

Table of Contents

- ***One year after the Russian shelling of Odesa and its Cathedral, still no financial assistance from UNESCO***
- ***"UNESCO! Stop blocking the transfer of the 500,000 EUR promised by Italy's PM Meloni for the reconstruction of Odesa's shelled Cathedral!"***
- ***ЮНЕСКО! Припиніть блокувати трансфер 500 000 євро, обіцяних прем'єр-міністром Італії Мелоні на відбудову обстріляного Одеського собору!»***
- ***The war, religious beliefs and conscientious objection: Orthodox (4)***
- ***The war, religious beliefs and conscientious objection: the case of Protestants (3)***
- ***Russia and Ukraine exchanged prisoners, including priests***
- ***The war, religion and conscientious objection (2): 3 years in prison for an Adventist***
- ***The war, religious beliefs and conscientious objection: the case of Jehovah's Witnesses (1)***
- ***Two new conscientious objector jail terms***
- ***Italian money for Odesa's Cathedral heavily damaged by Russian shelling urgently needed***
- ***630 places of worship destroyed or damaged by the war***
- ***Ukraine is now 'Holy War,' Russian Church declares***
- ***Pro-Russian cleric prosecuted on charges of treason***
- ***Is religious liberty 'under attack' in Ukraine?***
- ***Italy gives € 500,000 for the restoration of Odessa's Orthodox Cathedral shelled by Russia***

One year after the Russian shelling of Odesa and its Cathedral, still no financial assistance from UNESCO

The world community strongly condemned Russia's shelling of the historical center of Odesa which damaged and disfigured the Orthodox Transfiguration Cathedral. Many Western delegations visited Odesa but only two Western states promised their assistance.

By Willy Fautré, director of Human Rights Without Frontiers with Dr Ievgeniia Gidulianova from Odesa

[The European Times](#) - HRWF(24.07.2024) - On the night of 23 July 2023, the Transfiguration Cathedral was seriously damaged and disfigured during a [massive Russian missile attack on the historical center of Odesa](#) which is part of UNESCO World

Heritage. The world community strongly condemned Russia's act of aggression while Patriarch Kirill of the Russian Orthodox Church (ROC) kept silent about it and about President Putin's responsibility. One year later, Father Miroslav (Miroslav Vdodovitch), the rector of the Cathedral, has still not seen the first Euros that were promised by UNESCO.

Italy's [Prime Minister Giorgia Meloni](#) and the Consul General of the Hellenic Republic in Odesa, Dimitrios Dohtsis were first on the line to quickly announce their support in the media.

On the first anniversary of this cultural tragedy, [the Brussels-based NGO, Human Rights Without Frontiers, published a damning report \(in English and in Ukrainian\)](#) about UNESCO's blocking the transfer of 500,000 EUR donated by Italy to Odesa for the restoration of the Cathedral.

Italy, Odesa and the Cathedral, a love story

Italy has some historical links with Odesa and the Transfiguration Cathedral as [the first architects of Odesa were mainly Italians](#).

The Cathedral started to be built in 1795 but construction lagged several years behind schedule. Thanks to the intervention of the famous Duke of Richelieu, who was appointed as governor of the city in 1803, the Italian architect Francesco Frappoli was employed to complete the edifice. He is well-known in Odesa for making in 1810 the original design of the first luxurious Opera House, where Italian opera prevailed. Unfortunately, in 1873 the building was completely destroyed by fire and other historical buildings in the city as well.

In the period from the 1820s to the 1850s, the city of Odesa had a very significant and important Italian colony among its inhabitants. The euphonious language of "Golden Italy" was constantly heard on the streets.

Talented Italian architects then created the image of young Odessa, gave the city an extraordinary flavor, forever inscribing it among the most beautiful cities in Europe. It was the Italians who built the key buildings in the city center in the first half of the 19th century, which adorn Odesa to this day.

The heart of Odesa, World Heritage, heavily damaged by Russian missiles

Four days after Russia's shelling, President of [Ukraine Volodymyr Zelenskyy arrived in Odesa](#) to visit the rehabilitation departments where Ukrainian defenders were recovering and to inspect the damage caused to [the Orthodox Cathedral of Transfiguration](#). He quickly discovered that in July 2023, more than 30 cultural heritage sites were damaged, including:

- Odesa Transfiguration Cathedral (missile strike on July 23, 2023).
- House of Scientists (palace of Count Tolstoy) (missile strike on July 23, 2023).
- Odesa Art [Museum](#) (missile strike on July 23, 2023 – on November 5, 2023, it was hit again by a missile strike, which caused a lot of destruction)
- Odesa Archaeological Museum (missile strike on July 20, 2023).

- Odessa [Maritime](#) Museum (missile strike on July 20, 2023).
- Odessa Literary Museum (missile strike on July 20, 2023).
- Museum of Western and Oriental Art (missile strike on July 20, 2023).
- St. Nicholas Church (missile strike on July 18, 2023).
- Residential building of [Chizhevych](#) (mid-nineteenth century, architectural monument of local importance) (missile strike on July 23, 2023).
- Residential development of Solomos (early 20th century, architectural monument of local importance) (missile strike on July 23, 2023).
- Manuk Bey's mansion, where a kindergarten for visually impaired children was located (missile strike on July 23, 2023).
- Tolstoy's mansion, where the kindergarten is located (missile strike on July 20, 2023).

In the last twelve months, many foreign delegations have visited these damaged sites.

A non-exhaustive list of foreign visitors on the sites of the Russian shelling

On 21 August 2023, a delegation led by a professor from the University of Cambridge with photographers from different countries went to Odesa to record the destruction.

On 7 September 2023, the Ambassador of Italy to Ukraine, the Consul of Italy in Odesa, representatives of the Italian government, Italian specialists in the restoration of cultural heritage and the entire UNESCO apparatus present in Ukraine, headed by Chiara Bardeschi visited the places to be restored.

On 30 September 2023, the EU High Representative for Foreign Affairs and Security Policy [Josep Borrell visited the places hit by Russian missiles in Odesa](#).

On 6 October 2023, the new Extraordinary and Plenipotentiary [Ambassador of Germany to Ukraine, Martin Jäger](#), went to Odesa and declared "I came to Odesa immediately after my appointment. We have a special interest in the preservation of cultural heritage, which is under the protection of UNESCO."

On 13 October 2023, during a working trip to the Odesa region, President of Ukraine Volodymyr Zelenskyy held a meeting with [Prime Minister of the Kingdom of the Netherlands Mark Rutte](#), who was on a visit to the country. Mark Rutte who will be appointed NATO Secretary General on 1 October 2024 then promised military assistance such as Patriot systems meant to protect Ukrainian cities against Russian missiles.

On 13 November 2023, a delegation of representatives of 11 African countries visited Odesa.

On 16 November 2023, [British Foreign Secretary David Cameron](#) went to Odesa with Ukrainian Foreign Minister Dmytro Kuleba and visited the cathedral as part of the review of evidence of Russian terrorism. The meeting was mainly devoted to assistance to Ukraine.

On 20 January 2024, [UN High Commissioner for Refugees Filippo Grandi](#) visited the Cathedral during a visit to Odesa region to discuss strengthening assistance to residents of the city and displaced persons affected by Russian aggression.

On 25 February 2024, [the Minister of Foreign Affairs of Germany](#), the Minister of Foreign Affairs of Ukraine and Ambassador of Germany to Ukraine visited Odesa as part of a delegation of 40 people meeting to talk about cooperation and assistance to Ukraine.

On 6 March 2024, President of Ukraine Volodymyr Zelenskyy accompanied [Prime Minister of Greece Kyriakos Mitsotakis](#) in a visit to Odesa taking place within the framework of a cooperation meeting between the two countries. During their visit, there was an air alarm and Russian shelling.

On 25 March 2024, Chief Ombusman of Ukraine Dmytro Luninets and [Chief Ombusman of Turkey Seref Malkoç](#) visited the Cathedral during a meeting on cooperation with Turkey to protect the rights of Ukrainian prisoners of war and illegally detained civilians, as well as to find missing persons.

On 30 March 2024, the Chairman of the Verkhovna Rada of Ukraine Ruslan Stefanchuk and the [Head of the National Assembly of France Yael Braun-Pivet](#) visited the Cathedral during their meeting in Odesa on issues of military assistance to Ukraine. The chairman of the Verkhovna Rada asked for France's assistance to protect the sky over Odesa so that other tragedies can be avoided.

On 8 April 2024, [an American delegation consisting of six congressmen and Senator Joni Ernst](#) visited the Cathedral during a visit to Odessa.

Many visits of European delegations but only pledges of two Western states

In the aftermath of these official visits, few Western states have spontaneously pledged to take part in the speedy restoration or reconstruction of the Cathedral.

Concerning the **European Union**, the EU High Representative for Foreign Affairs and Security Policy Josep Borrell did not make any promise that the EU would contribute to the reconstruction of the destroyed parts of the Cathedral and other historical sites. He just said that the strike on the city was another Russian war crime and he 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."

The contribution of 500,000 EUR promised by PM [Giorgia Meloni](#) in **Italy** for urgent repair of the Cathedral which has been channeled through **UNESCO** has still not been transferred by this international institution to Odesa...

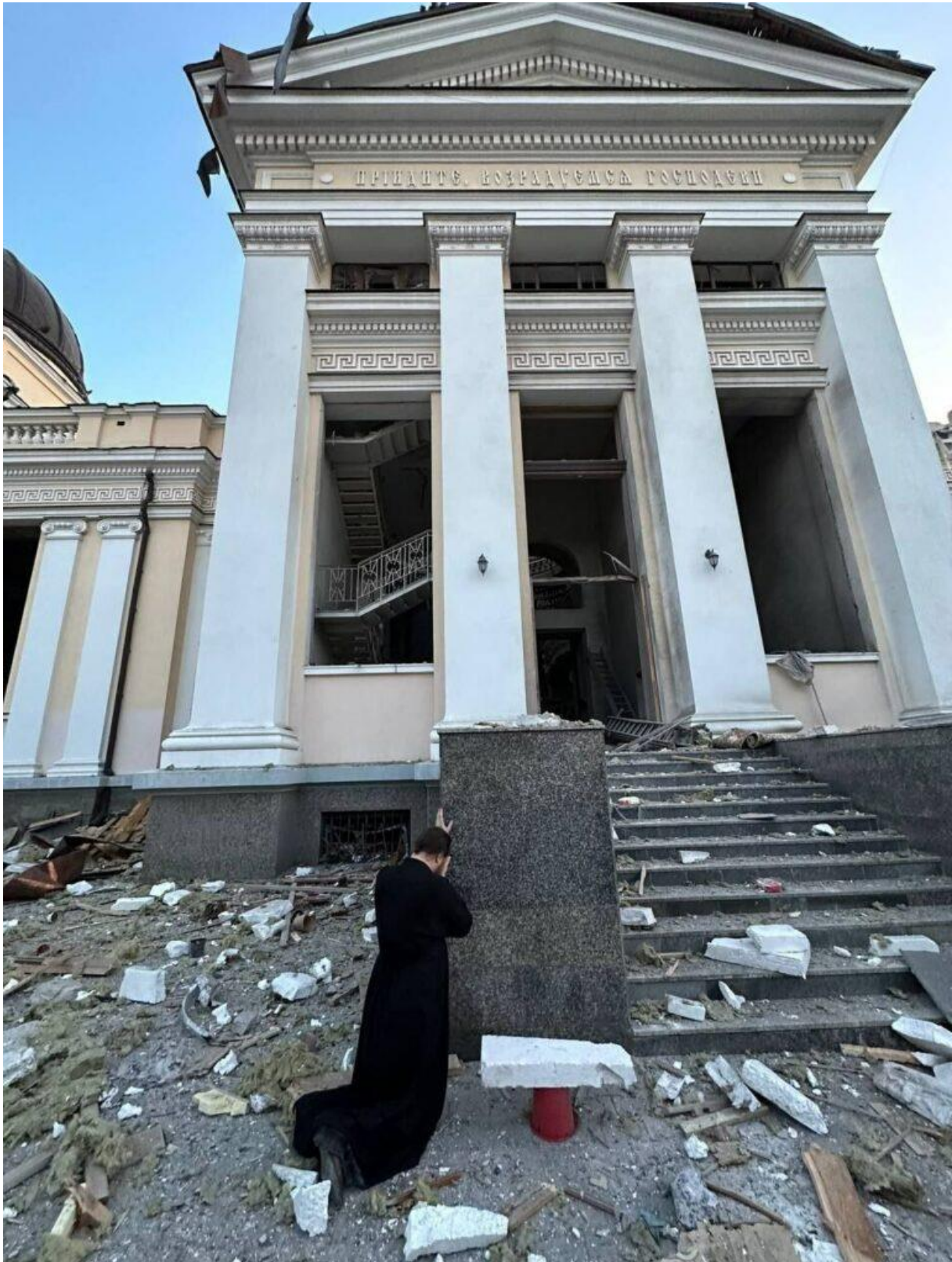
Last year, the Consul General of **Greece** in Odessa, Dimitrios Dohtsis, announced that his country also intended to contribute to the restoration of architectural monuments that were damaged [during the Russian missile attack](#), including the Cathedral, but as of today nothing has been made public about concrete initiatives and no financial assistance has reached Odesa.

“UNESCO! Stop blocking the transfer of the 500,000 EUR promised by Italy’s PM Meloni for the reconstruction of Odesa’s shelled Cathedral!”

This is the call of the Brussels-based NGO Human Rights Without Frontiers one year after Russia’s shelling of Odesa’s historical center which heavily destroyed the Orthodox Cathedral of Transfiguration.

[Version in Ukrainian](#)

By Willy Fautré, director of *Human Rights Without Frontiers* (*) with Dr Ievgeniia Gidulianova from Odesa



Credit: [Dilova](#)

HRWF (22.07.2024) - After quite a number of expensive missions of UNESCO's representatives to Odesa (**), the international organization in charge of the preservation of World Heritage has still not released the donation of 500,000 EUR that Italy's PM Giorgia Meloni has put at their disposal for emergency assistance.

One year ago, on the night of 23 July 2023, Russian troops carried out a [massive attack on the territory of Odessa and the region](#), firing 19 missiles of various types. The blow fell on the historical center of Odessa, included in UNESCO World Heritage List. As a result of the attack, 25 architectural monuments were damaged, in particular the Transfiguration Cathedral. Half of the cathedral was left without a roof, the central piles and foundation were broken in the building, all windows were knocked out, stucco was knocked down. Rescuers and clergy managed to save some icons, including the Kasperovskaya Icon of the Mother of God, who is considered the patroness of Odessa. The Iberian Icon, installed for the 100th anniversary of Odessa, also survived.

Italy's pledge and UNESCO's involvement

On the very first day of Russia's shelling, PM Giorgia Meloni promised to contribute financially to the emergency restoration of the Transfiguration Cathedral of Odessa heavily damaged by Russian shelling on 23 July 2023.

On 2 October 2023, Ukraine and Italy signed an agreement to repair the Transfiguration Cathedral.

In November, heavy rains flooded the cathedral, and urgent conservation work of the roof was started by the Odessa Diocese. It began to dismantle the wreckage and remove the damaged copper sheets of the roof almost immediately after the missile strike. A Facebook video of Father Miroslav from the roof of the Cathedral shows that work was already underway on 10 August 2023, on the 19th day after the missile strike.

