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OCCUPIED UKRAINE: "Espionage" trial for disappeared Ukrainian Orthodox priest

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

The Russian occupation forces in Ukraine's Zaporizhzhia Region disappeared Ukrainian Orthodox Church (UOC) priest Fr Kostiantyn Maksimov in May 2023. On 29 March 2024, more than 10 months later, the occupation forces' Zaporizhzhia Region Prosecutor's Office said a criminal case against him for alleged "espionage" had been handed to court. If convicted, the 40-year-old priest faces a prison term of 10 to 12 years. "This is terrible!" another UOC priest, Fr Vladimir Saviisky, who knew Fr Kostiantyn, told Forum 18. "But this was to be expected."

More than 10 months after the Russian occupation forces in Ukraine's Zaporizhzhia Region disappeared Ukrainian Orthodox Church (UOC) priest Fr Kostiantyn Maksimov, the occupation forces' Regional Prosecutor's Office announced in late March that he is facing criminal trial for alleged "espionage". If convicted, the 40-year-old priest faces a prison term of 10 to 12 years.

Russian occupation forces disappeared Fr Kostiantyn in May 2023. He is among multiple religious leaders from various religious communities the Russian occupation forces have killed, tortured, and disappeared (see below).

Fr Kostiantyn is being tried under Article 276 ("Espionage") of the Russian Criminal Code. (Russia has illegally imposed its Criminal and Administrative Codes on the parts of Ukraine it has illegally annexed.)

"This is terrible!" another local Ukrainian Orthodox Church (UOC) priest, Fr Vladimir Saviisky, who knew Fr Kostiantyn, told Forum 18. "But this was to be expected. The Russians threatened me with this also. Had they not deported me, I would have been sitting next to him in a prison cell." Fr Vladimir opposed the May 2023 Russian Orthodox Church takeover of the UOC's Berdyansk Diocese, and was forced to flee to Ukrainian government-held territory (see below).

Russian occupation forces have a record of fabricating false charges against those they dislike. Two Greek Catholic priests - Fr Ivan Levytsky and Fr Bohdan Heleta – were disappeared in November 2022. Now in 2024 they appear to be facing criminal trial under false charges related to weapons, explosives, and allegedly "extremist" texts the Russian occupation forces claim to have found. The Greek Catholic Exarchate told Forum 18 it has had no recent news on the priests (see below).

Fr Kostiantyn served as priest of the UOC's Church of the Assumption of the Blessed Virgin Mary in the city of Tokmak in Ukraine's Zaporizhzhia Region. Russian occupation forces detained him in the southern town of Chongar when he attempted to cross the administrative boundary with the occupied Ukrainian territory of Crimea in May 2023 (see below).

Artyom Sharlay, the head of the Russian occupiers' Religious Organisations Department at Zaporizhzhia Regional Administration's Social and Political Communications and Information Policy Department, claimed to Forum 18 in October 2023 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 2023 (see below).

Sharlay did not answer his phone on 8 April 2024 (see below).

The occupation forces' Zaporizhzhia Region Prosecutor's Office said Fr Kostiantyn's trial is being held at the Russian Zaporizhzhia Regional Court in Melitopol. However, Yelena Shapovalova, the head of the Bar Association in the Russian-occupied part of Zaporizhzhia Region, said the trial will be held at the Crimean Supreme Court in Simferopol (see below).

As of 8 April, the Crimean Supreme Court does not list any trial for Fr Kostiantyn on its website.

Vladimir Polukhin, the Russian-installed head of Zaporizhzhia Regional Court, did not immediately respond to Forum 18's questions:

- When Fr Kostiantyn's trial began or is due to begin;

- Who the judge in the case is;
- Who Fr Kostiantyn's lawyer is (see below).

An official at the occupation forces' Zaporizhzhia Regional Prosecutor's Office told Forum 18 he did not know who the investigator or prosecutor was in the case, who the judge is, whether the trial has already begun, or where Fr Kostiantyn is (see below).

Asked if Fr Kostiantyn has a lawyer, the Prosecutor's Office official said "of course". He said he did not know the lawyer's name or if he was chosen by Fr Kostiantyn or assigned to the case. Yelena Shapovalova said Fr Kostiantyn had been assigned a lawyer during the pre-trial investigation, but declined to name the lawyer (see below).

Meanwhile, after holding them in a detention centre in Russia's Rostov Region, Russia has deported two Orthodox Church of Ukraine (OCU) priests (https://www.forum18.org/archive.php?article_id=2903) from the occupied Ukrainian Donetsk Region - Fr Khristofor Khrimli and Fr Andri Chui. Russia deported Fr Khristofor to Georgia in February and Fr Andri in March. An occupation forces' court in Donetsk Region had found both guilty of "illegal missionary activity" in September 2023, fined them and ordered their deportation from the Russian Federation.

