



ПОСТІЙНЕ ПРЕДСТАВНИЦТВО УКРАЇНИ ПРИ
ВІДДІЛЕННІ ООН ТА ІНШИХ МІЖНАРОДНИХ
ОРГАНІЗАЦІЯХ У ЖЕНЕВІ

MISSION PERMANENTE DE L'UKRAINE AUPRES
DE L'OFFICE DES NATIONS UNIES ET DES AUTRES
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The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to the Joint communication UA UKR 4/2018 by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on freedom of religion or belief of 30 October 2018, has the honour to transmit herewith information submitted by the relevant authorities of Ukraine.

The Permanent Mission of Ukraine avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Encl.: as stated, on 11 pages.



Geneva, ²⁰ May 2019

Office of the United Nations
High Commissioner for Human Rights
Geneva

Information submitted by the Ministry of Culture of Ukraine

Pursuant to the instruction of 13 October 2014 N 102 issued by the Prime Minister of Ukraine following the meeting with members of the All-Ukrainian Council of Churches and Religious Organizations, the Department of Religious Affairs and Nationalities of the Ministry of Culture of Ukraine, in conjunction with regional state administrations and the Kyiv City State Administration, is routinely carrying out the monitoring of religious organizations' activity and realization of the rights to freedom of conscience.

Based on the reports of the regional state administrations, it can be stated, that public developments occurred in Ukraine in 2014-2015 have had a significant impact on the religious association – Ukrainian Orthodox Church, affiliated (linked) with the Patriarchate of Moscow. Russia's annexation of Crimea and its blatant military aggression in certain areas of Donetsk and Luhansk regions of Ukraine have contributed to ideological split among the believers of the Ukrainian Orthodox Church. The signs of the schism are the extensive changes by the religious communities, that are part of this association, their own subordination in canonical and organizational affairs, the transition to the Ukrainian Orthodox Church Kyiv Patriarchate (UOC-KP) (lasted until December 2018) or, as of 2019, to the Orthodox Church of Ukraine (OCU), established by the Unification Council on 15 December 2018. The OCU includes the existing Ukrainian Orthodox jurisdictions: the Ukrainian Orthodox Church – Kyiv Patriarchate (UOC-KP), the Ukrainian Autocephalous Orthodox Church (UAOC) and certain dioceses of the Ukrainian Orthodox Church of the Moscow Patriarchate (UOC-MP).

The aforementioned practice (change of jurisdiction) is in compliance with the Ukrainian legislation and based on Article 3 (1) and Article 8(2) of the Law of Ukraine “On Freedom of Conscience and Religious Organizations” (hereafter – the Law). Under the above provisions of the Law, state recognizes the right of every person to have, accept and change belief or religion at one's discretion, as well as the right of religious community to its subordination in canonical and organizational affairs to any religious centers (departments) operating in Ukraine and abroad, and to change its subordination freely.

In accordance with Article 17 (3) of the Law, the rights of members of a religious community, who do not agree with the majority's decision to change subordination, are in no way violated. Such persons have a right to create a new religious community and, on the rotation principle, to exploit the religious building that belonged to the community before its dividing.

The Ministry of Culture of Ukraine jointly with regional state administrations and Kyiv City State Administration and in cooperation with the international organizations is consistently taking measures to address the existing and to prevent potential conflicts among Orthodox believers.

In order to harmonize positions on the issue of the State-church relations, one-day workshop for heads of units of the Ministry of Culture of Ukraine, regional state administrations and Kyiv City State Administration, responsible for state policy on

religion and the interaction of state institutions with religious organizations, was held on 27 December 2018.

It is worth noting the manipulative rhetoric, used by several information resources to please foreign religious centers to distort the reality of relations between governmental institutions and religious organizations in Ukraine.

Such information centers contribute to the promotion into the State's public space the spirit of intolerance and exclusivity of certain religious organizations contrary to the state policy of multiconfessionalism and equality of all religious organizations before the law of Ukraine.

Information on religious situation with regards to Ukrainian Orthodox Church (UOC) in the Ternopil Region as of November 29, 2018

As of November 29, 2018, the religious network of Ternopil region consists of 122 religious organizations of the Ukrainian Orthodox Church, which accounts for 6,8% of the whole religious network of the oblast.

