taken to preserve World Heritage sites in Ukraine, including their buffer zones.

The deliberate destruction of cultural objects can be equated with a war crime, which is also recognized by the United Nations Security Council, of which the Russian Federation is a permanent member, in Resolution 2347 (2017).

**The Russian Defense Ministry** [confirmed](#) the attack on the city but denied that the target of the strike was the Transfiguration Cathedral, the most damaged religious site. The agency claims that it fired only at "places of preparation of terrorist attacks against the Russian Federation", and "planning strikes with high-precision weapons" deliberately excluded the defeat of civilian targets. The temple, according to the Russian military, was damaged due to "illiterate actions of Ukrainian air defense operators." At the same time, Russia during the war repeatedly struck civilian targets with high-precision weapons - and each time categorically denied it, even when its responsibility was absolutely obvious.

Several Ukrainian organizations, including the **Academic Religious Studies Workshop and the Institute for Religious Freedom** monitor the destruction of religious sites due to Russia's war on Ukraine. According to their data, [around 500 religious buildings, religious educational institutions and shrines in Ukraine have been badly damaged or destroyed](#). Most of the Orthodox buildings belong to the Ukrainian Orthodox Church (UOC).

## **"We ask for international assistance for the restoration of the Transfiguration Cathedral"**

The Ministry of Culture and Information Policy of Ukraine [calls on the](#) international community to assist in the restoration of cultural heritage monuments and is preparing appropriate appeals to the UNESCO World Heritage Committee and the Second Protocol to the Hague Convention.

On 9 August 2023, UNESCO [presented](#) the preliminary results of its expert mission, the purpose of which was to assess the damage caused to the cultural heritage of Odessa. Of the 52 cultural monuments reported by the Ukrainian authorities to have been damaged in Russian attacks, UNESCO experts were able to inspect the 10 most affected sites.

Most of them, including [the Transfiguration Cathedral, the House of Scientists and the Literary Museum](#), were assessed by experts as "severely damaged". Experts also noted that some other historic buildings have become more vulnerable as a result of the fighting and, therefore, are at risk of significant damage in the event of new attacks, which may be accompanied by blast waves and vibrations.

Representatives of the International Council for the Preservation of Historical and Cultural Monuments (ICOMOS) and the International Centre for the Preservation and Restoration of Cultural Property participated in the mission. Among their tasks was the identification of threats to the integrity of cultural objects as well as the implementation of urgent measures aimed at preserving them and protecting them from further damage.

The detailed results of the mission will be collected in a report to be published in December at a meeting of the parties to the 1954 Hague Convention. It will provide more detailed information on the extent of damage, as well as on measures for the protection and restoration of cultural heritage sites in Odessa, proposed by UNESCO experts. But UNESCO has already mobilized urgent funding for the first restoration work. UNESCO reports that additional funds were allocated from the Fund for the Preservation of Heritage in Emergency Situations – USD 169,000 – in order to immediately carry out work on the protection of cultural monuments and assess the damage.

### **Ievgeniia Gidulianova**

***Ievgeniia Gidulianova*** holds a Ph.D. in Law and was Associate Professor at the Department of Criminal Procedure of Odesa Law Academy between 2006 and 2021.

*She is now a lawyer in private practice and a consultant for the Brussels-based NGO Human Rights Without Frontiers.*

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## **The Orthodox Cathedral of Odesa destroyed by Putin's missile strike: calls for funding its restoration (I)**

***Italy and Greece are first in the line to provide assistance. See pictures of the damage [HERE](#) and [CNN video](#)***

By Dr Ievgeniia Gidulianova with Willy Fautré



[Bitter Winter](#) (31.08.2023) - On the night of 23 July 2023, the Russian Federation launched a massive missile attack on the center of Odesa which created quite dramatic damages to the Orthodox Transfiguration Cathedral. International support for the reconstruction has quickly been pledged. Italy and Greece are first on the line but much more assistance is needed.

The legal status of the Transfiguration Cathedral is rather complex and unclear. Until May 2022, it was considered a church with a special status and rights of broad autonomy, affiliated to the Ukrainian Orthodox Church/ Moscow Patriarchate (UOC/MP).

On 27 May 2022, the Council of the UOC/ MP removed all references to such dependence from its statutes, stressing its financial autonomy and the absence of any external interference in the appointment of its clergy. It hereby dissociated itself from the Russian Orthodox Church and stopped commemorating Kirill at the divine services because of his support for Vladimir Putin's war against Ukraine. This distancing did however not lead to a schism from Moscow so that the UOC can keep its canonical status. In the meantime, the process of transfer of UOC parishes to the national Orthodox Church of Ukraine (OCU), founded in December 2018 under President Poroshenko and recognized by Constantinople Patriarchate on 5 January 2019, has accelerated.

In this context, the comment of [Archdeacon Andriy Palchuk, a cleric of the Odessa Eparchy of the Ukrainian Orthodox Church \(UOC\)](#) about the damage caused to the cathedral is worth mentioning: *"The destruction is colossal. Half of the cathedral is left without a roof. The central pillars and the foundation are broken. All the windows and stucco were blown out. There was a fire, the part where icons and candles are sold in the church caught fire. After the end of the air raid, the emergency services arrived and extinguished everything."*

On 23 July 2023, [Archbishop Victor of Artsyz](#) (UOC) appealed to Patriarch Kirill in a virulent way about the shelling of the cathedral. He accused him of supporting the war against Ukraine, a sovereign country, and personally blessing the Russian Armed Forces who are committing atrocities:

*"Your bishops and priests consecrate and bless the tanks and missiles that bomb our peaceful cities. Today, when I arrived at the Odesa Transfiguration Cathedral after the end of the curfew and saw that the Russian missile 'blessed' by you flew directly into the altar of the church, to the saints, I realized that the Ukrainian Orthodox Church has had nothing in common with your understandings for a long time. Today, you and all your novices are doing everything to ensure that the UOC is destroyed on the territory of Ukraine. Today we (speaking on behalf of many bishops of the UOC) condemn this insane aggression of the Russian Federation against our Independent Country. We demand to leave behind our Church, our bishops and our Primate."*

Many people in Odesa and in Ukraine want to make donations for urgent works meant to protect the essential elements of the cathedral (the roof, the pillars...) to avoid further deterioration of the building and to guarantee the security inside and around. On the official Facebook page of the Transfiguration Cathedral, a video has been posted by the diocese to collect funds for the restoration of the cathedral.

### **About the tumultuous history of the Transfiguration Cathedral**

The Transfiguration Cathedral is the largest Orthodox church in Odesa, the main cathedral of the Odesa diocese of the Ukrainian Orthodox Church. It is located in the historical center of the city.

The history of the cathedral began simultaneously with the founding of Odesa in 1794 by Catherine II, then Empress of Russia. In the process of the consecration of the city itself by Metropolitan Gabriel, a place for the construction of the future church building was also consecrated on Cathedral Square. He laid the first stone on 14 November 1795. Construction work dragged on for several years until it was completed, [according to the plans of the engineer-captain Vanrezant and the architect Frapolli](#), by the famous French Duke of Richelieu, appointed governor of Odesa in 1803,. [The cathedral was consecrated in 1808](#). Since then, the cathedral has become known as the Transfiguration.

During the 19<sup>th</sup> century, the Transfiguration Cathedral underwent a number of significant transformation and extension works. It received its current historical appearance in 1903 and within its huge space of 90 by 45 meters, it can accommodate 9000 people at a time. Some sources even mention the figure of 12,000.

With the establishment of the Bolshevik government in Odesa in 1922, the cathedral was first looted, closed in 1932 and demolished by the Soviets in 1936. Several explosions first destroyed the belfry, and then the whole building. The local newspaper "Black Sea Commune" noted on 6 March 1936 that 150 people participated in the demolition. As [an eyewitness to the destruction](#), Odesa writer and local historian Vladimir Gridin wrote that the most valuable icons and marbles were previously taken out of the temple but their fate remains unknown.

The current Transfiguration Cathedral was rebuilt in 1999-2011 on the site of its ruins and [blessed by Patriarch Kirill](#) himself in July 2010 when the UOC was in subordination to Moscow Patriarchate.

At the initiative of local authorities, the cathedral was included in the Program for the Reproduction of Outstanding Monuments of History and Culture of Ukraine, approved by the Government in 1999, but no budget for the reconstruction of the cathedral was then allocated. It was rebuilt with private funding and charitable foundations. Odesa mayor's office partly financed the interior of the cathedral.

The restored cathedral was put into operation on 22 May 2005. Now, according to the official data of the unified state register, the full name of the cathedral is the Odesa Transfiguration Cathedral of the Odesa Diocese of the Ukrainian Orthodox Church (UOC). In 2007, the cathedral was included in the [State Register of Immovable Monuments of Ukraine](#) as a historical monument.

In 2010, a team of architects, builders and artists was awarded the State Prize of Ukraine in the field of architecture for the reconstruction of the cathedral. It is now the main architectural building dominating the [historical center](#) of Odesa and its main Orthodox church.

The cathedral is of great historic and memorial importance as a burial place for prominent personalities of Odesa and the South of Ukraine. This is one of the important architectural elements constituting the traditional environment [of the "Historical Center of the Port City of Odessa"](#), which is included in the UNESCO World Heritage List [as proposed by Ukraine in 2023](#).

### ***Italy's top officials have offered to help Ukraine restore the Transfiguration Cathedral***

On the day of missile attack hitting the cathedral, Italian Foreign Minister Antonio Tajani [said](#): "The Russian bombing of Odesa destroyed part of the Transfiguration Cathedral, an undignified act. Italy, after supporting Odesa to become a UNESCO cultural heritage, will be at the forefront of the city's reconstruction."

"The attacks in Odesa, the death of innocents, the destruction of the Transfiguration Cathedral deeply touched us. Russian aggressors are demolishing granaries, depriving millions of starving people of food. They devastate our European civilization and its sacred symbols. Free people will not be intimidated, barbarism will not triumph [," the Italian government](#) said in a statement.

"Italy, which has unique restoration skills in the world, is ready to commit itself to the reconstruction of the Odesa Cathedral and other treasures of Ukraine's artistic heritage," [said](#) Italian Prime Minister Giorgia Meloni.

***Greece also intends to assist in the restoration of architectural monuments that were damage during the Russian missile attack***

[According to the Odesa City Council](#), Greece also intends to assist in the restoration of architectural monuments that were damaged [during the Russian missile attack](#). This was announced by the Consul General of the Hellenic Republic in Odesa, Dimitrios Dohtsis, during a conversation with the mayor.

He stated that *"Greece will take part in the restoration of damaged Odesa's architectural monuments. Greece condemns the attacks on the historic center of Odessa, which is protected by UNESCO. Greece will participate in the restoration of damaged architectural monuments. This especially applies to houses with Greek history, namely: Papudov's house and Rodokanaki's house."*

*"We are very pleased that Odesa has friends all over the world. Greece has been helping Ukraine and Odesa since the beginning of the full-scale war. The Minister of Foreign Affairs of Greece, Mr. Nikos Dendias, was in Odesa twice during this time and strongly supported our accession to UNESCO. We are very grateful to you,"* said mayor Gennadiy Trukhanov.

***A call for funding the restoration of the Transfiguration Cathedral***

Kyiv and the local authorities in Odesa very much hope that other countries, organizations and philanthropists will assist in the restoration of monuments of cultural heritage of Odesa.

*Human Rights Without Frontiers* calls upon the European Union and its member states, the United States and Canada as well as their respective Ukrainian diaspora to participate in the restoration of the Odesa Cathedral.

***Ievgeniia Gidulianova*** holds a Ph.D. in Law and was Associate Professor at the Department of Criminal Procedure of Odesa Law Academy between 2006 and 2021.

*She is now a lawyer in private practice and a consultant for the Brussels-based NGO Human Rights Without Frontiers.*

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## Russian shelling hits a landmark church in the city of Kherson

BY HANNA ARHIROVA

[AP](#) (03.08.2023) - Russian shelling damaged a landmark church Thursday in the Ukrainian [city of Kherson](#) that until last year held the remains of Prince Grigory Potemkin, an 18th-century Russian military commander who encouraged Catherine the Great to expand the Russian Empire into what is now southern Ukraine.

Ukraine's emergency service said four of its workers were wounded in a second round of shelling as they fought a fire at St. Catherine's Cathedral. Four other people were wounded in the first shelling attack, which also hit a trolleybus, the prosecutor general's office said.

A missile strike severely damaged a beloved [Orthodox cathedral](#) in Odesa, another city in southern Ukraine, and Thursday's attack further underlined the war's risk to the [country's cultural monuments](#). Fighting has intensified in multiple regions as Ukraine's military steps up a counteroffensive to reclaim Russian-occupied territory.

The Kherson church, dating from 1781, is one of the city's most notable buildings. It once was the burial spot for Potemkin, a favorite of Catherine the Great's who exerted Russian control through the southeast parts of modern Ukraine and engineered the 1784 annexation of Crimea from the Crimean Khanate.

Potemkin became the governor general of what was called "New Russia." His name entered [popular speech](#) because of stories, now widely doubted, that he erected fake settlements called "Potemkin villages" to impress Catherine during her long journey through Crimea and the southern territories.

In September, at a Kremlin ceremony marking Russian's illegal annexation of four occupied or partially occupied Ukraine provinces, President Vladimir Putin referenced the concept of New Russia and noted that both Catherine and Potemkin had founded cities there.

Moscow-backed authorities had Potemkin's [remains removed](#) during the city's eight-month occupation. [Russian forces withdrew](#) from Kherson in November as Ukrainian soldiers gained ground in their attempt to take back the regions Putin annexed.

The Russian retreat instantly made the city a target of daily Russian attacks, most of them involving artillery and drones sent from Russian-held territory across the Dnieper River. The relentless strikes often result in reports of [civilian casualties](#).

The Ukrainian president's office said two people were killed over the past day in Russian attacks — one in eastern Ukraine's Donetsk province and one in Zaporizhzhia province.

The Ukrainian air force said Russia launched a wave of 15 Shahed exploding drones against the Kyiv region but all were shot down. The governor of the capital region, Ruslan Kravchenko, said there were no injuries or damage.

Ukraine's President Volodymyr Zelenskyy said that Russia so far has launched at least 1,961 Shahed drones, adding that "a significant number of them have been shot down."

"Unfortunately, not all of them," he said in a nightly video address to the nation, noting that Ukraine has been talking to its Western allies to provide more air defense weapons. "We are working to shoot down more - to shoot down as many as possible. We are working to have more air defense systems."

Ukraine's military also continued to launch attack drones deep into Russia. The Russian Defense Ministry said seven Ukrainian drones were downed in the Kaluga region, about 150 kilometers (90 miles) south of Moscow, the latest incident following attacks that twice [hit buildings](#) in the Russian capital that house some government ministries.

Kaluga Gov. Vladislav Shapsha reported another drone was shot down later Thursday.

The deputy chair of Russia's Security Council, Dmitry Medvedev, said Thursday that 231,000 men have enlisted in the Russian army as contract soldiers since Jan. 1. Medvedev made the remarks at a meeting on expanding the army just months after Russian authorities launched a massive [campaign to entice more men to sign military contracts](#).

Moscow is seeking to boost its forces in Ukraine and to bring the size of its army to 1.5 million troops. Russian Defense Minister Sergei Shoigu [declared in December](#) that the country needs that many soldiers "to fulfill tasks to ensure Russia's security."

