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His Excellency Filipe Jacinto Nyusi,
President of the Republic of Mozambique,
Avenida Julius Nyerere, PABX 2000
Maputo, Mozambique

Via email: geral@inage.gov.mz

22 May 2024

Dear Mr. President:

I represent the Ukrainian Orthodox Church (UOC) in our effort to ensure the freedom of religion and the rule of law for all Ukrainians. I write to humbly request the attention of the Republic of Mozambique, in its capacity as President of the United Nations Security Council during the month of May 2024, to a matter of urgent international concern - the rapidly deteriorating situation of religious freedom in Ukraine. In a press conference on 1 May 2024, Security Council President, His Excellency Pedro Comissário Afonso of Mozambique, noted that there were “open spaces” on the calendar where a meeting on Ukraine could be convened.¹ I urge you to encourage Ambassador Comissário Afonso to add the issue of religious freedom in Ukraine to the Security Council’s agenda before the term of Mozambique’s presidency expires.

As you are aware, the Republic of Mozambique would not be the first to bring the dire state of religious freedom in Ukraine to the attention of the United Nations. Volker Turk, the United Nations High Commissioner for Human Rights, has noted “concerns regarding freedom of religion and belief in Ukraine, given continuing action by the authorities against the Ukrainian Orthodox Church.”² The Office of the United Nations High Commissioner for Human Rights has indicated that it “is closely monitoring how legislative developments in Ukraine may impact enjoyment of freedom of religion and has, in a previous Human Rights Monitoring Mission in Ukraine report, expressed concern over the cumulative impact of Government actions targeting [the] UOC that could be discriminatory.”³

Ilze Brands Kehris, Assistant Secretary-General for Human Rights in the Office of the United Nations High Commissioner for Human Rights (OHCHR) has said in response to the lawlessness and violence against the UOC and its members that “Ukrainian law enforcement’s response in these cases has failed to sufficiently investigate incidents and take action to protect members of

¹ United Nations Meetings Coverage and Press Releases. “Press Conference by Security Council President on Programme of Work for May”. Available at: https://press.un.org/en/2024/240105_sc.doc.htm

² Office of the High Commissioner for Human Rights (OHCHR). “Russia should immediately cease its use of force against Ukraine: Turk.” December 2023. Available at: <https://www.ohchr.org/en/statements-and-speeches/2023/12/russia-should-immediately-cease-its-use-force-against-ukraine-turk>

³ OHCHR. “ASG Brands Kehris briefs Security Council on Ukraine.” November 2023. Available at: <https://www.ohchr.org/en/statements-and-speeches/2023/11/asg-brands-kehris-briefs-security-council-ukraine> and United Nations Press Release SC/15500. Available at: <https://press.un.org/en/2023/sc15500.doc.htm>

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the Ukrainian Orthodox Church.”⁴ These statements come amidst periodic observations by the OHCHR that the Ukrainian government is not protecting and affirmatively persecuting the UOC and its members.⁵

The honorable delegation from Mozambique has itself already spoken bravely against the suppression of religious freedom in Ukraine during two previous Security Council meetings. At the 17 January 2023 meeting of the Security Council on freedom of religion in Ukraine, Ambassador Comissário Afonso acknowledged that “hard-won human rights and fundamental freedoms are deteriorating and being disregarded, compounding an already fraught situation”, and urged “political leaders and citizens to exercise restraint and abstain from weaponizing this highly sensitive issue”.⁶ At the 17 November 2023 meeting of the Security Council on freedom of religion in Ukraine, Ambassador Comissário Afonso registered his concern about “the intrusion on religious freedom, especially within the Orthodox Church due to the Russian Federation-Ukraine conflict”.⁷ The Ambassador went on to note that “religion must not be used as a tool to restrict worship rights”, and that “[t]olerance, mutual respect and peaceful coexistence amongst Orthodox believers are essential for national unity in a diverse society like Ukraine.”⁸

Let me underscore that calling the attention of the United Nations Security Council to the issue of religious freedom in Ukraine is fully consistent with supporting Ukraine’s rightful acts of self-defense to protect its independence and territory, consistent with United Nations General Assembly Resolution ES-11/1 (2022). In fact, that resolution expressly calls on all parties to comply with “international human rights law,” including the freedom of religion. Our goal and the purpose of a Security Council discussion of this issue would be to ensure that the independent Ukraine that emerges from the current conflict remains committed to the most basic principles of international human rights law.

In the months since the aforementioned statements were made by your Ambassador, the state of religious freedom on the ground in Ukraine has severely deteriorated. The UOC continues to be subjected to a systematic campaign of discrimination by the Ukrainian government. The ultimate goal of this campaign is to dismantle and eradicate the church and disperse the millions in its flock. The Ukrainian government has deployed significant state resources

⁴ OHCHR. "Report on the human rights situation in Ukraine: 1 December 2023 - 29 February 2024." Available at: <https://www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine-1-december-2023-29-february-2024>

⁵ OHCHR. "Report on the human rights situation in Ukraine: 1 August - 30 November 2023," and "Report on the human rights situation in Ukraine: 1 February - 31 July 2023." Available at: <https://www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine-1-august-30-november-2023> and <https://www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine-1-february-31-july-2023>

⁶ United Nations Meeting Coverage and Press Releases. “Freedom of Religion Must Prevail in Ukraine, Even as War Drags On, Senior UN Human Rights Official Tells Security Council: UN Agency Documents Tension, Violence between Rival Orthodox Worshipers”: 17 November 2023. Available at: <https://press.un.org/en/2023/sc15500.doc.htm>

⁷ United Nations Meeting Coverage and Press Releases. “Freedom of Religion Must Prevail in Ukraine, Even as War Drags On, Senior UN Human Rights Official Tells Security Council: UN Agency Documents Tension, Violence between Rival Orthodox Worshipers”. 17 January 2023. Available at: <https://press.un.org/en/2023/sc15500.doc.htm>

⁸ United Nations Meeting Coverage and Press Releases. “Freedom of Religion Must Prevail in Ukraine, Even as War Drags On, Senior UN Human Rights Official Tells Security Council: UN Agency Documents Tension, Violence between Rival Orthodox Worshipers”. 17 January 2023. Available at: <https://press.un.org/en/2023/sc15500.doc.htm>

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including its police and security services to harass, intimidate, arrest, and jail UOC clergy and parishioners. Of particular concern are the arbitrary arrests of numerous senior members of the clergy on spurious charges that call in to question Ukraine's commitment to the freedom of religion and the rule of law.

Beyond these attacks on the church, Draft Law 8371, currently pending a second reading before Ukraine's parliament, threatens the very existence of the UOC. With the final passage of the legislation expected to take place within weeks, the Ukrainian government is set to destroy a centuries-old religious institution and deprive many Ukrainians of the church that serves as their religious home.

There is precious little time left to avert the destruction of this ancient church. As President of the Security Council, and a member state with no direct stake in present conflict, the Republic of Mozambique is uniquely placed to coordinate a new discussion on this topic that is free from bias and grounded only in fact. The following sections of this letter set out just a few of the important facts that I believe the Security Council should consider. Specifically, the paragraphs below provide an analysis of the inherent illegality of the Ukrainian Government's actions, and in particular, Draft Law 8371, as well as examples of the egregious abuses suffered by the UOC. I implore you to consider this information carefully and to place the subject of religious freedom in Ukraine on the Security Council's agenda before it is too late.