Lately, the religious situation is characterized by conflicts of interests and disputes on the issue of property between orthodox churches, particularly UOC and Ukrainian Orthodox Church of the Kyiv Patriarchate (UOC-KP).

As a result of the exit out of UOC and transfer under jurisdiction of UOC-KP, the state regional administration has registered new editions of 8 statutes of religious communities based on documents submitted by religious communities during 2014-2017. In particular, such transfers were carried out by religious communities of the following villages: Kutny of Berezhansk district, Butyn, Kynakhivtsi and Kotiuzhyn of Zbarazh district, Bashuky and Kolosova of Kremenets district, Vovkivtsi and Novostav of Shumsk district. Besides, the statute of religious community of the village of Lishnya of Kremenets district was removed from the registration after all members of the community have transferred to the community of UOC-KP. Also, members of the religious community of UOC of the village of Kulykiv of Kremenets district have fully exited from the religious community of UOC and transferred to UOC-KP.

In the village of Katerynivka of Kremenets district, part of the believers of religious community of the UOC exited from it and formed a community of UOC-KP. Through the ordinance of the head of oblast state administration the only church building in the village of Katerynivka was transferred for reciprocal and equal use of the religious communities of UOC and UOC-KP.

Conflicts in these villages arose in 2014-2017 mainly due to the socio-political situation, the position of a certain part of the clergy of the UOC on the events in eastern Ukraine and certain gaps in the organization of management of the diocese. The leader of the diocese practically does not personally participate in any events organized either by religious communities or state authorities for organization of dialogue and elaboration of compromise decisions. During all the meetings organized by the state authorities in order to find ways out of a crisis situation it was clear that the diocese of UOC was not

ready to look for compromises and did not see the need for dialogue with UOC-KP accusing it of raider seizures of churches.

Proponents of the UOC disputed the decisions of the state regional administration regarding the change of the canonical and organizational subordination of religious communities in the mentioned localities, but their claims were rejected by the judiciary of different instances while the decisions of the head of state administration were left in force.

As of October 1, 2018, 116 statutes of religious communities were registered in Ternopil region. They are mainly acting in the Kremenets, Shumsk and Zbarazh districts, where there are 51, 49 and 8 of them respectively.

According to the expert assessments, after the Unification Council for the creation of a single Orthodox Church and the provision of Tomos to Ukraine, a certain number of communities is predicted to move to a newly formed structure. In this connection, the emergence of conflict situations in the localities of the above-mentioned districts is possible.

As of 05 November, 2018, the following proceedings were taking place in the judiciary bodies:

- 1) in the High Administrative Court of Ukraine, on the cassation complaint of the inhabitants of the village Butyn of Zbarazh district regarding the recognition as illegal and cancellation of the ordinance of the state regional administration of September 25, 2014 #399–od “On the statute of the religious community of UOC-KP of the village of Butyn of Zbarazh district in the new edition”, according to which the religious community of UOC of Butyn of Zbarazh district of the Ternopil region has changed jurisdiction transferring to UOC-KP;
- 2) in the High Specialized Court of Ukraine for Consideration of Civil and Criminal Cases on the cassation complaint of religious community “The Parish of Archistratig Mykhail” of the village of Bashuky of Kremenets region of Ternopil-Kremenets diocese of UOC to Ternopil state regional administration on cancellation of the ordinance of the oblast state administration of September 4, 2015 #554-od "On the statute of the religious community of UOC-KP of the village of Bashuky of Kremenets district in the new edition”;
- 3) in the High Specialized Court of Ukraine for Consideration of Civil and Criminal Cases on the cassation complaint of religious community “The Parish of Archistratig Mykhail” of the village of Bashuky of Kremenets region of Ternopil-Kremenets diocese of UOC-KP on cancellation of the decision of Kremets regional court of Ternopil region, which has recognized the meeting of the religious community that made a decision on the change of jurisdiction as invalid;
- 4) in the Lviv Administrative Court of Appeals on the appeals complaint of religious community “The Parish of Holy Apostles Peter and Paul of the village of Kynakhivtsi of Zbarazh district of Ternopil diocese of UOC” on recognition as unlawful and cancelation of ordinance of the state regional administration of May

15, 2017 #277-od "On the statute of religious organization of UOC-KP of the village of Kynakhivtsi of Zbarazh district in the new edition", according to which the religious community of the UOC of Kynakhivtsi of Zbarazh district of Ternopil region has changed jurisdiction, transferring to the UOC-KP.

