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OCCUPIED UKRAINE: Russian occupation forces continue to disappear religious leaders

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Russian occupation forces continue to disappear and in some cases torture many people in occupied Ukrainian territory, including religious leaders. Greek Catholic priests Fr Ivan Levytsky and Fr Bohdan Heleta were disappeared in November 2022, and Ukrainian Orthodox Church (UOC) priest Fr Kostiantyn Maksimov in May 2023. Occupation forces repeatedly refused to answer Forum 18's questions about where they are being held, and what their state of health is. Russian-controlled Tokmak Police said it had no information about Fr Kostiantyn. "Even if we had, we wouldn't give it by phone."

Eleven months after Russia's National Guard in November 2022 seized two Greek Catholic priests, Fr Ivan Levytsky and Fr Bohdan Heleta, in the Ukrainian city of Berdyansk, the occupying forces have given no information on whether they are still alive and, if so, where and why they are being held. Similarly, the occupiers have given no information on the fate of Fr Kostiantyn Maksimov, a priest of the Ukrainian Orthodox Church (UOC) in Tokmak, seized as he tried to cross into Crimea in May 2023.

Among other religious leaders seized and held earlier by Russian forces in occupied Ukraine was Fr Ihor Novosilsky. He was priest of the Ukrainian Orthodox Church (UOC) parish of Holy Princess Olha in the village of Tokarivka in Kherson Region, and was held between August 2022 and May 2023. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has documented that Fr Ihor was tortured while being held by the occupation forces (see below).

Russian occupation forces have repeatedly refused to answer Forum 18's questions about where disappeared clergy are being held, and what their state of health is.

Russian occupation forces have seized religious leaders of a variety of faiths since their renewed invasion of Ukraine from February 2022. It remains unclear in many of the cases whether the seizure of religious leaders aimed to punish them for their exercise of freedom of religion or belief in ways the Russian occupation authorities did not like. However, all those seized were known to play a leading role in their own religious community (see below).

Russian occupation authorities seized two priests of the Orthodox Church of Ukraine (OCU), Fr Khristofor Khrimli and Fr Andri Chui in mid-September. A Russian news agency announced on 3 October that a Donetsk court had fined them under Russia's anti-missionary law and ordered their "deportation" (see below).

The UN Human Rights Committee has noted that enforced disappearances violate various articles of the International Covenant on Civil and Political Rights (ICCPR), and described them as "a grave threat to life". The UN Working Group on Enforced or Involuntary Disappearances said in August it was "deeply concerned by numerous reports it has received concerning enforced disappearances of civilians and prisoners of war perpetrated by the Russian occupation forces since the beginning of the armed conflict in Ukraine in February 2022" (see below).

Two priests fined and ordered "deported"

In mid-September 2023, the Russian occupation authorities seized two priests of the Orthodox Church of Ukraine (OCU), Fr Khristofor Khrimli and Fr Andri Chui. They took them to the Investigation Prison in Donetsk.

On 22 September, Telmanovo District Court in Russian-occupied Donetsk Region fined Fr Khristofor and Fr Andri under Russian Administrative Code Article 5.26, Part 5 ("Foreigners conducting missionary activity" (https://www.forum18.org/archive.php?article_id=2246)). This incurs a fine of 30,000 to 50,000 Russian Roubles with the possibility of deportation. A fine of 50,000 Russian Roubles represents more than two months' average local wages for those in work.

The Telmanovo District Court judge fined the two priests 30,000 Russian Roubles each and ordered their "deportation" (https://www.forum18.org/archive.php?article_id=2869).

Enforced disappearance "a grave threat to life"

"The prohibition of enforced disappearance is enshrined in various international human rights treaties and instruments," the Office of the United Nations High Commissioner for Human Rights (OHCHR) noted in its 27 June 2023 report on Detention of civilians in the context of the armed attack by the Russian Federation against Ukraine (https://www.ohchr.org/sites/default/files/2023-07/2023-06-27-Ukraine-thematic-report-detention-ENG_0.pdf), 24 February 2022 – 23 May 2023.

