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Re: Email of Steven Moore Regarding Ukrainian Orthodox Church

It has come to my attention that you recently received an email from Steven Moore of the Ukraine Freedom Project, which attacks the efforts of our law firm, Amsterdam & Partners LLP, and our defense of our client, the Ukrainian Orthodox Church (UOC), from an ongoing and systematic attack being perpetrated by the authorities in Ukraine. This attack on religious freedom violates both the domestic constitution of Ukraine and the international covenants to which it is bound. Ukraine has now passed legislation that will ban the religious practices of the UOC. Priests of the Church are being arrested on false charges and offered as barter in exchange for prisoners of war. Parishioners are being harassed, and their parish churches are being illegally expropriated and transferred to the government's preferred branch of Orthodoxy. As a result of this violent campaign against the UOC, my law firm has written to the [President of Ukraine](#) to put him on notice that his government is at serious risk of committing crimes against humanity under Article 7 of the Rome Statute of the International Criminal Court.

Steven Moore is no authority on the UOC and Orthodoxy in Ukraine or anywhere else, and his email contains numerous factual inaccuracies and libelous claims that I wish to address (see the annex to this letter). Steven Moore makes a point that his status as an American citizen somehow strengthens his wild claims. Frankly, his citizenship is irrelevant, but Mr. Moore is completely wrong about what he asserts is the "American perspective" of the situation. As an American law firm, we know the American perspective on this issue, as well as any issue where human freedom is harmed by tyranny and oppression: to fight to uphold those freedoms. This is why our law firm, and our client have joined the Ukrainian and American people against the oppressive aggression of the Russian Federation. But just because Ukraine is under attack by a tyrant does not give Ukraine a free pass to strip the human rights and freedoms of her people at home, including the right to free practice of religion. I wholeheartedly agree with [Pope Francis's](#) public statement on the ban of the UOC: "please, let no Christian Church be abolished directly or indirectly. Churches are not to be touched!"

I categorically reject Steven Moore's libelous claim that my work is funded in any way by Russia or the Russian Orthodox Church. I remain banned from Russia for defending the political opposition in that country, and I have publicly denounced Russia's unlimited aggression against Ukraine. My

primary concern is to defend the fundamental right of free Ukrainian people to pursue their religious and spiritual lives without interference or persecution from their government. This attack on the Church violates both domestic and international law on the freedom of religion and belief, and it amounts to a collective punishment of innocent Ukrainian citizens.

Steven Moore's assertion that the UOC is little more than a propaganda tool of the Russian state is unsubstantiated, false and offensive to its worshippers. The UOC is a one-thousand-year-old Christian denomination, and its adherents represent some of the most devout sections of Ukrainian society. Moreover, the UOC has severed ties with the Russian Orthodox Church and has denounced Russia's propaganda and its war on Ukraine. My defense of the UOC is supported by significant historical and theological research, as well as fact-finding missions in Ukraine, and it is informed by the advice of leading scholars of the Orthodox faith. Moreover, the concerns I have raised are supported by a range of respected international figures and organizations. Apart from Pope Francis, the United Nations Office of the High Commissioner, the Church of England, the Norwegian Human Rights NGO, Forum 18, and the World Council of Churches have all made known their opposition to the attack on religious freedom in Ukraine.

While we appreciate Mr. Moore's organization's 501(c)3 status that was granted in June on the basis that it was receiving funds predominantly from the public, we doubt his expertise on Orthodoxy, the deteriorating state of religious freedom on the ground in Ukraine, law or frankly, anything he purports to be an authority on. His statements align with Ukrainian ultra-nationalist propaganda and are not the words of an objective observer of human rights and rule of law.

I provide a point-by-point rebuttal of Steven Moore's email in the annex to this letter, which exposes his many falsehoods and misrepresentations. I urge you to consider the facts presented in this letter carefully, as well as the material made publicly available on savetheuoc.com. I also urge you to engage with those international figures and organizations that are fighting to raise awareness about the attack on the UOC. The United States has a duty to support Ukraine during its existential struggle against Russian aggression. However, this must not come at the cost of suppressing religious freedom, and I am calling on Congress to hold Ukraine to account for its efforts to destroy the UOC.



Robert R. Amsterdam
Founding Partner
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Enc. (Rebuttal to Steven Moore's Correspondence)

ANNEX

This Annex addresses the most glaring factual inaccuracies and slanderous claims contained in Steven Moore's email. I address each of his false claims in turn and provide a detailed response to each.