In early February 2024, an agreement was signed between Italy and UNESCO on the allocation of funds, according to the [Odessa City Council](#). The Italian government delegation was chaired by Davide La Cecilia, Special Envoy for the Reconstruction and Strengthening of Ukraine's Resilience.

Reconstruction to be based on a tripartite Memorandum and under a Supervisory Board

The mayor's office of Odesa then said that the plans were to sign a tripartite Memorandum of Cooperation on the Reconstruction of Odessa (Italy – Ukraine – UNESCO), as well as separately one between Italy and Ukraine, where the areas of cooperation would be marked.

To perform this restoration work, a Supervisory Board was to be created, which would include all parties to the tripartite Memorandum, as well as strategic, technical and scientific committees. The latter, in particular, was to include scientists from the Polytechnic Institute of Milan, the Milan Triennial Museum, and the National Museum of Modern Art and Architecture in Rome.

In a previous article, *Human Rights Without Frontiers* stressed that it should be wise for the Ukrainian side to include [Prof. Meshcheriakov](#) in the Supervisory Board as his name is closely connected with the history of the reconstruction of the Odessa Cathedral, which was completely destroyed during Stalin's time. Ph.D. Arch., Associate Professor, Meshcheriakov is a member of the Ukrainian Committee of ICOMOS (International Council on Monuments and Sites), Chairman of the Odessa 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.

Under Meshcheriakov's leadership, a group of architects in 1999 was the laureate of the national call for projects for the reconstruction of the Odessa Cathedral, which was rebuilt in 2000–2010 on the basis of his project. He was then awarded the State Prize of Ukraine in the field of architecture for the reconstruction of the Odessa Cathedral. He is also the author of a book on this topic.

The services of Meshcheriakov as an external consultant were recently hired by the UNESCO for a period of two months.

Too late as usual with the West and... nothing from the UNESCO

A few days ago, on 7 July, Gennadiy Trukhanov, the mayor of Odesa, spoke with correspondents of the press agency [Ukrinform](#) and was quoted as saying:

"We met several times with representatives of Italy and UNESCO, and I noticed that our meetings were pleasant, but unproductive, because we have already rebuilt almost the entire roof of the church with the funds of the Diocese, and we are still waiting for that money from UNESCO.

Italy, for its part, transferred the funds only in the spring, but UNESCO cannot transfer the money directly to the Cathedral without prior expert studies and transparent procedures for the selection of contractors. Therefore, we were waiting for UNESCO experts, research, scanning and documentation of the destruction and so on. I asked: give this money, they will at least buy a brick with it - but UNESCO does not work like that. At this pace, we will rebuild the temple by our own efforts."

The mayor asked UNESCO to record these works and allocate funds for them, which could be used to continue the reconstruction but he was answered that in Italy and in UNESCO they cannot give money for already completed work "because there are procedures and their legislation."

Conclusions

In short, if the ordinary Ukrainian citizens had not financially contributed to the urgent preservation of the Cathedral before the winter, the damage would have been much more severe, more costly and probably more irreparable. We can imagine how difficult it was for the Odessa diocese of the Ukrainian Orthodox Church (UOC) and Father Miroslav (Miroslav Vdodovitch), the rector of the cathedral, to collect enough small donations from the population, weakened and impoverished by the war, to save the cathedral's treasures.

In summary, UNESCO's bureaucracy is too slow, and therefore unable, to face emergency situations in Ukraine.

In cases of sudden disasters, the Red Cross has the capacity to intervene immediately on the ground, bypassing any heavy and burdensome international bureaucracy to save lives. As long as there is no such "Red Cross type" scheme in UNESCO, countries willing to help Odesa should avoid channeling their financial assistance through this institution and privilege direct legal agreements with the local relevant authorities.

Footnotes

(*) The Belgian author of the article has been over a dozen times in Odesa before February 2022 and has regularly visited the Orthodox Cathedral where is the first burial place of the corpse of Ecumenical Patriarch of Constantinople Gregory V (1746 – 1821) killed on orders of the Sultan and secretly transported by Greek sailors to Odesa. Much later, his corpse was transferred to and buried in the Orthodox Cathedral of Athens.

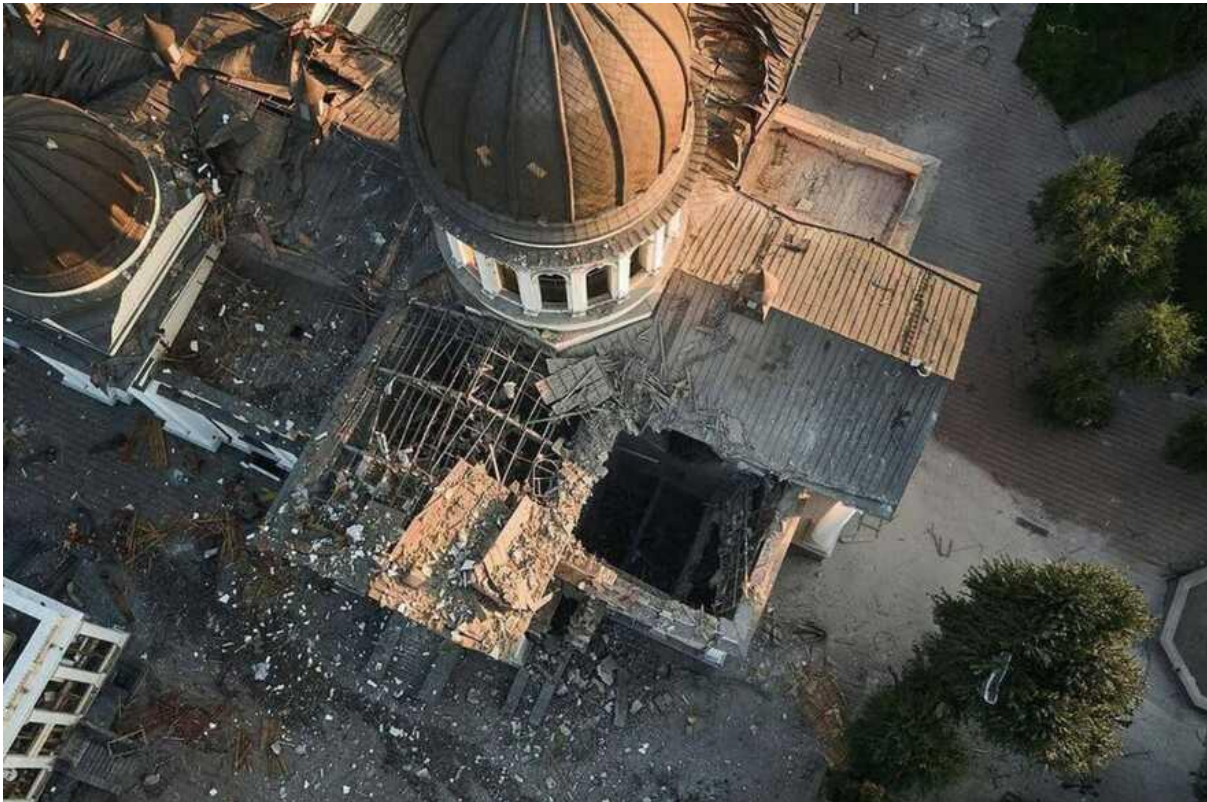
(**) Some UNESCO's visits

29.07.2023 - Representatives of UNESCO's mission.

07.09.2023 - Ambassador of Italy to Ukraine, Consul of Italy in Odesa, representatives of the Italian government, Italian specialists in the restoration of cultural heritage and the entire UNESCO apparatus present in Ukraine, headed by Chiara Bardeschi.

09.02.2024 - A big meeting with the Head of UNESCO in Ukraine, the Odesa delegation of the Italian delegation headed by the Special Envoy of the Minister of Foreign Affairs of Italy for the reconstruction of Ukraine, Davide La Cecilia, representatives of the Italian Embassy.

23.05.2024 – UNESCO's representatives



Credit [Dilova](#)

ЮНЕСКО! Припиніть блокувати трансфер 500 000 євро, обіцяних прем'єр-міністром Італії Мелоні на відбудову обстріляного Одеського собору!»

Це заклик брюссельської громадської організації «Права людини без кордонів» через рік після обстрілу Росією історичного центру Одеси, який сильно зруйнував Одеський Спасо-Преображенський кафедральний собор.

Автор: Віллі Фотре, директор організації «Права людини без кордонів » (*) та д-р Євгенія Гідулянова з Одеси

HRWF (22.07.2024) - Після досить дорогих місій представників ЮНЕСКО в Одесу (**), міжнародна організація, відповідальна за збереження Всесвітньої спадщини, досі не видала пожертву в розмірі 500 000 євро, яку прем'єр-міністр Італії Джорджія Мелоні надала в їхнє розпорядження для екстреної допомоги.

Рік тому, у ніч на 23 липня 2023 року, російські війська здійснили [масовану атаку по території Одеси та області](#), випустивши 19 ракет різних типів. Удар припав на історичний центр Одеси, включений до списку Всесвітньої спадщини ЮНЕСКО. Внаслідок атаки було пошкоджено 25 пам'яток архітектури, зокрема Спасо-Преображенський собор. Половина собору залишилася без даху, в будівлі були розбиті центральні палі і фундамент, вибиті всі вікна, збита ліпнина. Рятувальникам і священнослужителям вдалося врятувати деякі ікони, в тому числі і Касперівську ікону Божої Матері, яка вважається покровителькою Одеси. Зберіглася і Іверська ікона Божої матері, встановлена до 100-річчя Одеси.

Обіцянка Італії та участь ЮНЕСКО

У перший же день російських обстрілів прем'єр-міністр Джорджія Мелоні пообіцяла зробити фінансовий внесок у екстрене відновлення Спасо-Преображенського собору Одеси, який 23 липня 2023 року сильно постраждав від російських обстрілів.

2 жовтня 2023 року Україна та Італія підписали угоду про відновлення Спасо-Преображенського собору.

У листопаді собор затопили сильні дощі, і Одеська єпархія прискорила термінові роботи з консервації даху. Розбирати уламки та видаляти пошкоджені мідні листи даху вона почала практично одразу після ракетного удару. На відео отця Мирослава з даху собору у Facebook видно, що роботи вже велися 10 серпня 2023 року, на 19-й день після ракетного удару.

Як повідомила Одеська міська рада, на початку лютого 2024 року між Італією та ЮНЕСКО було підписано угоду про виділення коштів. Італійську урядову делегацію очолив Спеціальний посланник з питань відновлення та зміцнення стійкості України Давіде Ла Чечілія.

Реконструкція відбуватиметься на основі тристороннього Меморандуму та під контролем наглядової ради

За інформацією Одеської мерії було оприлюднено план підписати тристоронній Меморандум про співпрацю з відновлення Одеси (Італія – Україна – ЮНЕСКО), а також окремо між Італією та Україною, де будуть позначені напрямки співпраці.

Для виконання цих реставраційних робіт мала бути створена Наглядова рада, до якої увійшли б усі учасники тристороннього Меморандуму, а також стратегічні, технічні та наукові підрозділи. До останнього, зокрема, мали увійти вчені з Політехнічного інституту Мілана, Міланського трирічного музею та Національного музею сучасного мистецтва та архітектури в Римі.

У попередній статті «Права людини без кордонів» наголошувала, що з боку української сторони було б розумно включити [професора Мещерякова](#) до складу Наглядової ради, оскільки його ім'я тісно пов'язане з історією відбудови Одеського собору, який був повністю зруйнований за часів Сталіна. Кандидат технічних наук, доцент, Мещеряков є членом Українського комітету ІКОМОС (Міжнародна рада з питань охорони пам'яток та історичних місць), Голова Одеського регіонального відділення Архітектурної палати Національної спілки архітекторів України, судовий експерт Міністерства юстиції України, науковий співробітник програми Британської академії «Дослідники в зоні ризику», запрошений науковий співробітник Трінті-коледжу Кембриджського університету. Автор двох монографій та понад сімдесяти наукових публікацій, статей, дисертацій у галузі архітектури та охорони культурної спадщини.

Під керівництвом Мещерякова група архітекторів у 1999 році стала лауреатом національного конкурсу проектів відтворення Одеського Спасо-Преображенського кафедрального собору, який був відбудований у 2000–2010 роках на основі цього проекту. Тоді йому було присуджено Державну премію України в галузі архітектури за відтворення Одеського собору. Він також є автором книги на цю тему.

Нещодавно ЮНЕСКО залучило Мещерякова в якості зовнішнього консультанта терміном на два місяці.

Занадто пізно, як завжди із Заходом і... нічого від ЮНЕСКО

Кілька днів тому, 7 липня, мер Одеси Геннадій Труханов у розмові з кореспондентами прес-агентства [«Укрінформ»](#) заявив:

«Ми неодноразово зустрічалися з представниками Італії та ЮНЕСКО, і я зауважив, що зустрічі наші приємні, але непродуктивні, адже ми вже відбудували майже весь дах храму за кошти Єпархії, а від ЮНЕСКО все ще чекаємо тих грошей.

Італія, зі свого боку, передала кошти тільки навесні, але ЮНЕСКО без попередніх експертних досліджень та прозорих процедур з відбору підрядників гроші теж не може перевести напряму на Собор. Тому ми чекали експертів ЮНЕСКО, досліджень, сканування та документування руйнувань і так далі. Я просив: "Дайте ці гроші, вони хоч цеглу на них куплять – але ЮНЕСКО так не працює. З такими темпами ми відбудуємо храм своїми силами."

Мер звернувся до ЮНЕСКО з проханням зафіксувати ці роботи та виділити на них кошти, які б спрямували на подальшу відбудову, але йому відповіли, що в Італії та в

ЮНЕСКО не можуть дати гроші за вже виконані роботи, "тому що є процедури та своє законодавство".

Висновки

Іншими словами, якби пересічні громадяни України фінансово не сприяли терміновому збереженню собору до зими, збитки були б набагато серйознішими, дорожчими і, можливо, непоправними. Можна уявити, як складно було Одеській єпархії Української православної церкви (УПЦ) та настоятелю кафедрального собору отцю Мирославу (Мирославу Вдовичу) зібрати достатньо невеликих пожертв від населення, ослабленого та зубожілого війною, для порятунку скарбів собору.

Підсумовуючи, можна сказати, що бюрократія ЮНЕСКО надто повільна, а тому не здатна протистояти надзвичайним ситуаціям в Україні.

Червоний Хрест у разі раптових катастроф має можливість негайно втрутитися на місцях, обійшовши будь-яку важку і обтяжливу міжнародну бюрократію для порятунку життів. Поки в ЮНЕСКО немає такої схеми «типу Червоного Хреста», країнам, які готові допомогти Одесі, слід уникати спрямування своєї фінансової допомоги через цю інституцію та надавати перевагу прямим юридичним угодам з відповідними місцевими органами влади.

Виноски

(*) Бельгійський автор статті до лютого 2022 року понад десяток разів бував в Одесі та регулярно відвідував Одеський Спасо-Преображенський кафедральний собор, де знаходилося перше місце поховання тіла вселенського патріарха Константинополя Григорія V (1746 – 1821), убитого за наказом султана та таємно перевезеного грецькими моряками до Одеси. Набагато пізніше його тіло було перенесено і поховано в православному соборі Афін.