*Jim Heintz and Dasha Litvinova contributed to this report from Tallinn, Estonia.*

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## **110 damaged religious sites inspected and documented by UNESCO**

By Willy Fautré, director of *Human Rights Without Frontiers*





*A fallen dome lies near the Church of the Holy Mother of God ('Joy of All Who Sorrow'), destroyed by a Russian aerial bomb on January 18, 2023 in Bohorodychne, Ukraine.  
Global Images Ukraine*



*UNESCO Shield Emblem protecting religious and cultural property*

HRWF (18.05.2023) - As of 17 May 2023, [UNESCO](#) has verified damage to 256 sites since 24 February 2022 – 110 religious sites, 22 museums, 92 buildings of historical and/or artistic interest, 19 monuments, 12 libraries, 1 Archive.

### **Report of the Ukrainian Institute for Religious Freedom (January 2023)**

As a result of the full-scale Russian invasion of Ukraine, [at least 494 religious buildings](#), theological institutions, and sacred places were wholly destroyed, damaged, or looted by the Russian military, according to the Ukrainian Institute for Religious Freedom (IRF).

IRF presented this last updated data on the impact of the war on Ukrainian religious communities on January 31 and February 1 during the Summit on International Religious Freedom (IRF Summit 2023) held in Washington, D.C.

Most churches, mosques, and synagogues were destroyed in Donetsk region (at least 120) and Luhansk region (more than 70). The scale of destruction is also enormous in Kyiv region (70), where desperate battles were fought in defense of the capital, and in

Kharkiv region – more than 50 destroyed religious buildings. Russian air raids, including those using Iranian drones, have affected almost all regions of Ukraine and continue to this day.

Churches of the Ukrainian Orthodox Church (affiliated with the Moscow Patriarchate) suffered the most from Russian aggression – at least 143 were destroyed.

**The scale of destruction of evangelical church prayer houses is immense – at least 170 in total**, of which most affected were Evangelical Christian churches – 75, Evangelical Baptist Christian prayer houses – 49, and Seventh-day Adventist churches – 24.

The updated IRF data also contains information on the destruction of the Kingdom Halls of Jehovah's Witnesses – a total of 94 religious buildings, of which seven were utterly destroyed, 17 were severely damaged, and 70 were insignificantly damaged.

### UNESCO's policy

UNESCO is conducting a preliminary damage assessment for cultural properties\* by cross-checking the reported incidents with multiple credible sources. These published data which are regularly updated do not commit the Organization. UNESCO is also developing, with its partner organizations, a mechanism for independent coordinated assessment of data in Ukraine, including satellite image analysis, in line with provisions of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

*\*The term "cultural property" refers to immovable cultural property as defined under Article 1 of the 1954 Hague Convention, irrespective of its origin, ownership or status of registration in the national inventory, and facilities and monuments dedicated to culture, including memorials.*

The Organization is in contact with Ukrainian authorities to mark cultural sites and monuments with the distinctive "Blue Shield" emblem of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict to avoid deliberate or accidental damages.

Properties inscribed on World Heritage list, such as the site of "[Kyiv: Saint-Sophia Cathedral and Related Monastic Buildings, Kyiv-Pechersk Lavra](#)", are considered a priority.

### Comment of Audrey Azoulay, UNESCO Director-General

*The first challenge is to mark cultural heritage sites and monuments and recall their special status as protected areas under international law.*

To date, no UNESCO World Heritage site appears to have been damaged.

UNESCO also assisted the Ukrainian authorities in marking cultural sites with the distinctive blue shield emblem. This symbol indicates that the property is protected under the 1954 Hague Convention. Therefore, any infringement is considered a violation of international law and can be prosecuted. It should also be noted that none of the seven UNESCO World Heritage sites have been affected to date.

### Laying the foundations for future reconstruction

By recording and documenting the damage and destruction of cultural sites, UNESCO not only warns of the seriousness of the situation, but also prepares for future reconstruction. Although it is still too early to start work, the UN organization has already created a fund dedicated to actions in support of Ukraine and has launched an appeal for contributions to its Member States for a rapid response.

**List of damaged religious and cultural sites per region as of 17 May 2023 (See the details of the list below [HERE](#))**

Donetsk Region: 71 damaged sites  
Kharkiv Region: 55 damaged sites  
Kyiv Region: 38 damaged sites  
Luhansk Region: 32 damaged sites  
Chernihiv Region: 17 damaged sites  
Sumy Region: 12 damaged sites  
Zaporizhia Region: 11 damaged sites  
Mykolaiv Region: 7 damaged sites  
Kherson Region: 4 damaged sites  
Zhytomyr Region: 3 damaged sites  
Vinnytsia Region: 2 damaged sites  
Dnipropetrovsk Region: 1 damaged site  
Odesa Region: 1 damaged site

#### **Previous assessments and some UNESCO declarations**

**On 23 June 2022**, according to the checks carried out by UNESCO's experts, 152 cultural sites had been partially or totally destroyed as a result of the fighting, including 70 religious buildings, 30 historical buildings, 18 cultural centres, 15 monuments, 12 museums and seven libraries.

#### **Comment of Audrey Azoulay, UNESCO Director-General**

*"These repeated attacks on Ukrainian cultural sites must stop. Cultural heritage, in all its forms, should not be targeted under any circumstances. I reiterate my call for the respect of international humanitarian law, in particular the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict."*

**On 8 March 2022**, UNESCO published a statement saying it was in permanent contact with all relevant institutions, as well as with Ukrainian cultural professionals, to assess the situation and to reinforce the protection of cultural properties.

UNESCO provided technical advice to cultural professionals in the field to protect buildings. Inventory works and shelters were identified to secure objects that could be moved, and fire-fighting measures were reinforced.

#### **Comment of Audrey Azoulay, UNESCO Director-General**

*We must safeguard the cultural heritage in Ukraine, as a testimony of the past but also as a catalyst for peace and cohesion for the future, which the international community has a duty to protect and preserve.*

UNESCO Press contact: Thomas Mallard +33145682293

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## **Ukraine's holiest site is battleground in campaign to erase Russian influence**

By [Ian Lovett](#)

[Wall Street Journal](#) (10.05.2023) - For years, Pavlo Lebid embodied the Russian Orthodox Church's power in Ukraine's capital.

One of the highest-ranking officials in the church's Ukrainian branch, with the title "Metropolitan," he rode around in luxury cars and was captured on video questioning the authority of police to ticket him. His portrait was painted onto a wall of a cathedral at the Kyiv Monastery of the Caves, Ukraine's holiest site, where he is abbot. Residents dubbed him "Pasha Mercedes."

Now, Metropolitan Pavlo is wearing an ankle bracelet, charged with supporting the Russian invasion and confined to house arrest while Ukrainian officials try to wrest control of the monastery, known locally as the Lavra, from him.

The crackdown at the Lavra is the boldest step Ukrainian officials have taken in their effort to rid the country of Russian influences.

Since Russia first covertly invaded Ukraine in 2014, Kyiv has passed laws promoting the use of Ukrainian, instead of Russian, in media and public life. Statues celebrating Russian writers and artists have been toppled.

But the Russian-aligned church, officially known as the Ukrainian Orthodox Church of the Moscow Patriarchate, has been difficult to dislodge. Though the Orthodox Church of Ukraine, a Kyiv-based denomination with no ties to Russia, is now the country's largest religious group, [millions of Ukrainians still belong to Moscow Patriarchate churches](#).

Moscow Patriarchate officials are fighting efforts to evict them. They say they cut all remaining ties with Russia last May, after Patriarch Kirill, the leader of the Russian Orthodox Church, [came out in support of the invasion, calling it a Holy War](#).

"We feel betrayed by our own government," said Archimandrite Mitrofan Bozhko, a priest at the Lavra. "If some people committed crimes, then deal with them personally. Don't ban the whole church. Our parishioners are on the front line fighting in this war."

Ukraine-aligned religious figures say that many members of the Russian branch of the church are loyal citizens trying to practice their traditional faith. But they accuse top leaders of playing into Moscow's expansionist ambitions.

"The Moscow Patriarchate uses the Lavra for spreading the ideology of the 'Russian world,' which is the basis for Russia's invasion," Archbishop Yevstratiy, a spokesman for the Orthodox Church of Ukraine, said in an interview. "They use their influence in the Orthodox Church as a weapon of hybrid war."

Ukraine's security service, known as the SBU, says the Moscow Patriarchate remains a nest of spies and Russian sympathizers.

Since the full-scale invasion began last year, criminal charges have been filed against 61 Moscow Patriarchate priests. Seven have been convicted on charges that range from spreading Russian propaganda to spying on Ukrainian forces. A government investigation in January found no evidence that the denomination had formally cut ties to Russia or

changed its governance structure, which has long recognized the Russian Orthodox patriarch as its top spiritual authority.

"This is about national security," Mykhailo Podolyak, an adviser to Ukrainian President Volodymyr Zelensky, said recently on Ukrainian television. The leaders of the Moscow Patriarchate, he said, "have always directly or indirectly supported Russian aggression against Ukraine."

The Russian Orthodox Patriarchate has for centuries claimed religious jurisdiction over Ukraine. During the Soviet era, the Moscow Patriarchate was the only recognized church in the country. A new church, known as the Kyiv Patriarchate, sprouted following Ukraine's independence in 1991.

That church was unrecognized by global Orthodoxy, and the Moscow Patriarchate remained predominant and retained control of many of the country's holiest sites, including the Lavra.

The situation started to change after Russia seized Crimea in 2014 and secretly sent paramilitaries and then its regular army into eastern Ukraine.

Russian President [Vladimir Putin](#) had placed the Russian Orthodox Church at the center of his efforts to rebuild Moscow's influence in countries such as Ukraine that Moscow used to rule. The Russian invasion turned many Ukrainians against it.

Congregations across the country began decamping to the Kyiv Patriarchate, which has an almost identical liturgy but considers independence from Russia one of its core tenets. That process accelerated after Ecumenical Patriarch Bartholomew, who as 270th Archbishop to the Church of Constantinople is the foremost Orthodox leader, [granted Ukraine its own church in 2019](#).

The Moscow Patriarchate, by contrast, continued to hold services in Russian and, until last May, blessed Patriarch Kirill during public worship. Its priests dismiss the Kyiv-based church, known formally as the Orthodox Church of Ukraine, as canonically illegitimate.

In Ukraine, the Kyiv-based church is winning out. Before the full-scale invasion began last year, 34% of Ukrainians identified as members of the Kyiv Patriarchate, while only 14% belonged to Moscow Patriarchate churches. Hundreds more churches have left the Moscow Patriarchate since then: A poll last summer found that only 4% of Ukrainians now identify as part of Moscow Patriarchate.

Though the Moscow Patriarchate has condemned the invasion, many Ukrainians question why the church didn't distance itself from Russia far sooner.

"This is the 10th year of war," said Yaryna Arievea, a 22-year-old resident of Kyiv. "All churches that work with Patriarch Kirill should be shut down."

Even as its numbers have dropped, the Moscow Patriarchate retains influence, especially in Ukraine's predominantly Russian-speaking regions. Last year the Kremlin put Moscow Patriarchate churches at the center of its propaganda campaign, claiming that Russian Orthodox believers in Ukraine were being suppressed.

Archimandrite Afanasiy Burdyukh, a Moscow Patriarchate priest in Kherson, said that Russian-installed officials approached him shortly after they seized the city in March 2022.



First they asked permission to distribute humanitarian aid at the church, then showed up with a film crew to document it. Next they told him to say that Kherson was historically a Russian city in his sermons. Ultimately, he said, officials pushed him to encourage parishioners to vote in favor of joining the Russian Federation in the sham referendum held in September.

"Convince them that Russia coming is a blessing," he recalls the men telling him. He added, "the Russians' idea was that the church was a source of information that people would accept without question. It was important to them to control this source."

Father Afanasiy said he never fulfilled these requests, but that many priests complied, including one from his church, Father Maksim Tarasenko.

"He would say, 'We have the same past. We have the same motherland,' " Vitaly Stasiyk, a security guard at the church, said of Father Maksim, adding that he often referenced Kyivan Rus, a state founded in Kyiv more than a millennium ago that President Putin has invoked in his argument that Russia and Ukraine are historically the same country. Father Maksim didn't respond to requests for comment.

When Russian forces pulled out of Kherson in November, Father Maksim fled across the river with them, as did many other Moscow Patriarchate priests. One Kherson priest was photographed at the Kremlin for a ceremony to commemorate the claimed annexation of four Ukrainian regions.

In the northeastern Kharkiv region, the rector of a Moscow Patriarchate church in Izyum has been accused of publicly blessing the Russian military convoy. Another priest, in the eastern Luhansk region, was convicted of high treason for sending information about Ukrainian military positions to the invading army; he is one of three priests who have been sent to Russia as part of a prisoner swap, according to Ukrainian military intelligence.

Ukraine is now trying to dismantle the Moscow Patriarchate.

Mr. Zelensky late last year ordered parliament to draft a law barring "religious organizations affiliated with centers of influence in the Russian Federation" from operating in Ukraine; a draft law has been introduced, but parliament hasn't yet voted on the bill.

Last month, officials in the western city of Khmelnytskyi voted to evict the Moscow Patriarchate from their cathedral, after a priest and parishioners were filmed beating a Ukrainian soldier. Nine regional legislatures later voted to ban the Moscow Patriarchate entirely.

Moscow Patriarchate officials say the bans amount to an illegal attack on their religious freedom and have sued to stop the evictions.

Metropolitan Clement of Nizhyn and Pryluky, a spokesman for the Moscow Patriarchate, conceded that some priests have aided the Russian occupation, but said this makes the church no different from any number of other Ukrainian institutions—including the SBU itself.

"In Kherson, lots of police went over to Russia. But no one talks about banning the police—only our church," he said. "It's political persecution. The goal is to take from one denomination and give to another that's supported by the state."

He added, "The government wants to divert attention from the large number of casualties at the front with this soap opera with monks."

The Lavra case is becoming a defining test of Ukraine's efforts to root out Russian influences.

Founded in the 11th century on cliffs overlooking the Dnipro River, the Lavra is considered the cradle of Slavic Orthodox Christianity. Orthodox believers have long come from across Eastern Europe to see the remains of saints buried in the Lavra's catacombs.

Like most historic churches in Ukraine, the property is owned by the state, but the Moscow Patriarchate has held the lease since Soviet times.

The investigation into the Lavra began last fall, after a video filmed there showed parishioners singing a hymn celebrating Russia's "awakening."

Metropolitan Pavlo is accused of spreading Russian ideology.

In a recording released by the SBU, he encouraged a woman to keep mentioning Patriarch Kirill during worship, which the denomination forbade last May, saying he'd do the same. On another tape, he says residents of Kherson were welcoming the Russian occupation. "There are already Russian flags everywhere and everything else," he said, "and the people are satisfied." A search of his home found a Russian coat of arms.

At a court appearance in April, Metropolitan Pavlo called the charges against him politically motivated.

From house arrest, he posted a video on YouTube calling on Moscow Patriarchate parishioners to fight to keep hold of their church buildings.

"Listen to no one. Keep your sanctuaries. Don't abandon them. And woe to those mothers of children who destroy temples," he said. "Church destroyers," he warned, will be punished for seven generations.

In Russia, the Moscow Patriarchate priests at the Lavra are a cause celebre. Patriarch Kirill denounced efforts to evict monks. The Russian foreign ministry called for Metropolitan Pavlo's release. "He is taking on the likeness of a martyr for the Orthodox faith," the ministry said in a statement.

Ukraine's government has already taken control of the Lavra's cathedral, after the Moscow church's lease expired at the end of last year. The Orthodox Church of Ukraine now holds services there.

