

8 October 2024

OCCUPIED UKRAINE: Orthodox priest handed 4-year suspended sentence

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

Officials in Russian-occupied Luhansk Region freed Fr Feognost (Pushkov) of the Ukrainian Orthodox Church (UOC) on 4 October after pre-trial detention he called "107 days of hell". After house searches and examination of his writings and electronic devices, a court convicted him of "large-scale" drug trading after finding a small amount of cannabis. His 4-year suspended sentence - with 3 years of restrictions under probation - came into force after the prosecutor chose not to appeal. On 14 November, Moscow's First Appeal Court hears the appeal by another UOC priest Kostiantyn Maksimov against a 14-year strict-regime jail term on "espionage" charges.

On 16 September, a Russian-controlled court in Ukraine's occupied Luhansk Region handed 45-year-old Fr Feognost (Pushkov) of the Ukrainian Orthodox Church (UOC) a 4-year suspended sentence, with 3 years of restrictions under probation. The prosecutor had demanded a 4-year jail term, but did not appeal against the sentence. The priest was freed on 4 October after what he called "107 days of hell" when the sentence entered legal force. His movements are now restricted and he must report regularly.

During Fr Feognost's more than three-month pre-trial detention, the health of his elderly mother – for whom he was the sole carer – deteriorated considerably in hospital (see below).

Fr Feognost posted 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 administrative charges against him after the Russian Federal Security Service (FSB) had disliked a video he had posted on YouTube in 2022 discussing how his views on patriotism based on Christian principles differed from those of three pro-war Russian Orthodox Church (ROC) priests (see below).

It emerged in autumn 2024 that investigators had found a small quantity of cannabis in Fr Feognost's home. It is believed he had the cannabis to try to calm his nerves. It appears that after numerous house searches and examination of Fr Feognost's writings and electronic devices, prosecutors chose to use this as the way to prosecute him (see below).

Judge Oksana Shmatko found Fr Feognost guilty under Russian Criminal Code Article 228, Part 2 ("Illegal acquisition, storage, transportation, production, processing of narcotic drugs, psychotropic substances or their analogues" on a "large scale"). Forum 18 was unable to reach Markivka District Court or the prosecutor (see below).

Judge Pavel Melekhin of the First Appeal Court in Moscow is due to hear the appeal by 41-year-old Ukrainian Orthodox Church (UOC) priest Fr Kostiantyn Maksimov on 14 November. He lodged an appeal against his conviction and long jail sentence on "espionage" charges. "This is a secret case and the appeal hearing will be closed," Judge Melekhin's assistant told Forum 18. She refused to say if Fr Kostiantyn will be brought to the court from prison in Russian-occupied Crimea (see below).

Russian occupation forces arrested Fr Kostiantyn – who served in a church in occupied Tokmak - in May 2023. He was held initially in Melitopol, before being transferred to Investigation Prison No. 2 in the Crimean capital Simferopol in or before February 2024. He remains there (see below).

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, 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).

On 22 August Krasnodon Court Bailiff Lieutenant Natalya Gavran in Russian-occupied Luhansk Region drew up a further record of an offence against Baptist Pastor Vladimir Rytikov (seen by Forum 18). He had failed to pay within the stipulated 60 days a fine handed down in April for a meeting for worship in January at which he was not present. "Each time they double the amount," local Baptists told Forum 18 (see below).

Court Bailiff Gavran issued Pastor Rytikov a summary fine of 10,000 Russian Roubles, representing about one month's pension. He has not paid the latest fine either. Forum 18 was unable to reach Court Bailiff Gavran (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 (https://www.forum18.org/archive.php?article_id=2893). "Forget about it".

Russian occupation forces in Zaporizhzhia Region not only banned four religious communities (https://www.forum18.org/archive.php?article_id=2882) – the Greek Catholic Church and several Protestant Churches - 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.

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 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 (https://www.forum18.org/archive.php?article_id=2808) in late 2022 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."

UN: Victims fear publicising cases "could result in repercussions"

In a report on the human rights situation in Ukraine (including Russian-occupied territory) covering June to August 2024, published on 1 October (<https://www.ohchr.org/en/documents/country-reports/40th-periodic-report-human-rights-situation-ukraine-treatment-prisoners>), the United Nations Office of the High Commissioner for Human Rights (OHCHR) said it "continued to document cases of arbitrary detention, torture, including sexual violence, and enforced disappearance of civilians in the occupied territory".

