

1 July 2024

OCCUPIED UKRAINE: One arrest, one reported jail term, two releases

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

Russian occupation officials refuse to give any information about 44-year-old Ukrainian Orthodox Church priest Feognost Pushkov, arrested on 20 June. Officials have been investigating his social media posts and searched his home in Prosyanoe in occupied Luhansk Region. Fr Feognost was sole carer for his elderly mother. Unconfirmed reports say the Russian-controlled Zaporizhzhia Regional Court sentenced a Protestant in her fifties to a 7-year jail term. She was prosecuted for comments at a home prayer meeting. Russia freed Greek Catholic priests Bohdan Heleta and Ivan Levytsky on 28 June after 19 months.

On 20 June, Russian occupation officials arrested 44-year-old Fr Feognost Pushkov of the Ukrainian Orthodox Church (UOC). Officials are known to have been investigating his frequent posts on social media about Orthodox liturgy and history, as well as about current events in the Orthodox Church and more broadly. Officials have not responded as to why they have arrested him, where he is being held and whether he is facing a criminal or other case.

Russian occupation authorities have repeatedly tried to pressure priests of both the Orthodox Church of Ukraine (OCU) affiliated with the Ecumenical Patriarchate and the Ukrainian Orthodox Church (UOC) linked to the Moscow Patriarchate 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 (see below).

It remains unclear who (if anyone) is caring for Fr Feognost's mother, who is in her early eighties and in poor health. She lives with him in the village of Prosyanoe near Markivka in Russian-occupied Luhansk Region and he was her sole carer (see below).

It also remains unclear what - if any - charges Fr Feognost may face. Forum 18 was unable to reach Russia's FSB for Luhansk Region. The duty officer at the Russian Luhansk Region Investigative Committee told Forum 18 he has "no information". Markivka District Court did not answer Forum 18's question as to whether it had ordered Fr Feognost held in pre-trial detention. The listed phone number for the Russian-controlled Luhansk Investigation Prison No. 1 went unanswered each time Forum 18 called (see below).

On 6 June, Russian security service officers had come to Fr Feognost's home, with a search warrant issued by Russian-controlled Zhovtneve District Court in Luhansk. They searched his home, taking away two phones, two notebook computers and three USB sticks (see below).

Officials came again to Fr Feognost's home on 11 June and took him to the nearby town of Markivka for questioning. It appears that officials have been conducting "expert analyses" of his publications. "I have no idea what the 'experts' will decide," Fr Feognost noted. Asked why officers had brought in Fr Feognost for questioning, the duty officer at Markivka District Police told Forum 18 in mid-June: "I don't have the right to give you such information" (see below).

On 18 June, Fr Feognost noted that officials had summoned him immediately to be included in the military register. They told him that everyone had to be included. "Otherwise they are threatened with 5 years [in prison]" (see below).

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).

The Russian-controlled Zaporizhzhia Regional Court has sentenced a Protestant in her early fifties to a 7-year jail term, according to unconfirmed reports. She was prosecuted for remarks she allegedly made at a prayer meeting in a home in the occupied city of Melitopol in July 2023. The Russian occupation forces arrested her in early 2024. No Russian occupation officials have been ready to discuss the criminal case with Forum 18 (see below).

The criminal trial of 41-year-old Ukrainian Orthodox Church (UOC) priest Fr Kostiantyn Maksimov on charges of "espionage" is due to resume at the Russian-controlled Zaporizhzhia Regional Court with the final presentation of arguments on 31 July. The

verdict is expected to be handed down on 2 August (see below).

The Russian occupying forces released two Greek Catholic priests - Fr Bohdan Heleta and Fr Ivan Levytsky – on 28 June after 19 months. The two were among ten Ukrainian civilians freed by the Russians in a prisoner exchange. The released civilians had to walk across the border from Belarus into Ukraine and were then flown to Kyiv (see below).

The Apostolic Nuncio to Ukraine, Archbishop Visvaldas Kulbokas, was among those greeting the two priests on their arrival in Kyiv: "I found them exhausted, because they had been in captivity since 16 November 2022, that is, more than a year and a half. And yet they are priests who remained so" (see below).

Fr Andriy Bukhvak, chancellor of the Donetsk Exarchate (to which Fr Bohdan and Fr Ivan belong), told Forum 18 that the two priests are now in isolation as they adapt after their long imprisonment. "Only their relatives have access to them" (see below).