Reclaiming the Lavra's monastery, where the Moscow Patriarch holds a long-term lease, has been tougher.

Ukraine's ministry of culture says the Moscow Patriarchate broke its lease by altering some of the Lavra's historic buildings. The church challenged the ruling in court, and a judge dismissed the case. Metropolitan Pavlo repeatedly instructed the monks not to leave, and some 200 of them refuse to move out.

In recent weeks, parishioners have held vigil outside the Lavra to protest the monks' eviction. Counter protesters often stand a few feet away, demanding the Moscow Patriarchate leave.

"The Ukrainian government thinks the Lavra is state property," said Father Valery Kravets, a priest at the Lavra, during a recent protest. "But the Lavra wasn't built by the state. It was built by the parish and monks."

*Nikita Nikolaenko contributed to this article.*

*Photo 1: Activists supporting the government's effort to expel monks from the Lavra demonstrate in April. PHOTO: ROMAN PILIPEY/GETTY IMAGES*

*Photo 2: Adherents of the Ukrainian Orthodox Church, accused by Ukrainian officials of retaining ties to the Russian Orthodox Church, gather in front of the monastery. PHOTO: ROMAN PILIPEY/GETTY IMAGES*

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## **UOC priests visit Ukrainian military on the front line**

***Clerics of the UOC handed over clothes, heaters, medicine and food to Ukrainian Armed Forces soldiers and residents of frontline areas of the Donbas.***

[Union of Orthodox Journalists](#) (23.02.2023) - The UOC priests visited hot spots in Kharkiv and Donetsk regions that are in the war zone as part of the "Mission of Mercy" project, reports [the press service of the UOC Department for Social and Humanitarian Issues](#). During the trip, UOC clergy and parishioners handed over humanitarian aid to residents of the settlements of Kurakhovo, Zarechye and Torske.

"The priests visited Kurakhovo, where refugees from Maryinka and Uhledar are hiding, and also handed over humanitarian aid to the Sviatogorsk Lavra, the Skete of St. John of Shanghai in Adamivka, to Iziium, Slaviansk, Kramatorsk, Liman, Pokrovske and Selidovo," the press service said.

The priests also visited three combat units of the Ukrainian Armed Forces fighting in the Bakhmut, Svatovsk and Uhledar directions. Ukrainian soldiers received trench candles, power supplies, warm clothes, medicines, food and stoves.

As reported, [UOC aid was delivered to war-affected areas of the Donbas](#).

***"Mission of Mercy": UOC aid delivered to war-affected areas***

[Union of Orthodox Journalists](#) (03.02.2023) - Priests of the Kyiv Eparchy delivered humanitarian aid to the most war-affected areas of Donetsk and Kharkiv regions for local residents and AFU military in the "Mission of Mercy" project of the [UOC](#) Department for Social and Humanitarian Affairs.

According to the Telegram channel ["Church Helps"](#), within three days, from January 31 to February 2, 2023, the participants of the humanitarian mission visited the cities of Iziium, Kupiansk, Sviatogorsk, the villages of Zarichne, Kamyanka, Dolyna, Torske, and Ivanchukivka. These settlements survived shelling and occupation, and fighting is still going on in some of them.

The priests brought more than a ton of humanitarian kits, 400 kg of salt and sugar each, sweets, clothing, painkillers and antipyretic medicines. AFU soldiers and the mobile hospital received canned meat, energy drinks and candy bars.

"Our spiritual Mission of Mercy continues. With the blessing of the Primate of the Ukrainian Orthodox Church, His Beatitude Metropolitan Onuphry and the Synodal Department for Social and Humanitarian Affairs of the Kyiv Eparchy, we delivered a humanitarian cargo for those most affected by war," said Archpriest Andriy Dvorovyi, Head of the Social Ministry and Charity Department of the Kyiv Eparchy of the UOC. "The Scripture says it is 'more blessed to give than to receive' (Acts 20:35). True riches are measured not by what you have accumulated and spent on yourself, but by how much you have given. What we have accumulated in heaven is a true treasure. Hurry up to do good."

As [reported](#), UOC priests from the frontline towns of Siversk and Chasiv Yar delivered and distributed humanitarian aid collected in Kyiv and Boryspil eparchies to their fellow countrymen under shelling.

### **Humanitarian assistance of the Kyiv Diocese of the Ukrainian Orthodox Church/ Moscow Patriarchate (UOC/MP) to Ukrainian civilians and soldiers**

On 14 December 2022, Metropolitan Onuphrius of Kyiv and All Ukraine held the annual diocesan meeting of the clergy of the Kyiv Diocese during which figures were publicized about their humanitarian assistance to Ukrainian civilians in regions hit by the war:

*Almost 600 people who were forced to leave their homes in the zone of active hostilities received shelter in the parishes of the Kyiv Diocese. In addition, 263,000 servings of hot lunches, more than 15 tons of products and food kits, medicines were distributed, and one million hryvnias were collected.*

*Our clergy helped evacuate people. Thus, Archpriest Borys Kovalchuk, abbot of the Church of the Great Martyr Demetrius of Thessaloniki, village of Pylypovychi, Borodyan District, took more than one and a half thousand people out of shelling.*

*For the needs of the Armed Forces of Ukraine, 4 cars and funds in the amount of more than 240 thousand hryvnias were transferred from the Kyiv diocese. 31 tons of food products and medicines worth more than 40 thousand hryvnias were collected. Ammunition worth almost 400,000 hryvnias was purchased. 200 kilograms of wax and paraffin for the production of so-called trench candles were also handed over.*

*Through the joint efforts of the clergy and faithful of the Kyiv Diocese, humanitarian aid is constantly organized and delivered to other dioceses to victims of hostilities, as well as to the de-occupied territories of Kherson Oblast, Kharkiv Oblast, Donetsk Oblast and other liberated regions.*

*In particular, seven trips were made to the Holy Assumption Lavra, two to Liman. 100 tons of coal, 32,000 liters of fuel, 40 tons of other cargo, including food products for long-term storage, clothes and mattresses, etc., were transferred to Lavra. 6 tons of coal, 6 generators and foodstuffs were transferred to Lyman and Kherson. Such assistance continues to be provided.*

*It should be noted that the teachers and students of the Kyiv Theological Schools, as well as the brothers of the Kyiv-Pechersk Lavra, the Ionyn Monastery, have repeatedly participated in the formation of a blood bank for victims of military operations and wounded defenders of Ukraine.*

*On October 14, the Day of Defenders of Ukraine, as well as on December 6, the Day of the Armed Forces of Ukraine, the clergy of the capital visited wounded servicemen in*

*Kyiv hospitals and congratulated them on the holiday and handed over help for treatment.*

*In general, the Kyiv Diocese together with the department of social work and charity provided assistance this year:*

- funds in the amount of one and a half million hryvnias;*
- food products and hygiene products - more than 125 tons;*
- food sets - 1300 pieces;*
- medicines in the amount of 140 thousand hryvnias;*
- clothing - 47 tons;*
- ammunition for the military in the amount of 400 thousand hryvnias;*
- cars for the Armed Forces and territorial defense - 4 pieces.*

*Of course, today we can only make interim summaries of social work, because the war is still going on. I thank all of you, and through you, your parishioners, volunteers and benefactors - everyone who, with their own strength and funds, sacrifices themselves, joins the cause of charity, the protection of our Motherland. Good deeds are the only wealth that everyone will take with them into eternity and that will determine the future fate of the soul. We pray that these good deeds become a guarantee of eternal life with God.*

Exchange rate: 1 EUR = 40 hryvnias

### **HRWF Comment**

The UOC has distanced itself from the Russian Orthodox Church (ROC) due to the support of Patriarch Kirill to Putin's war on Ukraine. It has recently revised its statutes to strengthen its complete autonomy and independence from Moscow. The UOC has no representative in the ROC in Moscow but it has not seceded from it and it has hereby preserved its canonical status. A bill has been tabled at the Parliament to ban it. As of today, President Zelensky has not taken any position about the draft law. See [the analysis of Dr Aaron Rhodes](#) on this issue.

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## **Law enforcers open nearly 60 criminal cases against UOC representatives**

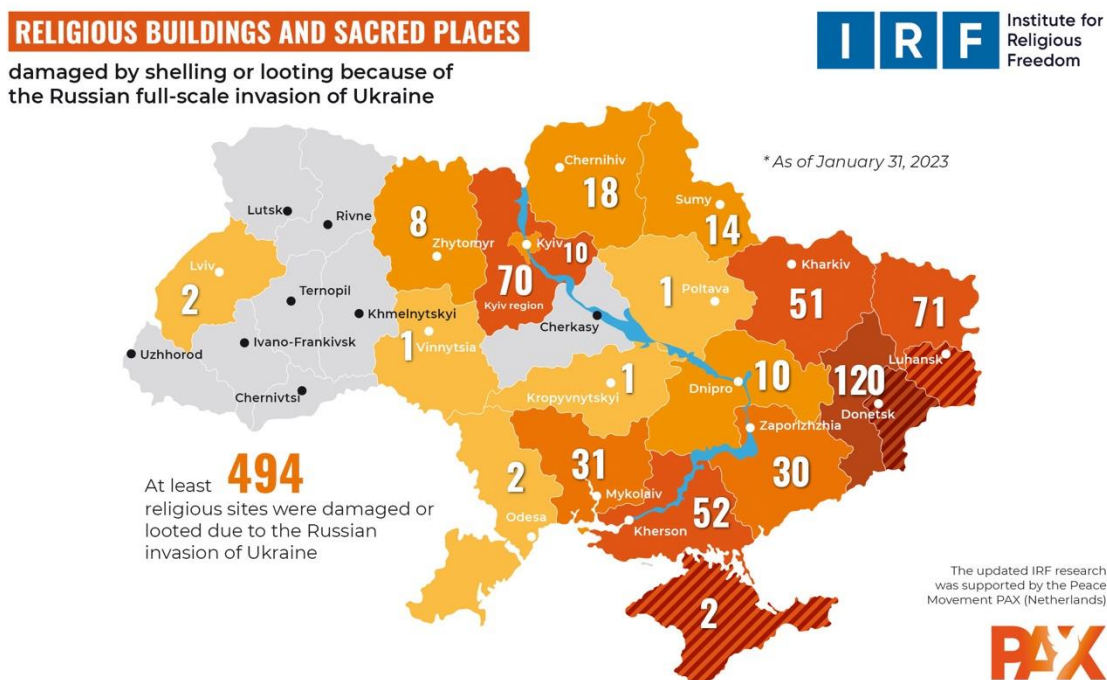
***The Security Service of Ukraine (SBU) has reported in response to a media query about the launched criminal cases against the church ministers***



[Union of Orthodox Journalists](#) (23.02.2023) - The [SBU](#) said that since the beginning of the large-scale invasion of Ukraine by the Russian Federation, they opened about 60 cases against representatives of the Ukrainian Orthodox Church, reports [Ukrinform](#). "We report that there are currently registered almost sixty criminal proceedings against the requested category of persons and the court issued seven guilty verdicts," the SBU officials said.

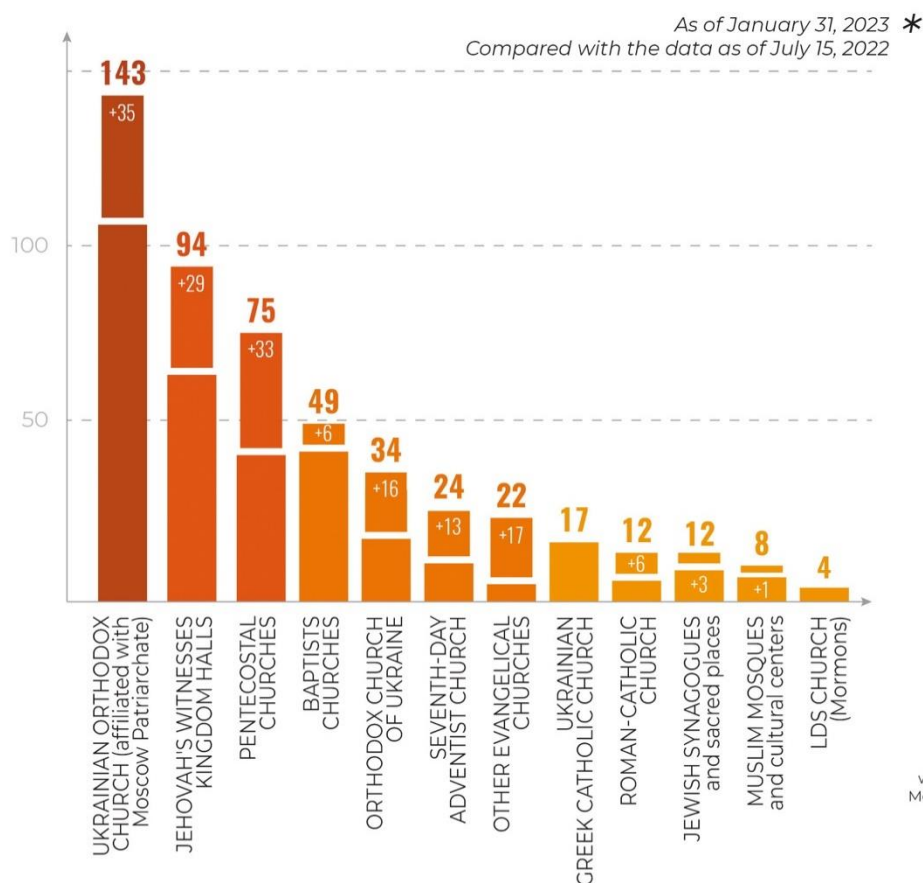
As reported, earlier the GUR (the Defence Intelligence of the Ministry of Defence of Ukraine) reported that on February 16, 2023, during another exchange of prisoners, the Ukrainian side gave to the RF a priest convicted for seven years from the village of Yarova of the Horlivka Eparchy of the UOC, Archpriest Nikolai Zirka.

## Almost 500 religious sites destroyed as a result of Russian aggression



## CONFESSIONAL AFFILIATION

of the religious sites damaged by shelling or looting  
because of the full-scale Russian invasion of Ukraine



IRF (03.02.2023) - <https://irs.in.ua/p/139> - As a result of the full-scale Russian invasion of Ukraine, **at least 494 religious buildings**, theological institutions, and sacred places were wholly destroyed, damaged, or looted by the Russian military.

The Ukrainian Institute for Religious Freedom presented this updated data on the impact of the war on Ukrainian religious communities on January 31 and February 1 during the Summit on International Religious Freedom (IRF Summit 2023) held in Washington, D.C.

According to the IRF Ukraine, [since the presentation at last year's IRF Summit](#), in July 2022, **the number of religious infrastructure facilities in Ukraine affected by Russian aggression has more than doubled.**

Most churches, mosques, and synagogues were destroyed in Donetsk region (at least 120) and Luhansk region (more than 70). The scale of destruction is also enormous in Kyiv region (70), where desperate battles were fought in defense of the capital, and in Kharkiv region – more than 50 destroyed religious buildings. Russian air raids, including those using Iranian drones, have affected almost all regions of Ukraine and continue to this day.

The Institute for Religious Freedom also documented **many cases of seizure of religious buildings in Ukraine and their further use as Russian military bases or to conceal the firing positions of Russian troops.** This tactic of the Russian military provokes an increase in the scale of destruction of religious sites in Ukraine.

Churches of the Ukrainian Orthodox Church (affiliated with the Moscow Patriarchate) suffered the most from Russian aggression – at least 143 were destroyed.