In a number of villages, in which changes of jurisdiction took place (the villages of Kotiuzhyny of Zbarazh district, Katerynivka and Kolosova of Kremenets district) new churches were built for believers of UOC, where they conduct their worship. There were no obstacles in construction of these cult buildings.

Currently, the interfaith situation between local religious communities of UOC and UOC-KP on the right to own a cult building remains quite tense in the village of Kutychyn of Shumsk district.

Despite interfaith disputes in a number of localities, in which a change of canonical and organizational subordination of religious communities took place, there were no cases of attacks or seizures of worship places belonging to UOC reported.

There were no facts of harassment, including death threats, or persecution of priests of UOC and editor of news agency "Union of Orthodox Journalists".

The All-Ukrainian Orthodox procession, which was conducted by the UOC, took place peacefully and calmly without violations of civil order. There were no cases of interference with its conduct or violence against its participants reported.

In its activities, the oblast state administration takes all measures envisaged by current legislation to establish interfaith tolerance and ensure the rights and legitimate interests of religious organizations in the region.

Rivne Region

As of April 20, 2018, Investigation Units (IU) of the Directorate General of the National Police (DGNP) in Rivne region conduct pre-trial investigations into 8 criminal proceedings initiated on the grounds of conflict that arose between Orthodox religious organizations of the Rivne region.

Dubno District

Criminal proceedings № 4201518110000002 dated December 17, 2015

On November 11, 2014 in Ptycha village of Dubno district of Rivne region a local referendum was held among residents of the settlement regarding the further membership of the Svyato-Uspenska Church in the parish of the Ukrainian Orthodox Church (UOC) or the Ukrainian Orthodox Church of the Moscow Patriarchate (UOC-MP).

As a result, since November 2014 there have been constant conflicts on the grounds of inter-confessional hostility between the parishioners of both patriarchates for control over the temple and worship conduct in Ptycha village.

On December 17, 2015 information from DGNP in Rivne region was received via email on a claim from the leadership of religious community of Svyato-Uspenska parish of the Rivne diocese of the UOC that on November 15, 2015, representatives of the UOC-KP in the village in Ptycha village of Dubno district physically resisted representatives of the law enforcement agencies while there were on duty to protect public order.

On December 18, 2015 information about this offense was included in the Unified Register of Pre-trial Investigations № 912015180040001122 preliminary qualified as a criminal offense according to Part 2 of Article 342 of the Criminal Code of Ukraine and a pre-trial investigation was initiated.

On December 18, 2015 about 10:00 a.m. during protection of the public order on Lviv St of Ptycha village of Dubno district of the Rivne region, an unknown person resisted law enforcement officers and illegally used tear gas Teren-4M against them.

On December 18, 2015, information about this offense was included in the Unified Register of Pre-trial Investigations № 42015181100000002 preliminary qualified as a criminal offense according to Part 2 of Article 342 of the Criminal Code (CC) of Ukraine and a pre-trial investigation was initiated.

On December 22, 2015, a report of a senior inspector of the Dubno Police Department (PD) Shevchenko O.A. was received. The report said that during monitoring of the Internet on December 22, 2015 the fact of group violations of public order was discovered in article "Believers of the UOC of Ptycha village are continued to be blocked in their own church" published on the website of the Union of Orthodox Journalists and on ZIK website.

On December 22, 2015, information about this offense was included in the Unified Register of Pre-trial Investigations № 12015180040001142 preliminary qualified as a criminal offense according to the Article 293 of the CC of Ukraine and a pre-trial investigation was initiated.

On January 15, 2016 the aforementioned materials of pre-trial investigations were merged into one proceeding № 42015181100000002 dated December 22, 2015 on the grounds of criminal offenses stipulated by Part 2 of Article 342, Article 293 of the CC of Ukraine.