I. International Standards

The freedom of religion is one of the core guarantees of international human rights law. In fact, the freedom of religion is at the center for the human rights system's commitment to the sanctity of the human person. Article 18 of the Universal Declaration of Human Rights provides:

Everyone has the right to freedom of thought, conscience, and religion; this right includes the freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.⁹

As a state party to the International Covenant on Civil and Political Rights (ICCPR), Ukraine is obligated to respect the freedom of religion guaranteed in Article 18:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.¹⁰

Although the ICCPR does contemplate potential limits of the freedom of religion, "the freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedom of others."¹¹ Despite an active conflict between Russia and

⁹ Universal Declaration of Human Rights. "Article 18." 1945.

¹⁰ International Covenant on Civil and Political Rights (ICCPR). "Article 18."

¹¹ Id.

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Ukraine, the actions of the Ukrainian government against the UOC are in no way *necessary* to protect public safety, order, health or morals, even more so in light of the UOC's denunciations of Russia's illegal invasion,¹² the church's self-governing status, and its continued support for Ukraine's self-defense.

Ukraine is also a State Party to the European Convention on Human Rights, which likewise guarantees the right of freedom of religion. Per Article 9:

Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private to manifest his religion or belief, in worship, teaching, practice and observance.¹³

Article 11 of the European Convention guarantees a related right to the freedom of association, including religious association. Article 11 provides:

Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interest.

Case law of the European Court of Human Rights (ECtHR) sets a very high bar for member states to pursue deregistration of a religious organization – which is exactly what Draft Law 8371 (discussed in more detail, below) would do. Article 9 is a “qualified right,” meaning that it can be interfered with in limited circumstances, but again only “when necessary in a democratic society.” The ECtHR strictly limits when such interference is justifiable. The Court's guidance on Article 9 explains: “Such a drastic measure [the deregistration of a religious organization] requires very serious reasons by way of justification in order to be recognized as ‘necessary in a democratic society.’”¹⁴

The ECtHR has expressly prohibited a member state from banning a religious organization that it claims engaged in prejudicial activities. In a 2001 case relating to the Metropolitan Church of Bessarabia, an Orthodox Church in Moldova which split with the Metropolitan Church of Moldova in 1992, the ECtHR ruled that Moldovan authorities could not refuse to register the church on the grounds of national security. The Court rejected Moldova's arguments that the church was supporting the reunification of Moldova and Romania and damaging Moldova's relations with Ukraine. The Court concluded that these allegations were a “mere hypothesis which, in the absence of corroboration, cannot justify a refusal to recognize it.”¹⁵ While there is no evidence that the UOC has engaged in “prejudicial activity”, even if the allegations of the Ukrainian government were true, the same logic would apply to an ECtHR review of Ukraine's Draft Law 8371.

The unambiguous legal rules contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on

¹² Associated Press. "Russia-Ukraine: Religion-Poland-Warsaw." Available at:

<https://apnews.com/article/russia-ukraine-europe-religion-poland-warsaw-74c62faf4531a4bf90902470e026b9bf>

¹³ European Court of Human Rights (ECHR). "Guide on Article 9 of the European Convention on Human Rights." August 31, 2022.

¹⁴ Guide on Article 9 of the European Convention on Human Rights, European Court of Human rights (31/8/2022) See also: Biblical Centre of the Chuvash Republic v. Russia, 2014. p. 54.

¹⁵ ECHR. "Case of Metropolitan Church of Bessarabia and others v. Moldova." 2001. para. 125.

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Human Rights, along with the jurisprudence of the ECtHR, provide the framework for demonstrating the illegality of Ukraine's current attack on the UOC. Against this legal framework and in light of the events in Ukraine, described below, it is incumbent upon the international community to intervene.

II. Violations of International Religious Freedom in Ukraine

The Ukrainian government has undermined the freedom of religion in Ukraine through a systematic attack on the UOC. This egregious and on-going assault on the church through both physical and legislative mechanisms is a gross violation of the freedom of religion and in breach of Ukraine's commitments under the European Convention on Human Rights, and the International Covenant on Civil and Political Rights. This campaign against the UOC merits intervention from the United Nations Security Council, or at the very least, serious consideration of alternative solutions.

A. The Ukrainian government's active discrimination against the Ukrainian Orthodox Church and promotion of the Orthodox Church of Ukraine, its preferred branch of Orthodoxy

The very highest levels of the Ukrainian government are engaged in a systematic campaign of discrimination against the UOC in an effort to support the state's created, and therefore preferred branch of Orthodoxy, the Orthodox Church of Ukraine (OCU). While current legislative efforts to ban the UOC are perhaps the most flagrant acts of discrimination, they are part of a far larger and on-going effort by the government to use its powers to advance the interests of one religious group at the expense of another.

Understanding this campaign of discrimination against the UOC requires historical context. In Ukraine, Orthodox Christianity has a long and contested history, dating back to the times of Kyivan Rus in the 10th century. For historical reasons, the Orthodox Metropolitanate of Kyiv remained since 1686 canonically subordinated to the Patriarchate of Moscow until the Revolution of 1917. After the fall of the Soviet Union, the Ukrainian Orthodox Church remained canonically subordinate to the Russian Orthodox Church (ROC) and continued as the dominant force in Ukrainian Orthodoxy, even after other Orthodox church organizations were established in a newly independent Ukraine. After the Maidan events in 2014 and in light of Russia's illegal invasion in February 2022, underlying religious divides within Orthodox Christianity in Ukraine have become politicized. Ukrainian politicians seeking nationalist favor have found the UOC a convenient political target and have used such attacks to buttress political support. Moreover, the UOC was identified as one of the last remaining influential non-political organizations in Ukraine. As such, a plan was formed to forcibly transform the two churches, the UOC and OCU, into one church under the influence and control of the government.

Beginning in 2018, the religious debate in Ukraine changed sharply when the Ukrainian government intervened by lobbying the Ecumenical Patriarchate of Constantinople to grant autocephaly to the OCU. Petro Poroshenko, Ukraine's president at the time, weaponized and actively instrumentalized religious issues, using the "formation of an autocephalous church in Ukraine as an important component of his election campaign."¹⁶ In April 2018, Poroshenko formally requested autocephaly for the new church from the Ecumenical Patriarchate of

¹⁶ Observatoire international du religieux. "Inter-Orthodox crisis in Ukraine: Recent Developments and Reflections." May 2023.

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Constantinople and in January of 2019, autocephaly was granted by Bartholomew I. This unilateral granting of autocephaly by the Ecumenical Patriarch is hotly contested and widely debated in the Orthodox world. Despite this, the OCU quickly became the government's preferred church and has subsequently received considerable state backing and support at the expense of other religious groups. There were, however, problems for the state that was seeking to cleanse and eradicate the UOC in favor of the OCU: the OCU lacked followers, clerics, churches, and parishes.