**The scale of destruction of evangelical church prayer houses is immense – at least 170 in total,** of which most affected were Evangelical Christian churches – 75, Evangelical Baptist Christian prayer houses – 49, and Seventh-day Adventist churches – 24.

The updated IRF data now contains information on the destruction of the Kingdom Halls of Jehovah's Witnesses – a total of 94 religious buildings, of which seven were utterly destroyed, 17 were severely damaged, and 70 were insignificantly damaged.

The Institute for Religious Freedom also documented **targeted attacks on religious figures and believers by the Russian military and intelligence services, primarily in the occupied territories of Ukraine.**

In his speech at the summit, IRF executive director **Dr. Maksym Vasin** stated that believers and clergy often became targets for the Russian occupation authorities because of the Ukrainian language, belonging to a different denomination than the Orthodoxy of the Moscow Patriarchate, or for any other manifestation of Ukrainian identity.

**During the Russian occupation, believers of evangelical churches in Ukraine (Pentecostals, Baptists, Adventists, Charismatics, etc.) are particularly affected.** Russian soldiers repeatedly threatened the total physical destruction of all evangelical believers, calling them "American spies," "sectarians," and "enemies of the Russian Orthodox people."

**Valentyn Syniy**, the rector of the Tavriski Christian Institute, which was entirely destroyed by the Russian military, testified on this at the IRF Summit 2023 in Washington, D.C.

One Russian officer told an employee of our institute that "evangelical believers like you should be completely destroyed since you are sectarians and American spies. But a simple shooting will be too easy for you. You need to be buried alive."

**Dmitry Bodyu**, a pastor of the Word of Life Church in Melitopol, Zaporizhzhia region, shared his personal story of Russian captivity with the IRF Summit participants. The Russian military seized the church building, and he was imprisoned and told that he would soon be killed. The pastor was able to escape from a Russian prison and evacuate, but for local evangelical believers under Russian occupation, a deadly threat remains.

Also, pastor Bodyu mentioned in his speech that the Russian occupation authorities illegally imprisoned two Ukrainian Greek Catholic Church clergymen in Berdiansk of Zaporizhzhia region. They are **Ivan Levitskyi** and **Bohdan Geleta**, who have been in prison for more than three months and are tortured and charged arbitrarily with terrorism and assistance.

During the IRF Summit, a separate panel discussion dedicated to Ukraine was held, which was also attended by the first deputy chairman of the All-Ukrainian Union of the Churches of Evangelical Christians-Baptists **Igor Bandura**, first deputy senior bishop of the Ukrainian Pentecostal Church **Anatoliy Kozachok**, president of the Union of Jewish Religious Organizations of Ukraine Rabbi **Yaakov Dov Bleich**, Bishop of the Roman Catholic Church in Ukraine **Oleksandr Yazlovetskiy**, archpriest of the Orthodox Church of Ukraine Father **Andrii Dudchenko** and Board Chairman of the Institute for Religious Freedom **Oleksandr Zaiets**.

In September 2022, the Ukrainian Institute for Religious Freedom published [the report "Russian attacks on religious freedom in Ukraine"](#) and video evidence of Russian war crimes against Ukrainian religious communities: <https://bit.ly/2022-IRF-video-testimonies>.

The updated research, recently presented in Washington, D.C., was carried out by the IRF Ukraine with the support of the peacebuilding movement PAX (Netherlands) and Mission Eurasia (USA).

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## **With Orthodoxy torn apart in Ukraine, mediation is needed to heal it**

***While Ukrainian religious organizations are heroically engaged in humanitarian efforts, a conflict within Orthodoxy threatens the unity upon which the country's future depends.***

*By Aaron Rhodes*

[Bitter Winter](#) (07.02.2023) - Ukraine is in an existential struggle for the lives of its citizens and its existence as a sovereign state. The 1750 branches of the Ukrainian Pentecostal Church pull together with a wide range of partners to assist internally displaced persons (IDPs) and to manufacture heating stoves. Their volunteers, and those of other congregations like the Victory Church, and the Roman Catholic Caritas-Spes work on the very edge of combat zones, as close as the military will allow. Volunteers have been killed transporting food to liberated areas of the country where basic services have been destroyed, and Russian bombs still fall.

Aid is both humanitarian and spiritual. According to Senior Pentecostal Bishop Mykhailo Panocho, "The government can't do anything for the soul." Ukraine is a religious country, with over 70 percent of the population declaring themselves believers. A substantial majority cleave to Eastern Orthodoxy, yet the humanitarian and spiritual efforts of those churches in the current crisis are overshadowed by the conflict between the Ukrainian Orthodox Church/ Moscow Patriarchate (UOC) and the Orthodox Church of Ukraine/ Constantinople Patriarchate (OCU).

The poisonous roots of this problem were planted by Stalin's murderous policies toward Ukraine. As observed by the OCU Archbishop Yevstratiy, Stalin, noting that Kyiv was a "city of churches," destroyed many in his efforts to make Kyiv a "city of socialism." Indeed, from the window of Yevstratiy's austere office one sees the beautiful St. Michael's Monastery, but it is not the original one, built in the Middle Ages. That was leveled by the Soviets.

Stalin reversed his original ban on Orthodoxy when he saw its subversive political potential. He turned the Russian Orthodox Church into an instrument of Soviet centralization and the KGB. Under the rule of former KGB officer Vladimir Putin, the politicization of the Church, while not endorsed by all Russian Orthodox clergy, is now reflected in Moscow Patriarch Kirill's virulent pro-war utterances, including his [promise](#) that dying in the service of Russia's assault on Ukraine "washes away all sins."

As Ukraine broke away from the Soviet Union and sought to reclaim its identity as an independent European state, not under Russia's thumb, the ties between the Ukrainian Orthodox Church and the Moscow Patriarchate became a troublesome legacy of the Stalinist politicization of the faith. It is one no more easily solved than many other structural and mental legacies of Soviet totalitarianism. Subordination of Orthodox churches to central power structures is uncanonical.

### ***The construction of a collective Ukrainian identity at the heart of the intra-Orthodox conflict***

The Orthodox Church of Ukraine (OCU) was established in 2018 as an effort to strengthen the identity of the Ukrainian people. On 5 January 2019, it was granted the tomos of autocephaly (decree of ecclesial independence) by the Ecumenical Patriarchate of Constantinople in Istanbul. Epiphanius Dumenko, its primate, [explained](#) that, "We must move away from those Russian imperial traditions that have been imposed on us for a long time."

Especially in the context of Russia's 2014 attack and occupation of parts of Ukraine, including Crimea, a number of UOC parishes changed their allegiance.

While some UOC clergy have voiced support for Russia during the new episode of the war reignited last February—several have been charged with collaboration—UOC church leaders have insisted on their loyalty to the Ukrainian government. They insist that they have established legal independence from Moscow and made it explicit in a new charter. But OCU officials stress that it has still not been published and say that the claim of independence is a deception. There are competing sets of facts, and deep suspicions abound.

Legislation is now under consideration that is bringing this division to a head. According to religious scholar Viktor Yelensky, who heads the government's State Service for Ethnopolitics and Freedom of Conscience, it will ensure that churches aligned with the Moscow Patriarchate will be sued in court, the draft laws focussing on institutions, not individuals. The legislation is seen by its proponents not as a "ban" on any religious activity or expression, but rather as an effort to free churches from foreign domination and influence.

### ***The Urgency of Mediation***

Yelenski said the legislation has broad popular support, but both Ukraine's friends and its enemies see problems. No less an authority on intra-orthodox relations than Donald Trump Jr. weighed in with a [Tweet](#), breathlessly announcing that "Zelensky is banning the Ukrainian Orthodox Church." One of Ukraine's leading human rights activists, Yevgeniy Zakharov of the Kharkiv Human Rights Protection Group, said he thought the bills were "a mistake" that would impose restrictions on millions of believers because of the crimes of a handful.



What is most worrying is the divisive potential of the current course of action. Oleksandr Bakhov, priest and head of the legal department in the Ukrainian Orthodox Church (UOC) and Member of Parliament, said the legislation “splits up society” and “benefits Russia.” Ukrainian authorities, spurred on by the passions of war, seem to be walking into a trap that will, indeed, be a gift to Russia and Russian propagandists in the West, where support is shaky.

In this situation, friends of Ukraine, and institutions trusted by both sides, need to step in and establish mediation aimed at bringing the disputing parties together. In our conversations in Kyiv, representatives of both sides evinced skepticism about the potential for dialogue. They need the services of expert mediators who can help establish a framework for discussion and build confidence. They need expert legal advice, for example from the Venice Commission, to check the compatibility of any proposed legislation with principles of the Rule of Law and religious freedom norms as enshrined in the European Convention on Human Rights (ECHR), and in the standards agreed to in the Helsinki process. Time is running short.

*Photo: Ecumenical Patriarch Bartholomew handing the tomos of autocephaly of the Orthodox Church of Ukraine (OCU) to Metropolitan Epiphanius. [Credits](#).*

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## **Draft law better than others, freedom of religion or belief concerns remain**

**Dmytro Vovk, [@VovkDmytro](#)**

***[Forum 18](#) (02.02.2023) - The Ukrainian government has produced a draft law prohibiting the operation of religious organisations affiliated with "centres of influence of religious organisations or associations with ruling centres" in Russia, but imposing an obligation on the state to prove any affiliation in court. The draft law in its present form raises freedom of religion or belief concerns. If adopted and implemented it may significantly change the Ukrainian Orthodox Church, which is historically and ecclesiastically linked to the Moscow Patriarchate.***

The Russia-Ukraine war, starting with the annexation in 2014 of Crimea and the military conflict in Eastern Ukraine, and continuing with Russia's February 2022 full-scale invasion, has had a tremendous impact on freedom of religion or belief and other related human rights in the region. Murders, tortures, forced detention, and forced displacement of religious leaders and believers of many faiths, serious freedom of religion or belief and other human rights violations inspired and directed by Russian proxies, as well as expropriations of religious properties have become the reality in Ukrainian territories occupied by Russia since 2014.



Liturgy in Orthodox Church of Ukraine parish, Stara Pryluka, 1 January 2023  
Visem [CC BY-SA 4.0]

Since Russia's renewed February 2022 full-scale invasion of Ukraine, Russia has up to January 2023 also destroyed or damaged up to 400 religious properties belonging to Orthodox, Protestant, Catholic, Jewish, and Islamic religious communities. Around half of these have been estimated by Ruslan Khalikov of the Religion on Fire Project to belong to the Ukrainian Orthodox Church (UOC), which is historically and ecclesiastically linked to the Moscow Patriarchate.

Freedom of religion or belief violations in the Ukrainian territories Russia has occupied since 2014 have not followed one pattern. In occupied Crimea the Russian government has forcibly imposed Russian laws and restrictions on exercising human rights, including freedom of religion or belief. In occupied eastern Ukraine serious violations of freedom of religion and belief have also taken place, which have included violence by Russian military and paramilitary groups.

Russia in 2023 is now following a more coordinated approach to impose the full range of Russian restrictions on the exercise of freedom of religion or belief across all the Russian-occupied areas of Ukraine.

### ***The Ukrainian Orthodox Church and the Ukrainian government***

On the territories under the Ukrainian government's control, Russia's 2014 attack on Ukraine significantly changed the government's relationship with the Ukrainian Orthodox Church (UOC). Under President Petro Poroshenko (who ruled from 2014 to 2019), the Ukrainian government made a crucial contribution to the establishment of the UOC's main rival in inter-Orthodox competition – the Orthodox Church of Ukraine (OCU). This included government diplomatic support for the OCU's ecclesiastical recognition by the Ecumenical Patriarchate in 2019.

Later in 2019, the Ukrainian parliament adopted two laws primarily affecting the UOC. The first law sets up a decision-making process for religious communities aiming to change their religious jurisdiction. The law requires that the decision of transition to a different jurisdiction shall be made solely by members of the religious organisation. This aims to prevent a practice common for both the UOC and the OCU when any changes to Orthodox parishes' charters must be approved by the respective ruling bishops.

Despite the fact that this law is formally generally applicable, the first law's authors and supporters did not conceal the fact that they passed the law to support the OCU, and that

the law's prime goal is to simplify and encourage the transition of UOC communities to the OCU.

The second law forces religious organisations and associations with "ruling centres" in Russia to change their names in order to explicitly identify their links with Moscow. The law also prohibits these organisations from sending their chaplains to the Ukrainian Army. The second law was brought before the Ukrainian Constitutional Court, and in December 2022 the court declared the law constitutional, which allowed the forced renaming of religious communities.

### ***Shift in Zelensky's attitude towards religious policy and the UOC***

From May 2019, when President Volodymyr Zelensky took office, and during the first months of Russia's February 2022 full-scale invasion, he did not develop a religious policy. In April 2022, members of Zelensky's parliamentary party insisted that Parliament would not consider a proposed ban on the UOC until the war was over, in order not to provoke divisions within Ukrainian society.

Zelensky's attitude changed in autumn 2022, apparently under the pressure of claims – some proven in court – of collaboration by some UOC clerics with the Russian military, and growing support among the Ukrainian public for sanctions against the UOC.

In October – December 2022, the Security Service of Ukraine (SBU) searched UOC properties and the homes of UOC clerics across the country. The SBU reportedly found Russian propaganda material, evidence of Russian citizenship obtained by several UOC clerics, as well as Russian army-issued food.

In December 2022, based on a decision of the National Security and Defence Council, President Zelensky asked the Cabinet of Ministers to draft a law banning religious organisations affiliated with Moscow. At the same time he emphasised that this law must comply with international standards of freedom of religion or belief (FoRB) and Ukraine's obligations to the Council of Europe.

In his decree, the President also requires the State Service for Ethnic Policies and Freedom of Conscience (SEPFP) to conduct a "religious expert examination" of the UOC Charter's ecclesiastical links with the Moscow Patriarchate.

The Cabinet of Ministers also dismissed SEPFP head Olena Bogdan (regarded as being basically neutral about religious policy). It replaced her with Viktor Yelensky, who was a long-term public critic of the UOC and its leadership before his appointment.

### ***The Government's draft law***

The Cabinet of Ministers submitted its draft law to Parliament in mid-January 2023. According to the head of the Parliamentary Committee on Humanitarian and Information Policy, Mykyta Poturayev, the law is expected to be adopted in March.

Draft laws targeting the UOC were submitted by opposition parliamentary deputies in March and November 2022. The March draft law imposed an automatic legislative ban on religious organisations affiliated with Russia. The November draft went even further and proposed, in addition to a full ban, a ban on any organisations except the Orthodox Church of Ukraine (OCU) and organisations approved by the OCU from using the word "Orthodox" in their title.

The government's draft law takes a different approach. It prohibits the operation of religious organisations (associations) affiliated with "centres of influence of religious

organisations or associations with ruling centres" in "states conducting armed aggression against Ukraine" (a clear reference to Russia), but imposes on the state the obligation to prove any such affiliation in court. In such cases the SEPFP is required to conduct a religious expert examination identifying the affiliation with Moscow. Either the SEPFP or a prosecutor must bring a case to a court, which would have the power to make a final decision on whether to ban a religious organisation.

### ***Freedom of religion or belief concerns***

While being more moderate than the two earlier draft laws submitted by opposition parliamentary deputies, the government's draft law still raises at least three concerns from the FoRB perspective.

#### **- What is "affiliation with centres of influence"?**

First, the concept of "affiliation with centres of influence" in Russia is quite vague.