(**) Деякі візити ЮНЕСКО

29.07.2023 - Представники місії ЮНЕСКО.

07.09.2023 - Посол Італії в Україні, консул Італії в Одесі, представники італійського уряду, італійські фахівці з відновлення культурної спадщини та весь присутній в Україні апарат ЮНЕСКО на чолі з К'ярою Бардескі.

09.02.2024 - Голова місії ЮНЕСКО в Україні разом із італійською делегацією на чолі зі Спеціальним посланником Міністра закордонних справ Італії з питань відбудови України Давіде Ла Чечілія та представниками Посольства Італії.

23.05.2024 - Представники місії ЮНЕСКО

The war, religious beliefs and conscientious objection: Orthodox (4)

Can Orthodox and Orthodox priests be mobilized?

Part 1 – Part 2 – [Part 3](#)

By Willy Fautré, director of Human Rights Without Frontiers, with a Ukrainian lawyer



Photo: Palinchak/[Depositphotos](#)

HRWF (16.07.2024) - The legislation of Ukraine protects the right to conscientious objection to military service for members of ten categories of religious minorities the beliefs and teachings of which forbid them from using or carrying weapons, killing people and/or being under the authority of the military.

Such teachings are not part of the doctrine of the main Ukrainian Orthodox Churches (OCU and UOC)*. Their members are therefore not eligible for conscientious objection to military service and access to alternative non-military service/ civil service.

Noteworthy is that alternative (non-military) service is introduced only in place of regular military service, which is not subject to conscription during martial law (Article 1(1) of Law No. 1975-XII; Article 1(4) of Law No. 2232-XII). There is however a vacuum in the Constitution ([Article 35](#)) and in the legislation both in wartime and during martial law about what to do and Article 23 of the Law ["On Mobilization Training and Mobilization"](#) is silent about it.

Can Orthodox priests be mobilized?

The Orthodox Churches in Ukraine (OCU and UOC) are not on the list of those religious organizations whose doctrines prohibit taking up arms in principle. Referring to the Holy Scriptures and the teachings of the Holy Fathers, they do not condone violence or murder but they have no position concerning the attitude their parishioners should have with regard to military service, a career in the army and their participation in wars.

The Orthodox Churches in Ukraine may bless the representatives of the Armed Forces of Ukraine but it is for the sincere fulfillment of their official duties. Unlike the Russian Orthodox Church whose Patriarch Kirill calls Russia's aggression war on Ukraine a "holy war" and all Russians should participate in it, the heads of the Orthodox Churches in Ukraine do not call the military defence war of their country a "holy war" and do not say it should be the duty of all Ukrainians to join the army and fight.

The Orthodox Churches in Ukraine allow military service and participation in hostilities for the laity. Concerning the possible issue of the conscription of clergymen for military service, their canons unequivocally prohibit it. They provide that they be defrocked in case they would decide so (Rule 83 of the Holy Appendix; Rule 7 of the Fourth Ecumenical Assembly) as they require the defrocking of clerics who have committed

murder even for the purpose of self-defense (Rule 55 of the Holy Great). Orthodox priests are to serve the Church - and only the Church - which has its own mission and prohibitions, in particular about the use of force and the shedding of blood. Special vows are also made by the Orthodox monks.

The total [number of priests of](#) the largest religious denominations of Ukraine (OCU and UOC), including the UGCC (Ukrainian Greek Catholic Church of Greek Orthodox rite affiliated to the Roman Catholic Church) is now around 18,000. About half of them are in the UOC. However, if we remove priests over 60 years of age, as well as those who have a deferment (large families, those who care for a disabled relative, etc.), the number of UOC clerics possibly subject to mobilization would be at most 3000 people in case the law would make clergymen eligible for mobilization.

It should be noted that the current rules about the [possible conscription exemption for some categories of Ukrainian citizens during martial law](#), such as clergymen or university professors, as defined by the resolution of the Cabinet of Ministers of Ukraine and as amended on 6 June 2024, did not meet the expectations of the clergy. The debates are going on.

At the same time, it seems the Ukrainian Territorial Recruitment Centers (TCCs) have already begun to mobilize individual priests of the UOC for military service. As [Deacon Andrei Glushchenko notes](#): "I know a number of cases of mobilization of UOC priests, including a number of them I personally know. As far as I know, they completely agree to performing military service, with the exception of only one thing, which is direct participation in hostilities and killing enemy soldiers, although commanders are trying to force them to do so. On the other hand, I am still not aware of a single case of mobilization of priests of the OCU or the UGCC. At the front, they usually serve as chaplains."

The military chaplaincy service is based on a [contract](#) and is another form of relations between the church and the army but it is considered a spiritual and moral assistance to the believers of various faiths. Chaplains have the status of servicemen, they are not combatants.

The case of Volodymyr Uhal, a parishioner of the Ukrainian Orthodox Church (UOC)

24.10.2023 Case No. 307/388/23 – Tyachiv, Tyachiv District Court of Transcarpathian Oblast – [Guilty verdict](#). The punishment is 4 years in prison with release from the actual serving of the sentence with a probation period of 3 years.

The defendant, born in 1992, testified in court that on the feast of Epiphany on 19 January 2023 at 6 o'clock in the morning he was stopped by the police at a checkpoint on his way to work. As he was in age for military service, they took him to a place where he was submitted to medical examination and psychological tests.

During the medical examination, he complained that he had health problems in the clavicle area but according to the doctor he did not provide any medical documents and such injuries do not exempt from military service. The doctor declared that he was healthy and did not propose an ultrasound examination to check his sayings.

At about 11 am, the defendant filed a statement, writing that he refused conscription for mobilization on religious grounds but was ready to perform alternative service. He was warned about criminal liability for draft evasion during mobilization.

From the court documents, it appears that an order of mobilization was issued on the day of his arrest. The defendant signed for receiving a summons but said it was not issued to him. He was told to report at the military enlistment office in Uzhhorod on the next day. In court, he admitted that he does not want to serve and is not morally ready although he is aware of the duty defined [by the Constitution of Ukraine](#) to protect the Motherland. He was never on the military register, he said, and he was never asked to go to the military enlistment office.

According to the certificate issued by the rector of St. George's Church in the village of Kalyny, Archpriest Ioan Dovbnych, dated 20 January 2023, it appeared that he is a parishioner of St. George's Church in the village of Kalyny of the Ukrainian Orthodox Church (UOC). However, Orthodox Churches in Ukraine are not on the list of religious associations the members of which can apply for alternative civilian service in peacetime. The verdict was appealed to the Transcarpathian Court of Appeal by the prosecutor.

Footnote about the OCU and the UOC

(*) To fully understand this paper, it is important to know the religious, political and geopolitical dimensions of Orthodoxy in Ukraine. In brief, some points of reference.

The **Orthodox Church of Ukraine (OCU)** was established under the ecclesiastical jurisdiction of the Ecumenical Patriarchate of Constantinople by a unification council convened in Kyiv on 25 December 2018 under the Presidency of Petro Poroshenko (2014-2019). On 5 January 2019, the Ecumenical Patriarch, Bartholomew I, granted a tomos autocephaly (decree of ecclesial independence) to the OCU. The unification council united two Ukrainian Orthodox major jurisdictions: the *Ukrainian Orthodox Church/ Kyiv Patriarchate (UOC-KP)* and the *Ukrainian Autocephalous Church/ Moscow Patriarchate (UAOC)*. Two bishops formerly of the *Ukrainian Orthodox Church/ Moscow Patriarchate (UOC)* also joined. Since 2019, the OCU has been incarnating the Ukrainian identity, the political, religious and territorial sovereignty of the country. The **Ukrainian Orthodox Church (UOC)** has been historically attached to the Russian Orthodox Church (ROC) and has massively dominated Orthodoxy in Ukraine under the Soviet Union and after the independence of the Ukraine in 1991 until Russia's war on Ukraine in February 2022. Since then, the UOC has modified its status to keep at distance of the Russian Orthodox Church (ROC) and Patriarch Kirill without however seceding from it to keep its canonical status. The UOC remains in spiritual communion with the ROC but officially does not pray any more for Patriarch Kirill of the Russian Orthodox Church. Despite these steps, the clerics of the UOC are politically perceived in Ukraine as ideological enemies, suspected of collaboration with Russia.

The Orthodox Church of Ukraine (OCU), the government and the Parliament of Ukraine are at acute loggerheads with the Ukrainian Orthodox Church (UOC).

The war, religious beliefs and conscientious objection: the case of Protestants (3)

[Part 1](#) – [Part 2](#)

By Willy Fautré, director of Human Rights Without Frontiers, with a Ukrainian lawyer

The legislation of Ukraine protects the right to conscientious objection to military service for members of ten categories of religious minorities the beliefs and teachings of which forbid them from using or carrying weapons, killing people and/or being under the authority of the military. Among them, a number of Protestant denominations:

- Evangelical Christians
- Evangelical Christian Baptists
- Charismatic Christian Churches (and similar Churches according to the registered statutes)

- Christians of the Evangelical Faith (and similar Churches according to the registered statutes)
- Christians of the Evangelical Faith

Members of other Protestant Churches are not eligible for conscientious objection and alternative civil service.

Noteworthy is that alternative (non-military) service is introduced only in place of regular military service, which is not subject to conscription during martial law (Article 1(1) of Law No. 1975-XII; Article 1(4) of Law No. 2232-XII).

In the cases below, the courts have issued prison terms of 3-4 years with release from actual serving of the sentence with a probationary period of 1 to 3 years **IF** he does not commit a new criminal offence during this time and fulfils the obligation to periodically appear at the authorized probation institution, notify the probation institution of a change in his/her place of residence, work or study. The full judgements in Ukrainian analyzed below are available in automatic translation by clicking on **Guilty Verdict**.

Some cases of (alleged) Protestants

The case of Artem Kravtsov, an Evangelical Christian Baptist

19.10.2023 – Case No. 479/767/22 – Kryve Ozero, Kryvozerskyi District Court of Mykolaiv Oblast. [Guilty verdict](#). The punishment is 4 years in prison with release from actual serving of the sentence with a probationary period of 3 years.

According to the evidence available in the case, the accused has the rank of junior lieutenant. According to the certificate of the military medical commission dated 13 April 2022, he was declared fit for military service.

On 10 September 2022, he received a summons about the need to report on 12 September 2022 at a specified address to be sent to the National Academy of Ground Forces. The accused failed to abide by the summons.

At the court hearing, the accused pleaded not guilty to committing the criminal offense incriminated to him: evasion of conscription for mobilization. He explained that since April 2019, when he received water baptism, he has been a member of a Protestant Evangelical community. He explained that his religious beliefs did not allow him to use weapons. He repeatedly mentioned this in the military registration and enlistment office and brought to the attention of the officials of the military commissariat that the fulfillment of military duty contradicts his religious beliefs.

He provided a certificate from the Church to confirm his words. He asked the court to take into account the fact that as his father is in the service of the Armed Forces of Ukraine he is in fact the only trustee for his wife, mother and young children. He noted that in order to survive in a village (Ternovaty) where he has no work, his family is forced to keep a large subsidiary farm which he takes care of personally, as for health reasons his mother and his wife cannot do hard work. In October 2022, he got a second child.

His father confirmed his statement, stressing that since the life of their family without male support is impossible.

The verdict was not appealed.

Case of Gennady Tonyuk, an Evangelical Christian Baptist

03.02.2023 - Case No. 344/7022/22 – Ivano-Frankivsk, Ivano-Frankivsk City Court of Ivano-Frankivsk Oblast – [Guilty verdict](#). Punishment - 3 years of imprisonment with release from actual serving of a sentence with probationary period of 3 years.

On 8 April 2022, the accused, born in 1984, got a summons to report on 15 April at the local recruiting station in order to be called up for mobilization to the Armed Forces of Ukraine. He was warned about being prosecuted for failure to report within the specified period. A few days earlier, he had undergone a military medical examination and had been declared fit for military service.

The accused failed to abide by the summons but submitted an application for replacement of military duty by an alternative service, stressing that due to his religious beliefs he could not use weapons or engage in combat. However, he then did not provide any document confirming his religious membership to one of the 10 state-recognized religious associations protected by the law on this issue.

During the trial, it appeared that in the case file there was evidence he had been a parishioner of the Church of Evangelical Christians-Baptists since 19 May 2022: a certificate dated 22 May 2022 issued by the Presbyter of the Central Church of Evangelical Christians-Baptists in Ivano-Frankivsk. Due to religious beliefs, he cannot take part in hostilities.

The court drew attention to the fact that the accused only became a parishioner of the Evangelical Baptist Church about a month after getting his mobilization order.

Therefore, the court considered that the guilt of the accused in committing the criminal offense incriminated to him had been confirmed and qualified his actions under [Article 336 of the Criminal Code of Ukraine](#) as evasion of conscription for military service during mobilization.

The verdict was appealed by the prosecutors.

On 27 April 2023, the Court of Appeal upheld the [Guilty Verdict without change](#). The panel of judges of the Court of Appeal agreed with the conclusions of the Court of First Instance that the accused at the time of receiving the summons and evasion of military duty (15.04.2022) did not have the right to alternative service, since he was not a member of a religious organization.

The case of Dmitry Kucherov

21.06.2022 - Case No. 398/1551/22 – Oleksandriya, Oleksandriia City District Court of Kirovohrad Oblast. [Guilty Verdict](#). The punishment is 3 years of imprisonment with release from the actual serving of the sentence with probation for a period of 1 year.

At the court hearing, the accused fully admitted his guilt in committing this criminal offense of evasion of conscription, added that he was a Christian, a member of the Church of God of Ukraine "Source of Life". Consequently, he refused to be drafted because he did not want to fight with weapons in his hands.

The guilty verdict was not appealed.

Russia and Ukraine exchanged prisoners, including priests

This is a rarely seen exchange of civilians

[The European Times](#) (30.06.2024) - Russia and Ukraine have swapped prisoners, including several priests, in a rarely seen exchange of civilians that follows the exchange of dozens of soldiers earlier this week, AFP reported.

According to Ukrainian President Volodymyr Zelensky, two Ukrainian Uniate priests captured in the Russian-occupied city of Berdyansk have been returned to Ukraine thanks to the mediation of the Vatican.

"Bohdan Guleta and Ivan Levitsky preached the word of God in Berdyansk, in the parish "Nativity of the Virgin" of the Ukrainian Greek Catholic Church," said Zelensky. He specified that the two priests were captured by Russia in November 2022.

Among those released was Nariman Jelyal, deputy speaker of the Mejlis, a representative body of the Crimean Tatars, who was moved to Kyiv after Russia annexed the peninsula in 2014. In 2021, Jelyal was taken to Russia from Crimea, where he had been living despite the annexation, states the Associated Press.

Mejlis Speaker Refat Chubarov and Crimean Tatar leader Mustafa Dzhemilev embraced him after nearly three years of captivity.

For its part, Russia indicated that the senior Ukrainian Orthodox cleric, Metropolitan Yonaphan, and two other priests had been handed over to Moscow.

Metropolitan Yonafan was sentenced to five years in prison in [Ukraine](#) in August 2023, accused of justifying the Russian invasion of the country.

The Ukrainian Orthodox Church, which is close to the Moscow Patriarchate, is under pressure from the Kiev authorities, although it severed ties with Russia after the invasion began, AFP noted.