Throughout the process of obtaining autocephaly and since that time, the Ukrainian government has staunchly backed the OCU, while actively discriminating against the UOC. For the Poroshenko government, the granting of autocephaly appears to have been driven by discriminatory, nationalist aims. Poroshenko's campaign slogan was "Army, Language, Autocephaly" and support for the new OCU was a core pillar of his campaign effort. Poroshenko has declared his support for the OCU to be part of an "anti-imperialist struggle" against Russia.¹⁷

After Zelensky became president in May 2019, the pro-OCU campaign halted, but has now resumed in full force as part of a broader political effort under the guise of severing ties with Russia but in fact aimed to consolidate political control within Ukraine. It must be said that in the early days of the Zelenskyy presidency, the previous head of the Ministry of Cultural and Ethnic Affairs (the ministry in Ukraine tasked with monitoring and regulating religious affairs) conducted a thorough study that demonstrated there was no material difference between an OCU and UOC adherent in terms of their support for Ukraine over Russia. Now, however, due to political pressure and a misguided belief that forcible unification of two materially different churches can be achieved, religion has again been weaponized under the Zelensky government as an instrument of discrimination against the UOC. This move has been reinforced by a slow but deliberate attempt by the Ukrainian security services, the presidential administration, and local governments to delegitimize, stigmatize, and silence the UOC, strip it of its right to church property, and restrict its activities all in favor of the OCU.

As the attached White Paper of January 2024 (Annex I) demonstrates, since 2018 the Ukrainian government has mounted extraordinary interventions into the religious affairs of the UOC that constitute unjustifiable discrimination. It has gone to extreme lengths to support the OCU—over the UOC. Viktor Yelensky, the above referred minister's successor and current head of the government department responsible for religious affairs (the "State Service of Ukraine on Ethnopolitics and Freedom of Conscience", or "DESS") has in recent years become a critic of the UOC and key supporter of the policy of autocephaly that created the OCU. As a Deputy in the Rada, Yelensky has sponsored a number of anti-UOC legislative efforts. In his current position he has spearheaded the attack on the UOC, coordinating an effort across the Ukrainian government to undermine and eradicate the church through legislation aimed at banning the UOC in coordination with physical and unfounded legal attacks on church members, clergy, and property.

B. Senior leaders of the Ukrainian government are engaged in acts of religious hatred that incite violence against the UOC, its clergy, and its parishioners

¹⁷ MDPI. "Russian World and Ukrainian Autocephaly: Religious Narratives in Anti-Colonialist Nationalism of Ukraine." Exploring Modern Religious Changes from the Perspective of Narrative Theology, December 4, 2022.; and Ukrinform. "Law banning Russia-affiliated churches set to cleanse Ukraine's religious realm of Russian ideology adherents: MP." Available at: <https://www.ukrinform.net/rubric-politics/3836093-law-banning-russiaaffiliated-churches-set-to-cleanse-ukraines-religious-realm-of-russian-ideology-adherents-mp.html>

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Senior members of the Ukrainian government and leaders within Ukraine’s parliament (the Verkhovna Rada) are vocally advocating religious hatred against the UOC. These statements have incited actual violence against the church, its clergy, its parishioners, and its property. These ongoing statements by Ukrainian government officials are particularly egregious. They provide important context for the current legislative efforts aimed at the UOC and have fueled a religious-nationalism that is now eroding the rights of the Ukrainian people.

Deputies of the Verkhovna Rada have unfairly labelled the UOC and its clergy as collaborators with Putin’s regime, deliberately misrepresenting the complex historical and canonical relationship between the UOC and the ROC. Such inflammatory statements prove that the government is not taking efforts to prevent religious intolerance but in fact fostering such intolerance. For example, in an interview published by *Ukrinform* on 5 March 2024, Nikita Poturaev, the Chairman of the Verkhovna Rada Committee on Humanitarian and Information Policy, attempted to defend Draft Law 8371 on the basis that the “implementation of the law will help cleanse Ukraine’s religious realm of Russia’s ideology supporters.”¹⁸ Poturaev’s use of the language of religious cleansing is deeply troubling. It has placed many thousands of loyal Ukrainian priests in harm’s way by suggesting that the UOC has been infiltrated by traitors of Ukraine—a deliberate incitement of mass hysteria leaving priests in the crosshairs. As such, it feeds into a narrative that the UOC is a threat that needs to be systematically eradicated from Ukraine.

Poturaev’s statement is just the latest example of the use of hostile language by deputies of the Verkhovna Rada. In another instance, Inna Sovsun, one of the key instigators of Draft Law 8371, stated in November 2022 that the UOC needed to be banned as soon as Russia’s full-scale invasion commenced. She also asserted that “there is no doubt that representatives of the Russian Orthodox Church are agents of the Kremlin.” These incendiary remarks were designed to implicate all priests of the UOC as “agents” of Russia and make them the targets of reprisals.¹⁹ In today’s world, especially in Ukraine, labelling someone or an organization as a “Russian affiliate or collaborator” in spite of a lack of evidence is an intentional black mark with dire and sometimes violent consequences. Making these types of intentional reckless and unfounded remarks in today’s Ukraine is to incite violence, religious hatred, and civil discord in Ukrainian society.

Beyond the Rada, numerous senior Ukrainian government officials have voiced their religious hatred toward the UOC. On 30 March 2023, during a televised interview on Ukraine’s Channel 24, Mykhailo Podolyak, Senior Advisor to the Head Office of the President, called the UOC an “abscess” that has to be removed.²⁰ On 8 April 2023 Oleksiy Danilov, the then State Secretary of the Security Council of Ukraine gave a televised interview on Radio Liberty in which he welcomed the demolition of the UOC temple in Lviv and the seizures of churches in Khmelnytskyi. Danilov stated:

¹⁸ Ukrinform. "Law banning Russia-affiliated churches set to cleanse Ukraine's religious realm of Russian ideology adherents: MP." Available at: <https://www.ukrinform.net/rubric-politics/3836093-law-banning-russiaaffiliated-churches-set-to-cleanse-ukraines-religious-realm-of-russian-ideology-adherents-mp.html>

¹⁹ Golos Zmin. "Besides criminal proceedings, we must go to a full ban on the UOC MP: Inna Sovsun." Available at: https://golozmin.org/news/okrim-kriminalnih-provadzhen-mayemo-jti-do-povnoyi-zaboroni-upc-mp-inna-sovsun?fbclid=IwAR1_E74fjCzGYhHpOiHaHLCats6cfGg6VV8_eCXF4G52TXX7cL7qJ01uFgg

²⁰ Youtube. “PODOLIAK Pasha will give the Mercedes to the ZSU! Important about the counterattack!! 24 Channel 30 Mar. 2023”. at minute 8:33. Available at: <https://www.youtube.com/watch?v=a-j7sMP8O-0>.

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“In addition to the Verkhovna Rada, there are local authorities. I welcome what happened in Khmelnytsky, what is happening in Lviv, in other cities. What concerns Moscovia, it has nothing to do here, they should go to themselves. There should be no ties with Moscow,” (...) These people represent the Moscow diocese and represent the pop Gundyayev, who says that it is necessary to kill citizens of our country, and you go and start praying to them and giving them money. It doesn't fit in my head”.²¹

On 6 April 2023, Danilov discussed the priests of the UOC during a televised interview on Ukraine’s Channel 24. Danilov alleged that the priests of the UOC were Russian agents, saying: “if someone wants to communicate with God, please communicate, but if God is represented by the FSB of Russia, then this is about other things.”²² During a discussion with the interviewer about Metropolitan Pavel of the Kyiv-Pechersk Lavra, Danilov explained that the process of removing representatives of the UOC from Ukraine had already begun:

“I can say that this is an exchange fund. We all, citizens, know that representatives of the Moscow patriarchate they gladly exchange for our prisoners of war. And such events have already happened repeatedly, they were not public. If the procedure is organized in an appropriate way, we will gladly exchange them for our prisoners of war, and not only this gentleman you named [Metropolitan Pavel], but representatives of the FSB of the Russian Federation to take them to their homes in exchange for our prisoners of war.”²³

In yet another example, Vasyl Malyuk, head of Ukraine’s security service, the SBU, echoed this description of UOC believers as mere chattel for exchange, describing UOC worshippers as Russian “agents in cassocks” to be traded away.²⁴ The metaphors employed by the government against the UOC are discriminatory and seek to incite hatred and violence. If taken literally, the proposed exchange of a country’s own citizens for prisoners of war based simply on their religious belief is unthinkable and a violation of the Geneva Conventions on the Law of War.