Russian occupation officials had – as with UOC priest Fr Vladimir - tried to pressure Fr Khristofor and Fr Andri to transfer from the OCU to the Russian Orthodox Church.

UOC priest's trial for alleged "espionage"

Ukrainian Orthodox Church (UOC) priest Fr Kostiantyn Maksimov is facing criminal trial under the Russian Criminal Code for alleged "espionage," the Russian Prosecutor's Office in the occupied part of Ukraine's Zaporizhzhia Region announced on its website on 29 March 2024. It says the trial is taking place at the Russian Zaporizhzhia Regional Court in the occupied city of Melitopol. It did not say when the trial is starting.

The 40-year-old Fr Fr Kostiantyn was disappeared by Russian occupation forces (https://www.forum18.org/archive.php?article_id=2867) in May 2023. Multiple religious leaders from various religious communities under Russian occupation have been killed (https://www.forum18.org/archive.php?article_id=2893), tortured, and disappeared (https://www.forum18.org/archive.php?article_id=2890) by the occupation forces.

Fr Kostiantyn faces charges under Article 276 of the Russian Criminal Code ("Espionage"). This carries a prison term of 10 to 12 years.

It is illegal under international law for Russia to enforce its own laws on occupied Ukrainian territory, as Russia is required to leave Ukrainian law in force (<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-64/commentary/1958?activeTab=undefined>).

The Russian-occupied or partially-occupied regions of Ukraine – including Zaporizhzhia where Fr Kostiantyn is facing prosecution - which Russia illegally claimed to have annexed (<https://news.un.org/en/story/2022/10/1129492>) in 2022 – began imposing punishments under Russia's Criminal and Administrative Codes (https://www.forum18.org/archive.php?article_id=2808) in late 2022 in courts which Russia controls.

Artyom Sharlay, the head of the Russian occupiers' Religious Organisations Department at Zaporizhzhia Regional Administration's Social and Political Communications and Information Policy Department, told Forum 18 in October 2023 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 (https://www.forum18.org/archive.php?article_id=2867).

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.

Prosecutor's Office claims

The Russian occupation forces' Zaporizhzhia Region Prosecutor's Office claims that in Tokmak between April 2022 and February 2023, Fr Kostiantyn "using an Internet messenger, transmitted to an employee of the Ukrainian security service information with the coordinates of the deployment of Russian air defence technical equipment located in the city and district". The Prosecutor's Office announcement gave no evidence for its claims and made no reference to Fr Kostiantyn's status as a priest.

"The accomplice of the Ukrainian special services was caught transferring confidential data to his overseers in Kyiv," local pro-Russian politician Vladimir Rogov claimed on his Telegram channel on 31 March 2024. "The information leak threatened the security of Russia and all residents of the Zaporizhzhia Region."

Russian occupation forces have a record of fabricating false charges against those they dislike. Two Greek Catholic priests - Fr Ivan Levytzky and Fr Bohdan Heleta – were disappeared in Berdyansk (https://www.forum18.org/archive.php?article_id=2793) in Zaporizhzhia Region in November 2022.

Both priests now in 2024 appear to be facing criminal trial (https://www.forum18.org/archive.php?article_id=2890), under false charges related to weapons, explosives, and allegedly "extremist" texts the Russian occupation forces claim to have found in Berdyansk's Church of the Nativity of the Blessed Virgin (https://www.forum18.org/archive.php?article_id=2793).

The Donetsk Exarchate of the Greek Catholic Church – to which Fr Ivan and Fr Bohdan belong – told Forum 18 on 8 April that there has been no news of the two priests.

The official who answered the phone at the occupation forces' Zaporizhzhia Region Prosecutor's Office – who did not give his name – said he did not know who the investigator or prosecutor was in the case, who the judge is, whether the trial has already begun, or where Fr Kostiantyn is. "We have many cases," he told Forum 18 from Melitopol on 4 April.

Asked if Fr Kostiantyn has a lawyer, the Prosecutor's Office official said "of course". He said he did not know the lawyer's name or if he was chosen by Fr Kostiantyn or assigned to the case. "We have no greater rights than the defence side," the official claimed. "Everything will be decided by the court."

Yelena Shapovalova, the head of the Bar Association in the Russian-occupied part of Zaporizhzhia Region, says the Russian authorities appointed a lawyer for Fr Kostiantyn during the pre-trial investigation. "That period has now ended and the lawyer's work thus came to an end," she told Forum 18 from Melitopol on 8 April. She declined to name the lawyer.

Fr Kostiantyn's relatives did not sign an agreement with any lawyer that they had chosen for the pre-trial investigation, Shapovalova added.

Shapovalova said Fr Kostiantyn had been held at the temporary holding centre in Melitopol while the pre-trial investigation was underway. She declined to say where he is now.