The former Tulchyn Metropolitan Yonatan, who was condemned by the Ukrainian authorities for cooperation with the country's occupiers, arrived in Moscow and was received by Patriarch Cyril. This became possible after negotiations led to his exchange for Ukrainian officers captured by Russia. He was awarded by the Russian Patriarch with the Order of St. Sergius of Radonezh – first degree" because of his "unwillingness to make compromises bordering on treason", without specifying to whom.

On the other hand, Metropolitan Yonatan stated that the purpose of his ministry as the Ukrainian Metropolitan was "not to dishonor the name of the Russian Patriarch" because "the Patriarch is a symbol of the entire Russian Church":

"Your Holiness, thank you for the efforts that brought me to this holy place. The patriarch is a symbol of the entire Russian Church. My task was not to dishonor your name, and this gave me strength to resist evil."

These words of the former Ukrainian metropolitan illustrate the thinking of quite a few members of the Ukrainian Orthodox Church, whom Kremlin propaganda has managed to convince that the relationship with the Moscow Patriarch is a guarantee of belonging to the Church (in the form of "canonicity") and the only possibility for the existence of Orthodoxy in [Ukraine](#). The gross political abuse of "canonicity", to which believers are especially sensitive, makes possible the next steps: justification of Russian military actions in Ukraine and the annexation of territories – both political and ecclesiastical. These attitudes, which are deeply rooted in the UOC, give the secular power an opportunity to look for "traitors" among the clergy and to try to introduce repressive laws regarding this church.

The war, religion and conscientious objection (2): 3 years in prison for an Adventist

HRWF study of the judicial practice of Ukraine regarding the cases of criminal cases of persons who, within 28 months after the beginning of Russia's full-scale military invasion of Ukraine, refused to be mobilized for their religious beliefs or declared to have pacifist views

By Willy Fautré, director of Human Rights Without Frontiers, with a Ukrainian lawyer

HRWF (03.07.2024) - In its 13 June 2024 ruling made public on 28 June, the Supreme Court confirmed that Seventh-day Adventist conscientious objector Dmytro Bronislavovich Zelinsky will have go on [serving a three-year jail term](#) under Criminal Code Article 336 ("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").

Zelinsky is a native of Shchastya, Zhovtne district, Luhansk region. He was baptized as an Adventist in 2002 (*). Unlike Jehovah's Witnesses who are total conscientious objectors refusing to serve in any way under military command, including in the alternative civilian service, Adventists just refuse to take up and use weapons.

On 5 June 2023, Kremenets District Court of the Ternopil Region acquitted Zelinsky. However, the prosecutor appealed against the acquittal to Ternopil Appeal Court. On 28 August 2023, a panel of three Judges at Ternopil Appeal Court overturned the acquittal and handed down a three-year jail term.

Zelinsky lodged a cassational appeal to the Criminal Division of the Supreme Court in Kyiv in November 2023. The Court accepted the case on 10 November 2023.

The Supreme Court by the panel of judges of the First Judicial Chamber of the Criminal Court of Cassation considered in an open court session the cassation appeal of Dmytro Zelinsky against the verdict of the Ternopil Court of Appeal dated 28 August 2023 in criminal proceedings No. 12022211010000400 about the charge of committing a criminal offense provided for in Art. 336 of the Criminal Code of Ukraine.

The decision of the Kremenets District Court of the Ternopil Region

At the court hearing of the Kremenets District Court of the Ternopil Region, the accused explained that he had been a member of the Christian community of the 7th Day Adventist Church for more than 20 years.

He declared that in 2002, he received water baptism in the city of Lysychansk, Lugansk region, which was confirmed by a baptismal certificate. Before his conversion, he worked in the Donetsk Transport Police but due to his religious beliefs forbidding him to take up and use weapons, he left his job.

In the case file there is a certificate No. 3 dated 29.01.2023, issued by the pastor of the Seventh-day Adventist Church, stating that the defendant is indeed a member of the Church (Statute, registered by the order of the head of the regional state administration dated 22.02.2010, No. 3-76/0/3-10) from 27.07.2002. From January 2021 to April 2022, he was volunteering in the community of Kryvyi Rih.

On 5 June 2023, the Kremenets District Court found Zelinsky not guilty of the said criminal offense.

The decision of the Ternopil Court of Appeal

On 28 August 2023, the Ternopil Court of Appeal reviewed the verdict of the local court based on the prosecutor's appeal, overturned the previous decision and passed a new verdict : imprisonment for 3 years.

The Court of Appeal considered that the previous court had made an incorrect assessment of the evidence in the case, decided to quash the acquittal and passed a guilty verdict on the following grounds:

1. The defendant is liable for military service and served from 26.11.1996 to 29.06.1998 with the military specialty of a driver;
2. After military service from 1999 to 2002, he worked in the Donetsk transport police;
3. He is registered as an internally displaced person and is on the military register;
4. He is fit for military service for health reasons;
5. He personally received a mobilization summons with a requirement to report at a specified place on 11.09.2022 to serve in the Armed Forces of Ukraine, in the military specialty of driver (No. 790037);
6. Without valid reasons, he did not arrive on the day and time specified in the summons at the specified point, for military service, thereby committing a criminal act under Art. 336 of the Criminal Code of Ukraine;

As for the accused's arguments about his belonging to the Christian community of the "Adventist Church of the 7th Day", whose religious beliefs do not allow the use of weapons, in connection with which he asked to be exempted from military conscription during the mobilization or to be sent to an alternative (non-military) service, are unfounded in view of the following:

1. The accused stated that on 27.07.2002 he was baptized and joined the religious organization of the Seventh-day Adventist Church in Lysychansk, Luhansk region, but he did not provide the court with any proper and admissible evidence that he had been a member of this religious organization since 27.07.2002.

2. The references of the defense to the certificates issued on 29.01.2023 No. 3 and dated 31.01.2023 No. 011-01 relate to the religious communities of the Seventh-day Adventist Church in Kryvyi Rih, Dnipropetrovsk region, and Kramatorsk, Donetsk region, in which, according to the accused, he did not receive baptism and of which he is not a member.

3. Witnesses recruited from the religious organization of the Seventh-day Adventist Church of Christians testified that the accused has been attending services since May 2022. They consider him a permanent member of the Seventh-day Adventist Church, but they do not know whether the accused was baptized in 2002 in Lysychansk and whether his alleged membership of such a religious organization had been checked.

The appellate court established that Zelinsky was a conscript person suitable for military service and was in the conditions to be mobilized according to Art. 23 of the Law of Ukraine dated October 21, 1993 No. 3543-XII "On Mobilization Training and Mobilization."

On 9 September 2022, he personally received a summons at his place of residence with the requirement to report on 11 September to the mobilization office in order to join the Armed Forces of Ukraine.

As he failed to show up on the said date, the Ternopil Court of Appeal considered on 28 August 2023, that Zelinsky had evaded conscription for military service during mobilization and was to be sentenced to 3 years in prison.

The viewpoint of Dmytro Zelinsky in cassation

In the cassation appeal filed with the Supreme Court, the defense attorney of Zelinsky asked to annul the verdict of the appellate court and appoint a new trial.

In order to justify his demands, he gave the following arguments:

- Zelinsky rightfully refused military service, which is incompatible with his religious beliefs, which cannot be evaluated as a manifestation of evasion of the draft for mobilization and be a basis for criminal liability;

- the right of Zelinsky to such a refusal is absolute and is not subject to any restrictions or concessions by the state under any circumstances, including under martial law, in accordance with Articles 8, 9, 24, 35, 64 of the Constitution of Ukraine, Part 2 Art. 4 and parts 1, 2 of Art. 18 of the International Covenant on Civil and Political Rights, Art. 9 of the Convention on the Protection of Human Rights and Fundamental Freedoms;

- provisions of Part 4 of Art. 35 of the Constitution of Ukraine regarding the right of a person to replace military service with an alternative (non-military) one, if the performance of military duty contradicts his religious beliefs, is subject to application in the situation in the case as a rule of direct action;

- in the conditions of martial law in Ukraine, on the basis and in the manner provided by the Constitution of Ukraine, the law does not limit a person's right to replace military service with alternative (non-military) service;

- religious beliefs incompatible with military service constitute an internal aspect of the human right to freedom of outlook and religion, the realization of which cannot be made dependent on belonging to religious organizations, because this is only one of the ways of collective exercise of the right under Article 9 of the Convention, Art. 35 of the

Constitution of Ukraine; the state has no right to impose on a person the obligation to prove the existence of relevant beliefs otherwise than by expressing them.

In view of this, the defense attorney believed that the judgment of the appeals court did not meet the requirements of Articles 370, 374 and 420 of the Criminal Code and was illegal.

Motives of the decision of the Supreme Court of Cassation

Referring to the provisions of Art. 1 of the Law of Ukraine dated 12.12.1991 No. 1975-XII "On alternative (non-military) service", the panel of judges considered that the right to alternative civilian service is not applicable in emergency periods and wartime. In addition, the judges also considered that

- Zelinsky could be affected to tasks not involving the use of arms
- He could be involved in repairing equipment, building fortifications, evacuating the wounded, transporting cargo, and performing other functions not related to the use of weapons
- The Adventist pastor, when interrogated at the trial in the court of first instance on 9 March 2023, had declared that his religious organization calls on its believers not to evade the draft for mobilization, but to obey God's commandments and not take up weapons (vol. 1, a. k. p. 54-56).

Consequently, the Supreme Court decided to dismiss the cassation appeal of Zelinski and to leave the verdict of the Ternopil Court of Appeals dated 28 August 2023 unchanged. The decision is final and cannot be appealed.

() The legislation of Ukraine protects the right to conscientious objection to military service of citizens for ten categories of religious associations, including the Reformed Adventists and the Seventh-day Adventists.*

More reading

[Believe or fight: When the refusal of mobilization on religious grounds is legal](#)

The war, religious beliefs and conscientious objection: the case of Jehovah's Witnesses (1)

HRWF study of the judicial practice of Ukraine regarding the cases of criminal cases of persons who, within 28 months after the beginning of Russia's full-scale military invasion of Ukraine, refused to be mobilized for their religious beliefs or declared to have pacifist views

HRWF (24.06.2024) – Since Russia launched a full-scale invasion of Ukraine on 24 February 2022 until the publication of this report on 24 June 2024, it has been known that 21 conscientious objectors of all faiths have been prosecuted for refusing to be mobilized while expressing their willingness to perform alternative civilian service.

Of the total number of verdicts in the 21 cases, there were 4 acquittals and 17 convictions. These figures correspond to the results of the consideration of those cases by courts of first instance. However, it should be borne in mind that many decisions of courts of first instance are appealed at a higher court where there can be a different

verdict. Thus, as a result of the review of one of the above-mentioned acquittals, the court of appeal had a different opinion and released a guilty verdict.

Among the convictions by a court of first instance, 7 provided for punishment in the form of imprisonment, but later, on appeal, 2 convicts got a milder verdict and were released from actually serving a sentence with a probation period. Thus, the number of convictions providing for the release from punishment in the form of imprisonment with a probation period was 12. Prosecutors appealed 3 acquittal decisions. Currently, 6 criminal cases are being conducted in courts. However, the number of cases may increase, including through the filing of applications for review by higher courts of previously issued sentences.

The legislation of Ukraine protects the right to conscientious objection to military service of citizens for ten categories of religious associations:

Adventist Reformists

Seventh-day Adventists

Evangelical Christians

Evangelical Christian Baptists

[Pokutniki](#) (stemming from the Uniate Church in the mid-1990s)

Jehovah's Witnesses

Charismatic Christian Churches (and similar Churches according to the registered statutes)

Christians of the Evangelical Faith (and similar Churches according to the registered statutes)

Christians of the Evangelical Faith

Society for Kṛiṣṇa Consciousness.

Noteworthy is that alternative (non-military) service is introduced only in place of regular military service, which is not subject to conscription during martial law (Article 1(1) of Law No. 1975; Article 181(1) of Law No. 2232).

The U.N. Human Rights Committee, which reviews the implementation of the International Covenant on Civil and Political Rights, has interpreted the right to freedom of thought, conscience and religion and its application in relation to conscientious objection to military service. In its general comment No. 22 (1993), it stated:

The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief (para. 11).

This research by a consultant of *Human Rights Without Frontiers* in the database of court decisions in Ukraine will cover the implementation of the national legislation for a number of religious groups.

Ukrainian normative framework

According to [Article 35 of the Constitution of Ukraine](#),

“Everyone has the right to freedom of thought and religion. This right includes the freedom to profess any religion or not to profess any, to freely perform worshipping and ritual ceremonies, individually or collectively, and to conduct religious activities. The exercise of this right may be restricted by law, only in the interests of protecting public order, health and morality of the population or protecting the rights and freedoms of others.

Churches and religious organizations in Ukraine are separated from the state, and schools from the Church. No religion may be recognized by the state as obligatory. No one may be released from his or her duties to the state or refuse to comply with the law on the grounds of religious beliefs. If the performance of military duty contradicts the religious beliefs of a citizen, the implementation of this duty must be replaced by alternative (non-military) service."

Those who refuse mobilisation on grounds of conscience face prosecution under Criminal Code Article 336 ("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"). The punishment is a jail term of three to five years.

According to the Regulation on the Procedure for Alternative (Non-Military) Service, approved [by the Resolution of the Cabinet of Ministers of Ukraine No. 2066 of November 10, 1999](#), the grounds for refusing to send a citizen to an alternative service or to exempt him from military conscription are:

- the untimely submission of an application for referral to alternative service or exemption from conscription
- the lack of confirmation of the authenticity of the religious beliefs
- the non-appearance of a citizen without valid reasons to the relevant subdivision of the local state administration

According to [the Law of Ukraine "On Alternative \(Non-Military\) Service"](#), such a service is available instead of the military service and is aimed at fulfilling a duty to society.

Citizens of Ukraine have the right to alternative service if the fulfillment of the military duty contradicts their religious beliefs and these citizens belong to religious organizations operating in accordance with the legislation of Ukraine, the doctrine of which does not allow the use of weapons (Article 2).

In the conditions of martial law or a state of emergency, certain restrictions on the right of citizens to perform alternative service may be established, indicating the duration of these restrictions.

[The Decree of the Cabinet of Ministers of Ukraine of November 10, 1999 No. 2066](#) "On Approval of Normative Legal Acts on the Application of the Law of Ukraine On Alternative (Non-Military) Service" listed the religious organizations that operate in accordance with the legislation of Ukraine and whose doctrine does not allow the use of weapons.

The source of the cases hereafter is the [Unified State Register of Court Decisions of Ukraine](#) on the judicial practice of considering criminal proceedings for the period starting with Russia's full-scale invasion of Ukraine (from 24.02.2022 to 10.06.2024) regarding kickbacks for reasons of conscience. According to the current legislation of Ukraine, the names of the defendants are not subject to disclosure.

Judicial practice concerning Jehovah's Witnesses: Acquittals

Since Russia's full-scale military invasion of Ukraine until the publication of this report on 24 June 2024, there have been seven cases of criminal prosecution of persons who called themselves Jehovah's Witnesses. However, only four of these people were able to confirm their valid membership in the Religious Association of Jehovah's Witnesses in Ukraine. In three other cases, the religious organization, when asked by the law enforcement authorities, reported that the defendants were not its members.