These and similar statements by a wide range of elected and appointed government officials are words of religious hatred. They are paramount examples of the very systematic, egregious, and ongoing incitement to violence and discrimination that has become rampant in Ukraine today.

C. The Ukrainian government and, particularly, the leadership of the Verkhovna Rada, now seek to completely ban the UOC

Draft Law 8371, now awaiting a second reading before the Verkhovna Rada is meant to accelerate the process of extermination of the UOC referred to above. When passed into law (which is expected in the coming days or weeks) it will designate the UOC as a religious organization associated with the Russian Orthodox Church (ROC) thereby terminating its legal status as a recognized religious organization in the country, paving the way for total deprivation and taking of property, and, finally, outlawing its religious activities. In short, the law would

²¹ Youtube. “Danilov live: the fight against the UOC (MP), new fighter jets, the counteroffensive of the Armed Forces, China | Freedom Live”. Available at: <https://www.youtube.com/watch?v=FBTTUqOjqOs&t=1597s>

²² Channel 24. “Putin is constantly in quarantine, there is confirmation: a conversation with Danilov”. Available at: https://24tv.ua/ru/u-putina-edet-krysha-danilov-rasskazal-chego-bolshe-vsego-boitsja-diktator-24-kanal_n2289298

²³ Id.

²⁴ Interfax.com. “Head of the SBU Vasyl Malyuk: We neutralize the networks of traitors that Russia has been preparing for 30 years”. Available at: <https://interfax.com.ua/news/interview/905447.html>

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nullify the very existence of a church in the most egregious act of religious discrimination in modern European history.

Draft Law 8371 is intentionally narrowly tailored to single out and destroy the UOC. Yet it is intentionally both vague in drafting and broad in scope of impact so as to give the government broad discretion to implement the ban on the UOC. The draft law first outlaws the ROC, based on the fact that the ROC is headquartered in a country at war with Ukraine (Article 3.1). Thereafter, it bans Ukrainian religious organizations “affiliated with a foreign religious organization, the activity of which is prohibited in Ukraine” directly or indirectly (Article 3.2). The law provides a nearly limitless set of potential grounds for a finding of “affiliation,” such that the mere historical and canonical connections between the UOC and the ROC can be sufficient for the government to ban the UOC. For example, mentions of prohibited religious organizations in a church’s statutory instruments, or any perceived control, endorsement, or blessings between a prohibited religious organization and the Ukrainian church would constitute forms of “affiliation” (Amendments to the Law of Ukraine "On Freedom of Conscience and Religious Organizations"). In a deeply unfair formulation of “affiliation,” many of these grounds for potential findings of affiliation between the UOC and the ROC are outside of the control of the UOC and relate simply to historical characteristics of the UOC and the statutes or actions of the ROC.

The UOC has been self-governing since 1990, a fact which has also been officially recognized by the ROC. In May 2022, it severed its canonical subordination to the ROC by, among other actions, withdrawing its members from all ROC bodies. Despite the UOC’s self-governing status and administrative disconnection since Russia’s illegal invasion of Ukraine, immutable historical ties between the UOC and the ROC may fall within the legislation’s definition of “affiliation” (Section II, Article 5). Moreover, the drafting of the law ensures that each and every one of the thousands of individual UOC parishes in the country will be deemed “affiliated” with the ROC and in violation of statutory requirements imposed by the legislation. As a result, after passage, the UOC as a whole and its individual parishes will be shuttered by operation of law.

This targeting of the UOC based on “subordination in canonical and/or organizational matters” to the ROC is unwarranted, even on national security grounds. Prior to Russia’s illegal invasion of Ukraine in 2022, the UOC was a self-governing church, but canonically tied to the ROC. The UOC found itself in the position of being spiritually and historically connected to the ROC while the ROC leadership supported Russia’s actions in Ukraine. Following Russia’s 2022 invasion of Ukraine, the UOC condemned Russian aggression and severed its last remaining organizational ties with the ROC. From the start of Russia’s invasion, the UOC took measures to declare its opposition to the position of the Russian government with respect to its actions in Ukraine. The day of the invasion, the UOC’s leader, Metropolitan Onufriy, declared the Church’s opposition to the war and called on Putin to reverse course.²⁵ The UOC has collected more funds and humanitarian aid in support of Ukraine’s defense than any other Ukrainian religious organization. The UOC has also worked diligently to support Ukrainian refugees abroad, establishing parishes in 32 European cities. These new UOC parishes abroad affirm the UOC’s independence from the ROC. Whereas in the past, the ROC served UOC worshipers outside of Ukraine, after May 2022 the UOC established its own parishes abroad as part of its complete separation from the ROC.

Subsequently, in May 2022, the UOC held an unprecedented meeting at which changes were made to its charter, confirming its self-governing status, and emphasizing that the center of

²⁵ Front News. “Metropolitan Onufry of the UOC MP supported the AFU and urged Russia to stop the war”. Available at: <https://www.frontnews.eu/en/news/details/20111>

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control of the UOC is Kyiv.²⁶ The amendments to the UOC Charter removed all mention of the ROC except a reference to the October 1990 document which established the UOC. The new Charter removed references to a UOC primate representative in the ROC synod and removed reference to the need for the UOC primate, after his election in Ukraine, to be blessed by the Russian patriarch.

Despite the UOC's severance of connections with Moscow and clear move to self-governance, the Ukrainian government has intentionally written Draft Law 8371 in a way that makes a finding of "affiliation" with the now-banned ROC unavoidable as a matter of law. As noted above, historical ties and links can be the source of such an affiliation, and these are immutable characteristics. So too, references to the UOC in the charter and documents of the ROC are sufficient to establish "affiliation," but are fully beyond the control of the UOC. Based on these statutory definitions of "affiliation," when implemented the legislation will trigger a judicial process that inevitably results in the banishment of the UOC in an act of unprecedented religious discrimination.

The impact of this legislation on the UOC would include termination of UOC's legal status as a religion recognized by the state, thereby relinquishing its right to have individual parishes as legal entities. In addition, the law provides for the "liquidation" of its operations and parishes (Article 16) and the confiscation of all its property (Article 18). "Public religious events" of the Church, including "worship, rites, marches, ceremonies, etc.," would be prohibited (Article 18).

Draft Law 8371 also uses legislative tools and judicial enforcement power to deny members of the UOC the ability to manifest their religion. Based on a finding of even spiritual affiliation between the UOC and the ROC, the bill would make illegal activities of religious organizations "affiliated with a foreign religious organization, the activities of which are prohibited in Ukraine." (Article 5). The legislation provides "Any activity of legal entities whose owner, participant or shareholder is a foreign religious organization ... is prohibited." Given past indications by the Ukrainian government that it deems the ROC to be a "participant" in the UOC despite the aforementioned disconnection between the UOC and ROC, and given the prohibition of the ROC, it is likely that any activity—including mere religious worship—would be illegal if Draft Law 8371 is passed. As such, even if the UOC's parishioners were to go underground to worship, those congregations would be deemed unsanctioned gatherings promoting the aggressor state and unprotected as religious gatherings. The result could include criminal charges against worshippers. This exact phenomenon has already happened in some areas of Ukraine where local governments have already taken it upon themselves to outlaw the UOC.