If it could be legally proven that the Russian Orthodox Church (ROC) or the Russian government had used the ROC to guide or compel UOC parishes, clergy or believers to conduct illegal activities - for example to collaborate with the Russian army and secret services - this can already lead to the state taking legally permissible action to defend national security. This requires no special legislation such as the government's draft law. The existing criminal and other public law already allows the prosecution of any individual and entity involved in such illegal activities. As the Organisation for Security and Co-operation in Europe (OSCE)'s [Freedom of Religion or Belief and Security: Policy Guidance](#) notes: "Any wrongdoings on the part of individuals should, therefore, be addressed through criminal, administrative or civil proceedings against that person, rather than directed at the religious or belief community as a whole."

If affiliation means historical, symbolic or ecclesiastical links of a religious community to Russia without any illegal activities conducted by communities, clerics or believers, the affiliation can be publicly criticised. But such an affiliation is not in international law a sufficient reason to impose legal bans on these communities.

#### **- Banning or deregistering**

This leads us to the second concern. As the [OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities](#) note, international standards and good practice demand that: "Considering the wide-ranging and significant consequences that withdrawing the legal personality status of a religious or belief organisation will have on its status, funding and activities, any decision to do so should be a matter of last resort."

Similarly, "denial of legal personality or de-registration of a religious or belief community should not be based on alleged threats to security, but be clearly based on evidence of illegal acts by the religious or belief community in question," as the OSCE's [Freedom of Religion or Belief and Security: Policy Guidance](#) notes. It adds that this "can only be contemplated in cases of grave and repeated violations of endangering public order and if lighter sanctions, such as a warning, a fine or withdrawal of tax benefits, cannot be applied effectively".

So stripping a religious community of legal status can happen only when less restrictive measures cannot adequately address security concerns. This could mean that deregistration of a religious community can only legally happen when the entire leadership or the majority of members – not just individual leaders or members - are directly involved in illegal activities. "The fact that some individuals engage in such

[illegal] acts is not an indication that an entire religious or belief community shares these views or condones these activities," as the [OSCE Freedom of Religion or Belief and Security: Policy Guidance](#) notes.

The ROC and its leadership has [actively supported Vladimir Putin's aggression against Ukraine](#), and the Russian government has [pressured other Russian religious leaders to support Putin's aggression](#) against Ukraine. Ukraine's SBU has reported many cases of UOC clerics [justifying Russian aggression against Ukraine](#), the incitement of religious hatred, and [collaboration with Russian occupation forces](#).

In December 2022, UOC priest Fr Andriy Pavlenko (who had been convicted by a Ukrainian court of spying for Russia) was [exchanged with Russia](#) in a prisoner exchange.

However, the UOC officially consists of about 11,000 communities, and they are all separate legal entities connected with each other ecclesiastically but often not legally. To ban or deregister the UOC, the state would have to prove in court that the leadership or the majority of parishioners of each of the 11,000 parishes are involved in illegal activities.

#### - "Expert examination"



Metropolitan Onufry (Berezovsky), Kyiv, 8 May 2016  
[Sergento \[CC BY-SA 4.0\]](#)

Finally, the concept of a religious "expert examination" is also vague and legally questionable. Across the post-Soviet region, including in [Belarus](#), [occupied Crimea](#), and Central Asian states such as [Kazakhstan](#), "expert analyses" are often used to justify freedom of religion or belief and other human rights violations, including jailing prisoners of conscience.

The examination President Zelensky's December 2022 decree requires the SEPFP to undertake is potentially problematic in international law, for as the [OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities](#) note: "the state should refrain from a substantive as opposed to a formal review of the statute and character of a religious organisation".

The SEPFP's examination of links between the UOC and the ROC started quickly. The UOC has [challenged the impartiality of several engaged experts](#), claiming that they belong to the OCU and are biased towards the UOC.



On 1 February 2023, the SEPFP [published the opinion of its group of experts](#) about the UOC's affiliation with the ROC. The experts point out that the Moscow Patriarchate does not recognise the UOC as fully independent, and that there is no evidence that UOC leader Metropolitan Onufry (Berezovsky) has left the ROC's Synod. In addition, they emphasise that no other Orthodox churches recognise the UOC as an independent (autocephalous) church, and that the UOC has not sought this. The experts conclude that the UOC remains a part of the ROC.

### **How is the government going to identify the "affiliation"?**

The government's draft law contains no definition of "affiliation with centres of influence". However, the 1991 Ukrainian Law on Freedom of Conscience and Religious Organisations already defines "affiliation with ruling centres" in Russia for the purposes of regulating the name of religious organisations.

Article 12 of the Law - as amended in December 2018 - stipulates that religious organisations (associations) affiliated with a ruling centre in states attacking or occupying Ukraine (a clear reference to Russia) must identify this affiliation in their charter. In order to be recognised as affiliated with the Russian ruling centre, the Ukrainian religious organisation (association) must meet one of the following three criteria:

1. Its charter contains a provision regarding its incorporation in the religious organisation (association) with the ruling centre in Russia; or
2. The charter of the Russian organisation (association) contains a provision recognising the Ukrainian organisation (association) as a part of its structure, and the right of the Russian organisation (association) to adopt binding decisions regarding the Ukrainian organisation (association); or
3. The charter of the Ukrainian organisation (association) contains provisions regarding the mandatory participation of its leaders or representatives in ruling bodies of a Russian organisation (association) with the right of vote.

In May 2022, the UOC tried to address this issue. It declared its full independence from the ROC, and moved to eliminate from its charter all provisions regarding its subordination to the ROC and its Patriarch, as well as [participation of UOC representatives in ROC ruling bodies](#). Yet the UOC's status in relation to the ROC [remains ambiguous](#).

The UOC also meets the second Ukrainian legal criterion for affiliation, as the [ROC Charter](#) still identifies the UOC as part of the Moscow Patriarchate. This effectively prevents the UOC from becoming "unaffiliated" in the eyes of the Ukrainian state and in terms of Ukrainian law.

In order to become "unaffiliated", the UOC must persuade the Moscow Patriarchate to change the ROC charter to remove all UOC-related provisions. This is highly unlikely and up to now the UOC has done little to start this process. It is more likely that the ROC will keep insisting that the UOC is a part of the Moscow Patriarchate.

Indeed, in January 2023 at a United Nations Security Council meeting, [a high-ranking ROC cleric along with the Russian government representative attacked](#) what the Moscow Patriarchate representative described as "prohibiting the activities of churches with ties to the Russian Orthodox Church" and "mass political repression" of Orthodox believers. The UOC [publicly disassociated itself](#) from these claims.



## What's next?

It is likely, given President Zelensky's recent actions and statements, that the draft law banning religious organisations affiliated with centres of influence with Russia will be adopted.

It is not known that the Ukrainian government has requested assistance from international human rights or rule of law organisations such as the OSCE [Office of Democratic Institutions and Human Rights](#) (ODIHR), or from the Council of Europe's [Venice Commission](#). Their involvement might, even at this stage, help the government to address the human rights concerns raised by the draft law.

As the SEPFP religious expert opinion concludes that the UOC is affiliated with Moscow, if the draft law is adopted with its present text, the government will gain the power to ban the Church. It remains unclear how the government might exercise this power.

As each of the UOC's parishes is a separate legal entity, legal and organisational obstacles would probably prevent all of the parishes being deregistered. It still though remains possible that some UOC parishes and other entities might be deregistered.

The draft law would also affect several small Orthodox religious communities with ecclesiastical ties with Russia, including communities affiliated with the Russian Orthodox Church Outside Russia. Some of these communities – such as [the Bila Krynytsya Old Believers](#) – have cut their ties with Moscow, while others at present preserve such ties.

Whatever happens, the adoption and implementation of the draft law in its present form would significantly change the UOC, and also possibly affect the entire state of religious community - state relations in Ukraine.

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## первое известное тюремное заключение отказника от военной службы по соображениям совести

**Феликс Корли**

**[Forum18](#) (17.01.2023) - 46-летний христианин Виталий Алексеенко ожидает, что 19 января его отправят в тюрьму для отбывания наказания сроком на один год. 16 января Ивано-Франковский апелляционный суд отклонил его жалобу на обвинительный приговор за отказ от призыва в армию по убеждениям. Это пятый известный обвинительный приговор украинского суда с тех пор, как Россия активизировала вторжение — другие четыре человека получили условные сроки. «Я сказал суду, что согласен с тем, что нарушил закон Украины, — сказал Алексеенко [Forum18](#), — но я не виновен по закону Божию».**

Впервые с тех пор, как Россия активизировала вторжение в Украину в феврале 2022 года, Украина посадила в тюрьму человека за отказ идти в армию по соображениям совести. 16 января Апелляционный суд города Ивано-Франковска на юго-западе

страны отклонил апелляцию 46-летнего христианина Виталия Алексеенко по обжалованию наказания в виде лишения свободы сроком на один год. Приговор вступает в силу и, как только Виталий его получит, что ожидается 19 января, он рассчитывает сразу же отправиться в тюрьму.

Из Ивано-Франковска после рассмотрения апелляции Алексеенко рассказал Forum 18: «Я сказал суду, что согласен с тем, что нарушил закон Украины, но я не виновен по закону Божию. Я хочу быть честным перед собой». Он добавил, что если бы он раскаялся в своем «преступлении», то и нижестоящий, и апелляционный суды присудили бы ему условный срок (см. ниже).

Алексеенко сообщил Forum 18, что подаст еще одну жалобу. Однако такая жалоба не помешает вступлению приговора в силу (см. ниже).

Секретарь Украинского пацифистского движения Юрий Шеляженко назвал решение апелляционного суда «плохими новостями». «Это опасный прецедент, когда апелляционный суд оставил в силе приговор к тюремному заключению для отказника от военной службы по убеждениям», — сообщил он Forum 18 из Киева (см. ниже).

Алексеенко, являющегося внутренне перемещенным лицом из Донецкой области, в июне 2022 года вызвали в военкомат в городе Ивано-Франковске. Он объяснил, что по религиозным убеждениям не может брать за оружие. Ему было отказано в альтернативной гражданской службе, и его дело было передано в прокуратуру. 15 сентября 2022 года Ивано-Франковский городской суд приговорил его к одному году лишения свободы (см. ниже).

Сотрудник Ивано-Франковского горвоенкомата, отказавшийся назвать свое имя, заявил, что не знаком с делом Алексеенко. «Мы не компетентны, отвечать на ваши вопросы, — сказал чиновник Forum 18. — Обычно мы предлагаем альтернативную службу членам религиозных общин». Чиновник отказался сообщить, сколько мужчин смогли выбрать альтернативную гражданскую службу после активизации российского вторжения в Украину в феврале 2022 года (см. ниже).

Когда Forum 18 спросил чиновника, почему Алексеенко нельзя было назначить на альтернативную гражданскую службу по нужной профессии во время войны, скажем, в госпиталь; чиновник не объяснил, почему (см. ниже).

Ранее, в 2022 году, по четырем уголовным делам суды приговорили отказников к условному тюремному заключению и испытательному сроку:

- 18 мая 2022 г., Андрей Кучер, г. Мукачево, приговорен к 4 годам лишения свободы условно;
- 21 июня 2022 г., Кучеров Дмитрий, г. Александрия (Кировоградская область), приговорен к 3 годам лишения свободы условно;
- 17 августа 2022 г., Александр Коробко, г. Мукачево, приговорен к 3 годам лишения свободы условно;
- 22 августа 2022 г., Марьян Капац, г. Мукачево, приговорен к 3 годам лишения свободы условно.

Кучеров, член церкви пятидесятников «Источник жизни», основывает свой отказ от военной службы на своей христианской вере. Судебные решения по остальным трем делам описывают только отказ лиц от убийства людей по соображениям совести.

В соответствии с Постановлением Кабинета Министров от 10 ноября 1999 г. альтернативную гражданскую службу разрешалось выбирать только мужчинам,

принадлежащим к 10 религиозным организациям, признанным государством пацифистскими. К их числу относятся: адвентисты-реформисты; адвентисты седьмого дня; евангельские христиане; евангельские христиане-баптисты; «Кающиеся» или славянская церковь Святого Духа; Свидетели Иеговы; Харизматические христианские церкви (и церкви, приравненные к ним согласно их зарегистрированных уставов); христиане веры евангельской – пятидесятники (и церкви, приравненные к ним согласно их зарегистрированных уставов); христиане евангельской веры; Общество сознания Кришны.

Мужчины, которые не были членами ни одной из этих 10 общин, не имели права подавать заявление на альтернативную службу.

Одна из этих 10 общин, Свидетели Иеговы, отказывается от военной службы по соображениям совести в любой стране, но большинство готово пойти на альтернативную, полностью гражданскую форму службы.

После активизации вторжения России в Украину в феврале 2022 года и объявления военного положения в Украине военкоматы вызвали тысячи Свидетелей Иеговы. Прокуроры возбудили уголовные дела в отношении 67 человек, из которых 44 уже закрыты, сообщили Forum 18 Свидетели Иеговы.

«Учитывая, что тысячи Свидетелей Иеговы были вызваны в военкоматы, это очень положительная ситуация, — сказали Свидетели Иеговы Forum 18 — это положительный знак того, что правительство уважает отказников по убеждениям даже во время военного конфликта». Они добавили, что благодарны правительству за то, что оно уважает просьбы людей об альтернативной гражданской службе, «несмотря на трудные обстоятельства».

Шеляженко из Украинского пацифистского движения отмечает, что приговоры по всем пяти обвинениям отказников по убеждениям больше не фигурируют в публичном онлайн-реестре судебных приговоров, который ведет Государственная судебная администрация в Киеве. «Исчезновение из публичного реестра приговора [суда низшей инстанции] и других приговоров, по которым отказники были приговорены к лишению свободы с заменой лишения свободы условным сроком, выглядит, как попытка скрыть от общественности нарушения прав человека», — настаивал он (см. ниже).

Государственная судебная администрация в Киеве не ответила на письменный вопрос Forum 18 о том, почему приговоры по этим пяти делам больше не фигурируют в публичном онлайн-реестре судебных приговоров (см. ниже).

### **Осуществление отказа от военной службы по убеждениям**

В Украине каждый должен зарегистрировать свой домашний адрес в органах власти. Кроме того, все мужчины (включая лиц, отказывающихся от военной службы по соображениям совести) также должны зарегистрироваться в местном военкомате. Затем всем мужчинам выдается военный билет, в котором указывается, проходят ли они военную службу, проходили ли ее, освобождены ли от нее, являются ли резервистами или проходили альтернативную службу.

В Украине лица, отказывающиеся от военной службы по соображениям совести, уже давно [сталкиваются с препятствиями при прохождении альтернативной гражданской службы](#). Комитет по правам человека Организации Объединенных Наций (ООН) в своих Заключительных замечаниях по Украине от 9 февраля 2022 г. ([CCPR/C/UKR/CO/8](#)) подчеркнул, что «альтернативы военной службе должны быть доступны для всех лиц, отказывающихся от военной службы по соображениям

совести, без дискриминации в отношении характера их убеждения, оправдывающего отказ (будь то религиозные убеждения или нерелигиозные убеждения, основанные на совести)».

21 августа 2022 года Министерство обороны Украины сообщило Украинскому пацифистскому движению, что во время военного положения право на альтернативную гражданскую службу было приостановлено (см. ниже).

В Замечании общего порядка № 22 Комитета по правам человека ООН к статье 18 («Свобода мысли, совести и религии») Международного пакта о гражданских и политических правах (МПГПП) отмечается, что "от этого права нельзя отступать даже во время чрезвычайного положения в стране, угрожающего жизни нации".