"OHCHR also documented cases of arbitrary detention when the occupying authorities detained people for what appeared to be legitimate exercise of their freedom of expression or religion and belief," the report added. "In several of these cases, those affected shared information with OHCHR on a confidential basis, fearing that publication of details about their cases could result in repercussions."

Searches, criminal investigation 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. Until his June 2024 arrest, he served 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 in the village of Prosyanoe near Markivka in Russian-occupied Luhansk Region.

Fr Feognost posted 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 Federal Security Service (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 on 26 May 2023 (https://www.forum18.org/archive.php?article_id=2833), 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 Fr Feognost's home in the village of Prosyanoe, 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. (As of 8 October, the FSB had not returned his computers.)

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 were 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."

Orthodox priest's June 2024 arrest

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 (https://www.forum18.org/archive.php?article_id=2918). "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 (https://www.forum18.org/archive.php?article_id=2918). 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 had been opened against Fr Feognost. "We don't have information," he told Forum 18 on 26 June (https://www.forum18.org/archive.php?article_id=2918).

The Russian-controlled Markivka District Court did not respond to Forum 18's 27 June questions as to (if it had ordered Fr Feognost held in pre-trial detention):

- when it took this decision;

- and for what period he was ordered held.

The Culture, Sport, Youth and Religion Department of the Russian-controlled Markivka Municipal District Administration did not respond to Forum 18's 1 July questions as to:

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

After several days in the police's Temporary Detention Centre in Markivka, officials transferred Fr Feognost to Investigation Prison No. 2 (https://www.forum18.org/archive.php?article_id=2924) in Starobilsk.

In a letter from prison on 10 September, a week before his trial began, Fr Feognost noted that his bishop, Metropolitan Panteleimon, had banned him from serving as a priest "because you have not been present at the place of your service", the Religion Today Telegram channel noted on 12 September. "This is despite the fact that on 21 August I had written him a request to be taken back onto the staff of the Diocese and with a promise to commemorate the patriarch of Moscow [Kirill] and recognise his authority," Fr Feognost added.

Orthodox priest's 3-year restricted freedom sentence

It emerged in autumn 2024 that investigators had found a small quantity of cannabis in Fr Feognost's home. It is believed he had the cannabis to try to calm his nerves. It appears that after numerous house searches and examination of Fr Feognost's writings and electronic devices, prosecutors chose to use this as the way to prosecute him.

At a trial at the Russian-controlled Markivka District Court on the morning of 16 September, Judge Oksana Shmatko found Fr Feognost guilty under Russian Criminal Code Article 228, Part 2 ("Illegal acquisition, storage, transportation, production, processing of narcotic drugs, psychotropic substances or their analogues" on a "large scale"), according to court records.

Although the prosecutor demanded a four-year jail sentence, Judge Shmatko handed Fr Feognost a 4-year suspended sentence, with 3 years of restrictions under probation (ispytatelnyy srok). This means that he will not be able to leave his place of residence, change his place of residence or work, or visit or take part in "mass events" without special permission. He is required to report to the probation authorities regularly.

During the 3-year probationary period, any other conviction would send Fr Feognost to prison. It is counted from the day the verdict comes into force.

As the prosecutor did not appeal against the sentence, it came into force 15 days after being issued in writing.

Forum 18 was unable to reach Markivka District Court or the prosecutor on 7 and 8 October.

Orthodox priest freed after "107 days of hell"

Once the verdict had come into force, prison authorities released Fr Feognost on 4 October from Investigation Prison No. 2 in Starobilsk. He returned to his home in the village of Prosyanoe near Markivka in Russian-occupied Luhansk Region.

The official who answered the phone at Markivka's Russian-controlled Police on 8 October said the head, Aleksandr Mulyar, was not available. She said she had no information about Fr Feognost.

On 5 October, Fr Feognost wrote on his Telegram channel for the first time since his arrest on 20 June. "For the first time in 34 years, I marked it not in church, not at the liturgy, but in Markivka temporary detention centre," he wrote of the Feast of the Holy Spirit, which fell this year on 24 June. Noting that he "cried out to God", he added: "But ahead of me were a further 107 days of hell. Incredible physical suffering from external conditions was combined with round-the-clock mental torment."