In addition, Article 5 of the draft bill imposes severe viewpoint limitations on the ideas that a Church may express. Specifically, the legislation prohibits "use of religious organizations to promote the ideology of "Russian world", including the popularization of this ideology in any way." While the UOC denies promoting this ideology and shares Ukraine's valid national security concerns, this prohibition of speech is particularly antithetical to religious dialogue. The draft law's reference to "Russian world ideology" is vague and under-specified, leading to a broad chilling of religious speech. For example, might discussion of historical or canonical aspects of Orthodoxy be considered propaganda of "Russian world ideology"? Based on the past "expertise" produced by DESS and its handpicked "experts," as well as the Security Service of

²⁶ Reuters. "Moscow-led Ukrainian Orthodox Church breaks ties with Russia". Available at: <https://www.reuters.com/world/europe/moscow-led-ukrainian-orthodox-church-breaks-ties-with-russia-2022-05-28/>

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Ukraine, even such benign thoughts or discussions, or even continued words of defense of the UOC would be prosecutable offenses under the Ukrainian criminal code.

It is important to note again that the UOC has expressly denounced Russia's illegal invasion of Ukraine, repeatedly affirmed its support for Ukraine's self-defense, and does not in any way subscribe to a so-called "Russian world ideology." In fact, the UOC has issued a clear statement against this Russian world ideology.²⁷ Yet, in the current political context in Ukraine, the express prohibition of the poorly defined concept of "Russian world ideology" imposes a severe restraint on religious speech and inter-faith dialogue. Without clarity of what dialogue and views are prohibited and, in a context where even canonical or historical religious traditions may be interpreted as serving "Russian world ideology," this limitation on the freedom of speech and religious practice cannot be reconciled with the rights of freedom of religion.

Further, Article 4 of Draft Law 8371 prohibits contacts or engagement with certain other religious organizations. More specifically, Article 4 prohibits Ukrainian religious organizations from having "Relations and/or connections, and/or communications of religious organizations, including religious communities, other legal entities under private law, with foreign religious organizations, the activities of which are prohibited in Ukraine." This prohibition subjects any interfaith dialogue with religious organizations based in Russia to control and censorship by the Cabinet of Ministers of Ukraine, thereby blocking open, religious debate and dialogue among all faiths, including not just the UOC but other religious organizations as well. Unfortunately, this is the very kind of religious dialogue that is most urgently needed in a time of conflict and has proved invaluable to political settlement and social reconciliation in past conflicts the world over.

There can be no more egregious ongoing attack on a religion than to make it illegal and infeasible for a church's clergy and parishioners to practice *their* faith in *their* church. Where the very practice of a religion in one's own church is prohibited by law and physical attacks on worshipers have become commonplace, members of the UOC religious community have no ability to "manifest their religion" as guaranteed by international human rights law.

D. The Ukrainian government is engaged in an egregious and on-going seizure of UOC property, including sacred sites of worship

Across Ukraine, the property of the UOC, including sacred religious sites, is under threat of seizure by the government and theft by OCU adherents with the support and acquiescence of the Ukrainian government. The Ukrainian government has taken no steps and implemented no policies to protect UOC places of worship and religious sites from interference, attacks, and seizure by other actors. Its police and security services—when not undertaking attacks on the Church themselves—simply stand by and allow the invasion and desecration of UOC religious sites.

For example, on 28 March 2023, a group of men forced their way into the UOC's Cathedral Church of Ivano-Frankivsk to forcibly remove UOC priests and worshippers from the Church. The attackers used tear gas in the church and were accompanied by priests and believers of non-

²⁷Synodal information and educational Department of the UOC. "Calls for the destruction of Ukraine and the justification of a military aggression are inconsistent with the Gospel teaching" — statement from the UOC Department for External Church Relations". Available at: <https://news.church.ua/2024/03/28/calls-for-the-destruction-of-ukraine-and-the-justification-of-a-military-aggression-are-inconsistent-with-the-gospel-teaching-statement-from-the-uoc-department-for-external-church-relations/?lang=en#2024-04-18>

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UOC denominations.²⁸ Even OCU members deplored these actions publicly. On 28 March 2023, the Church of the Blessed Virgin Mary of the UOC in the village of Kordyshev, Shumskiy district, Ternopil region, was burned down during the night. According to the rector of the temple, Archpriest George Tsezaruk, arsonists threw Molotov cocktails and then later poured gasoline onto the blaze.²⁹

On 8 February 2024, a large group of men in military uniform attempted to seize the UOC's Church of Peter and Paul in the village of Lenkovtsi, Chernivtsi region.³⁰ The men barricaded the church, which prevented villagers from entering and worshipping in the building. Those who tried to gain entry were forcefully led away by the armed men. As footage shows, this resulted in an outbreak of violence, during which several lay believers were beaten by the men attempting to seize the church.³¹ The Ukrainian government was either responsible for this attack or, at the very least, was aware of the attack and failed to stop it.

Many of these incursions and seizures of UOC property have been undertaken by OCU adherents, often with government acquiescence. The region of Khmelnytsky has witnessed several forced appropriations of UOC church property by OCU supporters in the past year. On 5 April 2023, the parish church of the Nativity of the Mother of God in Khmelnytsky was seized by the OCU following a vote of local residents, contrary to the wishes of the parishioners of the Church.³² This followed just days after the keys to the Holy Intercession Cathedral in Khmelnytsky were handed over to the OCU in circumstances that remain unclear.³³ Meanwhile, on 27 January 2024, the Intercession Church in the village of Pecheski (Khmelnytsky region) was forcibly seized by

²⁸ Forum 18 Archive. "In Ivano-Frankivsk, a crowd came to drive out UOC believers from the cathedral." Available at: https://www.forum18.org/archive.php?article_id=2823; and SPZH. "In Ivano-Frankivsk Cathedral, stormtroopers poison people with gas." Available at: <https://spzh.live/ua/news/72716-u-sobori-ivano-frankivska-shturmoviki-trujat-ljudej-hazom>

²⁹ Synodal information and educational Department of the UOC. "In Ternopil Oblast, a UOC temple was set on fire (photo, updated)". Available at: <https://news.church.ua/2023/03/28/na-ternopilshhini-pidpalili-xram-upc-foto/#2024-04-19>; and Ternopil Diocese. "The antimins and all the shrines in the altar burned down: in the village. The Kordyshes set fire to the household premises, which had been adapted as a UOC community temple". Available at: <https://ternopil.church.ua/2023/03/28/zgoriv-antimins-i-vsi-svyatini-u-vivtari-u-s-kordishiv-pidpalili-xram-gromadi-upc/?fbclid=IwAR3SLtq-xdFeNkRHt9XVod4rd7B1snxaf7hOoXrXbg3ECNyINdFECsrwKBs#2024-04-19>

³⁰ SPZH. "In Lenkivtsi, Bukovina, people in military uniform and the police seized the UOC temple". Available at: <https://spzh.live/ua/news/78758-u-lenkivtsjakh-na-bukovini-ljudi-u-vijskovij-formi-i-politsija-zakhopili-khram-upts>