The OHCHR noted that this prohibition is enshrined in the International Covenant on Civil and Political Rights (<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>) (ICCPR), and by the International Convention for the Protection of All Persons from Enforced Disappearance (<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>) (ICPED).

Ukraine has acceded to both the ICCPR and the ICPED, but Russia has acceded only to the ICCPR.

In its General Comment no. 36 (<https://undocs.org/CCPR/C/GC/36>) on ICCPR Article 6 ("Right to Life") ICCPR, the UN Human Rights Committee stated: "Enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life." The Human Rights Committee added: "The deprivation of liberty, followed by a refusal to acknowledge that deprivation of liberty or by concealment of the fate of the disappeared person, in effect removes that person from the protection of the law and places his or her life at serious and constant risk, for which the State is accountable."

On 22 November 2022, Russian occupation forces disappeared 52-year-old Pentecostal deacon Anatoly Prokopchuk (https://www.forum18.org/archive.php?article_id=2793) and his 19-year-old son Aleksandr. Four days later their tortured and shot bodies were found in a wood. The occupation forces refused to answer Forum 18's questions about the case.

The Human Rights Committee went on to observe that enforced disappearances violate a number of ICCPR articles, and that states must "prevent the enforced disappearance of individuals, and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance".

States must also punish the perpetrators of enforced disappearances parties under criminal law, and "bring to justice the perpetrators of such acts and omissions and ensure that victims of enforced disappearance and their relatives are informed about the outcome of the investigation and are provided with full reparation".

The UN Working Group on Enforced or Involuntary Disappearances said in August 2023 that it was "deeply concerned by numerous reports it has received concerning enforced disappearances of civilians and prisoners of war perpetrated by the Russian occupation forces since the beginning of the armed conflict in Ukraine in February 2022."

The Working Group noted in its 8 August 2023 report (A/HRC/54/22 (<https://undocs.org/en/A/HRC/54/22>)) that it "regrets that there has been no meaningful interaction with the Russian Federation". This "would be particularly beneficial for any individual under Russian jurisdiction, for the Working Group remains one of the few international mechanisms left that is available for victims of enforced disappearances" as Russia "has ceased to be a party to the European Convention on Human Rights".

"Disappeared" in November 2022: Fr Ivan Levytsky and Fr Bohdan Heleta

On 16 November 2022, troops of Russia's National Guard seized two Ukrainian Greek Catholic priests (https://www.forum18.org/archive.php?article_id=2793), Fr Ivan Levytsky and Fr Bohdan Heleta, in the coastal town of Berdyansk in Zaporizhzhia Region. There is no information about where they are, their state of health – or if they are still alive.

When in May 2023 Forum 18 asked the Russian Berdyansk Police where the priests are, they replied (https://www.forum18.org/archive.php?article_id=2832): "That's all rubbish. Ask [Ukrainian President Volodymyr] Zelensky's special services – they're responsible." The occupation police officer refused to give any evidence for this claim and put the phone down.

Artyom Sharlay, the head of the Russian occupiers' Religious Organisations Department at Zaporizhzhia Regional Administration's Social and Political Communications and Information Policy Department, insisted (without producing evidence) that Fr Levytsky and Fr Heleta stored weapons in their church (https://www.forum18.org/archive.php?article_id=2793).

Sharlay rejected suggestions that Fr Levytsky and Fr Heleta had been kidnapped. "No one is kidnapped here, I stress this," he told Forum 18 from Melitopol on 12 October. "If they committed a crime they had to be arrested." But he refused to tell Forum 18 where the two priests are and why they are still being held without any opportunity to communicate with their diocesan leadership or their families.