The Russian occupying forces arrested Fr Bohdan and Fr Ivan in Berdyansk in Zaporizhzhia Region in November 2022. Both priests earlier appeared 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).

Fr Bohdan and Fr Ivan were in detention in Russia's Kalinin Labour Camp in Horlivka (Gorlovka in Russian) in Ukraine's Russian-occupied Donetsk Region (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. 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," the duty officer replied. "Forget about it" (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.

House search, continuing investigations into UOC Orthodox priest

Fr Feognost (Timofei Gennadyevich Pushkov, born 6 September 1979) is a priest of the Luhansk Diocese of the Ukrainian Orthodox Church (UOC) affiliated with the Moscow Patriarchate. He serves as a supernumerary priest at the parish of St Nikolai in the village of Kuryachivka in Starobilsk District of Ukraine's Luhansk Region, 25 kms (15 miles) from the border with Russia. Russian forces illegally occupied the area in early 2022.

Fr Feognost lives with his mother Taisiya (who is in her early eighties), an invalid for whom he is the sole carer, in the village of Prosyanoe near Markivka in Russian-occupied Luhansk Region.

Fr Feognost posts frequently on social media about Orthodox liturgy and history, as well as about current events in the Orthodox Church and more broadly. In 2023, occupation prosecutors brought charges (https://www.forum18.org/archive.php?article_id=2833) against Fr Feognost under Russia's Administrative Code Article 20.3.3, Part 1 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation"). The Russian FSB had disliked a video he had posted on YouTube on 12 May 2022 discussing how his views on patriotism based on Christian principles differed from those of three pro-war Russian Orthodox Church (ROC) priests.

On 26 April 2023, prosecutors handed the case to the police, who then handed the case to court. However, before Markivka District

Court could hear the case, the FSB took Fr Feognost's case file from the court. Officers returned it (https://www.forum18.org/archive.php?article_id=2833) on 26 May 2023, demanding that the occupation police conduct "further work" on the case. The case was never returned to court (https://www.forum18.org/archive.php?article_id=2866).

On 7 June 2024, Russian FSB security service officers came to the home of Fr Feognost Pushkov of the Ukrainian Orthodox Church (UOC) in the village of Prosyanoe in Russian-occupied Luhansk Region, with a search warrant issued by Russian-controlled Zhovtneve District Court in Luhansk. They searched his home (https://www.forum18.org/archive.php?article_id=2915), taking away two phones, two notebook computers and three USB sticks.

Officials came again to Fr Feognost's home on 11 June and took him to the nearby town of Markivka for questioning (https://www.forum18.org/archive.php?article_id=2915). It appears that officials are conducting "expert analyses" of his publications. "I have no idea what the 'experts' will decide," Fr Feognost noted. Asked why officers had brought in Fr Feognost for questioning, the duty officer at Markivka District Police told Forum 18: "I don't have the right to give you such information".

On 18 June, Fr Feognost noted that officials had summoned him immediately to be included in the military register. They told him that everyone had to be included. "Otherwise they are threatened with 5 years [in prison]" (https://www.forum18.org/archive.php?article_id=2915).

"I understand the reason and purpose of these visits!" Fr Feognost noted. "And I have already told my guests that I am ready to stop discussing political topics as soon as my communications equipment is returned to me."

Fr Feognost added: "I will not change my political views, but I am ready not to declare them in public and not to enter into a discussion with those who promote views that are unacceptable to me."

Occupation forces arrest UOC Orthodox priest again

On 20 June, Russian occupation officials arrested Fr Feognost at his home in Prosyanoe in Russian-occupied Luhansk Region.

Fr Feognost's last post on his Telegram channel was on 20 June. "I'm in an ambulance", Fr Feognost wrote, after being summoned to the police station. "They want to lock me up at the police.. I am between life and death. Help me, everyone who can. My mother won't survive this." He had posted earlier in the day about his high blood pressure which he attributed to stress.

Forum 18 tried to find out what happened to Fr Feognost after his arrest. "I can't share information with you," the duty officer at the Russian-controlled Markivka District Police – who did not give his name - told Forum 18 on 26 June. Asked again, he insisted that Fr Feognost "is alive and well", but gave no details. "I have not seen him." The officer said he had met him on earlier occasions.

Asked why Fr Feognost had been arrested, the duty officer insisted: "If anything was done, it was done in accordance with the law."

The duty officer at the Russian-controlled Luhansk Region Investigative Committee refused to say if a criminal case has been opened against Fr Feognost. "We don't have information," he told Forum 18 on 26 June.