20.03.2023 – Case No. 307/1184/22 – Tyachiv, Tyachiv District Court of Zakarpattia Oblast – [Acquittal](#). An unnamed Jehovah's was found not guilty of

the charge brought against him under Art. 336 of the Criminal Code of Ukraine and acquitted due to the absence of corpus delicti in the acts.

The defendant conscientious objection to military service for reasons of religious belief. His attitude to military service was not caused by the fact of war, he had previously performed alternative service. He has been one of Jehovah's Witnesses since 2016.

After the acquittal was pronounced, the prosecutor filed an appeal, which was accepted for consideration by the Zakarpattia Court of Appeal (Uzhhorod) on 01.05.2023

24.05.2023 – Case No. 307/961/22 – Tyachiv, Tyachiv District Court of Zakarpattia Oblast – [Acquittal](#) – An unnamed Jehovah's Witness was found not guilty of committing a criminal offense under Art. 336 of the Criminal Code of Ukraine (evasion of conscription during mobilization) and acquitted due to the absence of corpus delicti in his actions.

The defendant has been a Jehovah's Witness since 2009. His religious beliefs concerning military service and war were formed long before the start of Russia's war on Ukraine. He noted that he had a clear understanding that his conscience did not allow him to take up arms. In his application, he asked for the opportunity to perform alternative service.

After the acquittal was pronounced, the prosecutor filed an appeal which was accepted for consideration by the Zakarpattia Court of Appeal (Uzhhorod) on 30.06.2023

12.01.2024 - Case No. 359/6608/23 - Boryspil, Boryspil City District Court of Kyiv Oblast. [Acquittal](#). An unnamed Jehovah's Witness was found not guilty of the charge brought against him under Art. 336 of the Criminal Code of Ukraine and acquitted due to the absence of corpus delicti in the act.

At the hearing, the defendant explained that since the end of 1998 he had been a dedicated baptized minister of the Religious Association of Jehovah's Witnesses in Ukraine. His religious personal beliefs as a Jehovah's Witness do not permit the use of weapons or participation in war and military exercises.

In view of this, as well as the fact that military duty is contrary to his religious beliefs, he wished to exercise his constitutional right, as a citizen of Ukraine, for non-military service provided for in Art. 35 of the Constitution of Ukraine. In this regard, he appealed to the Boryspil territorial community with relevant applications for the replacement of military service by conscription with alternative civilian/non-military service.

At the same time, he provided a certificate from the Church confirming the relevant circumstances and asked to be exempted from conscription for military service during mobilization or sent to alternative (non-military) service.

The acquittal was not appealed.

Judicial practice concerning (alleged) Jehovah's Witnesses

11.12.2023 - Case No. 156/802/23 - Ivanychi, Ivanychi District Court of Volyn Oblast. [Guilty verdict](#). The penalty is 3 years in prison.

At the court hearing, the defendant explained that he and his family have been members of the "theocratic" organization Jehovah's Witnesses throughout their lives and he attends meetings of this organization. He said that in 1995 he was convicted for refusing military service.

He claimed to be a Jehovah's Witness. As such, he had no right to take up arms and therefore refused to be mobilized. He was informed about the possibility of alternative service but he refused.

According to the response of the Religious Organization "Religious Center of Jehovah's Witnesses in Ukraine" (Lviv) No. 3108 dated 27.07.2023, the defendant does not belong to the Religious Association of Jehovah's Witnesses in Ukraine.

The verdict was appealed by the defense with a request for mitigation of punishment. On 4 June 2024, the Court of Appeal of Volyn region [changed](#) the conviction of the court of first instance in terms of punishment, reducing it to 1 year of restriction of liberty.

17.01.2024 – Case No. 674/1041/23 – Dunaivtsi, Dunaivtsi District Court of Khmelnytskyi Oblast – [Guilty verdict](#) . The penalty is 3 years in prison.

At the court hearing, the defendant stated that he was aware of the general mobilization due to the large-scale armed aggression of the Russian Federation against Ukraine. However, he refused to perform military service and to be sent to a military unit, claiming that he is a Jehovah's Witness.

As one of the evidence papers in the case file, there is an information letter of the religious organization "Religious Center of Jehovah's Witnesses in Ukraine" dated 15 June 2023 No. 2284, according to which the defendant is not a Jehovah's Witness.

The conviction was appealed by the defense to the Khmelnytskyi Court of Appeal.

28.03.2024 – Case No. 573/406/24 – Bilopillia, Bilopillia District Court of Sumy Oblast – [Guilty verdict](#) . Punishment in the form of imprisonment for a term of 3 years.

The defendant declared that he had been studying the Orthodox Bible since his time at school but at the end of 2020 he began to read the Bible of Jehovah's Witnesses and he was baptized as a Jehovah's Witness. No evidence was however provided that he was.

As the defense did not provide evidence to confirm that the accused was baptized in connection with his new religious beliefs, the court considered that he used baptism to evade mobilization.

The defendant's lawyer filed an appeal, which was accepted for consideration by the Sumy Court of Appeal on 07.05.2024.

The hearing of the case on appeal is scheduled for 13.11.2024 at 14:30

03.06.2024 – Case No. 167/201/24 – Rozhyshe, Rozhyshe District Court of Volyn Oblast. [Guilty verdict](#). The penalty is 1 year 6 months in prison.

The defendant refused to perform military service on the ground of religious beliefs and filed a written application for the replacement of military service with alternative (non-military) service.

During the trial, it was established that the defendant had been a member of the religious organization "Jehovah's Witnesses" since his childhood, but in March 2022 he was expelled. Since then, he has been making efforts to go back to the community: he participates in meetings and adheres to the rules professed by this religious organization.

As of July 2024, the defendant did not provide evidence that he was a member of any religious organization.

The deadline for appealing the verdict continues. There is no data on filing an appeal against the conviction to the Court of Appeal.

Two new conscientious objector jail terms

Felix Corley



Andrii Vyshnevetsky (right), Supreme Court hearing, 22 May 2023
Yurii Sheliashenko

[Forum 18](#) (30.04.2024) - In late March a Lviv Region court sentenced Protestant conscientious objector Serhy Stadnitsky to a 3-year jail term for refusing mobilisation on grounds of conscience. "I don't want to kill people," he told [Forum 18](#), adding that "of course" he would be willing to perform alternative civilian service. Two days later, a Sumy Region court handed a Jehovah's Witness a similar sentence. Both are due to go to prison if their appeals fail. The one known prisoner, Dmytro Zelinsky, awaits a Supreme Court appeal on 13 June.

In separate cases in late March, courts handed two conscientious objectors to mobilisation 3-year jail terms. Both men have lodged appeals, Protestant conscientious objector Serhy Stadnitsky to Lviv Appeal Court, the other – a Jehovah's Witness – to

Sumy Appeal Court. Both are due to go to prison if their appeals fail. The one conscientious objector known to be already in prison serving a 3-year term, Seventh-day Adventist Dmytro Zelinsky, is awaiting a cassational appeal at the Supreme Court in Kyiv on 13 June.

"I don't want to kill people," Stadnitsky told Forum 18. He said that "of course" he would be willing to perform an alternative civilian service. "In our church we have been helping people already, such as drug addicts and alcoholics, even before the war" (see below).

Jehovah's Witnesses note that the March sentence is the first prison term handed down to any Jehovah's Witness for refusing mobilisation on grounds of conscience. They point out that this case was initiated and the first-instance court handed down a sentence within about five weeks (see below)

In all, 24 conscientious objectors are known to have been brought to criminal trial for refusing mobilisation since Russia launched its fullscale invasion of Ukraine in February 2022. As well as the 3 jail terms, 11 conscientious objectors are serving suspended sentences on probation. Prosecutors are appealing against 3 acquittals. A total of 7 criminal prosecutions are in court (see below).

All 24 men expressed a willingness to perform alternative civilian service. However, the authorities insist this option is not available under martial law (see below).

Baptist conscientious objectors Ernest Pavlenko and Ilya Nikolenko were forcibly taken to a military unit in Zhytomyr Region. "Appropriate measures will be taken against them," an official of the regional department of the Military Law-Enforcement Service told Forum 18. "Whether they will face criminal prosecution depends on how they behave." Asked why they cannot be released and allowed to do an alternative civilian service as they have requested, the official responded: "Because there's a war" (see below).

No alternative civilian service in wartime despite Constitutional guarantees

After Russia's renewed invasion of Ukraine began in February 2022, Ukraine declared a state of martial law. 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. Ukraine's Defence Ministry insists that [even the limited alternative service allowed in peacetime does not exist during wartime.](#)

Article 35 of Ukraine's Constitution includes the provision: "If the performance of military duty contradicts the religious beliefs of a citizen, the performance of this duty shall be replaced by alternative (non-military) service."

Those who refuse mobilisation on grounds of conscience face prosecution under Criminal Code Article 336 ("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"). The punishment is a jail term of three to five years.

On the morning of 30 April, Forum 18 asked Viktor Yelensky, head of the State Service for Ethnic Policy and Freedom of Conscience:

- why jail terms and trials continue for those who cannot serve in the military on grounds of conscience and who have expressed willingness to perform alternative civilian service;
- and what progress there has been on introducing an alternative civilian service where individuals can, for example, work in a hospital.

Forum 18 had received no response by the end of the working day in Kyiv of 30 April.

On the morning of 30 April, Forum 18 asked the office of the Parliamentary Human Rights Commissioner (Ombudsperson) Dmytro Lubinets:

- what the Commissioner has done or is doing to protect the rights of conscientious objectors who are subject to criminal prosecution;
- and what the Commissioner has done or is doing to help introduce an alternative civilian service during martial law in line with Article 35 of the Constitution.

Forum 18 had received no response by the end of the working day in Kyiv of 30 April.

5 jail terms (one in force), 11 suspended sentences, 3 acquittals and 7 cases in court

At least 24 conscientious objectors have faced criminal cases that have reached court since February 2022. Others are under investigation.

Courts are known to have handed down 5 jail terms, of which 1 is in force and 2 are awaiting appeal:

- 15 September 2022, Vitaly Alekseenko, Ivano-Frankivsk, one-year jail term (overturned by Supreme Court and sent for new trial – see below);
- 6 April 2023, Mykhailo Yavorsky, Ivano-Frankivsk, one-year jail term (changed to suspended sentence on appeal – see below);
- 28 August 2023, Dmytro Zelinsky, Ternopil, three-year jail term (currently imprisoned – see below);
- 26 March 2024, Serhy Stadnitsky, Chervonohrad, three-year jail term (at home awaiting appeal – see below);
- 28 March 2024, S.I., Bilopillya, three-year jail term (at home awaiting appeal – see below).

Courts are known to have handed 11 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;
- 2 December 2022, Andrii Martiniuk, Snyatin (Ivano-Frankivsk Region), suspended 3-year jail term;
- 3 February 2023, Hennady Tomniuk, Ivano-Frankivsk, suspended 3-year jail term (which the prosecutor failed to turn into a prison sentence on appeal);
- 5 September 2023, Roman Vengerov, Tulchyn (Vinnitsa Region), suspended 3-year jail term;
- 2 October 2023, Mykhailo Yavorsky, Ivano-Frankivsk, suspended 3-year jail term (changed from one-year jail term)
- 19 October 2023, Artyom Kravtsov, Pervomaisk District (Mykolaiv Region), suspended 4-year jail term;
- 24 October 2023, Volodymyr Ukhal, Tyachiv, suspended 4-year jail term (which the prosecutor is appealing against – see below);
- 13 December 2023, Vitaly Alekseenko, Ivano-Frankivsk, suspended 3-year jail term (second trial after jail term overturned – see below).

Courts are known to have handed down 3 acquittals, which prosecutors are appealing against:

- 20 March 2023, V.S., Tyachiv (see below);
- 24 May 2023, P.R., Tyachiv (see below);
- 10 January 2024, S.T., Boryspil (see below).

Courts are known to be hearing 7 cases:

- Chortkiv (Ternopil Region), V.M. (see below);
- Poltava, A.N. (see below);
- Boryspil (Kyiv Region), I.S. (see below);
- Chuhuiv (Kharkiv Region), V.P. (see below);
- Ivanitsi, O.T. (see below);
- Synelnykove (Dnipropetrovsk Region), D.Sh. (see below);
- Sakhnovshchina (Kharkiv Region), Kostyantyn Chovgan (see below).

Conscientious objection "a non-derogable right"

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)".

The UN Office of the High Commissioner for Human Rights (OHCHR) has noted that conscientious objection to military service comes under ICCPR Article 18 ("Freedom of thought, conscience and religion") and has [recognised](#) "the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion".

The OHCHR has also noted in its [Conscientious Objection to Military Service guide](#) that Article 18 is "a non-derogable right .. even during times of a public emergency threatening the life of the nation".

In 2022 the UN Working Group on Arbitrary Detention stated ([WGAD-HRC50](#)) 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". The Working Group also stated that "States should refrain from imprisoning individuals solely on the basis of their conscientious objection to military service, and should release those that have been so imprisoned."

Supreme Court rejects suit for alternative service during martial law

In April 2023, conscientious objector Andrii Vyshnevetsky (who had been forcibly mobilised) [asked the Supreme Court in Kyiv](#) to order President Volodymyr Zelensky to determine a procedure to allow individuals to exercise the right to conscientious objection to military service in line with Article 35 ("Freedom of beliefs and religion") of the Constitution, [Article 18](#) ("Freedom of Thought, Conscience or Religion") of the International Covenant on Civil and Political Rights (ICCPR), and [Article 9](#) ("Freedom of thought, conscience and religion") of the European Convention on Human Rights.

On 22 February 2024, the Grand Chamber of the Supreme Court rejected Vyshnevetsky's suit. It ruled that the actions of the President within the powers exercised by the executive are not subject to judicial oversight, according to the decision seen by Forum 18.

Vyshnevetsky is still working in a military kitchen. "Of course I'm not happy that I am here," he told Forum 18 on 30 April.

Stadnitsky: Appeal against 3-year jail term

Protestant conscientious objector Serhy Igorovych Stadnitsky (born 1990) is due to go to prison for three years if his appeal to Lviv Appeal Court fails. On 26 March, Judge Andry Zhurakovsky of Chervonohrad Town Court found him guilty under Criminal Code Article 336 for refusing mobilisation on grounds of conscience. The Judge handed down a 3-year jail term, according to the decision seen by Forum 18. The verdict enters into force only after any appeal has been heard.

Officials at Chervonohrad Area Prosecutor's Office – which brought the case to court – did not answer the phone on 30 April.

On 23 April, Stadnitsky's state-appointed lawyer lodged an appeal to Lviv Appeal Court, Stadnitsky told Forum 18 on 24 April.

Stadnitsky has since 2018 been a member of a small Protestant church led by Pastor Stepan Feshchenko which meets in the village of Korchyn in Lviv Region in western Ukraine. He was baptised in 2023. Pastor Feshchenko's church retains friendly links with Agapa Pentecostal Church in Lviv, which is led by Pastor Andry Mikitishin.

"I don't want to kill people," Stadnitsky told Forum 18. "When I was baptised I formed a covenant with Christ to conduct myself like Christ." He said that "of course" he would be willing to perform an alternative civilian service. "In our church we have been helping people already, such as drug addicts and alcoholics, even before the war."

Stadnitsky passed the medical examination on 17 August 2023 and the Recruitment Office ordered him to arrive the following morning to be taken to a military unit. He did not attend.