Sharlay claimed to Forum 18 that the two priests will face trial "as soon as new [Russian-controlled] courts are established here". He refused to say which Russian agency is investigating Fr Levvysky and Fr Heleta, what charges they might face, and who any lawyer for the two might be.

Sharlay criticised a wide range of religious communities (https://www.forum18.org/archive.php?article_id=2866), but was especially critical of the Ukrainian Greek Catholic Church. "This has never been traditional in this area," he claimed, also claiming it "represents an expansion of Western culture". Sharlay did not explain why these claims justified human rights violations.

The duty officer at the Russian Investigative Committee for Zaporizhzhia Region said that it had no criminal case against Fr Levvysky and Fr Heleta and no information about them. "If they were detained last year, any case would be with the police or maybe the FSB," the official – who did not give his name – told Forum 18 from Melitopol on 17 October. "We were only set up this year."

The Investigative Committee official noted that there is no Investigation Prison in Russian-controlled parts of Zaporizhzhia Region. "People go to the Investigation Prison in Crimea."

Crimea has two Investigation Prisons, both in Simferopol. An official of the Special Department at Investigation Prison No. 1, which has the names of all those being held in the prison, refused to tell Forum 18 on 17 October if either Fr Levvysky or Fr Heleta is being held there. Officials at the Special Department at Investigation Prison No. 2 did not answer their phones the same day.

Telephones at the Russian-controlled Berdyansk police went unanswered on 17 October.

"Disappeared" in May 2023: Fr Kostiantyn Maksimov

Since 2021, Fr Kostiantyn Maksimov, a priest of the Ukrainian Orthodox Church (UOC), has been serving in the Church of the Assumption of the Blessed Virgin Mary in the city of Tokmak in Ukraine's Zaporizhzhia Region. Tokmak has been under Russian occupation with the beginning of the renewed invasion in February 2022.

Russian occupation forces detained Fr Kostiantyn in Chongar when he attempted to cross the administrative boundary with the occupied Ukrainian territory of Crimea on 16 May 2023. "From that time until now, there was no contact with Maksimov. There is information that the clergyman was probably removed from the car and detained by the Russian military and is in a filtration camp in [the Crimean city of] Dzhankoi," Ukrainsky Pohlyad news website noted on 13 June.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) expressed concern about the fate of Fr Kostiantyn after his detention by the Russians. "As of 31 July 2023, his fate and whereabouts remained unknown despite multiple requests from his relatives to the occupying authorities and official institutions of the Russian Federation, raising serious concerns with respect to enforced disappearance," the OHCHR noted in its 4 October report on the human rights situation in Ukraine (<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/23-10-04-OHCHR-36th-periodic-report-ukraine-en.pdf>), covering between February and July.

The Center for Civil Liberties in the Ukrainian capital Kyiv, which has been following Fr Kostiantyn's case (<https://ccl.org.ua/en/voices/kostiantyn-maksymov/>), says in its report "Prisoner's Voice" (<https://drive.google.com/file/d/12F7BWiQarWwBSL4K4B93lev12HVtLKX8/view>) that "the violent abduction of civilians and their unjustified detention is one of the most common crimes committed by the Russian army in Ukraine".

The duty officer at the Russian-controlled Tokmak Police said he had no information about Fr Kostiantyn. "If he was detained in Chongar, how would we have any information?" the officer – who did not give his name – told Forum 18 on 17 October. "Even if we had, we wouldn't give it by phone."

Artyom Sharlay, the head of the Russian occupiers' Religious Organisations Department at Zaporizhzhia Regional Administration's Social and Political Communications and Information Policy Department, would not say where Fr Kostiantyn is. "I have not heard that he's left [the Russian-occupied territories]," Sharlay told Forum 18 from Melitopol on 12 October. "He's not serving [as a priest]," he added.

