

4 June 2024

OCCUPIED UKRAINE: After year in detention, Orthodox priest's "espionage" trial imminent

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

After a year in Russian detention, the "espionage" criminal trial of Ukrainian Orthodox priest Kostiantyn Maksimov is due to begin on 6 June. If convicted, the 41-year-old faces prison of 10 to 12 years. He is being held in Investigation Prison No. 2 in Simferopol. A Protestant in her fifties also faces criminal trial in occupied Zaporizhzhia Region. Eighteen months after Russian occupiers disappeared two Greek Catholic priests - Ivan Levytsky and Bohdan Heleta – they appear to be in a labour camp in Horlivka.

The criminal trial of Ukrainian Orthodox Church (UOC) priest Fr Kostiantyn Maksimov on charges of "espionage" is due to begin on 6 June after more than a year in Russian detention. It appears that the trial will take place at the Russian-controlled Zaporizhzhia Regional Court in the occupied city of Melitopol. If convicted, the 41-year-old priest faces a prison term of 10 to 12 years.

Seized by Russian occupation forces in May 2023, Fr Kostiantyn is known to have been held in Investigation Prison No. 2 in the Crimean capital Simferopol since at least February 2024. It remains unclear if he will be taken to Melitopol or participate in the trial via videolink from prison in Crimea (see below).

Fr Kostiantyn's mother, Svetlana Maksimova, would like to be able to attend the trial. But the long journey through third countries, with no guarantee she would be allowed in, make such a journey unrealistic, she told Forum 18 (see below).

Fr Kostiantyn is facing trial under Article 276 ("Espionage") of the Russian Criminal Code. 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 (see below).

If convicted and sentenced to a jail term, Fr Kostiantyn is likely to be transferred to a prison in Russia, despite this breaking the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (see below).

Zaporizhzhia Regional Court did not answer Forum 18's questions as to which Judge will be presiding over the trial and whether Fr Kostiantyn will be present in court or will join the hearing by videolink from the Investigation Prison in Simferopol (see below).

The occupation forces' Zaporizhzhia Region Prosecutor's Office in Melitopol would not say by phone who would be leading the prosecution case against Fr Kostiantyn in court. Nor has it responded to written questions (see below).

Russian occupation forces have a record of fabricating false charges against those they dislike.

Artyom Sharlay, the then 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).

A Protestant in her early fifties is also facing criminal trial at the Russian-controlled Zaporizhzhia Regional Court in occupied Ukraine. The Russian occupation forces arrested her in early 2024. She is being prosecuted for remarks she allegedly made at a prayer meeting in a home in the occupied city of Melitopol in July 2023 (see below).

The Russian occupying forces disappeared two Greek Catholic priests - Fr Ivan Levytsky and Fr Bohdan Heleta – in Berdyansk in Zaporizhzhia Region in November 2022. Both priests now in 2024 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 in Berdyansk's Church of the Nativity of the Blessed Virgin (see below).

Russia's Ombudsperson Tatyana Moskalkova claimed on 23 May that Russia had proposed to the Ukrainian side to exchange two Catholic priests for two Orthodox priests. "But Ukraine, for absolutely unknown reasons, did not agree to such an exchange," she claimed. She did not name the priests, but Fr Ivan and Fr Bohdan are the only two Catholic priests known to be in Russian detention

(see below).

"I recently visited the Catholic priests in their place of detention and made sure that the conditions corresponded to international standards," Moskalkova claimed. "On their part, only one request was made, to see their family and friends as quickly as possible" (see below).

Moskalkova did not say when and where the alleged meeting took place. However, she visited Russia's Rostov Region on 2 May. The following day she was in Ukraine's Russian-occupied Donetsk Region. There she visited the town of Horlivka (Gorlovka in Russian), together with the Russian-appointed Human Rights Ombudsperson for Donetsk, Darya Morozova. It is possible that Moskalkova and Morozova met Fr Ivan and Fr Bohdan in Russia's Kalinin Labour Camp in Horlivka (see below).

Neither Moskalkova nor Morozova replied to Forum 18's questions about the reported meeting with Fr Ivan and Fr Bohdan (see below).

The Donetsk Exarchate of the Greek Catholic Church – to which Fr Ivan and Fr Bohdan belong – told Forum 18 it has received no news of the two priests. It said it had no confirmation that Moskalkova had visited Fr Ivan and Fr Bohdan. However, the fact that Moskalkova talked about them appears to show that they are alive and is a "good sign", chancellor Fr Andriy Bukhvak told Forum 18 (see below).