Investigators opened a criminal case against Stadnitsky on 6 December 2023. Police investigators searched Stadnitsky's home on 28 December 2023. Chervonohrad Area Prosecutor's Office handed the criminal case to court on 2 January 2024.

Two Recruitment Office officials claimed in court that Stadnitsky had not applied for alternative service. "I wanted to submit a written application for alternative service, but they didn't even listen when I spoke about this verbally," Stadnitsky told Forum 18. "Instead they tried to intimidate me and said they would send me to the worst unit."

Stadnitsky feared that had he submitted a written application for alternative civilian service, Recruitment Office officials might have taken him immediately to a military unit.

Pastor Feshchenko spoke at Stadnitsky's trial in his defence. "We support Serhy in the decision that he has taken and his rights under Article 35 of our Constitution," he told Forum 18 from Korchyn on 18 April. "We are not against helping our country, but in accordance with our convictions, anywhere except in the army." He pointed out that Stadnitsky expressed his willingness to perform an alternative, civilian service.

Pastor Mikitishin also supports Stadnitsky, who occasionally came to Agapa Church in Lviv. "Our church position is that everyone must help [during the war], but in a way that is in accordance with their faith," he told Forum 18 from Lviv on 17 April. He noted that some church members were fighting in the army, while others have sought an alternative civilian service. "But there is no opportunity, no law to do so."

First Jehovah's Witness conviction and 3-year jail term

Jehovah's Witness conscientious objector S.I. is due to go to prison for three years if his appeal to Sumy Appeal Court fails. On 22 February, police initiated proceedings against him under Criminal Code Article 336. On 1 March, prosecutors handed the case to Bilopillya District Court, with Prosecutor Ruslan Tyutchenko leading the case at trial. On 28 March, Judge Anna Zamchenko convicted him and handed down a 3-year jail term, according to the verdict seen by Forum 18.

Officials at Bilopillya Prosecutor's Office did not answer the phone on 30 April.

The decision enters legal force only after any appeal has been heard and S.I. has not been taken into custody. His lawyer has filed an appeal. No hearing at Sumy Appeal Court has yet been scheduled, Jehovah's Witnesses told Forum 18.

The Recruitment Office summoned S.I. on 6 February. A medical commission found him fit for service. On 14 February, the Recruitment Office ordered him to appear on 24 February to be sent to a military unit. On 14 February, he wrote to the head of the Recruitment Office explaining that he could not perform military service on grounds of conscience and asking to be assigned to an alternative civilian service, according to the verdict.

The individual was "warned of criminal liability for evading military service and it was explained to him that the current legislation does not provide for alternative service during mobilisation," the verdict cites a Recruitment Office official as having told S.I. "In addition, the witness added that the fact that the accused became a member of a religious organisation after the introduction of martial law in Ukraine suggests that he did it on purpose."

S.I. began studying with Jehovah's Witnesses in 2020 and was baptised in November 2023.

Jehovah's Witnesses note that this is the first prison term handed down to any Jehovah's Witness for refusing mobilisation on grounds of conscience. They point out that this case was initiated and the first-instance court handed down a sentence within about five weeks.

Jehovah's Witnesses stress that their young men are prepared to perform an alternative civilian service. They also note that Jehovah's Witnesses in neighbouring Russia (where the community has been banned as "extremist") do not participate on grounds of conscience in Russia's war against Ukraine.

Ukhal: Prosecutor appeals against suspended sentence

The suspended sentence imposed on Orthodox conscientious objector Volodymyr Volodymyrovich Ukhal (born 1992) could be overturned on appeal and a harsher sentence imposed. On 24 October 2023, Tyachiv District Court found him guilty under Criminal Code Article 336. The Judge handed him a four-year jail term suspended for three years.

However, Tyachiv District Prosecutor's Office appealed against the verdict. Transcarpathia Appeal Court accepted the prosecutor's appeal on 30 November 2023, according to the decision seen by Forum 18. The Court later set the appeal hearing for the morning of 5 June 2024, according to court records. The panel of three judges is due to be headed by Judge Ivan Feer.

Prosecutors appeal against 3 acquittals

On 4 March 2022, police initiated proceedings under Criminal Code Article 336 against Jehovah's Witness conscientious objector V.S. On 20 March 2023, Tyachiv District Court [acquitted him](#). The prosecutor [filed an appeal](#). Transcarpathia Appeal Court is due to hold the next hearing on 20 May 2024.

On 4 March 2022, police initiated proceedings under Criminal Code Article 336 against Jehovah's Witness conscientious objector P.R. On 24 May 2023, Tyachiv District Court [acquitted him](#). The prosecutor [filed an appeal](#). Transcarpathia Appeal Court is due to hold the next hearing on 24 July 2024.

An official from the Prosecutor's Office – who did not give his name – [refused to discuss with Forum 18 in November 2023](#) why it had appealed against the acquittals. Prosecutor Yaroslav Nitka – who lodged one of the appeals - likewise refused to say. "The court is going to make the decision and I cannot discuss the case," he told Forum 18.

On 14 June 2023, police in Boryspil in Kyiv Region initiated proceedings under Criminal Code Article 336 against Jehovah's Witness conscientious objector S.T. On 10 January 2024, Judge Serhy Voznyuk of Boryspil Town and District Court acquitted him, according to the verdict seen by Forum 18.

S.T. had argued that Article 35 of the Constitution protected his right to apply for alternative civilian service and that Jehovah's Witnesses are among the 10 communities recognised as being a pacifist community [whose members were allowed to apply for alternative civilian service](#).

The prosecutor has filed an appeal. Kyiv Region Appeal Court is due to hold the next hearing on 8 May 2024, Jehovah's Witnesses told Forum 18.

S.T. had performed military service between 1993 and 1994, but became a baptised Jehovah's Witness in 1998. He told the Recruitment Office that he was ready to perform an alternative civilian service.

Six trials of Jehovah's Witnesses underway

On 13 December 2022, police in Poltava initiated criminal proceedings under Criminal Code Article 336 against Jehovah's Witness conscientious objector A.N. The trial is in progress with the next hearing scheduled for 27 June 2024.

On 5 April 2023, police in Chuhuiv in Kharkiv Region initiated criminal proceedings under Criminal Code Article 336 against Jehovah's Witness conscientious objector V.P. The trial is in progress with the next hearing scheduled for 26 June 2024.

On 13 April 2023, police in Chortkiv initiated criminal proceedings under Criminal Code Article 336 against Jehovah's Witness conscientious objector V.M. The trial is in progress with the next hearing scheduled for 27 June 2024.

On July 25, 2023, the police in Boryspil in Kyiv Region initiated criminal proceedings under Criminal Code Article 336 against Jehovah's Witness conscientious objector I.S. The trial is in progress with the next hearing scheduled for 14 May 2024.

On 5 January 2024, the police in Ivanitsi initiated criminal proceedings under Criminal Code Article 336 against Jehovah's Witness conscientious objector O.T. The trial is in progress with the next hearing scheduled for 2 May 2024.

On 9 February 2024, the court in Synelnykove in Dnipropetrovsk Region started criminal proceedings under Criminal Code Article 336 against Jehovah's Witness conscientious objector D.Sh. The next hearing is scheduled for 31 July 2024.

Chovgan: Trial due to begin on 24 May

Council of Churches Baptist conscientious objector Kostyantyn Volodymyrovych Chovgan (born 23 June 1971) is awaiting trial under Criminal Code Article 336 for refusing mobilisation on grounds of conscience. Judge Oleksandr Zimovsky of Sakhnovshchina District Court in Kharkiv Region is due to begin hearing his case on 24 May, according to court records.

Since 2022, Chovgan has been a member of the Council of Churches Baptist church in the town of Pervomaisk.

Sakhnovshchina Recruitment Office summoned Chovgan on 17 November 2023, despite the fact that his wife is a second-category disabled person for whom he is the carer. The Recruitment Office refused to accept his explanation of his conscientious objection to serving in the military and request to defer his recruitment because of his caring role. He and his lawyer had to submit the request by post.

"Representatives of the Recruitment Office ignored his request for a postponement from mobilisation based on religious beliefs," local Baptists noted on 26 December 2023, "and referred his case to investigative bodies."

Officials launched a criminal case against Chovgan under Article 336, even though on 30 December 2023 they granted a deferment of his mobilisation for one year. In February 2024, officials notified Chovgan of the criminal case against him, he told Forum 18 on 26 April. He tried unsuccessfully to challenge the criminal case in court.

"I didn't hide – I'm a Baptist," Chovgan told Forum 18. He said he reminded officials of his right to an alternative civilian service under the Constitution's Article 35, "but they look at you as though you're just making it up".

Zelinsky: Cassational Appeal at Supreme Court

Seventh-day Adventist conscientious objector Dmytro Bronislavovich Zelinsky (born 16 March 1978) is [serving a three-year jail term](#) under Criminal Code Article 336.

On 5 June 2023, Kremenets District Court acquitted Zelinsky. However, Prosecutor Oleksandr Yanyuk appealed against the acquittal to Ternopil Appeal Court. On 28 August 2023, a panel of three Judges at Ternopil Appeal Court overturned the acquittal and handed down the three-year jail term.

Zelinsky lodged a cassational appeal to the Criminal Division of the Supreme Court in Kyiv in November 2023. After his lawyer corrected mistakes the Supreme Court claimed to find in the appeal, the Court accepted the case on 1 December 2023, according to court records.

A hearing in Zelinsky's appeal is due on the afternoon of 13 June 2024, according to court records. On 8 January, a judge at the Supreme Court ordered the head of Prison No. 41 in Kolomyia in Ivano-Frankivsk Region to ensure he is transferred to Kyiv Pre-trial Detention Centre in time for the hearing.

"Officials 'by chance', 'by mistake', transferred Dmytro to Kyiv earlier this year, taking one and a half months via 4 prisons on the way and 3 on the way back," fellow church

member Iryna Zhukova told Forum 18 on 23 April. "He's now back in Prison No. 41 until 5 May."

Yavorsky: Cassational Appeal at Supreme Court

On the afternoon of 2 May, the Supreme Court in Kyiv, with Judge Leonid Loboyko presiding, is due to hear the cassation appeal of Christian conscientious objector Mykhailo Yosypovych Yavorsky (born 3 June 1983). "The hearing must be open. Come watch or at least pray for justice," Yuri Sheliashenko of the Ukrainian Pacifist Movement noted on 30 April, describing it as a "landmark case".

On 6 April 2023, Ivano-Frankivsk City Court handed Yavorsky a one-year jail term for refusing mobilisation on grounds of conscience. Both he and the prosecutor appealed. On 2 October 2023, Ivano-Frankivsk Appeal Court [changed the one-year prison term to a three-year prison term suspended for one year.](#)

Kalenchuk: Criminal case launched

On 16 February, prosecutors launched a criminal investigation into Baptist conscientious objector Volodymyr Viktorovych Kalenchuk (born 29 December 1975) under Criminal Code Article 336. On 13 March, police summoned him, and officers handed him a notice that he was now a suspect. They then took him to the Prosecutor's Office, where prosecutors told him that his case would be sent to Chervonoarmysky District Court in Pulyny, Council of Churches Baptists noted the same day.

Kalenchuk was baptised in September 2015. He is a member of the Council of Churches Baptist congregation in the village of Kurne in Zhytomyr Region.

The Recruitment Office repeatedly summoned Kalenchuk. "Each time he declared that he was a Christian and could not take up arms," Baptists noted on 13 March. "He also repeatedly submitted documents that testify to his religious beliefs and requested that, in accordance with Article 35 of Ukraine's Constitution, he be given the opportunity to fulfil his civic duty performing non-military service, because brother Volodymyr has no intention of evading the fulfilment of his civic duty."

Prosecutors have not yet sent Kalenchuk's case to court, a local Baptist told Forum 18 on 26 April.

Alekseenko: Appeal to overturn suspended sentence fails

Christian conscientious objector [Vitaly Vasilovich Alekseenko](#) (born 2 December 1976) failed in his attempt to overturn his second conviction for refusing mobilisation on grounds of conscience. On 6 March, a panel of judges headed by Fedir Shigirt of Ivano-Frankivsk Appeal Court rejected his appeal against the 13 December 2023 Ivano-Frankivsk City Court suspended sentence, according to the verdict seen by Forum 18. The verdict also rejected the appeal lodged by Prosecutor Yevhen Zhuravlyov.

Ivano-Frankivsk City Court sentenced Alekseenko to 3 years' imprisonment, to be suspended with a probation period of 18 months, according to the verdict seen by Forum 18. He is living under restrictions for this period and will go to prison only if he fails to report regularly or violates any probation provisions.

Alekseenko is preparing to lodge a further appeal to the Supreme Court in Kyiv, he told Forum 18 on 24 April.

At his first trial, Ivano-Frankivsk City Court handed Alekseenko [a one-year jail term](#) on 15 September 2022. However, on 25 May 2023 the Supreme Court [overturned the conviction](#) and sent the case for a new trial.

Two conscientious objectors taken to army

On 9 April, two Council of Churches Baptist conscientious objectors were taken to the Recruitment Office in Odessa Region. Ernest Andreyevich Pavlenko (born 20 March 1993) is a member of the church in Kovel; and Ilya Vitalievich Nikolenko (born 22 November 1997) is a member of the church in Sumy. Both were baptised more than a decade ago.

Officials took Pavlenko and Nikolenko to a military unit in Zhytomyr Region. On 13 April the two men told the military that they could not take up weapons because of their religious convictions. The following day they told them that they could not swear the military oath either because of their religious convictions.

On 15 April, officials told Pavlenko and Nikolenko they were taking them to the police, apparently to prepare cases against them. However, the officials instead pressured the two men to try to force them to change their mind, local Baptists noted.

"The church members announced their religious convictions at the Recruitment Office from the very start," local Baptists noted on 15 April. "But this wasn't taken into account, and each time they were told: 'You can talk about this later.' Pressure is repeatedly being put on them."

Baptists noted on 17 April that after fellow-believers sent petitions to the authorities, officials eased pressure on Pavlenko and Nikolenko. However, they noted that officials have not acceded to the young men's request to be transferred to an alternative civilian service.

Baptists point out that although under martial law the provisions of the Alternative Service Law have been suspended, the rights under Article 35 of the Constitution have not.

Pavlenko and Nikolenko are being held in a military unit in Zhytomyr Region, an official of the regional department of the Military Law-Enforcement Service told Forum 18 on 30 April. "Appropriate measures will be taken against them," he added. "Whether they will face criminal prosecution depends on how they behave."

Asked why Pavlenko and Nikolenko cannot be released and allowed to do an alternative civilian service as they have requested, the official responded: "Because there's a war. They need to defend their country which has been attacked."

Baptists complain of Recruitment Office "pressure"

At least 10 other Council of Churches Baptist conscientious objectors have faced pressure to accept mobilisation since late 2023 after being summoned or forcibly taken to Recruitment Offices. Most have been threatened with cases under Criminal Code Article 336.

Among them, 42-year-old Council of Churches Baptist conscientious objector Oleksandr Borodin from Zaporizhzhia complained that Recruitment Office staff repeatedly summoned him in early 2024. He submitted to the Recruitment Office a written request to be able to perform an alternative civilian service in line with his rights under Article 35 of Ukraine's Constitution. However, the Recruitment Office rejected this on 27 February.