Sharlay claimed that Fr Kostiantyn had not wanted the Berdyansk Diocese of the Ukrainian Orthodox Church (UOC) to move to be an integral part of the Russian Orthodox Church. The Russian Orthodox Church took over the Diocese in May, just days before Fr Kostiantyn was seized, following a request from some clergy. The Russian Orthodox Church replaced UOC Metropolitan Yefrem (Yarinko), who had fled to Ukrainian-controlled territory.

Sharlay did not explain why his claims about Fr Kostiantyn's views on the affiliation of his Diocese could justify the occupation forces' enforced disappearance of him.

Officials pressured another local Ukrainian Orthodox Church (UOC) priest, Fr Vladimir Saviisky of St Nicholas Church in Primorsk, in 2023 to accept the transfer of the Berdyansk Diocese from the Ukrainian Orthodox Church (UOC) to the Russian

Orthodox Church. He refused (https://www.forum18.org/archive.php?article_id=2869).

Kherson Region: Eight months in Russian detention

Among other religious leaders seized and held earlier by Russian forces in occupied Ukraine was Fr Ihor Novosilsky. He was priest of the Ukrainian Orthodox Church (UOC) parish of Holy Princess Olha in the village of Tokarivka in Kherson Region.

"In August 2022 the occupiers arrested the UOC priest and threw him in Kherson Investigation Prison," fellow priest Fr Georgi Gulyaev wrote on Facebook on 24 May 2023. He said that in November 2022, just before Russian forces withdrew from the right bank of the River Dnipro, they took Fr Ihor and other prisoners to territory on the left bank that they still occupied. The Russians finally released Fr Ihor in May 2023.

"After 9 months of physical torture and psychological pressure, the priest is seeking treatment and rehabilitation, Fr Georgi added. "According to relatives, hunger and torture left wounds on his health. But the main thing is that he's safe now!"

Fr Ihor spoke to the Kyiv-based Institute for Religious Freedom after his release about how the Russians had treated him. "I was asked if I prayed for the Armed Forces of Ukraine, what I talked about in sermons, and whether or not I helped Ukrainian soldiers," he recalled. "There were no specific allegations. But beatings began from the first day in the detention centre."

The Office of the United Nations High Commissioner for Human Rights (OHCHR) documented Fr Ihor's detention and torture by Russian occupation forces (though without giving his name). "They detained [the] victim, a pro-Ukrainian priest, from August 2022 to May 2023 in three different facilities in Kherson region," the OHCHR noted in its 4 October report on the human rights situation in Ukraine (<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/23-10-04-OHCHR-36th-periodic-report-ukraine-en.pdf>), covering between February and July. "In one of them, he was tortured and ill-treated."

Russia's legally-binding international human rights obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>) require officials suspected of involvement in torture to be arrested and put on criminal trial for torture.

Forum 18 asked the Press Service of Kherson Region's Russian police in writing on 11 October why Fr Ihor was held for eight months and tortured. Forum 18 also asked whether anyone has been arrested for his torture and, if not, when they will be so that they can be brought to trial. Forum 18 had received no response by the end of the working day in Ukraine of 17 October.

Religious figures held for days, weeks, months

Russian occupation forces have seized religious leaders of a variety of faiths since their renewed invasion of Ukraine from February 2022. It remains unclear in many of the cases whether the seizure of religious leaders aimed to punish them for their exercise of freedom of religion or belief in ways the Russian occupation authorities did not like. However, all those seized were known to play a leading role in their own religious community.

Some leaders were released after days, weeks or even months in Russian custody, such as Leonid Ponomaryov, Pastor of a Baptist Council of Churches congregation in Mariupol, and his wife Tatyana who were held from 21 September to 21 October 2022 (https://www.forum18.org/archive.php?article_id=2808).

While in Russian custody, occupation forces subjected some of the seized religious leaders to torture. These include Imam Rustem Asanov (https://www.forum18.org/archive.php?article_id=2784), a Crimean Tatar, of the Birlik (Unity) Mosque in the village of Shchastlivtseve in Henichesk District in Ukraine's Kherson Region. (END)

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