It remains unknown if Fr Feognost is being held at the Russian-controlled Luhansk Investigation Prison No. 1. The listed phone number for the prison went unanswered each time Forum 18 called between 26 June and 1 July. A written set of questions sent to the email address bounced back.

Forum 18 wrote to the Russian-controlled Markivka District Court on 27 June asking (if it had ordered Fr Feognost held in pre-trial detention):

- when it took this decision;
- and for what period he is ordered held.

Forum 18 had received no response by the end of the working day locally of 1 July.

Forum 18 wrote to the Culture, Sport, Youth and Religion Department of the Russian-controlled Markivka Municipal District Administration before the start of the working day of 1 July. Forum 18 asked:

- why Fr Feognost had been arrested;
- when a court had ordered him held in pre-trial detention;
- for what period he is ordered held;

- and whether he is being held at the Russian-controlled Luhansk Investigation Prison No. 1.

Forum 18 had received no response by the end of the working day locally of 1 July.

Protestant's reported 7-year jail term for remarks at prayer meeting

A Protestant in her early fifties has, according to unconfirmed reports, been handed a 7-year jail term for remarks she allegedly made at a prayer meeting in a home in the occupied city of Melitopol in July 2023.

The woman was prosecuted 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.

It appears the criminal trial took place at the Russian-controlled Zaporizhzhia Regional Court. The date when the verdict was reportedly handed down and the woman's location remain unknown. It is also unclear if any appeal against the verdict was lodged.

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 the Protestant was prosecuted - 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.

Many people handed jail terms in Russian-occupied Ukraine are illegally sent to serve sentences 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."

No one at the listed number for Russian-controlled Zaporizhzhia Regional Court answered the phone whenever Forum 18 called on 28 June and 1 July. A judge at the Court – who said earlier he was not personally involved in the case of the Protestant – did not respond to Forum 18's 27 June questions on the case.

The occupation forces' Zaporizhzhia Region Investigative Committee refused to discuss the reported sentence handed down to the Protestant. "We don't have the authority to discuss any criminal cases by phone," the duty official – who did not give his name – told Forum 18 from Melitopol on 1 July.

Artyom Sharlay, the head of the Russian occupiers' 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 1 July.

Russian occupation forces arrested the Protestant in early 2024 (https://www.forum18.org/archive.php?article_id=2908). Her whereabouts since her arrest are not known.

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).

The occupation forces' Zaporizhzhia Region Investigative Committee earlier 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 (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.

UOC Orthodox priest's "espionage" verdict expected 2 August

The criminal trial of Ukrainian Orthodox Church (UOC) priest Fr Kostiantyn Vyacheslavovich Maksimov (born 16 March 1983) on charges of "espionage" is due to resume with the final presentation of arguments on 31 July. The verdict is reportedly due to be handed down on 2 August (https://www.forum18.org/archive.php?article_id=2915). The trial began on 6 June, after the priest had spent more than a year in Russian detention. If convicted, the 41-year-old priest faces a prison term of 10 to 12 years.

It appears that the trial is taking place at the Russian-controlled Zaporizhzhia Regional Court in the occupied city of Melitopol. Officials will not say if the Judge is in Melitopol or holding the hearings in Russian-occupied Crimea. Officials refuse to identify the Judge.

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. 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.

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".

Fr Kostiantyn is known to have been held in Investigation Prison No. 2 in the Crimean capital Simferopol since at least February 2024. Zaporizhzhia Regional Court formally ordered his pre-trial detention on 18 April. It appears that he is participating in the trial via videolink (https://www.forum18.org/archive.php?article_id=2915) from the Investigation Prison.

Fr Kostiantyn is on trial (https://www.forum18.org/archive.php?article_id=2915) 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.

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.

The occupation forces' Zaporizhzhia Region Prosecutor's Office in Melitopol would not say by phone (https://www.forum18.org/archive.php?article_id=2915) who is leading the prosecution case against Fr Kostiantyn in court. Nor has it responded to written questions.

Russian occupation forces have a record of fabricating false charges against those they dislike (https://www.forum18.org/archive.php?article_id=2793).

Artyom Sharlay, the head of the Russian occupiers' 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 1 July.

Sharlay 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.

Forum 18 was unable to reach Investigation Prison No. 2 in Simferopol by phone on 1 July.

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

Priest's mother hopes for his release

Svetlana Maksimova, mother of Fr Kostiantyn, said her "heart rejoiced" on hearing the news of the 28 June release from Russian custody of the two Greek Catholic priests and the other civilians (see below).