One employee filmed Borodin on 5 March as he answered "tricky" questions as to why he cannot serve in the military on grounds of conscience. Baptists feared that the video could be edited to provide a distorted account of his testimony.

"Oleksandr Borodin has repeatedly stated his religious beliefs that he cannot take up arms and has repeatedly asked to replace military service with non-military service, without refusing or evading his civilian obligations," members of Zaporizhzhia Council of Churches Baptist congregation complained to the Recruitment Office in early March.

"However, he has been and is constantly subjected to unlawful pressure from Berdyansk Recruitment Office staff to sign papers refusing military service. This is discriminatory and violates the constitutional rights of Ukrainian citizens."

No criminal case has yet been launched against Borodin, a Baptist told Forum 18 from Zaporizhzhia on 26 April.

Case dropped, exemption on medical grounds

On 2 September 2022, police in Ternopil initiated proceedings under Criminal Code Article 336 against Jehovah's Witness conscientious objector P.A. On 14 September 2022, the investigative judge imposed house arrest (from 10 pm till 6 am) as a measure of restraint, Jehovah's Witnesses told Forum 18.

On 12 January 2023, the administrative court upheld P.A.'s complaint against the Recruitment Office for drafting him despite his being medically unfit. The Recruitment Office appealed against this decision. On 19 July 2023, the Administrative Court of Appeal reaffirmed it was unlawful to register P.A. for military service because he was medically unfit. In view of the decision, the prosecutor dropped the criminal charges.

On 21 December 2023, Ternopil City and District Court supported the prosecutor's decision and closed the criminal case. The ruling has entered into force.

Italian money for Odesa's Cathedral heavily damaged by Russian shelling urgently needed

Promised Western assistance for religious places of worship damaged by Russia's war should not be delayed by bureaucracy. Ukraine needs it now.

by Ievgeniia Gidulianova and [Willy Fautré](#)

[Russian version](#)
[Ukrainian version](#)

[Bitter Winter](#) (30.04.2024) - Nine months after the Russian shelling of the port city Odesa on the Black Sea, Italy's 500,000 EUR promised for the emergency preservation work of the Odesa Cathedral have still not arrived on the bank account of the Odesa Orthodox Eparchy. (We opted for the spelling 'Odesa' in the Ukrainian language [Одеса] rather than Odessa in the Russian language [Одесса]).

When the Odesa Transfiguration Cathedral was seriously damaged on the night of 23 July 2023 during a massive Russian missile attack on the historical center of Odesa protected by UNESCO, financial support was quickly pledged by some Western actors for

emergency repair work, but Father Miroslav, abbot of the Cathedral, has still not seen the first Euros that were promised.

The world community strongly condemned Russia's act of aggression. Italy's [Prime Minister Giorgia Meloni](#) and the Consul General of the Hellenic Republic in Odesa, Dimitrios Dohtsis were first on the line to quickly announce their support in the media. Later on, they were joined by UNESCO.

Italy was at the forefront of the countries that offered their assistance in the restoration of the destroyed architectural monuments of Odesa. Italian Prime Minister Giorgia Meloni [said](#): "Italy, which has unique restoration skills in the world, is ready to commit to the reconstruction of the Odessa Cathedral and other treasures of Ukraine's artistic heritage."

On 2 October 2023, Italy and Ukraine signed an agreement on assistance in the restoration of the Cathedral and in early December 2023, the payment of the first installment was announced to take place "soon."

At the beginning of February 2024, an agreement was signed between Italy and UNESCO, according to which Italy would make a first contribution of half a million EUR for the primary emergency restoration work in the Odesa Cathedral.

Despite all these pledges and agreements, nine months later and after a long winter threatening to further damage the almost roofless Cathedral, Italy's money for the first emergency repair work—500,000 EUR—has still not reached its final destination, the Odesa Transfiguration Cathedral of the Ukrainian Orthodox Church.

Without the donations of some parishioners and philanthropists, there would have been further irreparable damage to the structure of the building and the artistic historic treasures it was housing.

It is thanks to these donors that repair and restoration work has saved and continues to save the Odesa Transfiguration Cathedral, the largest Orthodox church of the city located in the UNESCO World Heritage Zone, whose [history under the Soviet Union](#) but also after the independence has been tumultuous.

We consider that a "Red Cross type" scheme is urgently needed to bypass the heavy and burdensome international bureaucracy to save [the cultural heritage and thereligious places of worship damaged by Russia's war](#) on Ukraine.

Dr Ievgeniia Gidulianova interviewed Father Miroslav, abbot of the Odesa Transfiguration Cathedral for "Bitter Winter" and Human Rights Without Frontiers.

Q.: Father Miroslav, could you please tell us at what stage the work on the restoration of the Cathedral is today? What has already been achieved? How much work is still needed? How much will it cost?

A.: A direct strike by a Russian missile caused colossal destruction to the Cathedral. Half of it was left without a roof, and the rest was in a terrible state. The central reinforced concrete floors were destroyed, the foundation and the walls were significantly damaged, some of which required dismantling due to the threat of collapse. All the windows and stucco moldings were blown out. The communication systems of the Cathedral were damaged. There was a fire in part of the building. Shrapnel and the blast shock completely destroyed the decorative and artistic decoration of the premises of the Upper Church and all the marble iconostases.

It was urgently necessary to dismantle the debris and the walls that threatened to collapse. The rubble under which church relics were housed was six meters high.

Gusts of wind tore off copper panels from the damaged roof of the Cathedral, which flew directly onto the Cathedral Square and nearby streets, creating a serious threat to people's lives. The autumn rains and winter snows threatened to completely destroy everything that had survived. Moreover, in November, the upper part of the Odessa Cathedral was seriously flooded by rains.

It was necessary to act without delay, but the promised international financial assistance failed to reach us before the bad autumn and winter weather.

Through our joint efforts, with the help of our parishioners and philanthropists, we managed to remove the rubble caused by the missile strike and dismantle emergency structures. Subsequently, we began to restore the roof of the cathedral, and today most of it has been repaired. We also managed to restore all the windows. At present, we have begun to restore the collapsed part of the walls of the building.

This is only a small part of the work that needs to be done but these are priority emergency works that will prevent further destruction of the Cathedral. We have completed 80% of them.

The scope of subsequent work related to the restoration of the interior decoration of the Cathedral still remains to be determined and it is difficult to evaluate the costs. Only one marble iconostasis, which was hit by a Russian missile, cost about 500,000 EUR during the years of its construction.

Q.: Italian officials have repeatedly stated their readiness to participate in the process of repairing and restoring the Cathedral. For several months now, the press has been publishing information about the allocation of a first installment of 500,000 EUR. Did the Cathedral receive this money to pay the entrepreneurs?

A.: Over the past 9 months or so since the missile strike, we have met with Italian and UNESCO officials on several occasions. There was a lot of lively discussion of the topical issues, a lot of hopes and promises.

The last meeting with the participation of the Italian delegation led by Davide La Cecilia, the Special Envoy for the Restoration and Strengthening of Ukraine's Resilience, representatives of the Odesa City Council, UNESCO, and the Odesa Eparchy was held on 9–10 February 2024.

Representatives of the Odessa diocese asked many questions, the main ones being

- How much assistance is planned to be provided? By whom?
- What are the stages of the provision of assistance?
- When will this assistance actually be available?

We stressed that a lot of time had already passed since the tragedy.

Representatives of the Italian side assured us that their work is being carried out at an unprecedented speed, but each stage requires written confirmation and necessary approvals.

It was a big surprise for us to learn that the first Italian installment, which was widely reported in the press, was planned for a special project related to the restoration of the roof! We had to do it by ourselves as an extreme emergency to save the whole Cathedral before the heavy autumn rains and the winter cold and snows.

We said that the roof of the Odesa Cathedral has already been restored for the most part (2500 square meters have been repaired).

The delegation visited the Cathedral, where we briefed them on the progress of our own emergency response and conservation work. La Cecilia personally took part in the inspection and assured us that he would take all necessary measures to establish productive cooperation and provide the Cathedral with the necessary assistance.

Unfortunately, to date, we have not received any funds from Italy for the restoration of the Cathedral and I have no information about the possible timing of the receipt thereof.

[The press](#) published information that in March of this year, UNESCO coordinator Chiara Dezzi Bardeski notified that the international organization had received 500,000 EUR from the Italian government but the Odesa Eparchy did not receive a single Euro and any official report about this.

Q.: How can you collect donations?

A.: We continue to work thanks to our parishioners and philanthropists. Other churches of the Odessa diocese also help us with some donations.

According to a long-standing tradition, which has historically developed during the construction of the Cathedral, we also invite everyone to participate in the restoration by laying their own name brick. The donor independently determines how much he wants to donate for a personalized brick and gives the money to the church directly or by bank transfer. The priest will write his name on the brick that will be placed in the masonry of the church.

Of course, after the completion of the exterior decoration, these names will be hidden under the plaster, but the clergy will always pray for those who put their efforts into the rebuilding of the church.

To collect donations, we have also created the [charitable foundation](#) of Metropolitan Agafangel "Restoration of the Transfiguration Cathedral in Odesa" -.

Despite the difficulties, the religious activities Odesa Cathedral have never been suspended for a single day. Divine services are held daily in the lower church, which survived the missile strike.

We thank all those who expressed their desire and readiness to help in its restoration. This is valuable and necessary. Much remains to be done.

630 places of worship destroyed or damaged by the war

Russia continues to torture priests and destroy Ukrainian churches – IRF released new report in [English](#) and in [Ukrainian](#)

THE IMPACT OF

THE RUSSIAN INVASION

on faith-based communities in Ukraine



[IRF](#) (29.03.2024) - During the full-scale invasion, Russian troops damaged or wholly destroyed at least 630 churches, prayer houses, and other religious facilities in Ukraine.

The Institute for Religious Freedom published this new data in the report **“The Impact of the Russian Invasion on Faith-Based Communities in Ukraine.”** The IRF research contains the results of monitoring and surveys on the situation of Ukrainian religious communities in the territories occupied by Russia.

- The report in English: <https://bit.ly/2024-IRF-Report-Ukraine-en>
- The summary of the report in English: <https://bit.ly/2024-IRF-Summary-Ukraine-en>
- The report in Ukrainian: <https://bit.ly/2024-IRF-Report-Ukraine-ua>

In addition, IRF recorded seventeen interviews with religious leaders of various denominations about Russian war crimes in Ukraine. These video testimonies are available for watching on YouTube with English subtitles: <https://bit.ly/2022-IRF-video-testimonies>

Oleksandr Zaiets, Board Chairman of the Institute for Religious Freedom, project manager

The Kremlin uses religion, particularly Russian religious centers, as a tool of war against Ukraine. In addition to propagating hatred of Ukrainians, the Russian authorities in the occupied territories of Ukraine often practice arbitrary arrests and imprisonment, torture, and even murder of Ukrainian religious leaders. Those priests, pastors, imams, etc., who did not agree to collaborate and refused to submit to Russian religious centers are subject to repression.

The IRF report states that most damage was inflicted by Russian missiles, kamikaze drones, and artillery, including targeted attacks on civilian objects. In addition, some places of worship have been deliberately looted by the Russian military, closed, or converted by the occupying authorities into administrative buildings.

Most churches, prayer houses, synagogues, and mosques were destroyed in Donetsk region (at least 146), Luhansk region (at least 83), and Kherson region (at least 78). The destruction in Kyiv region, where Russian troops attempted to capture the capital of Ukraine in February-March 2022, was also enormous (73). Due to the ongoing hostilities, the number of destroyed buildings is increasing in Kharkiv region (at least 62),

Zaporizhia region (at least 51), and Mykolaiv region (at least 41).

On a confessional basis, Orthodox churches suffered most damage from the Russian aggression – at least 246 in total. Of these, the churches of the Ukrainian Orthodox Church (affiliated with the Moscow Patriarchate) suffered the most – at least 187. Also, 59 churches of the Orthodox Church of Ukraine were destroyed or damaged.

The scale of destruction and looting of evangelical churches is also extensive – at least 206 in total. Among them, the Pentecostal (94), Baptist (60), and Seventh-day Adventist Church (27) prayer houses suffered the most.

Dr. Maksym Vasin, Executive Director of the Institute for Religious Freedom, author of the report, Ph.D. in Law

It is most likely that if Russia retains control over the occupied territories of Zaporizhzhia and Kherson regions throughout 2024 and beyond, Ukrainian churches and religious communities in these regions will face the same fate as believers in the parts of Donetsk and Luhansk regions occupied since 2014. The Russian occupying authorities will continue to fight any manifestations of dissent, opposition, and Ukrainian identity, particularly religious identity, by enforcing repressive Russian legislation.

Hiding behind slogans of protecting Russian speakers, “denazification,” and “desatanization” of Ukraine, the Kremlin has actually been implementing the ideology of the “Russkiy Mir” (Russian World). As interpreted by Russian propagandists, this ideology comprises the physical destruction of the Ukrainian people as a nation (genocide), the elimination of Ukrainian cultural heritage, the overthrow of the Ukrainian government, and the disappearance of the Ukrainian state.

Recommendations

The Institute for Religious Freedom formulated several recommendations in the report. Among them are the following:

1. To publicly condemn the Russian World ideology and the position of the Russian Orthodox Church and Patriarch Kirill of Moscow, as well as other Russian religious associations and leaders who participate in the Russian aggression and justify it or promote hatred and genocide of the people of Ukraine.
2. To strongly and proactively support Ukraine’s efforts to investigate Russian war crimes and prosecute all war criminals.
3. To introduce personal sanctions against Russian officials, religious leaders, media workers, and other individuals responsible for justifying or carrying out repressions against Ukrainian religious leaders and faith-based communities on the Ukrainian territories controlled by Russia.
4. To designate the Russian Federation as a State Sponsor of Terrorism, considering the constant attacks on the civilian population and critical infrastructure of Ukraine, deliberate exacerbation of the humanitarian crisis, nuclear blackmail, the use of torture, inhuman treatment of prisoners of war, and arbitrarily imprisoned civilians, particularly religious figures.

Footnote

The Institute for Religious Freedom has prepared a report, "The Impact of the Russian Invasion on Faith-Based Communities in Ukraine," as part of [the Locked Faith project](#) with the support of the peacebuilding organization PAX (Netherlands) in cooperation with Mission Eurasia (USA), the Center for Civil Liberties (Ukraine) and representatives of the Ukrainian Council of Churches and Religious Organizations.

This is the fourth report on Russian war crimes against religious communities prepared with the assistance of the Institute for Religious Freedom since the beginning of Russia's armed aggression against Ukraine. Before that, in September 2022, the IRF published the report "[Russian Attacks on Religious Freedom in Ukraine.](#)" In 2018, the report "[Religious Freedom at Gunpoint: Russian Terror in the Occupied Territories of Eastern Ukraine](#)" was published. In 2015, with the participation of the IRF, a coalition of human rights organizations published the report "[When God Becomes the Weapon.](#)"

Infographics: IRF Ukraine / irf.in.ua



Ukraine is now 'Holy War,' Russian Church declares

By [Brendan Cole](#)

[Newsweek](#) (28.03.2024) - The Russian Orthodox Church has approved a document that deems President Vladimir Putin's full-scale invasion of Ukraine a "Holy War."