Рабочая группа ООН по произвольным задержаниям заявила в 2019 году, что «право на отказ от военной службы по соображениям совести является частью абсолютно защищенного права придерживаться убеждений в соответствии со статьей 18 (1) Пакта, которое не может быть ограничено государствами».

В России в ее международно-признанных границах не существует законодательного или практического положения об альтернативной гражданской службе во время мобилизации, несмотря на то, что Конституция гарантирует это право каждому гражданину.

Россия на украинских территориях, которые она незаконно оккупировала с 2014 года, призвала мужчин в свои вооруженные силы. Это преступление согласно Женевской конвенции (IV) о защите гражданского населения во время войны, которая охватывает права гражданских лиц на территориях, оккупированных другим государством (указанных как «защищаемые лица»). Статья 51 гласит: «Оккупирующая держава не может принуждать находящихся под покровительством лиц служить в ее вооруженных или вспомогательных силах. Никакое давление или пропаганда, направленные на обеспечение добровольного призыва, не допускаются».

В аналитическом отчете Верховного комиссара ООН по правам человека от 11 мая 2022 г. ([A/HRC/50/43](#)) отмечается, что УВКПЧ задокументировало, что Россия на незаконно оккупированной украинской территории Крыма серьезно нарушила международное право в области прав человека, призвав на военную службу более 3000 человек.

### **Альтернативная гражданская служба «не применима» в условиях военного положения**

После активизации российского вторжения в Украину в феврале 2022 года президент Украины Владимир Зеленский подписал указ о введении военного положения на 90 дней. Все мужчины в возрасте от 18 до 60 лет были признаны допущенными к призыву по всеобщей мобилизации и им был запрещен выезд из страны. Период военного положения несколько раз продлевался и в настоящее время должен закончиться 19 февраля 2023 года.

Украинское пацифистское движение выразило обеспокоенность тем, что во время военного положения Минобороны может не уважать право лиц на прохождение альтернативной гражданской службы, если они не могут служить в вооруженных силах по убеждениям. 26 июля 2022 года по этому поводу им было направлено обращение в Минобороны.

В своем [ответе от 21 августа 2022 года](#), с которым ознакомился Forum 18, полковник Олег Христенко, заместитель начальника Главного управления кадров Генерального штаба, указал, что в соответствии с Законом об альтернативной службе мужчины могут выбрать альтернативную службу, «если выполнение воинских обязанностей противоречит их религиозным убеждениям и эти граждане принадлежат к действующим в соответствии с законодательством Украины религиозным организациям, вероисповедание которых не допускает пользования оружием».

Однако полковник Христенко отметил, что из-за вторжения русских и объявления военного положения регулярный призыв на военную службу был приостановлен и заменен мобилизацией. «Поэтому, исходя из изложенного, реализация конституционного права граждан на прохождение альтернативной (невоенной) службы в условиях правового режима военного положения и в период мобилизации, в связи с отсутствием призыва на срочную военную службу, не применяется».

Полковник Христенко добавил, что Закон о мобилизационной подготовке и мобилизации «не предусматривает альтернативную (невоенную) службу для призывников, призванных на военную службу в период мобилизации».

### **Служба занятости отклоняет запрос на альтернативную службу**

Виталий Васильевич Алексеенко (родился 2 декабря 1976 г.) проживал в Славянске на востоке Донецкой области Украины, когда Россия начала новое вторжение в Украину в феврале 2022 г. В 2017 г. он был зарегистрирован в Военкомате Украины в Славянске, но не получил военный билет. Однако ему выдали справку, действующую до 2022 года, подтверждающую, что он не служил в армии в 1990-е годы в Узбекистане, где тогда проживал, по соображениям совести.

В мае 2022 года Алексеенко бежал в Ивано-Франковск. 2 июня его вызвали в городской военкомат. Он сообщил, что не может взяться за оружие из-за своих религиозных убеждений как христианина. «Я сказал им, что готов пройти альтернативную службу, и написал такое заявление», — сказал он Forum 18. Он также объяснил, что отказался от военной службы в Узбекистане по соображениям совести.

«Мне сказали, что нет уверенности в том, что я верующий», — рассказал 15 декабря 2022 года Алексеенко Forum 18. «Они сказали, что только представители зарегистрированных конфессий имеют право проходить альтернативную службу». Алексеенко объяснил, что верит в Иисуса Христа и его повеление противостоять злу без насилия и быть миротворцами, как указано в Нагорной проповеди. «Но я не хожу ни в какую церковь, потому что они не соблюдают то, что сказал Христос».

Военкомат вновь призвал Алексеенко 6 июня, заявив, что его заявление об альтернативной службе отклонено. Когда он отказался от мобилизации, чиновники вызвали полицию.

Алексеенко пояснил, что не боялся и предпочел не бежать и не прятаться от властей. «Я не боюсь даже тюрьмы», — сказал он Forum 18 в декабре.

Сотрудник Ивано-Франковского горвоенкомата, отказавшийся назвать свое имя, заявил, что не знаком с делом Алексеенко. «Мы не компетентны отвечать на ваши вопросы, — сказал чиновник 17 января 2023 года Forum 18 — обычно мы предлагаем альтернативную службу членам религиозных общин». Чиновник отказался сообщить, сколько мужчин смогли выбрать альтернативную гражданскую службу после активизации российского вторжения в Украину в феврале 2022 года.



Когда Forum 18 сообщил чиновнику, что возражения Алексеенко против службы в армии основаны на его религиозных убеждениях, чиновник ответил: «Пусть заходит к нам во второй раз». Узнав, что Алексеенко вот-вот отправится в тюрьму после того, как его апелляция была отклонена, чиновник повторил, что не знаком с обстоятельствами его дела.

Когда Forum 18 спросил чиновника, почему Алексеенко нельзя было направить на альтернативную гражданскую службу по нужной во время войны профессии, скажем, в госпиталь, чиновник не объяснил, почему.

### **Уголовное дело, суд, осуждение, тюремный срок**

Следователь сообщил Алексеенко, что в отношении него будет открыто уголовное дело по статье 336 УК. Она предусматривает наказание за «Уклонение от призыва на военную службу во время мобилизации, в особый период, на военную службу по призыву из числа резервистов в особый период». Наказание – лишение свободы на срок от трех до пяти лет.

По совету следователя Алексеенко признал себя виновным, но отказался раскаться в своих действиях, "поскольку убежден, что вел себя прилично по-христиански, следовал велениям совести и не делал ничего плохого", сообщается в письме Украинского пацифистского движения в адрес Мониторинговой миссии ООН по правам человека в Украине от 9 ноября 2022 г.

15 сентября 2022 года в Ивано-Франковском городском суде в ходе судебного процесса по уголовному делу судья Роман Хоростил признал Алексеенко виновным по статье 336 Уголовного кодекса согласно решению, с которым ознакомился Forum 18. Отметим, что прокурор Ольга Газукина, которая поддерживала обвинение в суде, просила о трехлетнем условном тюремном заключении.

Однако судья Хоростил проигнорировал ходатайство прокурора и принял решение посадить Алексеенко в тюрьму. Он обратил внимание на досудебный протокол, в котором говорилось, что Алексеенко не представляет опасности для общества, и сократил ему наказание до одного года лишения свободы. В приговоре сказано, что срок начинается с фактического задержания Алексеенко.

Алексеенко обратился в Ивано-Франковский апелляционный суд. Согласно протоколам суда, после переноса слушания апелляции из-за отсутствия электричества, оно наконец состоялось 16 января 2023 года. Председательствующим судьей был Владимир Повзло, которого сопровождали коллеги-судьи Александр Васильев и Богдан Кукурудз. Слушание было открытым, рассказал Алексеенко Forum 18, и друзья пришли туда в его поддержку.

«Я сказал суду, что согласен с тем, что нарушил закон Украины, — сказал Алексеенко Forum 18, — но я невиновен по закону Божию. Я хочу быть честным перед собой». Он добавил, что если бы он раскаялся в своем «преступлении», то и нижестоящий, и апелляционный суды присудили бы ему условный срок. "Как я мог сделать это, если я не виноват?"

Апелляционный суд отклонил заявление amicus curiae (друга суда) от Шеляженко из Украинского пацифистского движения, в котором утверждалось, что Алексеенко следует оправдать. Судьи сказали, что они лучше знают закон, отметил Шеляженко.

Один из судей спросил Алексеенко, как он может доказать, что убийство людей несовместимо с его религиозными убеждениями. Он ответил, что если суд ему не поверит, то он не сможет его убедить. Он снова изложил свои религиозные причины



несовместимые с военной службой. «Простота и искренность Виталия, похоже, не произвели впечатления на суд», — сказал Шеляженко Forum 18.

Председательствующий судья Повзло выразил недовольство тем, что суд получил сообщения со всего мира в поддержку Алексеенко, сообщил Шеляженко Forum 18.

17 января Forum 18 не удалось связаться с прокурором Газукиной.

Алексеенко сообщил Forum 18, что будет далее обжаловать свое осуждение и тюремное заключение. «Я не хочу, чтобы кто-то еще страдал от этого». Однако он сказал, что «примирился» со своей судьбой. «Тюрьма есть тюрьма».

### **Дела больше не отображаются в публичном реестре решений**

Приговоры по всем пяти известным обвинениям в отношении отказников от военной службы по соображениям совести больше не фигурируют в публичном онлайн-реестре судебных решений, который ведет Государственная судебная администрация в Киеве. Попытки получить доступ к ним приводят к странице с надписью: «Просмотр страницы недоступен. Недействительная или устаревшая ссылка». Большинство, но не все, из вердиктов по другим делам, вынесенных этими судами в эти даты, были общедоступны, когда 17 января Forum 18 просматривал их.

«Исчезновение из публичного реестра приговора [суда первой инстанции] и других приговоров, по которым отказники были приговорены к лишению свободы с заменой лишения свободы условным сроком, выглядит попыткой скрыть от общественности нарушения прав человека», — заявил 16 января Шеляженко из Украинского пацифистского движения Forum 18.

Утром 17 января Forum 18 запросил Государственную судебную администрацию в Киеве, почему приговоры по этим пяти делам об отказе от военной службы по соображениям совести больше не фигурируют в публичном реестре. По состоянию на конец рабочего дня в Киеве ответа Forum 18 не получил.

### **Серьезные нарушения прав человека на оккупированной Россией территории Украины**

Серьезные нарушения свободы религии и убеждений и других прав человека имеют место [на всей территории Украины, незаконно оккупированной Россией.](#)

На оккупированной Россией украинской территории [Крыма](#) к ним относятся: принудительное введение российских законов и ограничений на осуществление прав человека, включая свободу религии или убеждений; заключение под стражу крымских узников совести мусульман и свидетелей Иеговы; насильственное закрытие мест отправления культа; наказания людей за проведение собраний для богослужений без разрешения российского государства.

В оккупированной Россией Луганской области Украины [до активизации вторжения в Украину в 2022 году](#) они включали: объявление незаконными всех протестантских и не принадлежащих Московскому Патриархату православных общин; атмосферу страха перед обсуждением нарушений прав человека; неоднократные отказы в разрешении римско-католическому священнику жить в регионе; увеличение числа запрещенных якобы «экстремистских» книг, включая издание Евангелия от Иоанна, опубликованное в 1820 году.

### **[Полные отчеты о свободе мысли, совести и убеждений на оккупированной Россией Украине](#)**

## **перше відоме тюремне ув'язнення за відмову від військової служби з міркувань совісті**

**Фелікс Корлі**

***Forum18 (17.01.2023) - 46-річний християнин Віталій Алексеєнко очікує, що 19 січня його відправлять до в'язниці для відбування покарання терміном на один рік. 16 січня Івано-Франківським апеляційним судом була відхилена його скарга на обвинувальний вирок за відмову від призову до армії за переконаннями. Це п'ятий відомий обвинувальний вирок українського суду, відколи Росія активізувала вторгнення — інші чотири особи отримали умовне засудження. «Я сказав суду, що згоден з тим, що порушив закон України, — сказав Алексеєнко Forum 18, — але я не винний згідно із законом Божим».***

Вперше з того часу, як Росія активізувала вторгнення в Україну в лютому 2022 року, Україна посадила у в'язницю людину за відмову йти до армії з міркувань совісті. 16 січня Апеляційний суд міста Івано-Франківська на південному заході країни відхилив апеляцію 46-річного християнина Віталія Алексеєнка щодо оскарження покарання у вигляді позбавлення волі на один рік. Вирок набирає чинності і, як тільки Віталій його отримає, що очікується 19 січня, він розраховує одразу вирушити до в'язниці.

З Івано-Франківська, після розгляду апеляції, Алексеєнко розповів Forum 18: «Я сказав суду, що згоден з тим, що порушив закон України, але я не винний згідно із законом Божим. Я хочу бути чесним перед собою». Він додав, що якби він покався у своєму «злочині», то і нижчий, і апеляційний суди присудили б йому умовний строк (див. нижче).

Алексеєнко повідомив Forum 18, що подасть ще одну скаргу. Проте така скарга не завадить набранню вироком чинності (див. нижче).

Секретар Українського пацифістського руху Юрій Шеляженко назвав рішення апеляційного суду "поганими новинами". "Це небезпечний прецедент, коли апеляційний суд залишив у силі вирок щодо тюремного ув'язнення для відмовника від військової служби за переконаннями", - повідомив він Forum 18 з Києва (див. нижче).

Алексеєнка, який є внутрішньо переміщеною особою з Донецької області, у червні 2022 року викликали у військкомат міста Івано-Франківська. Він пояснив, що за релігійними переконаннями не може братися за зброю. Йому було відмовлено в альтернативній цивільній службі і його справу було передано до прокуратури. 15 вересня 2022 року Івано-Франківським міським судом його було засуджено до одного року позбавлення волі (див. нижче).

Співробітник Івано-Франківського міськвійськкомату, який відмовився назвати своє ім'я, заявив, що не знайомий зі справою Алексеєнка. «Ми не маємо компетентності відповідати на ваші запитання, — сказав чиновник Forum 18. — Зазвичай ми

пропонуємо альтернативну службу членам релігійних громад». Чиновник відмовився повідомити, скільки чоловіків змогли обрати альтернативну цивільну службу після активізації російського вторгнення в Україну в лютому 2022 року (див. нижче).

Коли Forum 18 запитав чиновника, чому Алексеєнка не можна було направити на альтернативну цивільну службу за потрібним під час війни фахом, скажімо, до госпіталю; чиновник не пояснив, чому (див. нижче).

Раніше, у 2022 році, за чотирма кримінальними справами суди засудили відмовників до умовного тюремного ув'язнення з випробувальним терміном:

- 18 травня 2022 р., Андрія Кучера, м. Мукачеве, засуджено до 4 років позбавлення волі умовно;
- 21 червня 2022 р., Дмитра Кучерова, м. Олександрія (Кіровоградська область), засуджено до 3 років позбавлення волі умовно;
- 17 серпня 2022 р., Олександра Коробка, м. Мукачеве, засуджено до 3 років позбавлення волі умовно;
- 22 серпня 2022 р., Мар'яна Капаца, м. Мукачеве, засуджено до 3 років позбавлення волі умовно.

Кучеров, член церкви п'ятидесятників "Джерело життя", засновує свою відмову від військової служби на своїй християнській вірі. Судові рішення з інших трьох справ описують лише відмову осіб від вбивства людей з міркувань совісті.