"I hope for a quick rehabilitation for them," Maksimova told Forum 18 on 1 July. "I hope the time will come soon for my son's release. I don't know why he was not included in the exchange." She urged action by the Ukrainian government, the Red Cross and

other organisations which could facilitate the return of Fr Kostiantyn.

Russia exchanges two Greek Catholic priests after 19 months

The Russians released two Greek Catholic priests - 59-year-old Fr Bohdan Heleta and 47-year-old Fr Ivan Levytsky – among ten civilians and 90 prisoners of war. Ukrainian president Volodymyr Zelensky announced their release on social media late on 28 June. "I am grateful to everyone who helped. I thank our team that works on freeing the captives. I would also like to recognize the Holy See's efforts to bring these people home."

A video released by Ukraine's SBU security service on 29 June showed Fr Bohdan and Fr Ivan and the other eight exchanged civilians walking across the border from Belarus' Brest Region into Ukraine. They were then flown to Kyiv's Zhuliany Airport.

Fr Bohdan and Fr Ivan were among the ten exchanged civilians welcomed in the early hours of 29 June at Zhuliany Airport by dignitaries, including the Apostolic Nuncio to Ukraine, Archbishop Visvaldas Kulbokas, and Viktor Yelensky, head of the State Service for Ethnic Policy and Freedom of Conscience.

"I am certainly very glad that I was able to attend the meeting of our priests here in Kyiv," Archbishop Kulbokas told Vatican media on 29 June. "We thank God that this very joyful event has come, and let's hope that in the coming days, after medical examinations, the priests will be able to start returning to a more or less normal life."

Archbishop Kulbokas added: "I found them exhausted, because they had been in captivity since 16 November 2022, that is, more than a year and a half. And yet they are priests who remained so, and above all they remembered their compatriots who still remain in captivity, asked to pray for them and work so that each of them could return home."

In the morning of 29 June, Fr Bohdan and Fr Ivan took part in a National Prayer Breakfast in Kyiv, attended also by President Zelensky.

Fr Andriy Bukhvak, chancellor of the Donetsk Exarchate (to which Fr Bohdan and Fr Ivan belong), welcomed the two priests' return. "The joy was enormous," he told Forum 18 from Zaporizhzhia on 1 July. "Everyone considered it a miracle of God, because we understood that not all the prisoners were able to survive the captivity and come out on their own feet."

Fr Andriy added that Fr Bohdan and Fr Ivan are now in isolation as they adapt after their long imprisonment. "Only their relatives have access to them."

19 months in Russian detention

The Russian occupying forces disappeared Fr Bohdan and Fr Ivan in Berdyansk in Zaporizhzhia Region in November 2022 (https://www.forum18.org/archive.php?article_id=2793). The Russians held the priests at Russia's Kalinin Labour Camp in Horlivka (Gorlovka in Russian) in Ukraine's Russian-occupied Donetsk Region.

Both priests were facing possible 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 official who answered the phone at the occupation forces' Zaporizhzhia Region Prosecutor's Office – who did not give his name – refused to tell Forum 18 on 18 June if it was investigating any criminal case against Fr Ivan and Fr Bohdan.

Russia's Ombudsperson Tatyana Moskalkova, together with the Russian-appointed Human Rights Ombudsperson for Donetsk Darya Morozova, appear to have met Fr Ivan and Fr Bohdan (https://www.forum18.org/archive.php?article_id=2912) in early May 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 wrote to the offices of Moskalkova in Moscow and Morozova in Donetsk (https://www.forum18.org/archive.php?article_id=2912) on 30 May asking whether they had met Fr Bohdan and Fr Ivan 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 end of the working day locally of 19 June.

On 29 June, the day Fr Bohdan and Fr Ivan arrived back in Kyiv, Moskalkova published a photo on her Telegram channel of her and the two priests taken in a Russian-controlled prison in early May. The priests are wearing prison-issued jackets (Fr Bohdan was still wearing his when released nearly two months later). She did not identify Fr Bohdan and Fr Ivan.

In her post, Moskalkova welcomed "the mutual exchange of civilians between Russia and Ukraine". She identified three Orthodox clergy handed over by Ukraine: Metropolitan Ionafan, Fr Nikolai Zakroyets and Fr Aleksander Lunegov. The three had been serving

long jail terms on charges of supporting Russia's invasion of Ukraine.

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". (END)

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