The declaration came during a congress of the World Russian People's Council in which religious, political and cultural figures in the country met at the site of Moscow's Cathedral of Christ the Savior, a focal point for the Orthodox faith in Russia.

The head of the Russian Orthodox Church, Patriarch Kirill, also heads the council and is an ally of Putin. He has been criticized for providing a religious justification for the war and [failing to unequivocally condemn](#) the killing of people in Ukraine.

In February 2022, Patriarch Kirill said that Ukraine and Belarus were part of "Russian lands" and called the Ukrainians who were defending themselves against Russian aggression as "forces of evil," pitching the war as a battle for the future of Christianity.

"From a spiritual and moral point of view, the special military operation is a Holy War, in which Russia and its people, are defending the single spiritual space of Holy Russia," the document released on Wednesday said under the heading "special military operation," which is the official Kremlin term for the invasion.

It went on to claim that the war had the goal of "protecting the world from the onslaught of globalism and the victory of the West, which has fallen into Satanism."

Following the war, "the entire territory of modern Ukraine should enter the zone of Russia's exclusive influence," it said.

"The possibility of the existence of a Russophobic political regime hostile to Russia and its people on this territory, as well as a political regime controlled from an external center hostile to Russia, should be completely excluded," it added.

Orthodox church representatives globally, [such as the U.S.-based](#) Orthodox Public Affairs Committee (OPAC), have condemned the war. After the start of [Putin's](#) invasion on February 24, 2022, the Ukrainian Orthodox Church (UOC) cut ties with the Russian Orthodox Church.

When contacted for comment the UOC referred *Newsweek* to its media statement in which it said it "dissociates herself from, categorically rejects, and condemns the ideas set out in this document."

"The assertion that the so-called 'special military operation' is a 'Holy War' contradicts the basic principles of Christian morality, especially in the light of the armed aggression with the use of violence.

"From the point of view of the Gospel, military actions cannot be justified as 'holy', nor can such assertions be made by people who call themselves clerics," the UOC statement added.

Willy Fautré, who heads the group Human Rights Without Frontiers (HRWF), told *Newsweek* that Patriarch Kirill "might have been the only person who had the power to stop President Putin in his war on Ukraine and make history as a peacemaker."

But the patriarch's document shows he would go down in history "as an accomplice to war crimes and as the gravedigger of the Russian Orthodox Church."

Newsweek has contacted the Ukrainian Foreign Ministry for comment.

This month, the head of the Ukrainian Greek Catholic Church, Sviatoslav Shevchuk, [told Newsweek](#) that where Russia has arrived in Ukraine, "they exterminate all other religions besides the well-controlled and weaponized Russian Orthodox Church."

"For Russian occupiers, the weaponization of religion is something new, is a neologism," Shevchuk said. "It is why the Ukrainian government and Ukraine's religious society is forced to find different ways to protect ourselves from the weaponization of religion."

The church he heads has full communion with the Vatican and is the second largest in the Catholic faith after the Latin Church. He visited Washington, D.C., this month to describe to U.S. lawmakers, who are weighing the provision of further aid to Kyiv, the extent of destruction of religious buildings caused by the war.

The Kyiv-based Institute for Religious Freedom said in February 2023 that the [Russian military](#) had destroyed, damaged or looted at least 494 religious buildings, with the figure estimated to be far higher today.

"That is also a challenge for my church, not to become militant," Shevchuk said, adding that the aim is "not to fall to the same temptation the Russian Orthodox Church fell into and become an instrument of hatred."

Update 03/30/24, 1 p.m. ET: This article has been updated with comment from Willy Fautré and a statement from the Ukrainian Orthodox Church.

Pro-Russian cleric prosecuted on charges of treason

Statement published by the Chernivtsi Regional Prosecutor's Office

[Facebook](#) (22.03.2024) - Prosecutors of the Chernivtsi Regional Prosecutor's Office brought to court the indictment against the Archimandrite of the Ukrainian Orthodox Church UOC (MP), who before the liberation of Kherson was the rector of the Holy Dormition Cathedral of the Kherson Diocese, on the facts of treason and aiding the aggressor state (Part 2 of Art. 111, Part 1 of Art. 111-2 of the Criminal Code of Ukraine).

In addition, his property was seized within the framework of criminal proceedings. Among the said real estate objects is an apartment in the Pechersk district of Kyiv, a residential building in the Kherson region, as well as a vehicle.

According to the investigation, the Archimandrite provided ideological support to the Russian Federation during the occupation of Kherson region. In his sermons, he praised representatives of the occupation regime and personally started before the self-proclaimed authorities to transfer premises and property taken from Ukrainian citizens and private joint-stock companies to serve the cathedral.

In addition, on September 30, 2022, the clergyman joined the celebrations in the St. George's Hall of the Kremlin on the occasion of the so-called accession of Donetsk, Luhansk, Zaporizhzhia and Kherson regions of Ukraine to the Russian Federation, which showed his support for the illegal annexation of the territories of Ukraine.

A few days before the liberation of Kherson, the abbot fled to the temporarily occupied territory.

Since December 2022, he has been under sanctions by the NSDC (National Security and Defense Council of Ukraine).

The pre-trial investigation in this proceedings was carried out by investigators of [the Security Service of Ukraine in Chernivtsi region](#) with the operational support of the Office of the SBU of Ukraine in the Kherson region.

Is religious liberty 'under attack' in Ukraine?

No, but the country faces a dilemma in how to deal with an Orthodox church controlled by Russia.

Jillian Kay Melchior

[Wall Street Journal](#) (22.03.2024) - Opponents of U.S. aid to Ukraine claim the country persecutes Christians. *"When American leaders frame this as a war for democracy and human rights, it would be good if the recipient of the aid was a little bit more careful of human rights, including religious liberties,"* Sen. J.D. Vance (R., Ohio) says in an interview this week. Ukraine *"is doing some pretty bad stuff,"* he adds, citing *"news reports of priests being investigated, church assets being seized and priests being arrested."*

Ukrainians have *"invaded churches, they've arrested priests,"* according to Sen. Rand Paul (R., Ky.). Rep. Paul Gosar (R., Ariz.) says Kyiv has *"banned Ukraine's oldest and largest denomination, the Ukrainian Orthodox Church."* Tucker Carlson last year [said](#) President Volodymyr Zelensky *"banned a Christian faith in his country and arrested nuns and priests."* In a Republican presidential debate, Vivek Ramaswamy [said](#): *"Do you want to use U.S. taxpayer money to fund the banning of Christians? That is actually what's happening."*

Steven Moore, a former Capitol Hill staffer and now president of the Kyiv-based Ukraine Freedom Project, visited some 100 GOP congressional offices between September and January. About a third *"said they're concerned about Zelensky persecuting Ukrainian Christians,"* he says.

This narrative—the product of a public-relations and lobbying campaign—sounds bad. But it's false, and Americans in particular should appreciate Ukraine's dilemma. After Sept. 11, the U.S. sought to safeguard religious freedom while protecting itself from Islamic terrorism. Ukraine seeks to uphold religious liberty while addressing Russia's power over the Ukrainian Orthodox Church, which supports the Kremlin.

The story begins in the Soviet Union. After the 1917 revolution, Orthodox Christians went underground and proved resilient under persecution. Stalin concluded that if he couldn't extinguish Christianity, he would co-opt it instead. Beginning in 1943, he re-established the Moscow Patriarchate of the Russian Orthodox Church and reopened churches and seminaries—under state control. This official religious life "could be surveilled, regulated, taxed and, most critically, used to accomplish political goals," [writes](#) Kathryn David, a U.S. State Department historian.

After the Soviet collapse, evidence emerged of [extensive ties](#) between the Russian Orthodox Church and the KGB. Last year two Swiss publications [reported](#) that among the KGB agents in the church was Vladimir Gundyayev, known today as Patriarch Kirill of Moscow, head of the Russian Orthodox Church since 2009. (The church didn't respond to my query about the Swiss reports. Patriarch Kirill's nephew has [said](#) his uncle "was not an agent, although he was subjected to 'strict controls' by the KGB.")

[Canada](#), the [U.K.](#) and the [Czech Republic](#) imposed sanctions against Patriarch Kirill over his support for [Vladimir Putin's](#) war in Ukraine. Nina Shea of the Hudson Institute's Center for Religious Freedom says the Russian church's justification of the war is *"comparable to jihad, holy war in Islam."* The patriarch has [claimed](#) those who die during military duty have made a sacrifice that *"washes away all the sins that a person has committed."*

The Ukrainian Orthodox Church historically operated as a subordinate branch of the Russian Orthodox Church. The Institute for the Study of War [reports](#) the Ukrainian church *"provided material support for Russia's initial invasion of Crimea and Eastern Ukraine in 2014,"* and Russian soldiers used church buildings *"as military storage depots,"*

garrisons, field hospitals, and even fighting positions during Russia's full-scale invasion of Ukraine."

The Ukrainian church [condemned](#) the 2022 invasion, appealed for negotiations, expressed disagreement with Patriarch Kirill and said it had made statutory changes testifying to its "complete autonomy and independence." But the Russian Orthodox Church website [lists](#) more than 100 members of the Ukrainian Orthodox Church as members of its episcopate. Many are also currently [listed](#) by the Ukrainian Orthodox Church.

Robert Amsterdam, a lawyer representing the Ukrainian Orthodox Church, says it "severed all administrative ties from the ROC when the present conflict began," including "withdrawing their senior members and bishops from the synod of the ROC. The UOC cannot control what the ROC says or does on its websites, and obviously the Russians have their own separate agenda to misrepresent the independence of the Church." He also says the "canonical or spiritual connection" between the churches "is not the jurisdiction of politicians to alter."

Some 22 Ukrainian Orthodox Church officials have been convicted of unlawful collaboration with Russians or other war-related crimes, according to Viktor Yelenskyi, Ukraine's top executive official on matters of religion and freedom of conscience. Priests have been convicted for [informing](#) Russia of Ukrainian positions and [otherwise spying](#) and for [disseminating propaganda](#) urging the government's overthrow. Mr. Yelenskyi estimates another 72 people connected with the church are subject to criminal proceedings or have been issued notice of suspicion. Mr. Amsterdam said "fewer than 1% of UOC members have been found to have issues."

Russia uses the church as "a channel of influence, as a kind of soft power," and it controls senior Ukrainian Orthodox Church leaders through "blackmails, compromise, and they also bribe them," says Cyril Hovorun, a former theological counselor to Patriarch Kirill who broke with him over his support for Mr. Putin and now lives in exile. (The Russian Orthodox Church didn't respond to a request for comment.) Mr. Yelenskyi argues "the core problem is not in this handful of collaborators" but "the whole structure, which transmits Russian ideas and Russian narratives and is a channel of Russian influence. . . . It's a threat to the national security of Ukraine to have ties to a body subordinated to Russia's militaristic machine."

Italy gives € 500,000 for the restoration of Odessa's Orthodox Cathedral shelled by Russia

The church, heavily damaged by Russian shelling on July 23, 2023, is one of the beneficiaries of the projects of the Italian presidency of G7.

by Willy Fautré with Ievgeniia Gidulianova

[Bitter Winter](#) (16.02.2024) – Italy's PM Giorgia Meloni is keeping her promise made as early as August 2023 to contribute financially to the emergency restoration of the Transfiguration Cathedral of Odessa heavily damaged by Russian shelling on 23 July 2023.

In early February 2024, an agreement was signed between Italy and UNESCO on the allocation of funds, according to the [Odessa City Council](#). The Italian government delegation was chaired by Davide La Cecilia, Special Envoy for the Reconstruction and Strengthening of Ukraine's Resilience.

On the night of July 23, 2023, Russian troops carried out a [massive attack on the territory of Odessa and the region](#), firing 19 missiles of various types. The blow fell on the historical center of Odessa, included in the UNESCO World Heritage List. As a result of the attack, 25 architectural monuments were damaged, in particular the Transfiguration Cathedral. Half of the cathedral was left without a roof, the central piles and foundation were broken in the building, all windows were knocked out, stucco was knocked down. Rescuers and clergy managed to save some icons, including the Kasperovskaya Icon of the Mother of God, who is considered the patroness of Odessa. The Iberian Icon, installed for the 100th anniversary of Odessa, also survived.

On October 2, 2023, Ukraine and Italy signed an agreement to repair the Transfiguration Cathedral.

In November, heavy rains flooded the cathedral, and urgent conservation work of the roof was started by the Odessa Diocese.

Reconstruction to be based on a tripartite Memorandum and under a Supervisory Board

The mayor's office said that the plans are to sign a tripartite Memorandum of Cooperation on the Reconstruction of Odessa (Italy – Ukraine – UNESCO), as well as separately one between Italy and Ukraine, where the areas of cooperation will be marked.

To perform this restoration work, a Supervisory Board will be created, which will include all parties to the tripartite Memorandum, as well as strategic, technical and scientific committees. The latter, in particular, will include scientists from the Polytechnic Institute of Milan, the Milan Triennial Museum, and the National Museum of Modern Art and Architecture in Rome.

It should be wise for the Ukrainian side to include [Prof. Meshcheriakov](#) in the Supervisory Board as his name is closely connected with the history of the reconstruction of the Odessa Cathedral, which was completely destroyed during Stalin's time. Ph.D. Arch., Associate Professor, Meshcheriakov is a member of the Ukrainian Committee of ICOMOS (International Council on Monuments and Sites), Chairman of the Odessa 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.

Under Meshcheriakov's leadership, a group of architects in 1999 was the laureate of the national call for projects for the reconstruction of the Odessa Cathedral, which was rebuilt in 2000–2010 on the basis of his project. He was then awarded the State Prize of Ukraine in the field of architecture for the reconstruction of the Odessa Cathedral. He is also the author of a book on this topic.

The legal status of the Cathedral: complex and unclear

[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 Patriarch Kirill (of the Russian Orthodox Church) at the divine services because of his support to 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 of the Russian Orthodox Church 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.

Patriarch Kirill of the Russian Orthodox Church kept silent about the heavy damage caused to the Orthodox Cathedral of Odessa by Russian shelling and has not proposed any financial or other assistance to its reconstruction.

Japan's assistance

Japan offered Ukraine financial assistance to restore cultural heritage, education and media through the UNESCO.

The signing ceremony was held on 7 February at the organization's headquarters in Paris. It was attended by Japan's representative to UNESCO Kano Takehiro, UNESCO Director General Audrey Azoulet, and Ambassador of Ukraine to France Vadym Omelchenko.

[Japanese](#) officials say that this year their country will allocate about 14.6 million US dollars to Ukraine, where hostilities are ongoing.

These funds will help preserve the world heritage in the historical center of Odessa, which was affected by Russian missile strikes.

On 24–25 February, a [symposium on Ukrainian culture](#) against the background of war will be held at Keio University in Tokyo and will be accessible online after [registration](#).

Last year, the Consul General of the Hellenic Republic in Odessa, Dimitrios Dohtsis, announced that Greece also intended to assist in the restoration of architectural monuments that were damaged [during the Russian missile attack](#), including the Cathedral, but as of early February nothing was made public about possible concrete initiatives.

No other EU country has promised to contribute to the restoration of the Cathedral.

Soon after the Russian shelling of Odessa, [EU High Representative of the European Union for Foreign Affairs and Security Policy Josep Borrell](#) called the night strike on the city 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." No EU promise was however made to contribute to the reconstruction of the destroyed parts of the Cathedral.