A number of investigative (search) actions were conducted under the criminal proceeding: locations of the events were inspected; over 100 witnesses of the clashes on the grounds of inter-confessional hostility between parishioners of both patriarchates and the facts of resistance to police officers were questioned; forensic examinations were conducted; certified copies of the documents stating the ownership of the building of the church of the UOC in Ptycha village were adduced in the criminal case.

In addition, on March 31, 2016 request for arrest warrant was prepared prohibiting the use of the building on Lviv St. 27 in Ptycha village belonging to the Svyato-Uspenska religious community of the Rivne diocese of the UOC. On April 6, 2016, the Court made a decision satisfying the request.

On April 2, 2018 the court made a ruling cancelling a temporary arrest of the church on Lviv St. 27 in Ptycha village, belonging to the Svyato-Uspenska religious community of the Rivne diocese of the UOC.

Currently, the pre-trial investigation is in progress.

Criminal proceedings № 4201518110000002 dated April 3, 2018

On April 2, 2018, Dubno PD of the Directorate-General of the National Police (DGNP) in Rivne region received a message from Bondar G.V. that on April 2, 2018 about 23:55 unknown persons damaged the entrance door and cut off the locks on the entrance door of the Svyato-Uspenska church on Lviv St. 27a in Ptycha village in Dubno district of Rivne region.

On April 3, 2018, Investigative unit (IU) of the Dubno PD of DGNP in Rivne region initiated a pre-trial investigation and filed the case in the Unified Register of Pre-trial Investigations under № 912018180040000334 on the grounds of a criminal offense stipulated by Part 1 of Article 199 of the CC of Ukraine.

On April 2, 2018, Dubno PD of DGNP in Rivne region received a message from Bondar G.V. that on April 2, 2018 approximately at 23:55, unknown persons arbitrarily, that is in violation of the law, occupied the premises of the Svyato-Uspenska church on Lviv St. 27a in Ptycha village in Dubno district of Rivne region.

On April 3, 2018, investigator of IU of the Dubno PD of DGNP in Rivne region initiated a pre-trial investigation and filed the case in the Unified Register of Pre-trial Investigations under № 12018180040000335 on the grounds of a criminal offense stipulated by Article 356 of the CC of Ukraine.

On April 3, 2018, Dubno PD of DGNP in Rivne region received a message from Rikun MV, that on April 2, 2018 approximately at 23:55, an unknown person injured her, while she was in the premises the Svyato-Uspenska church on Lviv St. 27A in Ptycha village in Dubno district of Rivne region.

On April 3, 2018, Investigator of IU of the Dubno PD of DGNP in Rivne region initiated a pre-trial investigation and filed the case at the Unified Register of Pre-trial Investigations under № 12018180040000336 on the grounds of a criminal offense stipulated by Part 1 of Article 125 of the CC of Ukraine.

On April 3, 2018 the aforementioned files of pre-trial investigations were merged into one proceeding № 4201518110000002 dated April 3, 2018 on the grounds of criminal offenses stipulated by Part 1 of Article 125, Part 1 of Article 194 and Article 356 of the CC of Ukraine.

A number of investigative (search) actions were conducted in the criminal proceedings: site visits; questioning of the witnesses regarding the facts of property damage and injuries; request for a forensic examination was directed to the court. In addition, on April 3, 2018, a request for arrest warrant was prepared to prohibit the use of the building on Lviv St. 27A in Ptycha village, belonging to the Svyato-Uspenska religious

community of the Rivne diocese of the UOC. On April 3, 2018 the court made decision satisfying the petition.

Currently, the pre-trial investigation is in progress.

Criminal proceeding № 12016180080000030 of January 17, 2016

In the proceedings of the Investigating Unit (IU) of the Goshchansky Police station (PS) of the Ostroh PS of the DGNP in Rivne region there are materials of the criminal proceeding, which was filed in the unified register of the pretrial investigations under No. 12016180080000030 dated January 17, 2016, with respect to elements of the criminal offense stipulated by Article 179 of the Criminal Code (CC) of Ukraine.