³¹ SPZH. "A video of the brutal beating of UOC believers in Lenkivtsi was published on the Internet". Available at: <https://spzh.live/ua/news/78800-u-merezhi-opublikovali-video-zhorstokoho-pobittja-virjan-upts-u-lenkivtsjakh>; and Chernivtsi-Bukovyna Diocese of the UOC. Facebook. Available at: <https://www.facebook.com/orthobuk/videos/320267104333415/>

³² SPZH. "In Khmelnytskyi, the UOC Church of the Nativity of the Virgin was transferred to the OCU". Available at: <https://spzh.live/ua/news/73021-u-khmelnytskomu-khram-upts-rizdva-bohoroditsi-pereveli-u-ptsu>; and ³² Synodal information and educational Department of the UOC. "People's Deputy Artem Dmytruk appealed to the Minister of Internal Affairs regarding the systematic seizure of UOC churches in Khmelnytskyi". Available at: <https://news.church.ua/2023/04/15/narodnij-deputat-artem-dmitruk-zvernuvsya-do-ministra-vnutrishnix-sprav-shhodo-sistemnogo-zaxoplennya-xramiv-upc-u-m-xmelnickij/#2024-04-19>

³³ SPZH. "In Khmelnytskyi, OCU raiders seized the UOC cathedral". Available at: <https://spzh.live/ua/news/72939-u-khmelnytskomu-rejderi-ptsu-zakhopili-sobor-upts>; and SPZH. "In Khmelnytskyi, the raiders organized a vote on the transfer of the cathedral to the OCU". Available at: <https://spzh.live/ua/news/72937-u-khmelnytskomu-rejderi-vlashtuvali-holosuvannja-shhodo-perevedennja-soboru-v-ptsu>

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OCU activists, again in contravention of the wishes of the parishioners.³⁴ This provides just a snapshot of the seizure of UOC property in the region, which has been replicated in dioceses across Ukraine and to which the Ukrainian government has failed to respond.

The Ukrainian government is also directly responsible for interference with and seizure of UOC property. The government has deployed its own security services, notably the SBU, to invade such sites with increasing frequency. The most prominent example concerns the Kyiv-Pechersk Lavra, a monastery considered by worshippers to be one of the most important sites of Orthodox Christianity. The Ukrainian Ministry of Culture has terminated the UOC's rental agreement with the state-owned Kyiv-Pechersk Lavra,³⁵ citing "unauthorized building activities on the territory of national monuments."³⁶ In August 2023, the UOC's Kyiv Theological Academy was forced to vacate its premises at the monastery and has had to relocate to a new location. Later in 2023, Ukrainian authorities have attempted to seize the complex on the basis that the UOC had breached provisions of a lease agreement, a claim which the UOC strongly contests.

Meanwhile, the authorities have restricted access to the monastery's buildings and a significant portion of its territory. Not only has this seriously disrupted the life of the community, but it has prevented believers from worshiping freely. Following a court decision, there have been repeated attempts to expel monks living in the community. The monks were informed that if they wanted to remain, they had to agree to join the OCU, an attempted act of forced religious conversion. The one monk who agreed to religious conversion was subsequently granted access to the Lavra.

While the Kyiv-Pechersk Lavra may be the most symbolically significant seizure of UOC property, it is far from the only one. To date, approximately 1,500 churches have been unlawfully converted from UOC property to OCU property with assistance of the Ukrainian government. Similar government-backed property seizures have impacted the Pochayiv Lavra in Western Ukraine.³⁷ The General Synod of the Church of England has issued a statement that notes that several municipal councils across Ukraine have terminated property rental agreements with the church.

Passage of Draft Bill 8371 will create a legal justification for the seizure and expropriation of all UOC property en masse. Again, based on an unsubstantiated "affiliation" between the UOC and the ROC, the law would render "null and void" transactions related to the use of property (rent, lease, leasing, etc.) The contracts "do not need to be declared invalid by a court." (Article 17). This clause would invalidate any lease agreements with the Church and would prevent the provision of public services to Church properties. Even more troubling, the law authorizes outright confiscation of UOC property on an expedited basis with no due process. Specifically, Church property not involved in active religious worship as determined by the government "may be transferred to the state free of charge." (Article 20). Religious property, such as sites of active worship, are to be seized by the state and transferred to "other religious organizations," presumably the OCU. (Article 20). This is nothing short of a discriminatory weaponization of law

³⁴ Synodal information and educational Department of the UOC. "During the seizure of the temple of the Ukrainian Orthodox Church in Khmelnytskyi, a local priest of the OCU distinguished himself by using profanity and criminal jargon (video)". Available at: <https://news.church.ua/2024/01/28/pid-chas-zaxoplennya-xramu-ukrajinskoji-pravoslavnoji-cerkvi-na-xmelnichchini-miscevij-blagochinnij-pcu-vidznachivsyavikoristannyam-lajki-ta-kriminalnogo-zhargonu-video/#2024-04-19>

³⁵ General Synod of the Church of England. "The War in Ukraine and the Challenge to International Order." Church of England, 7 February 2024.

³⁶ Ibid.

³⁷ Ibid.

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to expropriate assets and holy places of the UOC and convert them into property of the OCU. The net effect of the pending legislation is the total seizure of UOC property and places of worship by the Ukrainian state and the transfer of religious sites to the government's preferred branch of Orthodoxy.

Despite its obligations both under the International Covenant on Civil and Political Rights to respect and protect places of worship, the Ukrainian government is doing the exact opposite. Recognizing that owning and possessing the physical churches equates to political control, the Ukrainian government has designed a legal framework to steal the UOC's property in an illegal and discriminatory fashion.

E. The Ukrainian government has engaged in and allowed religious violence targeted at UOC clergy and parishioners

The Ukrainian government has also deployed the powers of the state and judiciary—including civil and criminal processes—to discriminate and target the UOC and its worshipers. Sanctions have been imposed on senior UOC leaders, including Metropolitan Pavel Lebid, the Superior of the Kyiv-Pechersk Lavra. The SBU has carried out extensive searches of buildings under the UOC's authority. It has opened unfounded criminal investigations of UOC clergy for alleged collaboration or treason based purely on their religious beliefs. Some of these clerics have even been questioned under polygraph.³⁸

One of the most prominent cases concerns Metropolitan Theodosy of Cherkasy and Kaniv, whose apartment has been repeatedly raided by security officials and who was placed under house arrest for allegedly giving instructions to publish “extremist content.”³⁹ Certain of the charges against Metropolitan Theodosy relate to academic and public speeches given over the last ten years. Metropolitan Theodosy's speeches were not inflammatory and merely presented a factual description of the ecclesiological position of the UOC and the schism in Ukrainian Orthodoxy.⁴⁰ The SBU brought new accusations against Metropolitan Theodosy after he recorded and posted videos on YouTube during his house arrest. These videos detailed the attacks on the UOC and the broader threat to religious freedom in Ukraine. The SBU claimed that Metropolitan Theodosy's criticism of SBU raids on UOC property were criminal and proved that the Metropolitan had

³⁸ Office of the United Nations High Commissioner for Human Rights. "Report on the Human Rights Situation in Ukraine, 1 August 2022 - 31 January 2023." 24 March 2023.