It should be noted at the outset that the work of Amsterdam & Partners (**A&P**) is informed by the firm's on-the-ground experience in Ukraine and the advice of eminent scholars of Orthodoxy in the region. A&P has worked tirelessly to shed light on the threat to freedom of religion and belief in Ukraine. The firm's justified concerns are supported by a chorus of international condemnation. Independently of A&P's work, the [Church of England](#) raised concerns about the attack on the UOC at its General Synod in February 2024, and [continues](#) to encourage the UK government to intervene. The [United Nations Office of the High Commissioner for Human Rights](#) often draws attention to the Ukrainian Government's arbitrary detention of UOC priests, and documents the broader attack on religious freedom in Ukraine. The Norwegian Human Rights NGO, [Forum 18](#), has published its own criticisms of the legislative agenda to ban the UOC and has also reported on the wrongful arrests of UOC clerics.

This condemnation has only grown in recent days, following the approval of the law that establishes the legal framework to ban the UOC (**Law 3894**). On August 24, 2024, the [World Council of Churches](#) issued a statement asserting:

“the WCC is deeply alarmed by the potential for unjustified collective punishment of an entire religious community and violation of the principles of freedom of religion or belief under a new law approved by the Ukrainian Rada on 20 August 2024.”

Significantly, [Pope Francis](#) issued a statement on August 25, 2024 condemning Law 3894, asserting “please, let no Christian Church be abolished directly or indirectly. Churches are not to be touched!”

This is just a snapshot of the international condemnation of the attack on the UOC, and it proves that A&P is not alone in its assessment about the parlous state of religious freedom in Ukraine.

- **“If you follow the money, it leads to Russia.”**

This statement is categorically false. A&P has been engaged as lawyers directly by the Holy Synod of the UOC, with the blessing of Metropolitan Onufriy, the head of the Church. A&P's work is not financed by Russia, nor is it financed by any citizen or entity of the Russian Federation, or any deacon or figure of the Russian Orthodox Church.

- **“UOC clergy, who report to the Russian Orthodox Patriarch in Moscow, are a national security threat for Ukraine.”**

This is categorically false. Steven Moore suggests that the UOC is fully compromised as an asset of the Russian Orthodox Church and thereby treats the UOC as a monolith with singular agency. The UOC is formed of thousands of individual parishes, each with its own legal identity and community life. Parishioners of the UOC seek respite in their local churches during this time of war, and value the ministry of their priests. A large number of these communities have suffered from Russian bombs,

and they are equally the victims of Russia's aggression. It is also worth noting that large numbers of UOC parishioners have volunteered for the front with the blessing of their priests, who have been praying for the victory of Ukraine.

In addition, the leadership of the UOC has repeatedly denounced the war. In a statement issued swiftly after the full-scale invasion commenced, [Metropolitan Onufriy](#) condemned Russia's aggression and expressed his "love and support" for Ukraine's soldiers, noting that they "stand guard and protect and defend" Ukraine and its people. This further undermines the claim that the UOC is a threat to national security.

Furthermore, the clergy of the UOC do not report to the Russian Orthodox Church. The UOC first gained rights to broad autonomy and self-administration in 1990. Following Russia's full-scale invasion in 2022, the UOC took further steps to declare its independence (detailed below). UOC clergy report to their local bishops in Ukraine, who in turn answer to Metropolitan Onufriy, the head of the UOC. The UOC has its own governing Holy Synod to manage its religious and organizational affairs. Furthermore, the liturgical practice of the UOC has been changed so that priests and bishops no longer commemorate or offer prayers to Patriarch Kirill of the Russian Orthodox Church. This marks a significant change to the religious life of the Church.

- **"Some 100 UOC clergy are on trial or in prison for crimes ranging from trafficking arms to spying for Russia."**

The figure of arrested priests stated by Steven Moore represents a fraction of the number of UOC clergy. As [Olena Bohdan](#), the former head of the State Service of Ukraine for Ethnopolitics and Freedom of Conscience (**DESS**), stated in November 2022:

"there are about 10,000 priests in the Ukrainian Orthodox Church. If we look at the percentage, we are talking about the number of people significantly less than 1% [who are investigated by the Security Service of Ukraine (**SBU**)]...They [the SBU] should not make us blind to the fact that when the full-scale invasion began, a number of UOC believers volunteered for the front. A number of UOC priests blessed believers to go to the front. In the churches of the UOC, they pray for the victory of Ukraine. And this is also important to remember."