Згідно Постанови Кабінету Міністрів від 10 листопада 1999 р. альтернативну цивільну службу дозволялося обирати тільки чоловікам, що належать до 10 релігійних організацій, визнаних державою пацифістськими. До них належать: адвентисти-реформісти; адвентисти сьомого дня; євангельські християни; євангельські християни-баптисти; «Покутники» або слов'янська церква Святого Духа; Свідки Єгови; Харизматичні християнські церкви (і церкви, прирівняні до них відповідно до їхніх зареєстрованих статутів); християни віри євангельської – п'ятидесятники (і церкви, прирівняні до них відповідно до їхніх зареєстрованих статутів); християни євангельської віри; Товариство свідомості Крішні.

Чоловіки, які не були членами жодної із цих 10 громад, не мали права подавати заяву на альтернативну службу.

Одна з цих 10 громад, Свідки Єгови, відмовляється від військової служби з міркувань совісті в будь-якій країні, але більшість готова піти на альтернативну, повністю цивільну форму служби.

Після відновлення вторгнення Росії в Україну в лютому 2022 року та оголошення військового стану в Україні військкомати викликали тисячі Свідків Єгови. Прокурори порушили кримінальні справи щодо 67 осіб, з яких 44 вже закриті, повідомили Forum 18 Свідки Єгови.

«Враховуючи, що тисячі Свідків Єгови були викликані у військкомати, це дуже позитивна ситуація, – розповіли Свідки Єгови Forum 18 – це позитивний знак того, що уряд поважає відмовників щодо переконань навіть під час воєнного конфлікту». Вони додали, що вдячні уряду за те, що він поважає прохання людей щодо альтернативної громадянської служби, «незважаючи на важкі обставини».

Шеляженко з Українського пацифістського руху зазначає, що вирок за всіма п'ятьма звинуваченнями відмовників за переконаннями більше не фігурують у публічному онлайн-реєстрі судових рішень, який веде Державна судова адміністрація у Києві. «Зникнення з публічного реєстру вирок [суду нижчої інстанції] та інших вироків, за якими відмовників було умовно засуджено до позбавлення волі, виглядає як спроба

приховати від громадськості порушення прав людини», — наполягав він (див. нижче).

Державна судова адміністрація у Києві не відповіла на письмове запитання Forum 18 про те, чому вироки з цих п'яти справ більше не фігурують у публічному онлайн-реєстрі судових вироків (див. нижче).

### **Здійснення відмови від військової служби за переконаннями**

В Україні кожен має зареєструвати свою домашню адресу в органах влади. Крім того, всі чоловіки (включаючи осіб, які відмовляються від військової служби з міркувань совісті), також повинні зареєструватися в місцевому військкоматі. Потім усім чоловікам видається військовий квиток, в якому вказується, чи проходять вони військову службу, чи проходили її, чи звільнені від неї, чи є резервістами чи проходили альтернативну службу.

В Україні особи, які відмовляються від військової служби з міркувань совісті, вже давно [стикаються з перешкодами під час проходження альтернативної цивільної служби](#). Комітет з прав людини Організації Об'єднаних Націй (ООН) у своїх Заключних зауваженнях щодо України від 9 лютого 2022р. ([CCPR/C/UKR/CO/8](#)) наголосив, що «альтернативи військової служби мають бути доступні для всіх осіб, які відмовляються від військової служби з міркувань совісті, без дискримінації щодо характеру їх переконання, що виправдовує відмову (чи релігійні переконання чи нерелігійні переконання, засновані на совісті)».

21 серпня 2022 року Міністерство оборони України повідомило Український пацифістський рух, що під час військового стану право на альтернативну цивільну службу було припинено (див. нижче).

У Зауваженні загального порядку № 22 Комітету з прав людини ООН до статті 18 («Свобода думки, совісті та релігії») Міжнародного пакту про громадянські та політичні права (МПГПП) наголошується, що ["від цього права не можна відступати навіть під час надзвичайного стану в країні, що загрожує життю нації"](#).

Робоча група ООН із довільних затримань [заявила у 2019 році](#), що «право на відмову від військової служби з міркувань совісті є частиною абсолютно захищеного права дотримуватися переконань відповідно до статті 18 (1) Пакту, яке не може бути обмежене державами».

У Росії її міжнародно-визнаних кордонах [немає законодавчого чи практичного положення про альтернативну громадянську службу під час мобілізації](#), хоча що Конституція гарантує це право кожному громадянину.

Росія на українських теренах, які вона незаконно окупувала з 2014 року, [зробила призов чоловіків у свої збройні сили](#). Це злочин згідно [Женевської конвенції \(IV\) про захист цивільного населення під час війни](#), яка охоплює права цивільних осіб на територіях, окупованих іншою державою (зазначених як особи, що «захищаються»). Стаття 51 говорить: «Окупаційна держава не має права примушувати осіб, що перебувають під захистом, служити в її збройних чи допоміжних силах. Жодного тиску чи пропаганди, спрямованих на забезпечення добровільного призову, не допускається».

В аналітичному звіті Верховного комісара ООН з прав людини від 11 травня 2022 р. ([A/HRC/50/43](#)) наголошується, що УВКПЛ задокументувало, що Росія на незаконно окупованій українській території Криму серйозно порушила міжнародне право в галузі прав людини, призвавши на військову службу понад 3000 осіб.

## **Альтернативна цивільна служба «не застосовується» в умовах воєнного стану**

Після активізації російського вторгнення в Україну в лютому 2022 року президент України Володимир Зеленський підписав указ про введення воєнного стану на 90 днів. Усі чоловіки віком від 18 до 60 років були визнані допущеними до призову щодо загальної мобілізації та їм був заборонений виїзд із країни. Період воєнного стану кілька разів подовжувався і зараз має закінчитися 19 лютого 2023 року.

Український пацифістський рух висловив стурбованість тим, що під час воєнного стану Мініборони може не поважати право осіб на проходження альтернативної цивільної служби, якщо вони не можуть служити у збройних силах за переконаннями. 26 липня 2022 року з цього приводу їм було направлено звернення до Мініборони.

У своїй [відповіді від 21 серпня 2022 року](#), з якою ознайомився Forum 18, полковник Олег Христенко, заступник начальника Головного управління кадрів Генерального штабу, зазначив, що відповідно до Закону про альтернативну службу чоловіки можуть вибрати альтернативну службу, «якщо виконання військових обов'язків суперечить їх релігійним переконанням та ці громадяни належать до чинних відповідно до законодавства України релігійних організацій, віросповідання яких не допускає користування зброєю».

Однак полковник Христенко зазначив, що через вторгнення росіян та оголошення військового стану регулярний призов на військову службу було припинено та замінено мобілізацією. «Тому, виходячи з викладеного, реалізація конституційного права громадян на проходження альтернативної (невійськової) служби в умовах правового режиму воєнного стану та в період мобілізації у зв'язку з відсутністю призову на строкову військову службу не застосовується».

Полковник Христенко додав, що Закон про мобілізаційну підготовку та мобілізацію «не передбачає альтернативну (невійскову) службу для призовників, покликаних на військову службу в період мобілізації».

## **Служба зайнятості відхиляє запит на альтернативну службу**

Віталій Васильович Алексеєнко (народився 2 грудня 1976 р.) проживав у Слов'янську на сході Донецької області України, коли Росія розпочала нове вторгнення в Україну в лютому 2022 р. У 2017 р. він був зареєстрований у Військкоматі міста Слов'янська, але не одержав військовий квиток. Однак йому видали довідку, що діє до 2022 року, та підтверджує, що він не служив в армії в 1990-і роки в Узбекистані, де тоді проживав, з міркувань совісті.

У травні 2022 року Алексеєнко утік до Івано-Франківська. 2 червня його викликали до міського військкомату. Він повідомив, що не може взятися за зброю через свої релігійні переконання як християнина. "Я сказав їм, що готовий пройти альтернативну службу, і написав таку заяву", - розповів він Forum 18. Він також пояснив, що відмовився від військової служби в Узбекистані з міркувань совісті.

"Мені сказали, що немає впевненості в тому, що я віруючий", - розповів 15 грудня 2022 року Алексеєнко Forum 18. "Вони сказали, що тільки представники зареєстрованих конфесій мають право проходити альтернативну службу". Алексеєнко пояснив, що вірить в Ісуса Христа та його наказ протистояти злу без насильства та бути миротворцями, як зазначено у Нагірній проповіді. «Але я не ходжу до жодної церкви, бо вони не дотримуються того, що сказав Христос».

Військкомат знову викликав Алексеєнка 6 червня, заявивши, що його заяву про альтернативну службу відхилено. Коли він відмовився від мобілізації, урядовці викликали поліцію.

Алексеєнко пояснив, що не боявся і вважав за краще не тікати і не ховатися від влади. "Я не боюся навіть в'язниці", - сказав він Forum 18 у грудні.

Співробітник Івано-Франківського міськвійськкомату, який відмовився назвати своє ім'я, заявив, що не знайомий зі справою Алексеєнка. "Ми не компетентні відповідати на ваші питання, - сказав чиновник 17 січня 2023 Forum 18 - зазвичай ми пропонуємо альтернативну службу членам релігійних громад". Чиновник відмовився повідомити, скільки чоловіків змогли обрати альтернативну цивільну службу після активізації російського вторгнення в Україну у лютому 2022 року.

Коли Forum 18 повідомив чиновнику, що заперечення Алексеєнка проти служби в армії ґрунтуються на його релігійних переконаннях, чиновник відповів: «Нехай заходить до нас вдруге». Дізнавшись, що Алексеєнко ось-ось вирушить до в'язниці після того, як його апеляцію було відхилено, чиновник повторив, що не знайомий з обставинами його справи.

Коли Forum 18 запитав чиновника, чому Алексеєнка не можна було направити на альтернативну цивільну службу за потребою під час війни професією, скажімо, до шпиталю, чиновник не пояснив, чому.

### **Суд, кримінальна справа, засудження, тюремний термін**

Слідчий повідомив Алексеєнка, що стосовно нього буде відкрито кримінальне провадження за статтею 336 КК. Вона передбачає покарання за "Ухилення від призову на військову службу під час мобілізації, на особливий період, на військову службу за призовом з числа резервістів в особливий період". Покарання – позбавлення волі терміном від трьох до п'яти років.

За порадою слідчого Алексеєнко визнав себе винним, але відмовився каятись у своїх діях, "оскільки переконаний, що повадився пристойно по-християнськи, дотримувався велінь совісті і не робив нічого поганого", повідомляється в листі Українського паціфістського руху на адресу Моніторингової місії ООН з прав людини в Україні від 9 листопада 2022 р.

15 вересня 2022 року в Івано-Франківському міському суді в ході судового провадження у кримінальній справі суддя Роман Хоростіл визнав Алексеєнка винним за статтею 336 Кримінального кодексу згідно рішення, з яким ознайомився Forum 18. Зазначимо, що прокурор Ольга Газукіна, яка підтримувала звинувачення у суді, вимагала трирічного умовного ув'язнення.

Однак суддя Хоростіл проігнорував клопотання прокурора і вирішив посадити Алексеєнка у в'язницю. Він звернув увагу на досудовий протокол, в якому говорилося, що Алексеєнко не становить небезпеки для суспільства, і скоротив йому покарання до одного року позбавлення волі. У вироку сказано, що термін починається із фактичного затримання Алексеєнка.

Алексеєнко звернувся до Івано-Франківського апеляційного суду. Згідно протоколам суду, після перенесення слухання апеляції через відсутність електрики воно нарешті відбулося 16 січня 2023 року. Головуючим суддею був Володимир Повзло, якого супроводжували колеги-судді Олександр Васильєв та Богдан Кукурудз. Слухання було відкритим, розповів Алексеєнко Forum 18 і друзі прийшли туди на його підтримку.



«Я сказав суду, що згоден з тим, що порушив закон України, - розповів Алексеєнко Forum 18, - але я не винен за законом Божим. Я хочу бути чесним перед собою. Він додав, що якби він покався у своєму «злочині», то і нижчий, і апеляційний суди присудили б йому умовний термін. "Як я міг зробити це, якщо я не винен?"

Апеляційний суд відхилив заяву amicus curiae (друга суду) від Шеляженка з Українського пацифістського руху, в якій стверджувалося, що Алексеєнка слід виправдати. Судді сказали, що вони краще знають закон, зазначив Шеляженко.

Один із суддів запитав Алексеєнка, як він може довести, що вбивство людей несумісне з його релігійними переконаннями. Він відповів, що якщо суд йому не повірить, то не зможе його переконати. Він знову виклав свої релігійні причини несумісні з військовою службою. "Простота та щирість Віталія, схоже, не справили враження на суд", - сказав Шеляженко Forum 18.

Головуючий суддя Повзло висловив невдоволення тим, що суд отримав повідомлення з усього світу на підтримку Алексеєнка, повідомив Шеляженко Forum 18.

17 січня Forum 18 не вдалося зв'язатися із прокурором Газукіною.

Алексеєнко повідомив Forum 18, що далі оскаржуватиме своє засудження і тюремне ув'язнення. «Я не хочу, щоб хтось ще страждав від цього». Однак він сказав, що примирився зі своєю долею. "В'язниця є в'язниця"

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### **Справи більше не відображаються у публічному реєстрі рішень**

Вироки з усіх п'яти відомих звинувачень щодо відмовників від військової служби з міркувань совісті більше не фігурують у публічному онлайн-реєстрі судових рішень, який веде Державна судова адміністрація у Києві. Спроби отримати доступ до них наводять на сторінку з написом: «Перегляд сторінки недоступний. Недійсне або застаріле посилання». Більшість, але не всі, з вердиктів у інших справах, винесених цими судами в ці дати, були загальнодоступними, коли 17 січня Forum 18 переглядав їх.

«Зникнення з публічного реєстру вироку [суду першої інстанції] та інших вироків, за якими відмовників було засуджено до позбавлення волі із заміною позбавлення волі умовним терміном, виглядає спробою приховати від громадськості порушення прав людини», - заявив 16 січня Шеляженко з Українського пацифістського руху Forum 18.

Вранці 17 січня Forum 18 зробив запит до Державної судової адміністрації у Києві, чому вироки у цих п'яти справах про відмову від військової служби з міркувань совісті більше не фігурують у публічному реєстрі. Станом на кінець робочого дня за Києвом відповіді Forum 18 не отримав.

### **Серйозні порушення прав людини на окупованій Росією території України**

Серйозні порушення свободи релігії та переконань та інших прав людини мають місце [на всій території України, незаконно окупованій Росією.](#)

На окупованій Росією українській території [Криму](#) до них належать: примусове запровадження російських законів та обмежень на здійснення прав людини, включаючи свободу релігії чи переконань; взяття під варту кримських в'язнів совісті мусульман та Свідків Єгови; насильницьке закриття місць відправлення культу;

покарання людей за проведення зборів для богослужінь без дозволу Російської держави.

В окупованій Росією Луганської області [до активізації вторгнення в Україну в 2022 році](#) вони включали: оголошення незаконними всіх протестантських і тих, що не належать Московському Патріархату православних громад; атмосферу страху перед обговоренням порушень прав людини; неодноразові відмови у дозволі римсько-католицькому священику жити у регіоні; збільшення кількості заборонених нібито «екстремістських» книг, включаючи видання Євангелія від Івана, яке було опубліковане в 1820 році.