Fr Feognost wrote: "And so I left prison, but the poison of hell did not leave me. And will it?"

Fr Feognost also expressed concern for his elderly mother Taisiya (who is in her early eighties), an invalid for whom he is the sole carer. After his arrest, she was taken to a hospital, where her health deteriorated seriously, he noted on Telegram on 8 October. He is now trying to bring her home while also trying to recover from his imprisonment.

Following Fr Feognost's arrest, two Christian initiatives, Peace Unto All (Mir Vsem) and Christians Against War, "maintained contact with the priest and those close to him", they noted on 4 October (<https://www.mir-vsem.info/post/%D0%BE%D1%82%D0%B5%D1%86-%D1%84%D0%B5%D0%BE%D0%B3%D0%BD%D0%BE%D1%81%D1%82-%D0%BD%D0%B0-%D1%81%D0%B2%D0%BE%D0%B1%D0%BE%D0%B4%D0%B5>). "Thanks to the support of people who were not indifferent, it was possible to secure legal defence for him and to gain his release."

Closed 14 November hearing in Orthodox priest's "espionage" conviction appeal

Judge Pavel Melekhin of the First Appeal Court in Moscow is due to hear the appeal by Ukrainian Orthodox Church (UOC) priest Fr Kostiantyn Vyacheslavovich Maksimov (born 16 March 1983) on the morning of 14 November. He lodged an appeal against his conviction and long jail sentence on "espionage" charges.

"This is a secret case and the appeal hearing will be closed," Judge Melekhin's assistant, Yekaterina Kiryanova, told Forum 18 from the court on 8 October. She refused to say if Fr Kostiantyn will be brought to the court from prison in Russian-occupied Crimea.

Fr Kostiantyn's mother, Svetlana Maksimova, thinks the appeal will be heard in her son's absence. "He would have to be taken to Moscow's Lefortovo prison," she told Forum 18 from government-held Ukraine. "What for? I don't think the appeal will change anything."

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 Ukrainian 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.

On 2 August 2024, the Russian-controlled Zaporizhzhia Regional Court – at a closed trial held at the Russian-controlled Crimean Supreme Court in Simferopol – found Fr Kostiantyn guilty on charges of "espionage". Judge Aleksei Kozyrev sentenced him to 14 years' imprisonment (https://www.forum18.org/archive.php?article_id=2924) in a strict regime labour camp. The trial began on 6 June, more than a year after Russian forces had arrested the priest.

Fr Kostiantyn was tried and convicted under Article 276 ("Espionage") of the Russian Criminal Code, which carries a jail term of 10 to 20 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 (see above).

"I'm in such shock," Svetlana Maksimova, mother of Fr Kostiantyn, told Forum 18 from government-held Ukraine after the trial. "I had hoped for less."

During the investigation, the official who answered the phone at the Russian-controlled Zaporizhzhia Region Prosecutor's Office in Melitopol and the duty prosecutor at the Russian-controlled Crimean Prosecutor's Office in Simferopol – which had supported colleagues in Melitopol - refused to answer any of Forum 18's questions about Fr Kostiantyn's case.

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, 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.

Svetlana Maksimova insisted to Forum 18 that she hopes that her son will be included in a prisoner exchange between Russia and Ukraine. She added that she has not seen Fr Kostiantyn since December 2021, two months before Russia's full-scale invasion of Ukraine.

Religious visits in Simferopol Investigation Prison

Fr Kostiantyn Maksimov has been held in Investigation Prison No. 2 in Simferopol since at least February 2024 (https://www.forum18.org/archive.php?article_id=2915). He is likely to remain there until his appeal is heard in Moscow. Forum 18 was unable to reach the prison by phone on 8 October.

Svetlana Maksimova says her son is being held in a cell with three or four other prisoners. He is generally able to write to her and receive letters from her, though "sometimes they don't allow letters in". Prisoners are given half-an-hour of exercise out of their cells per day.

She said Fr Kostiantyn several times requested a visit from an Orthodox priest for confession and communion, which was granted. Although religious literature was taken from him when he was held in Melitopol, he now has a Bible.

If he loses his appeal, 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 above).