Russia's Kalinin Labour Camp in Horlivka did not respond to Forum 18's questions as to – if it is holding the two priests – whether they can exercise freedom of religion or belief; whether they have access to lawyers; and what is preventing them being returned to their families (see below).

Russian occupiers' pressure on religious communities

Russian occupation authorities have repeatedly tried to pressure priests (https://www.forum18.org/archive.php?article_id=2902) of both the Orthodox Church of Ukraine (OCU) and the Ukrainian Orthodox Church linked to the Moscow Patriarchate (UOC) to join new dioceses the Moscow Patriarchate Russian Orthodox Church has unilaterally established on occupied Ukrainian territory. Both OCU and UOC clergy have been disappeared after they have refused.

Unknown men from the Russian occupation forces seized 59-year-old Fr Stepan Podolchak of the Orthodox Church of Ukraine (OCU) on 13 February in the Ukrainian village of Kalanchak in the Russian-occupied part of Kherson Region. They took him away barefoot with a bag over his head, insisting he needed to come for questioning. His bruised body – possibly with a bullet-wound to the head - was found on the street in the village on 15 February. No one appears to have been arrested or punished for Fr Stepan's torture and murder (https://www.forum18.org/archive.php?article_id=2893).

Russian occupation forces in Zaporizhzhia Region not only banned four religious communities (https://www.forum18.org/archive.php?article_id=2882) – including the Greek Catholic Church - in the occupied parts of the Region in December 2022, they also drove out the five Greek Catholic priests who were serving in the 10 or so parishes in and around Melitopol.

Occupation officials have also pressured and tortured Muslim clergy (https://www.forum18.org/archive.php?article_id=2902) and pressured mosque communities if they refuse to join Russian-controlled Islamic structures.

Occupation authorities have closed and seized many places of worship (<https://www.forum18.org/archive.php?country=17>) of communities they do not like.

Russian occupiers disappeared Fr Kostiantyn in May 2023

Ukrainian Orthodox Church (UOC) priest Fr Kostiantyn Vyacheslavovich Maksimov (born 16 March 1983) 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. He chose to remain there when Russian forces occupied the area in early 2022.

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 in May 2023.

Artyom Sharlay, the then 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 (https://www.forum18.org/archive.php?article_id=2867) 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.

Sharlay - now the head of the Department for Work with Ethnic, Religious and Cossack Organisations of the Social and Political Communications Department of the Internal Policy Department of the Russian-controlled Zaporizhzhia Regional Administration - did not answer his phone on 3 or 4 June 2024.

Fr Kostiantyn's whereabouts have been uncertain since occupation forces seized him. Yelena Shapovalova, the head of the Bar Association in the Russian-occupied part of Zaporizhzhia Region, told Forum 18 from Melitopol on 8 April (https://www.forum18.org/archive.php?article_id=2902) that 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 was after that. She did not respond to further questions or calls in late May and early June.

Forum 18 has learnt that after being initially held in Melitopol, Fr Kostiantyn was transferred to a Russian detention centre in occupied Donetsk Region. In or before February 2024, the Russian occupiers transferred him to Investigation Prison No. 2 in the Crimean capital Simferopol. He remains there.

Fr Kostiantyn's mother Svetlana Maksimova has been searching for her son since he was detained, trying to seek answers from the Russian and the Ukrainian authorities. She worries about his physical wellbeing. "He was in his summer clothes when they took him in May 2023," she told Forum 18. "He has been allowed no parcels while in prison."

The Russian occupation authorities opened the second Investigation Prison in Simferopol in October 2022. Forum 18 was unable to reach Investigation Prison No. 2 by phone in late May or early June.

Fr Kostiantyn's address in Investigation Prison:

295051 Respublika Krym

g. Simferopol

per. Elevatorny 4

FKU Sledstvenny izolyator No. 2 UFSIN Rossii po Respublike Krym i g. Sevastopolyu

Criminal case against Fr Kostiantyn

The Russian occupation forces' Zaporizhzhia Region Prosecutor's Office opened a criminal case (https://www.forum18.org/archive.php?article_id=2902) against Fr Kostiantyn in February 2024. It claimed in a 29 March 2024 announcement 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 (https://www.forum18.org/archive.php?article_id=2902). "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.