[Повні звіти про свободу думки, совісті та переконань на окупованій Росією Україні](#)

Добірка Forum 18 [зобов'язань Організації з безпеки та співробітництва в Європі \(ОБСЄ\) щодо свободи релігії чи переконань](#)

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## First known wartime conscientious objector jailing

Felix Corley

***Forum18 (17.01.2023) - 46-year-old Christian Vitaly Alekseenko expects to be taken to begin his one-year jail term on 19 January. On 16 January, Ivano-Frankivsk Appeal Court rejected his appeal against his conviction for refusing call up to the military on conscientious grounds. His is the fifth known Ukrainian court conviction since Russia renewed its invasion – the other four men received suspended sentences. "I told the court I agree that I have broken the law of Ukraine," Alekseenko told Forum 18, "but I am not guilty under the law of God."***

For the first known time since Russia renewed its invasion of Ukraine in February 2022, Ukraine has jailed an individual for refusing on grounds of conscience a military call-up. On 16 January, the Appeal Court in the south-western city of Ivano-Frankivsk rejected the appeal by 46-year-old Christian Vitaly Alekseenko against his one-year jail term. When he gets the written verdict, which he expects on 19 January, the sentence will go into force and he expects to be taken to prison immediately afterwards.

"I told the court I agree that I have broken the law of Ukraine," Alekseenko told Forum 18 from Ivano-Frankivsk after the appeal hearing, "but I am not guilty under the law of God. I want to be honest to myself." He added that had he repented of his "crime", both the lower and the appeal court would have given him a suspended sentence (see below).

Alekseenko told Forum 18 he would lodge a further appeal. However, such an appeal would not prevent the sentence now going into force (see below).

Yurii Sheliashenko, secretary of the Ukrainian Pacifist Movement, described the appeal court decision as "bad news". "It is a dangerous precedent that the appeal court upheld a sentence of imprisonment for a conscientious objector," he told Forum 18 from the capital Kyiv (see below).

Alekseenko, an internally-displaced person from Donetsk Region, was summoned to the recruitment office in Ivano-Frankivsk in June 2022. He explained that because of his religious belief he cannot take up arms. He was refused alternative civilian service and

his case was handed to prosecutors. On 15 September 2022, Ivano-Frankivsk City Court handed down the one-year jail term (see below).

An official of the Ivano-Frankivsk City Recruitment Office, who refused to give his name, said he was not familiar with Alekseenko's case. "We're not competent to answer your questions," the official told Forum 18. "We generally offer alternative service to members of religious communities." The official refused to say how many men had been able to opt for alternative civilian service since the February 2022 renewed Russian invasion of Ukraine (see below).

When Forum 18 asked the official why Alekseenko could not have been assigned an alternative civilian service in a needed occupation at a time of war, say at a hospital, the official did not explain why (see below).

In four earlier criminal cases in 2022, courts handed conscientious objectors suspended prison sentences and terms of probation:

- 18 May 2022, Andrii Kucher, Mukachevo, suspended 4-year jail term;
- 21 June 2022, Dmytro Kucherov, Oleksandriia (Kirovohrad Region), suspended 3-year jail term;
- 17 August 2022, Oleksandr Korobko, Mukachevo, suspended 3-year jail term;
- 22 August 2022, Maryan Kapats, Mukachevo, suspended 3-year jail term.

Kucherov, a member of Source of Life Pentecostal Church, bases his objection to military service on his Christian faith. The court decisions in the other three cases describe only the individuals' conscientious objection to killing people.

Under a 10 November 1999 Cabinet of Ministers Decree, only men who belonged to 10 specified religious communities that the state recognised as pacifist were allowed to opt for alternative civilian service. These communities are: Reformist Adventists; Seventh-day Adventists; Evangelical Christians; Evangelical Christians-Baptists; "The Penitents" or Slavic Church of the Holy Ghost; Jehovah's Witnesses; Charismatic Christian Churches (and associated churches under their registered statutes); Union of Christians of the Evangelical Faith – Pentecostals (and associated churches under their registered statutes); Christians of Evangelical Faith; Society for Krishna Consciousness.

Men who were not members of any of these 10 communities were not eligible to apply for alternative service.

One of the 10 communities, Jehovah's Witnesses, are conscientious objectors to military service in any country, but the majority are willing to undertake an alternative, totally civilian form of service.

Since Russia's renewed invasion of Ukraine in February 2022 and the declaration of martial law in Ukraine, Recruitment Offices have summoned thousands of Jehovah's Witness men. Prosecutors opened criminal cases against 67 individuals, of which 44 have already been closed, Jehovah's Witnesses told Forum 18.

"Considering that thousands of Jehovah's Witnesses have been summoned to the conscription office, this is a very positive situation," Jehovah's Witnesses told Forum 18. "It is a positive sign that the government respects conscientious objectors even during a military conflict." They added that they are grateful that the government respects individuals' requests for civilian alternative service "despite difficult circumstances".

Sheliazhenko of the Ukrainian Pacifist Movement notes that the verdicts in all five conscientious objector convictions no longer appear on the public online register of court verdicts run by the State Court Administration in Kyiv. "The disappearance from the public register of [Alekseenko's lower court] verdict and other verdicts where objectors were sentenced to prison with replacement of incarceration with probation looks like an attempt to hide the human rights violations from the public," he insisted (see below).

The State Court Administration in Kyiv has not replied to Forum 18's written question as to why the verdicts in these five cases no longer appear on the public online register of court verdicts (see below).

### ***Implementation of conscientious objection to military service***

In Ukraine, everyone must register their home address with the authorities. In addition, all men (including conscientious objectors to military service) must also register with the local military Recruitment Office. All men are then given a military card which states whether they are doing military service, have done this, are exempt, are reservists, or have done alternative service.

In Ukraine, conscientious objectors to military service have long faced [obstacles to doing alternative civilian service](#). The United Nations (UN) Human Rights Committee in its 9 February 2022 Concluding Observations on Ukraine ([CCPR/C/UKR/CO/8](#)) stressed that "alternatives to military service should be available to all conscientious objectors without discrimination as to the nature of their beliefs justifying the objection (be they religious beliefs or non-religious beliefs grounded in conscience)".

On 21 August 2022, the Ukrainian Defence Ministry told the Ukrainian Pacifist Movement that during martial law the right to do alternative civilian service has been suspended (see below).

The UN Human Rights Committee's General Comment 22 on Article 18 ("Freedom of thought, conscience and religion") of the International Covenant on Civil and Political Rights (ICCPR) notes that ["this right is non-derogable even during times of national emergency threatening the life of the nation"](#).

The UN Working Group on Arbitrary Detention [stated in 2019](#) that "the right to conscientious objection to military service is part of the absolutely protected right to hold a belief under article 18 (1) of the Covenant, which cannot be restricted by States".

Within Russia in its internationally-recognised boundaries, [no legal or practical provision exists for alternative civilian service during mobilisation](#), despite the Constitution guaranteeing this right for every citizen.

Russia has within the Ukrainian territories it has illegally occupied since 2014 [conscripted men into its armed forces](#). This is a crime under [Geneva Convention \(IV\) relative to the Protection of Civilian Persons in Time of War](#), which covers the rights of civilians in territories occupied by another state (described as "protected persons"). Article 51 states: "The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted."

An 11 May 2022 analytical report ([A/HRC/50/43](#)) by the UN High Commissioner for Human Rights notes that OHCHR has documented that Russia has in the illegally-occupied Ukrainian territory of Crimea seriously violated international human rights law by conscripting over 3,000 men into the Russian armed forces.

### ***Alternative civilian service "not applicable" under martial law***

Following the renewed Russian invasion of Ukraine in February 2022, Ukrainian President Volodymyr Zelensky signed a decree imposing martial law for 90 days. All men between the ages of 18 and 60 were deemed eligible for call-up in a general mobilisation and were banned from leaving the country. The period of martial law was extended several times and is currently due to end on 19 February 2023.

The Ukrainian Pacifist Movement expressed concern that during martial law the Defence Ministry might not respect individuals' right to perform an alternative civilian service if they cannot serve in the armed forces on grounds of conscience. It wrote to the Defence Ministry on 26 July 2022.

In its [21 August 2022 response](#), seen by Forum 18, Colonel Oleg Khrystenko, Deputy Chief of the Main Personnel Department of the General Staff, pointed out that under the Alternative Service Law, men could opt for alternative service "if the performance of military duty conflicts with their religious beliefs and these citizens belong to religious organisations operating in accordance with the legislation of Ukraine, whose creed does not allow the use of weapons".

However, Colonel Khrystenko insisted that because of the Russian invasion and the declaration of martial law, regular conscription to military service had been suspended, to be replaced by mobilisation. "Therefore, based on the above, the implementation of the constitutional right of citizens to undergo alternative (non-military) service under the conditions of the legal regime of martial law and during mobilisation, due to the absence of conscription for term-limited military service, is not applicable."

Colonel Khrystenko added that the Mobilisation Training and Mobilisation Law "does not provide for alternative (non-military) service for conscripts who are called up for military service during mobilisation".

### ***Recruitment Office rejects alternative service request***

Vitaly Vasilovich Alekseenko (born 2 December 1976) was living in Slovyansk in Ukraine's eastern Donetsk Region when Russia began its renewed invasion of Ukraine in February 2022. In 2017 he was registered with the Ukrainian Conscription Office in Slovyansk, but was given not a military card. However, he was given a certificate valid until 2022 confirming that he had not served in the military in the 1990s in Uzbekistan, where he then lived, on grounds of conscience.

Alekseenko fled to Ivano-Frankivsk in May 2022. The City Recruitment Office summoned him on 2 June. He told them that he could not take up arms because of his religious beliefs as a Christian. "I told them I was ready to do an alternative service and wrote such a declaration," he told Forum 18. He also explained that he had refused military service in Uzbekistan on grounds of conscience.

"They told me that there is no certainty that I'm a believer," Alekseenko told Forum 18 on 15 December 2022. "They said that only members of registered faiths have the right to do alternative service." He said he believes in Jesus Christ and his command to resist evil without violence and be peacemakers as outlined in the Sermon on the Mount. "But I don't go to any church as they don't observe what Christ said."

The Recruitment Office summoned Alekseenko again on 6 June, telling him they rejected his application for alternative service. When he refused to be mobilised, officials called in the police.

Alekseenko explained that he was not afraid and chose not to flee or hide from the authorities. "I'm not afraid, even of prison," he told Forum 18 in December.

An official of the Ivano-Frankivsk City Recruitment Office, who refused to give his name, said he was not familiar with Alekseenko's case. "We're not competent to answer your questions," the official told Forum 18 on 17 January 2023. "We generally offer alternative service to members of religious communities." The official refused to say how many men had been able to opt for alternative civilian service since the February 2022 renewed Russian invasion of Ukraine.

When Forum 18 told the official that Alekseenko's objections to serving in the military are based on his religious beliefs, the official replied: "Let him come in to us a second time." Told that Alekseenko is about to start his prison term after his appeal was rejected, the official repeated that he was unfamiliar with the circumstances of his case.

When Forum 18 asked the official why Alekseenko could not have been assigned an alternative civilian service in a needed occupation at a time of war, say at a hospital, the official did not explain why.

### ***Criminal case, trial, conviction, jail sentence***

The investigator told Alekseenko a criminal case would be launched against him under Article 336 of the Criminal Code. This punishes "Refusing call-up for military service during mobilisation or in a special period, and for military service during call-up of reservists in a special period". Punishment is a jail term of three to five years.

On the investigator's advice, Alekseenko pleaded guilty, but refused to repent of his actions "because he is convinced that he behaved decently as a Christian, followed the imperative of his conscience and did nothing wrong", the Ukrainian Pacifist Movement said in a 9 November 2022 letter to the United Nations Human Rights Monitoring Mission in Ukraine.

At his criminal trial at Ivano-Frankivsk City Court on 15 September 2022, Judge Roman Khorostil found Alekseenko guilty under Criminal Code Article 336, according to the decision seen by Forum 18. It notes that Prosecutor Olga Gazukina, who led the prosecution case in court, called for a three-year suspended jail term.

However, Judge Khorostil ignored the Prosecutor's request and decided to jail Alekseenko. He noted the pre-trial report that said that Alekseenko did not represent a danger to society and reduced his sentence to a one-year jail term. The verdict says that the term begins when Alekseenko is actually detained.

Alekseenko appealed to Ivano-Frankivsk Appeal Court. After postponements because of the lack of electricity, the appeal hearing finally took place on 16 January 2023, according to court records. Volodymyr Povzlo was the Presiding Judge, accompanied by fellow Judges Oleksandr Vasilev and Bogdan Kukurudz. The hearing was open, Alekseenko told Forum 18, and friends attended the hearing in his support.

"I told the court I agree that I have broken the law of Ukraine," Alekseenko told Forum 18, "but I am not guilty under the law of God. I want to be honest to myself." He added that had he repented of his "crime", both the lower and the appeal court would have given him a suspended sentence. "How could I do that when I am not guilty?"

The appeal court rejected an amicus curiae (friend of the court) brief from Sheliazhenko of the Ukrainian Pacifist Movement arguing that Alekseenko should be acquitted. The Judges said that they know the law better, Sheliazhenko noted.



One Judge asked Alekseenko how he could prove that killing people was incompatible with his religious beliefs. He responded that if the court did not believe him he would be unable to convince it. He again set out his religious reasons for opposing military service. "Vitaliy's simpleness and sincerity seemingly didn't impress the court," Sheliashenko told Forum 18.

Presiding Judge Povzlo expressed displeasure that the court had received messages from around the world in support of Alekseenko, Sheliashenko told Forum 18.

Forum 18 was unable to reach Prosecutor Gazukina on 17 January.

Alekseenko told Forum 18 he would lodge a further appeal against his conviction and jailing. "I don't want anyone else to suffer this." However, he said he was "reconciled" to his fate. "Prison is prison."

### ***Cases no longer visible on public register of verdicts***

The verdicts in all five known conscientious objector convictions no longer appear on the public online register of court verdicts run by the State Court Administration in Kyiv. Attempts to access them reach a page which says "The page view is not available. Invalid or outdated link." Most, but not all, of the verdicts in other cases from those courts and dates were publicly available when Forum 18 looked on 17 January.

"The disappearance from the public register of [Alekseenko's lower court] verdict and other verdicts where objectors were sentenced to prison with replacement of incarceration with probation looks like an attempt to hide the human rights violations from the public," Sheliashenko of the Ukrainian Pacifist Movement told Forum 18 on 16 January.

In late morning of 17 January, Forum 18 asked the State Court Administration in Kyiv why the verdicts in these five conscientious objector cases are no longer visible on the public register. Forum 18 had received no response by the end of the working day in Kyiv.

### ***Severe human rights violations in Russian-occupied Ukraine***

Serious violations of freedom of religion and belief and other human rights take place [within all the Ukrainian territory Russia has illegally occupied](#).

Within the Russian-occupied Ukrainian territory of [Crimea](#) these include: forced imposition of Russian laws and restrictions on exercising human rights, including freedom of religion or belief; jailing Muslim and Jehovah's Witness Crimean prisoners of conscience; forcible closure of places of worship; and fining people for leading meetings for worship without Russian state permission.

Within the Russian-occupied Ukrainian region of Luhansk these have [up to the renewed 2022 invasion of Ukraine](#) included: rendering illegal all Protestant and non-Moscow Patriarchate Orthodox communities; a climate of fear about discussing human rights violations; repeated denials of permission to a Roman Catholic priest to live in the region; and increasing numbers of banned allegedly "extremist" books, including an edition of the Gospel of John published in 1820.

### **Full reports on freedom of thought, conscience and belief in Russian-occupied Ukraine**

Forum 18's [compilation of Organisation for Security and Co-operation in Europe \(OSCE\) freedom of religion or belief commitments](#)