It should also be noted that many of the arrests of UOC clerics have been carried out on false or spurious grounds. As reported by [Forum 18](#), the over-zealous approach of the authorities in Ukraine has resulted in priests being arrested for simply criticizing state policy with respect to the UOC. Significantly, A&P has witness statements confirming that the SBU is at risk of committing war crimes by offering some detained priests as barter in exchange for prisoners of war held by the Russian Federation. Ukraine and its officials may bear responsibility for this illegal offer under the Third Geneva Convention of 1949 and the Rome Statute of the International Criminal Court.

I wish to draw attention to just one egregious example of wrongful arrests and arbitrary detention of UOC priests. In September last year, Metropolitan Arseniy, the superior of the Sviatohirsk Lavra of the Holy Dormition, preached a sermon in which he complained that pilgrims had been prevented from reaching the monastery for a religious festival due to checkpoints erected in the region.

Although his complaints were accurate and innocuous, Metropolitan Arseniy was charged by the SBU six months later for the alleged crime of betraying the location of military checkpoints under the Criminal Code of Ukraine. Since April 2024, Metropolitan Arseniy has been held in pre-trial detention, despite a constitutional limit of sixty days. There are worrying signs that his treatment amounts to torture. Metropolitan Arseniy is driven daily from Dnipro for his court appearances in Sloviansk, a journey that takes around 8 hours each way. The prison wagon has no air-conditioning, he is denied water and food, and he is handcuffed for the duration of the journey. Metropolitan Arseniy is 62 years old, and this treatment is taking a serious toll on his health. Despite this, his detention was recently extended for yet another period of sixty days.

Alongside Forum 18 and the United Nations Office of the High Commissioner for Human Rights, A&P will continue to shed light on the wrongful arrests and arbitrary detention of priests.

- **“The Russian Orthodox Church is not a church as we would think of one, but a working arm of the Kremlin.**

The Russian Orthodox Church deserves harsh criticism for its role in the war on Ukraine. Indeed, the UOC has [condemned](#) in no uncertain terms the propaganda of the Russian Orthodox Church, stating that “Ukraine has her own history, and Ukrainians have the right to their national identity and independence, which we are ready to keep defending.” As a victim of Russian aggression, the UOC is better placed than anyone to criticize the pernicious ideology promoted by the Russian Orthodox Church.

- **“Russian Patriarch Kirill, to whom UOC clergy report, has declared a holy war on the West and said any Russian who dies fighting in Ukraine will have all their sins washed away.”**

As already noted, priests of the UOC **do not** report to Patriarch Kirill. Furthermore, in its statement denouncing the propaganda of the Russian Orthodox Church, the [UOC](#) stated:

“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.”

Such statements prove that the UOC does not participate in or support any holy war promoted by the Russian Orthodox Church.

- **“85% of Ukrainians want to see government intervention in the affairs of the UOC. 66% want it banned completely.**

These statistics are highly questionable and have been gathered following a vicious campaign to denigrate the UOC. Given the state of conflict in Ukraine, any polls such as this should be questioned. Also, undoubtably, these polls do not account for the millions of UOC adherents in the occupied territories of Ukraine. Lastly, the manner in which polls are set up actively promote certain results by, for example, asking respondents to give their opinion of the “Moscow Church” when the UOC

is not the Moscow Church and answering anything but being in favor of intervention could be seen as treasonous.

Regardless of social pressure to violate human rights, international law sets a very high bar for restricting the freedom of religion and belief. The freedom of religion and belief is one of the core guarantees of international human rights law and it is at the center of the human rights system's commitment to the sanctity of the human person. Ukraine is a party to the International Covenant on Civil and Political Rights (**ICCPR**) and the European Convention on Human Rights (**ECHR**), each of which guarantees the freedom of religion (respectively, Article 18 and Article 9). The protections afforded by these treaties are expressly designed to secure rights to religious freedom from unnecessary and arbitrary interference, notwithstanding the demands of society. Governments must act to protect the rights of religious groups and minorities, even in the face of trenchant opposition. The role of governments in protecting and safeguarding minorities is well established, if these statistics were to be believed.