Prosecutors prepared a case against Fr Kostiantyn under Article 276 ("Espionage") of the Russian Criminal Code. They then handed the case to Zaporizhzhia Regional Court in the occupied city of Melitopol, the Russian Prosecutor's Office announced on 29 March (https://www.forum18.org/archive.php?article_id=2902).

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 in 2022 (<https://news.un.org/en/story/2022/10/1129492>) – began imposing punishments under Russia's Criminal and Administrative Codes in late 2022 (https://www.forum18.org/archive.php?article_id=2808) in courts which Russia controls.

The official who answered the phone on 4 April at the occupation forces' Zaporizhzhia Region Prosecutor's Office – who did not give his name – claimed not to have information in Fr Kostiantyn's case (https://www.forum18.org/archive.php?article_id=2902).

The duty official at the Russian Investigative Committee for the occupied part of Zaporizhzhia Region, who did not give his name, refused to say on 8 April (https://www.forum18.org/archive.php?article_id=2902) if its investigators had prepared the criminal case against Fr Kostiantyn.

No exchange

Fr Kostiantyn's mother Svetlana Maksimova had hoped her son would be released as part of a prisoner exchange between Ukraine and Russia.

"We lodged documents for Kostiantyn to be included in a prisoner exchange," she told Forum 18 from Ukrainian government-held territory. "But the Ukrainian government considers him a 'lost person' because it has not been officially informed where he is." This means that Ukraine would not include him in a prisoner list to submit to the Russians, Maksimova explained.

The Ukrainian and Russian governments have held multiple prisoner exchanges since Russia launched its full-scale invasion of Ukraine in February 2022. However, negotiations are often delicate and apparent agreements often break down at the last minute.

Trial to begin on 6 June

The criminal trial of Fr Kostiantyn Maksimov on charges of "espionage" is due to begin on 6 June, Fr Kostiantyn's mother Svetlana Maksimova told Forum 18. It appears that the trial will take place at the Russian-controlled Zaporizhzhia Regional Court in the occupied city of Melitopol. He has a lawyer named by the Russians. The family has also engaged a Kyiv-based lawyer Yuliya Bogdan.

Svetlana Maksimova would like to be able to attend the trial. But the long journey through third countries, with no guarantee she would be allowed in, make such a journey unrealistic, she told Forum 18.

No one at the Russian-controlled Zaporizhzhia Regional Court answered the phone on 3 or 4 June. Forum 18 wrote to the court the same day asking who would be the judge in the case. Forum 18 also asked whether Fr Kostiantyn would be present in the courtroom or whether he would participate by videolink from Investigation Prison No. 2 in Simferopol. Forum 18 had received no response by the afternoon locally of 4 June.

Vladimir Polukhin, the Russian-installed head of the court, did not respond to Forum 18's message about the trial of Fr Kostiantyn sent to his personal email address on 8 April (https://www.forum18.org/archive.php?article_id=2902).

Two Judges at the court, Nikita Vdovin and Roman Doroshenko, told Forum 18 separately on 8 May (https://www.forum18.org/archive.php?article_id=2908) that they were not the judge in Fr Kostiantyn's case. Asked the same day if he was the Judge in the case, Yevgeny Zadkov responded: "Get lost."

Forum 18 asked the duty officer at the occupation forces' Zaporizhzhia Region Prosecutor's Office in Melitopol on 3 June who would be leading the prosecution case against Fr Kostiantyn in court. He said he could not answer any questions by phone, but that they could be sent in writing. He added that he had never met Fr Kostiantyn. Forum 18 asked in writing the same day who would be leading the prosecution case. Forum 18 had received no response by the afternoon locally of 4 June.

If convicted and sentenced to a jail term, Fr Kostiantyn is likely to be illegally transferred to a prison in Russia.

The Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (<https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war>) covers the rights of civilians in territories occupied by another state (described as "protected persons"). Article 76 includes the provision: "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein."

Protestant facing trial for remarks at prayer meeting?

A Protestant in her early fifties has been under arrest by Russian occupation forces since early 2024 (https://www.forum18.org/archive.php?article_id=2908), and may already be facing criminal trial at the Russian-controlled Zaporizhzhia Regional Court. She is being prosecuted for remarks she allegedly made at a prayer meeting in a home in the occupied city of Melitopol in July 2023.