³⁹ SPZH. “Cherkasy bishop in court: The case is fabricated, they are chasing the Church in my person”. Available at: <https://spzh.live/ua/news/75589-cherkaskij-arkhijerej-u-sudi-sprava-sfabrikovana-v-mojij-osobi-zhenut-tserkvu>.; and SPZH. “Hierarch of Cherkassy on the SBU threats: God leads us through sorrow to joy”. Available at: <https://spzh.live/ua/news/76340-ijerarkh-cherkaskij-pro-pohrozi-sbu-boh-cherез-skorbotu-vedenas-do-radosti>.; and Synodal information and educational Department of the UOC. “The court ordered the ruling bishop of the Cherkasy Diocese to be placed under house arrest with the wearing of an electronic bracelet”. Available at: <https://news.church.ua/2023/04/12/sud-priznachiv-pravlyachomu-arxijereyu-cherkaskoji-jeparxiji-zapobizhnij-zaxid-u-viglyadi-domashnogo-areshtu-z-nosinnjam-elektronnogo-brasleta/#2024-04-19>.; and Synodal information and educational Department of the UOC. “After the release of Metropolitan Theodosius from round-the-clock arrest, the prosecutor's office demands to change the composition of the court”. Available at: <https://news.church.ua/2024/01/17/pislya-zviltannya-mitropolita-feodosiya-z-pid-cilodobovogo-areshtu-prokuratura-vimagaje-zminiti-sklad-sudu/#2024-04-19>

⁴⁰ Synodal information and educational Department of the UOC. “I do not regret a single word that I said on television or in support of the persecuted clergy - Metropolitan Theodosius of Cherkasy and Kaniv about the opening of a criminal case against him (video)”. Available at: <https://news.church.ua/2023/02/20/ya-ne-zhalkuyu-ni-pro-odne-slovo-yake-skazav-na-telebachenni-chi-u-pidtrimku-gnanogo-duxovenstva-mitropolit-cherkaskij-kanivskij-feodosij-pro-vidkrittya-proti-nogo-kriminalnoji-spravi-video/#2024-04-19>

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“acted in favor of the aggressor country.”⁴¹ Following Metropolitan Theodosy’s arrest, Anatoliy Bondarenko, the mayor of Cherkasy, declared in a video posted to Facebook in August 2023 that he would “cleanse your Moscow filth from the city of Cherkasy.” Bondarenko added: “get ready – in Cherkasy, there will be no Moscow priests, in Cherkasy, people will pray in the Ukrainian language.”⁴² I would note here, that again, this is a common intentional misrepresentation of the UOC, whose worshipers do not pray in Russian, but rather in Church Slavonic or Ukrainian. Such statements are, again, unjustified attempts by Ukrainian government officials to create a black mark on UOC clergy.

Since his arrest, Metropolitan Theodosy has continued to publicize the threat to religious freedom in Ukraine. On 8 October 2023, he appeared by video link at a meeting of the UN Human Rights Council.⁴³ Following this appearance, Metropolitan Theodosy was subject to further investigations by the SBU and was threatened with detention in a pre-trial facility.⁴⁴ When I conducted a fact-finding mission to Kyiv in February 2024, I had the opportunity to meet Metropolitan Theodosy in person. The day after our meeting, his flat was raided again by the SBU, following which Father Theodosy suffered a heart attack.⁴⁵ This response by the SBU is not unique to meetings with me, however. Just weeks ago, Vice Chairman of the Office of External Affairs for the UOC, Archpriest Mykolay Danylevych, met with a delegation of the Conference of European Churches in Ukraine to discuss issues relating to religious freedom including concerns over Draft Bill 8371. The next day, the SBU arrested him for “glorifying the Russian Federation and inciting religious strife”.⁴⁶ Metropolitan Theodosy and Archpriest Danylevych are but two of many UOC clergy who have been systematically and egregiously targeted and oppressed.

Attacks on UOC clergy and parishioners have limited and, at times, prevented their ability to worship, to manifest their religion, and to contribute to society on equal footing with other religions. For example, on 19 April 2023, deputies of the Novovolynsk City Council of Volyn region banned the activities of the UOC on its territory and deprived UOC congregations of the right to use land plots and, hence, to practice their religion.⁴⁷ On 20 May 2023, armed OCU raiders, allegedly supported by men from a private security company, broke into and seized the Holy Ascension Church of the UOC in the village of Ryngach in Chernivtsi region. The rector of the parish, Archpriest Serafim Dumitrovich, and two parishioners attempted to stop the raiders

⁴¹ Ukrinform. "SBU announced suspicion to the head of the Cherkasy diocese of the UOC MP." Available at: <https://www.ukrinform.ua/rubric-society/3770604-sbu-povidomila-se-odnu-pidozru-kerivniku-cerkaskoi-eparhii-upc-mp.html>

⁴² SPZH. “Cherkasy mayor: We will cleanse the Moscow filth from the city to the last”. Available at: <https://spzh.live/ua/news/75328-mer-cherkas-mi-vichistimo-moskovsku-nechist-z-mista-do-ostannocho>

⁴³ Synodal information and educational Department of the UOC. “Metropolitan Theodosius of Cherkasy and Kaniv spoke at the UN Council”. Available at: <https://news.church.ua/2023/10/09/mitropolit-cherkaskij-i-kanivskij-feodosij-vistupiv-u-radi-oon/#2024-04-19>

⁴⁴ SPZH. “The court refused the request to take the Cherkasy Metropolitan into custody”. Available at: <https://spzh.live/ua/news/76320-sbu-pohrozhuje-mitropolitu-cherkaskomu-tjurnoju;>
<https://spzh.live/ua/news/76373-sud-vidmoviv-u-vimohi-vzjati-cherkaskoho-mitropolita-pid-vartu>

⁴⁵ Synodal information and educational Department of the UOC. “As a result of regular searches, Metropolitan Theodosius of Cherkasy and Kaniv suffered a heart attack (updated)”. Available at: <https://news.church.ua/2024/02/22/vnaslidok-provedennya-chergovix-obshukiv-mitropolit-cherkaskij-i-kanivskij-feodosij-zaznav-sercevoogo-napadu/#2024-04-19>

⁴⁶ The Kyiv Independent. "SBU carries out searches at archpriest of Moscow-linked church." Available at: <https://kyivindependent.com/sources-sbu-carries-out-searches-at-archpriest-of-moscow-linked-church/>

⁴⁷ New Volyn City Council. "An extraordinary session of the Novovolynsk City Council took place." Available at: <https://nov-rada.gov.ua/2023/04/19/vidbulasia-pozacherhova-sesiia-novovolynskoi-miskoi-rady-3/>

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who broke the church fence and windows to gain entrance. The raiders broke into the shrine and attacked Father Seraphim, throwing him to the floor and kicking him in the head. Father Seraphim was treated for his injuries by medical professionals at the scene.⁴⁸

On 11 November 2023, in the village of Lug, Rakhiv district in Transcarpathia, men dressed in camouflage and wearing badges from the private security firm Armor, and supported by police and military, cut the locks and seized the Holy Ghost Church of the UOC. The Facebook page of the rector of the temple, Archpriest Vladimir Legach, published a video broadcast of the event. The raiders closed the gates and blocked parishioners from accessing the building.⁴⁹

Communities of UOC parishioners whose churches have been seized often resort to praying outside in the open air next to their sealed houses of worship. For example, on 13 July 2023, congregants and deacons of the cathedral of Bila Tserkva diocese of the UOC gathered in the street to attend services beside the fence of their former temple.⁵⁰ Similarly, UOC parishioners of the Church of St. Seraphim of Sarov in the village of Bar, Bar district, Vinnytsa region, gather every week to pray outside of the closed doors of their former church.⁵¹ In so doing, these UOC worshipers are put at grave risk and, at times, may be blocked from practicing their religion. Countless videos of such events are available on social media.