The duty official at the Russian Investigative Committee for the occupied part of Zaporizhzhia Region, who did not give his name, refused to say if its investigators had prepared the criminal case against Fr Kostiantyn. "We give no information by phone on individual case," the official told Forum 18 from Melitopol on 8 April. "Still less to people who have no legal right to know."

"This is terrible!" another local UOC priest, Fr Vladimir Saviisky, who knew Fr Kostiantyn, told Forum 18 on 4 April. "But this was to be expected. The Russians threatened me with this also. Had they not deported me, I would have been sitting next to him in a prison cell."

Fr Vladimir was pressured by Russian occupation forces to support the Russian Orthodox Church's takeover of the UOC's Berdyansk Diocese (see below).

Trial in Melitopol or Simferopol?

The occupation forces' Zaporizhzhia Region Prosecutor's Office said the criminal case against Fr Kostiantyn had been handed to the Russian Zaporizhzhia Regional Court in Melitopol.

However, Yelena Shapovalova of the Bar Association in the Russian-occupied part of Zaporizhzhia Region said Fr Kostiantyn's trial would be held not at the Russian Zaporizhzhia Regional Court but at the Crimean Supreme Court in Simferopol in Russian-occupied Crimea. "The court here does not hear such cases," she told Forum 18.

As of 8 April, the Crimean Supreme Court does not list any trial for Fr Kostiantyn on its website.

The Russian occupation forces brought in Vladimir Polukhin from the Russian city of Nizhny Novgorod in June 2023 to head the Russian Zaporizhzhia Regional Court. Forum 18 wrote to him on the morning of 8 April 2024 local time to ask:

- When Fr Kostiantyn's trial began or is due to begin;
- Who the judge in the case is;
- Who Fr Kostiantyn's lawyer is.

Forum 18 received no response by the end of the working day in Melitopol of 8 April.

Seized and put on trial for opposing Russian diocese takeover?

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. Russian occupation forces detained Fr Kostiantyn in the southern town of Chongar (https://www.forum18.org/archive.php?article_id=2867) when he attempted to cross the administrative boundary with the occupied Ukrainian territory of Crimea on 16 May 2023.

Sharlay of the Russian occupiers' Religious Organisations Department at Zaporizhzhia Regional Administration's Social and Political Communications and Information Policy Department, did not answer his phone each time Forum 18 called on 8 April 2024.

In October 2023, Sharlay would not say where Fr Kostiantyn was. "I have not heard that he's left [the Russian-occupied territories]," Sharlay told Forum 18 from Melitopol in October 2023 (https://www.forum18.org/archive.php?article_id=2867). "He's not serving [as a priest]," he added.

Sharlay also 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. Sharlay did not explain why his claims about Fr Kostiantyn's views on the affiliation of his Diocese (https://www.forum18.org/archive.php?article_id=2867) could justify the occupation forces' enforced disappearance of him.

Ukrainian Orthodox Church (UOC) priests disappeared, pressured to transfer to ROC

Other Ukrainian Orthodox Church (UOC) priests have also been disappeared by the occupation forces. Fr Ihor Novosilsky was priest of the Ukrainian Orthodox Church (UOC) parish of Holy Princess Olha in the village of Tokarivka in Kherson Region. In August 2022 he was arrested and held in Kherson Investigation Prison (https://www.forum18.org/archive.php?article_id=2867), during which time he was tortured. After eight months he was released in May 2023, after which he went to Ukrainian-controlled territory.

Ukrainian Orthodox Church (UOC) priests have also faced pressure from the occupation forces to transfer to the Russian Orthodox Church. Fr Vladimir Saviisky was priest of St Nicholas Church in Primorsk, a town on the Azov Sea in Ukraine's Zaporizhzhia Region which Russian occupation forces seized in late February 2022.

Fr Vladimir continued to lead prayers in church for Ukraine, and after multiple raids and arrests by Russian occupation forces they pressured him to join calls (https://www.forum18.org/archive.php?article_id=2869) in April 2023 for the transfer of the Berdyansk Diocese from the Ukrainian Orthodox Church under the Moscow Patriarchate (UOC) to come directly under the Russian Orthodox Church.

After the 16 May 2023 takeover by the Russian Orthodox Church of the UOC Berdyansk Diocese, Fr Vladimir and other clergy were told not to commemorate in the liturgy the head of the UOC Metropolitan Onufry (Berezovsky). The takeover took place just days before Fr Kostiantyn Maksimov was seized (https://www.forum18.org/archive.php?article_id=2867).

Russian occupation forces "banned us from serving in the Ukrainian Orthodox Church (UOC)," Fr Vladimir told Current Time. "They told us: 'Commemorate only the patriarch [Kirill] and the new bishop whom Moscow sent, cooperate with the authorities - and everything will be fine with you, manna will fall from heaven.' They asked us to tell the people in the church to stop resisting and start thinking differently."