It should be noted that members of the Ukrainian Government and deputies of the Ukrainian Parliament have willfully stirred hatred against the UOC by falsely claiming the Church is controlled by Moscow and that it is little more than a mouthpiece for Russian propaganda (points which have been repeated by Steven Moore). This has only increased anti-UOC sentiments in Ukraine, which the government has used to support its efforts to ban the UOC. This has come at a significant cost to unity in Ukraine. As the [Church of England](#) noted in its report for its General Synod this year:

“Draft Law 8371 [the original title of the law that sets out the ban of the UOC] threatens Ukraine's social cohesion at a time when it needs a unified societal response to Russian aggression. It encourages an ethno-religious nationalism that will be detrimental to Ukraine's long term Western trajectory.”

Draft Law 8371 passed into law on August 24, 2024 with its new title, Law 3894. It represents a fundamental breach of the protections afforded by the ICCPR and ECHR. Should Ukraine continue to be in breach of international law, it will seriously undermine its efforts to join the European Union pursuant to the Copenhagen Criteria.

- **“The Ukrainian parliament has been working on a draft law for more than a year to balance widespread national security concerns with their tradition of religious freedom. The draft law does not ban the UOC. Much like the TikTok legislation recently passed through Congress, it requires UOC parishes to “find new ownership” in Ukraine and cut ties with Moscow or lose status as a religious organization. Regardless, parishioners can still assemble and worship as they please.”**

Putting aside Mr. Moore's attempt to equate the practice of an over 1000 year old religion with the use of TikTok, the Ukrainian Parliament approved Law 3894 on August 20, 2024, following which the President of Ukraine signed into law which banned the practice of the religion. Law 3984 establishes the legal framework to ban the UOC, and it amounts to one of the most severe restrictions of religious freedom of the modern era. It can in no way be compared to legislation designed to change corporate ownership. Law 3894 unfairly targets a one-thousand-year-old Christian denomination, which ministers to millions of devout Orthodox Christians in Ukraine and abroad.

Law 3894 empowers DESS to examine the relationship between the UOC and the Russian Orthodox Church. If DESS determines that the two churches are affiliated, then it will file an administrative claim at court to terminate the UOC. The court will deprive the UOC of its legal identity and property rights, and outlaw its religious activities, forcing parishioners to worship underground. This amounts to a collective punishment of innocent citizens on religious grounds. The ban of an entire church is an unnecessary and disproportionate restriction on the freedom of religion, which is impermissible under international law. In no way is the legislation a balanced response to national security concerns (which in any case, is not a permissible ground to restrict religious liberty under international law).

Law 3894 has been formulated in a way that means DESS will determine that the UOC and Russian Orthodox Church are affiliated. Several of the grounds contained in the law relate to factors over which the UOC has absolutely no control, namely the statutory documents, actions, and decisions of the Russian Orthodox Church. This is patently unfair. The enactment of Law 3894 dooms the UOC to termination, and there are no changes that the UOC can make that will eliminate this drastic result. Furthermore, the unfair grounds upon which DESS can make its determination completely overlook the concrete actions of the UOC to disassociate from the Russian Orthodox Church.

- **Some 2000 Orthodox parishes have left the Russian-backed UOC, as have millions of Ukrainians. [...] Polling from the 1990s is not available, but probably more than 60% of Ukrainians were part of the UOC. Today that number polls as low as 4%**

According to the [Razumkov Center](#), 5.6% of the 60.8% of Ukrainians who identify as Orthodox Christians affiliate with the UOC. However, this is not an accurate representation of the numbers who belong to the UOC. The Razumkov Center's survey has a critical design flaw. The only option in the survey which referenced the UOC was framed as the "Ukrainian Orthodox Church (Moscow Patriarchate) (Metropolitan Onuphrius)." In the context of Russia's illegal full-scale invasion, many respondents would have been deterred from associating with a Church with "Moscow" in its name. In addition, the poll was conducted face-to-face, further undermining the ability of respondents to report their affiliation freely and without intimidation.

In addition, the Razumkov Center makes the following qualification about its data: "systemic deviations of the sample may be caused by the consequences of Russian aggression, in particular, forced evacuation of millions of citizens." According to data presented by the [United Nations High Commissioner for Refugees](#), 6,655,100 Ukrainian refugees have been recorded globally as of August 19, 2024. Significantly, many of those displaced come from the east and south of Ukraine, where the war is at its most intense. Historically, these regions have had the highest proportion of UOC parishes, and the demographic change will almost certainly have impacted the statistics on religious affiliation.