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

Bailiffs hand Baptist pastor extra, summary fine

The Council of Churches Baptist congregation in Krasnodon [official Ukrainian name Sorokyne] in the Russian-occupied Luhansk Region, just a few kilometres from the eastern border with Russia, has met in the same location since 1961. The Church has been led for some years by Pastor Vladimir Rytikov, a former prisoner of conscience (https://www.forum18.org/archive.php?article_id=2903) jailed by the Soviet authorities from 1979 to 1982 to punish his involvement in a Christian children's summer camp.

The congregation – like other Council of Baptist churches – does not seek permission from the authorities to meet. Its place of worship is in a private home. It has come under repeated pressure (https://www.forum18.org/archive.php?article_id=2903) after the Russian occupation began in 2014, including raids, fines and a threat of criminal prosecution.

On 28 January 2024, armed men raided the Church's Sunday morning worship service (https://www.forum18.org/archive.php?article_id=2890). Officials took two elders out of the service for questioning, and filmed and took passport details of all those present. Pastor Rytikov was not present during the meeting for worship.

The armed men then released the two elders and allowed the meeting for worship to finish. They then took the home owner in a police car to the police station. All were allowed to go later in the day. Officials later told church members to bring documents on ownership of the home on 30 January.

On 2 February, police came to Pastor Rytikov's home. They asked if he led the church and why it functions without registration. They also asked to see the church's statute. "I told them that our statute is the Gospel," Pastor Rytikov noted on 7 February (https://www.forum18.org/archive.php?article_id=2903). He told the officers that the church does not wish to seek registration. He refused to answer questions about other church members, insisting that he could speak only for himself.

On 25 March, police in Krasnodon telephoned Pastor Rytikov to summon him to the police station. "They said this was to draw up a record of an offence to be handed to court," Baptist Telegram channels quoted Pastor Rytikov as declaring. "They said that the church is banned in Luhansk." He added that when they asked if he was going to go to the police station, he told them he would not.

On 29 March, Russian-controlled Krasnodon Police prepared the record of an offence (https://www.forum18.org/archive.php?article_id=2903) against Pastor Rytikov. It notes that he was found leading a religious meeting on 28 January (though he was not present). Police illegally accused him of violating Russian Administrative Code Article 5.26, Part 4 (https://www.forum18.org/archive.php?article_id=2897) ("Russians conducting missionary activity"), which carries a punishment for individuals of 5,000 to 50,000 Russian Roubles.

Also on 29 March, the head of the Russian Krasnodon police, Colonel Sergei Krupa, signed the order (https://www.forum18.org/archive.php?article_id=2903) to hand the case to Krasnodon Town Court.

Occupation police Colonel Krupa refused to explain why police had brought the prosecution against Pastor Rytikov for a meeting of his church in a home. "I won't give any comments by phone," he told Forum 18 in April (https://www.forum18.org/archive.php?article_id=2903), and then put the phone down.

On 27 April, Krasnodon Town Court found Pastor Rytikov guilty. Judge Tatyana Bagayeva fined him 5,000 Russian Roubles. "This is half my [monthly] pension," Pastor Rytikov noted the same day (https://www.forum18.org/archive.php?article_id=2908). More than 30 church members came to the court to support their pastor, greeting him with flowers.

Pastor Rytikov appealed unsuccessfully to Luhansk Supreme Court, and the court decision came into force on 11 June.

As Pastor Rytikov did not pay the fine within the stipulated 60 days, on 22 August Krasnodon Court Bailiff Lieutenant Natalya Gavran drew up a further record of an offence (seen by Forum 18) under Russian Administrative Code Article 20.25, Part 1 ("Failure to pay an administrative fine on time"). Punishments are usually a fine of double the previous unpaid fine.

Court Bailiff Gavran issued Pastor Rytikov a summary fine of 10,000 Russian Roubles, representing about one month's pension.

Pastor Rytikov has not paid the fine. "Each time they double the amount," local Baptists told Forum 18 on 8 October. Council of Churches Baptists have a practice of not paying fines imposed to punish them for exercising freedom of religion or belief.

Forum 18 was unable to reach Court Bailiff Gavran on 7 October to find out why she imposed an even bigger fine on Pastor Rytikov for a meeting for worship at which he was not present. (END)

More reports on freedom of thought, conscience and belief in Occupied Ukraine (<https://www.forum18.org/archive.php?country=17>)

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