Fr Vladimir complained of constant pressure. "The seventh time such an 'interrogation' occurred was when I refused to sign a petition (https://www.forum18.org/archive.php?article_id=2869) to transfer to the Russian Orthodox Church."

Later in May 2023, Russian soldiers came to Fr Vladimir's home at 11 pm, telling him: "Take off your cross and cassock." Fr Vladimir refused. "They drove me around the city, demanding that I accept this decision of the Moscow Synod that the Berdyansk Diocese had now transferred to the Russian Orthodox Church. I said that I remain a priest of the Ukrainian Orthodox Church (UOC), I am a Ukrainian priest. I have a Metropolitan in Kyiv - His Beatitude Onufry."

After people warned Fr Vladimir that he faced being stripped of his priestly office and then jailed for his pro-Ukrainian views, he reluctantly on 1 June 2023 left for Ukrainian government-controlled territory (https://www.forum18.org/archive.php?article_id=2869).

Russian officials' "great amount of work" to support Russian takeover of UOC diocese

A meeting of the Russian-controlled Zaporizhzhia Regional Administration, chaired by the Russian-imposed governor Yevgeny Balitsky, praised the "halting of the work of religious sects which had taken part in organising mass disorder and anti-Russian activity", the governor's website noted on 26 February.

The meeting also noted that "thanks to the great amount of work of the internal policy block of Zaporizhzhia Regional

Administration, assistance was provided to the Berdyansk diocese of the Ukrainian Orthodox Church in the transition to the direct control of the Russian Orthodox Church".

The meeting also noted that "assistance was provided to the religious communities of Evangelical Christian Baptists in integrating into all-Russian structures".

The Russian occupation authorities try to stop religious communities having any connection with oversight bodies in government-held Ukraine, insisting they must join Russian-based structures or be independent.

Russian-imposed Governor Balitsky banned four religious communities (https://www.forum18.org/archive.php?article_id=2882) in Russian-occupied parts of Zaporizhzhia Region in December 2022: the Greek Catholic Church, Grace Protestant Church, Melitopol Christian Church, and Word of Life Protestant Church. (The buildings of Grace, Melitopol Christian, and Word of Life churches had been seized in September 2022 (https://www.forum18.org/archive.php?article_id=2784).) Occupation Governor Balitsky accused these Churches of links with foreign "special services" and ordered all their property seized.

Russian occupation forces' multiple forced closures of religious communities

Russian occupation forces have repeatedly forcibly closed religious communities in Zaporizhzhia and other occupied territories. Among other examples, in Crimea Orthodox Church of Ukraine (OCU) and Muslim communities (https://www.forum18.org/archive.php?article_id=2882) have been in 2023 forcibly closed and taken over; in June 2023 an Orthodox Church of Ukraine (OCU) church in Basan was forcibly closed, as was in September 2023 a Baptist Union church (https://www.forum18.org/archive.php?article_id=2866) in occupied parts of Ukraine's Zaporizhzhia Region; in August 2023 the Catholic Church in Skadovsk in occupied parts of Ukraine's Kherson Region was raided and forcibly closed (https://www.forum18.org/archive.php?article_id=2866); in October 2023 another Baptist Union Church (in Zaporizhzhia) was raided and forcibly closed (https://www.forum18.org/archive.php?article_id=2869); after Russian occupation forces arrested and tortured Imam Rustem Asanov (https://www.forum18.org/archive.php?article_id=2784) in March 2022, his Birlik (Unity) Mosque community in the village of Shchastlivtseve in Henichesk District in Ukraine's Kherson Region was forcibly closed (https://www.forum18.org/archive.php?article_id=2784).

In Russian-occupied Crimea, the occupation authorities are still seeking to crush the activity of independent Muslim communities which are not affiliated with the Crimean Muslim Board (https://www.forum18.org/archive.php?article_id=2882). Independent mosques face inspections and raids, and courts fine those leading prayers without state and Muslim Board permission.

In the village of Kalanchak in Russian-occupied Kherson Region, on 15 February 2024 the bruised body of 59-year-old Fr Stepan Podolchak of the Orthodox Church of Ukraine (OCU) was found in the street. Fr Stepan had been seized by occupation forces on 13 February, and was priest of the OCU parish in Kalanchak. Occupation forces had "tortured Fr Stepan to death" (https://www.forum18.org/archive.php?article_id=2893), Kherson OCU Bishop Nikodim stated. Forum 18 asked Kalanchak's Russian police what action they will take following his killing. "For a long time this [community] hasn't existed here and won't," (https://www.forum18.org/archive.php?article_id=2893) the duty officer replied. "Forget about it." (END)

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