Steven Moore also fails to present data compiled by [DESS](#) on the number of parishes operated by each Orthodox denomination. This data provides a different picture of the religious landscape of Ukraine. According to DESS, as of January 1, 2024, the UOC had 10,586 parishes compared to 8,075 for the Orthodox Church of Ukraine (OCU), the government's preferred branch of Orthodoxy. These figures exclude those parishes in Russian-occupied territory, where a significant number of UOC churches are located. Furthermore, the DESS statistics also include parish churches that have been

seized and closed by the OCU. Yet, these “ghost” churches are still included in the figure of parishes belonging to the OCU. As a result, even the figures published by DESS significantly under-represent UOC parishes in Ukraine.

- **“Amsterdam will tell you that the UOC has separated from the Patriarch in Moscow. Remember, they are being paid by a Russian-Ukrainian oligarch who is currently a deacon of the Russian Orthodox Church to tell you that the UOC is separate from the Russian Orthodox Church. The basis of their claim is a Facebook post from the church in May 2022 announcing that the UOC “disagree with his holiness” Patriarch Kirill on the war. The Orthodox religion has well-defined procedures for a church to become independent from another, and in more than two years, the UOC has undertaken none of those steps to become independent from Moscow.”**

As already noted, A&P is not being paid by any deacon, priest or functionary of the Russian Orthodox Church, nor any citizen or entity of the Russian Federation. Moreover, Steven Moore’s assessment of the relationship between the UOC and Russian Orthodox Church is factually incorrect. It does not recognize the great lengths that the UOC has taken to distance itself from the Russian Orthodox Church or the fact that many of its members serve faithfully as Ukrainian citizens in the country’s armed forces - often with immense cost. Following Russia’s full-scale invasion, the UOC declared its independence and removed references in its statute to the Russian Orthodox Church. This revised statute was reviewed by Olena Bohdan, the former head of DESS, who confirmed that the UOC was no longer legally and administratively subordinated to the Russian Orthodox Church. Bohdan [stated](#):

“The document that indicated the connection with the [Russian Orthodox Church] was the statute of the religious organization in general, which, accordingly, did not apply to a specific legal entity. Following the results of the Synod (27 May 2022), a new version of this statute was submitted to us. And all the provisions that defined the relationship of subordination and dependence were removed from it. For example, the fact that the head of the UOC is a member of the [Russian Orthodox] Synod was removed. The provision that the UOC is part of the [Russian Orthodox Church] was also removed.”

In addition to amending its statute, the UOC has taken several practical steps to severing its ties with the Russian Orthodox Church. The UOC has established a network of parish communities across Europe to serve the needs of refugees. Whereas the Russian Orthodox Church once served UOC worshipers outside of Ukraine, these new UOC parishes abroad are vital proof of the UOC’s complete separation from the ROC. As noted above, the UOC has also changed its liturgical practice, and priests and bishops of the Church no longer commemorate the Patriarch of the Russian Orthodox Church. The UOC has also recommenced the production of Chrism (holy myrrh) in Kyiv, ending a period of 110 years, during which Chrism was produced in Moscow. This represents a significant change in the UOC’s spiritual life and is a direct challenge to the authority of the Russian Orthodox Church. In addition, Metropolitan Onufriy continues to publicly pray for Ukraine’s victory in the war, and the UOC has provided significant financial resources in humanitarian and military aid to support Ukraine.

Finally, Steven Moore is factually incorrect that Orthodoxy has well-defined procedures for national churches to declare autocephaly (complete independence). There is no codified system of canon law

in Orthodoxy. Rather, there are individual canons that were approved in different epochs of the history of the Church. Consequently, there is no agreement in Orthodoxy about how a church can become autocephalous and the question remains unresolved. A&P works with leading scholars on Orthodox theology and ecclesiology, and they have confirmed that to all intents and purposes, the UOC is now an independent church.

- **“Why is Russia funding these lobbyists? More than 10,000 UOC clergy all over Ukraine make an impressive intelligence and espionage network. While not all UOC clergy are bad actors, if only 10% are, that is a spy network of 1000 people across Ukraine at a time of war. And again, data shows much more malign behavior among UOC clergy.”**

Russia is in no way funding the work of A&P. Furthermore, Steven Moore’s claim that “more than 10,000 UOC clergy make an impressive intelligence and espionage network” is deeply offensive and wrong. This assertion completely overlooks the sincere religious faith of the UOC’s priesthood, and their vital ministry to the parish communities that they serve.