With information from Russia's Federal Security Service (FSB), the occupation forces' Investigative Committee launched a criminal case (https://www.forum18.org/archive.php?article_id=2908) against the woman under Russian Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2897), Part 2, Paragraph D. This punishes "Public dissemination, under the guise of credible statements, of knowingly false information about the use of the Armed Forces of the Russian Federation" when conducted "for reasons of political, ideological, racial, national or religious hatred or enmity, or for reasons of hatred or enmity

against any social group". Punishments range from a large fine to up to 10 years' imprisonment.

The occupation forces' Zaporizhzhia Region Investigative Committee refused to say whether the FSB had secretly recorded the religious meeting at which the woman is alleged to have made her remarks. An official told Forum 18 on 8 May from Melitopol (https://www.forum18.org/archive.php?article_id=2908) that the case had been handed to the Russian-controlled Zaporizhzhia Regional Court and that all questions should be addressed to the Court.

No one at the Russian-controlled Zaporizhzhia Regional Court answered the phone whenever Forum 18 called on 3 or 4 June.

Disappeared Greek Catholic priests in Horlivka camp?

The Russian occupying forces disappeared two Greek Catholic priests - Fr Ivan Levytsky and Fr Bohdan Heleta – in Berdyansk in Zaporizhzhia Region in November 2022 (https://www.forum18.org/archive.php?article_id=2793).

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).

Russia's Ombudsperson Tatyana Moskalkova claimed on Telegram on 23 May that Russia had proposed to the Ukrainian side to exchange two Catholic priests for two Orthodox priests. "But Ukraine, for absolutely unknown reasons, did not agree to such an exchange," she claimed. She did not name the priests, but the 47-year-old Fr Ivan and 59-year-old Fr Bohdan are the only two Catholic priests known to be in Russian detention.

"I recently visited the Catholic priests in their place of detention and made sure that the conditions corresponded to international standards," Moskalkova claimed. "On their part, only one request was made, to see their family and friends as quickly as possible."

Moskalkova did not say when and where the alleged meeting took place. However, she visited Russia's Rostov Region on 2 May. The following day she was in Ukraine's Russian-occupied Donetsk Region. There she visited the town of Horlivka (Gorlovka in Russian), together with the Russian-appointed Human Rights Ombudsperson for Donetsk, Darya Morozova.

Forum 18 wrote to the offices of Moskalkova in Moscow and Morozova in Donetsk on 30 May asking whether they had met Fr Ivan and Fr Bohdan in Russia's Kalinin Labour Camp in Horlivka or somewhere else, and what the two priests had said about conditions they face. Forum 18 had received no response from either by the afternoon locally of 4 June.

The Global Alliance of National Human Rights Institutions (GANHRI) decided to strip Russia's Ombudsperson's Office of accreditation in October 2023 over a range of concerns. Among these concerns was its support of Russia's invasion of Ukraine. GANHRI's Sub-Committee on Accreditation added that Russia's Ombudsperson's Office "is not acting independently when considering human rights violations committed by Russian authorities, and is supporting positions and actions of the Russian authorities against international norms".

The Donetsk Exarchate of the Greek Catholic Church – to which Fr Ivan and Fr Bohdan belong – told Forum 18 on 3 June that it has received no news of the two priests. It said it had no confirmation that Moskalkova had visited Fr Ivan and Fr Bohdan.

However, the fact that Moskalkova talked about them appears to show that they are alive 18 months after they were seized and is a "good sign", Fr Andriy Bukhvak, chancellor of the Donetsk Exarchate, told Forum 18.

It is possible that Moskalkova and Morozova met Fr Ivan and Fr Bohdan in Russia's Kalinin Labour Camp in Horlivka. The Russians have held many prisoners of war and other detainees in the camp since their renewed invasion of Ukraine in February 2022.

Forum 18 was unable to reach Russia's Kalinin Labour Camp in Horlivka by phone in late May or early June. On 3 June, Forum 18 wrote to Aleksei Chirva, its head, asking (if Fr Ivan and Fr Bohdan are indeed there):

- what conditions are like in the camp;
- whether they can exercise freedom of religion or belief, including by having religious literature and praying;
- whether they have access to lawyers;
- and what is preventing them being returned to their families.

Forum 18 had received no response by the afternoon locally of 4 June.

The address of the Russian Labour Camp in Horlivka, where Fr Ivan and Fr Bohdan might be being held:

Donetskaya narodnaya respublika

g. Gorlovka

ul. Nemirovicha-Danchenko

Kalininskaya ispravitelnaya koloniya

(END)

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