F. The Ukrainian government continues to intimidate and arrest journalists seeking to cover the on-going attack on the UOC

The Ukrainian government has now turned its attack against journalists brave enough to speak out about these egregious violations of the freedom of religion. Recent events demonstrate that journalistic independence and freedom of expression are now being eroded by the government. Journalists who seek to cover the suppression of and discrimination against the UOC are systematically arrested, harassed, and silenced.

On 12 March 2024, the SBU conducted 20 searches of Orthodox journalists across 4 provinces.⁵² In particular, SBU agents raided the offices of representatives of the Union of Orthodox Journalists (UOJ)—one of the few remaining Ukrainian news outlets still reporting on the unlawful seizures and raids of UOC churches—forcing open doors, breaking locks, and seizing computers and phones.⁵³

⁴⁸ Synodal information and educational Department of the UOC. “Supporters of the OCU seized the Ascension Church in the village of Ryngach in Bukovina and beat the abbot”. Available at:

<https://news.church.ua/2023/05/20/pribichniki-pcu-zaxopili-vozneseuskij-xram-u-seli-ringach-na-bukovini-ta-pobili-nastoyatelya/#2024-04-19>; and SPZH. “The abbot of the UOC church in Ringach needs treatment after being beaten, media reports”. Available at: <https://spzh.live/ua/news/73908-nastojatelju-khramu-upts-u-rinhachi-pislja-pobittja-neobkhdne-likuvannja-zmi>

⁴⁹ SPZH. “In Luz in Transcarpathia, people in camouflage broke down the door and took over the church”. Available at: <https://spzh.live/ua/news/76936-u-luzi-na-zakarpatti-ljudi-v-kamufljazhi-zlamali-dveri-ta-zakhopili-khram>

⁵⁰ SPZH. “In Bila Tserkva, cathedral parishioners pray behind the fence”. Available at: <https://spzh.live/ua/news/74773-u-bilij-tserkvi-parafijani-soboru-moljatsja-za-ohorozheju>

⁵¹ Vinnytsa Diocese. “Faithful of the seized temple prayed in the open air on the day of the patronal feast.” Available at: <https://eparhia.vn.ua/2023/08/02/viryani-zahopenogo-hramu-molilis-prosto-neba-v-den-prestolnogo-svyata/>

⁵² OrthoChristian.com. “UOC Metropolitan of Bila Tserkva arrested for supporting Russian world ideology.” Available at: <https://orthochristian.com/159126.html>

⁵³ Id.

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Four journalists were placed into pre-trial custody and the SBU alleges that it recovered evidence implicating a total of 15 individuals.⁵⁴ A statement from the SBU, published on its official telegram account, claimed that these 15 persons are members of the Russian Security Service (FSB)⁵⁵ – an allegation that was noticeably absent from the statement of the Office of the Prosecutor General released on that same day and for which there is no corroborating evidence.⁵⁶ SBU agents also raided the offices of the Legal Defense Centre of the Ukrainian Orthodox Church, an organization established specifically to assist clergy and parishioners of the UOC facing persecution from state authorities.⁵⁷

Public officials have explicitly stated that the raids were targeted at the UOC. The arrested individuals stand accused of belonging to “a criminal organization of the so-called media block of the UOC (MP)”, and (amongst other things), carrying out “the development and coverage in the media, including in Western countries, of distorted information about the process of the transition of the religious communities of the UOC to the OCU.”⁵⁸ For these and other actions, the four arrested journalists may now be charged with “high treason committed under martial law, collaborative activities, creation of and participation in a criminal organization, incitement of religious enmity and hatred by an organized group, [and] justification or denial of the armed aggression of Russia against Ukraine”.⁵⁹ If convicted, they face the possibility of a life sentence.⁶⁰ These searches and arrests are deeply inconsistent with both the freedom of religion and the freedom of expression. Most recently, the Ukrainian government has deployed geo-blocking to prevent access to Union of Orthodox Journalist websites from within the territory of Ukraine.

III. Conclusion

The Ukrainian government is directly interfering with the practice of religion and threatens to ban the UOC outright through discriminatory legislation. Indeed, not only is the Ukrainian government acquiescing to violence against the UOC, but it is actively encouraging and engaging in such violence through the SBU and statements made to the public. Draft Law 8371 is a particularly egregious piece of discriminatory legislation that threatens the very existence of the UOC. The Ukrainian government has turned religion into a weapon of social control, dominating the religious space in the country through its support for the OCU, creating religious strife amongst its people. My law firm has implored the Verkhovna Rada of Ukraine to send Draft Bill 8371 to the Venice Commission for their review countless times, which has fallen on deaf ears. The clergy, parishioners, and property of the UOC have been harassed, arrested, and/or seized.

⁵⁴ Security Service of Ukraine. "Searches conducted at the UOC Metropolitan's residence." Telegram. Available at: <https://t.me/SBUkr/11399>

⁵⁵ Id.

⁵⁶ Prosecutor General's Office of Ukraine. Facebook. Available at: https://www.facebook.com/pgo.gov.ua/posts/pfbid02CLmPCm1Axa3iyy6nbqmoJjoge5eVqEP4hVvYgKm6QZGB2cqSKGoDgcP4fxrSLAWK1?locale=ru_RU

⁵⁷ OrthoChristian.com. "UOC Metropolitan of Vinnitsa under house arrest". Available at: <https://orthochristian.com/159175.html>

⁵⁸ Prosecutor General's Office of Ukraine. Facebook. Available at: https://www.facebook.com/pgo.gov.ua/posts/pfbid02CLmPCm1Axa3iyy6nbqmoJjoge5eVqEP4hVvYgKm6QZGB2cqSKGoDgcP4fxrSLAWK1?locale=ru_RU

Prosecutor General's Office of Ukraine. Facebook. Available at: https://www.facebook.com/pgo.gov.ua/posts/pfbid02CLmPCm1Axa3iyy6nbqmoJjoge5eVqEP4hVvYgKm6QZGB2cqSKGoDgcP4fxrSLAWK1?locale=ru_RU; and OrthoChristian.com. "UOC Metropolitan persecuted for defending the church against OCU". Available at: <https://orthochristian.com/159126.html>

⁶⁰ OrthoChristian.com. "UOC Metropolitan persecuted for defending the church against OCU". Available at: <https://orthochristian.com/159126.html>

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There can no longer be any doubt that Ukraine is engaging in severe violations of religious freedom.

The information provided in this letter is merely a sample of the religious discrimination currently taking place in Ukraine. I urge you, and your country's delegation to the United Nations, to put this matter on the agenda of the United Nations Security Council. I am confident that you will find powerful confirmation of Ukraine's systematic, on-going, and egregious violations of the freedom of religion and hope that a Security Council discussion would give the government of Ukraine the chance to reverse course before irreparable harm is done both to the freedom of religion and to Ukraine's stature in the international community. The attention of the United Nations is needed urgently, not only to protect the UOC, but to defend freedom of religion in Ukraine and around the world. In so doing, the Security Council would help Ukraine to secure a future of independence and respect for human rights upon the conclusion of the current conflict.

Should you have any questions whatsoever or wish to discuss this topic in greater detail, I remain available at your convenience.

Sincerely yours

Robert Amsterdam
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Enclosure: White Paper prepared by Amsterdam & Partners LLP