On January 17, 2016 Medvedyuk O.P., priest of the community of the Holy Dmitry Parish of the Rivne Diocese of the Ukrainian Orthodox Church (UOC), located at the address: village of Krasnosillya, Shevchenko street, 9a, Goshanskyi district, reported that at the afore mentioned address representatives of the diocese of the Ukrainian Orthodox Church - Kyiv Patriarchate (UOC-KP) illegally entered the church and were refusing to leave its premises. A number of investigative (search) actions were conducted in the criminal proceeding: witnesses were questioned regarding the indicated fact; a number of documents related to the activities and property of the religious community of the Ukrainian Autocephalous Orthodox Church (UAOC) in the village of Krasnosillya of Goshchansky district were adduced in the criminal case.

Currently, the pre-trial investigation is in progress.

Criminal proceeding № 12015180080000435 of 08.10.2015

In the proceedings of the IU of the Goshchansky PS of the Ostroh PS of the DGNP in Rivne region there are materials of the criminal proceeding, which was filed in the unified register of the pretrial investigations under No. 12015180080000435 dated October 8, 2015, with respect to elements of the criminal offense stipulated by Part 1 of the Article 180 of the CC of Ukraine.

On October 8, 2015, Goshchansky District Division of the Department of the Ministry of the Interior in Rivne region received a written complaint from Timofeyev S.G., head of the religious community of UOC in the village of Duliby. According to the complaint, on October 2015, 2015 around 08:20 a.m. representatives of the religious community of the Sviato-Rizdvo-Bohorodytsky parish of the Rivne Diocese of the UOC-KP of the village of Duliby of the Goshchansky district, village chairman of the village of Duliby as well as members of the "Right Sector" committed unlawful actions by preventing worshipping in the church of the village of Duliby.

A number of investigative (search) actions were conducted in the criminal proceeding: witnesses were questioned regarding the indicated fact of preventing the activities of the religious community; a number of documents related to the activities and property of the religious community of UOC in the village of Duliby of Goshchansky district were adduced in the criminal case.

Currently, the pre-trial investigation is in progress.

Criminal proceeding № 12016180030000320 of July 1, 2016

In the proceedings of the IU of the Goshchansky PS of the Ostroh PS of the DGNP in Rivne region there are materials of the criminal proceeding, which was filed in the unified register of the pretrial investigations under No. 12016180080000320 dated July 1, 2016, with respect to elements of the criminal offense stipulated by Part 1 of the Article 180 of the CC of Ukraine.

On June 30, 2016, Goshchansky PS of the Ostroh PS of the DGNP in Rivne region received a written complaint from Timofeyev S.G., head of the religious community of UOC in the village of Duliby. According to the complaint, on June 26, 2016, around 09:00 a.m. representatives of the religious community of the Sviato-Rizdvo-Bohorodytsky parish of the Rivne Diocese of the UOC-KP of the village of Duliby committed unlawful actions by preventing worshipping in the church of the village of Duliby.

A number of investigative (search) actions were conducted in the criminal proceeding: witnesses were questioned regarding the indicated fact of preventing the activities of the religious community; a number of documents related to the activities and property of the religious community of UAOC in the village of Duliby were adduced in the criminal case.

Currently, the pre-trial investigation is in progress.

Ostroh district

Criminal proceeding № 12014190170000483 of November 6, 2014

In the proceedings of the IU of the Ostroh PS of the DGNP in Rivne region there are materials of the criminal proceeding, which was filed in the unified register of the pretrial investigations under No. 12014180170000483 dated November 6, 2014, with respect to elements of the criminal offense stipulated by Article 170 of the CPC of Ukraine, which was filed upon the application of V.V.Maksymchuk, chief priest of the church of the Saint Equal-to-the-Apostles Mary Magdalene. According to the application, on November 2, 2014, around 01:00 p.m. Yuriy Lukashyk, reverend of the UOC-KP attempting to provoke a split among the parishioners of the church in the village of Badivka of the Ostroh district organized a meeting, preventing thereby activities of the church.

A number of investigative (search) actions were conducted in the criminal proceeding: witnesses were questioned regarding the indicated fact of preventing the activities of the mentioned religious community; a number of documents related to the activities and property of the religious community of UAOC in the village of Badivka were adduced in the criminal case.

Currently, the pre-trial investigation is in progress.

Closed proceedings

On April 8, 2015, the IU of the Dubensky division of the Department of the Ministry of the Interior in Rivne region filed the materials in the unified register of the pretrial investigations under No. 12015180040000286, with respect to elements of the criminal offense stipulated by Article 356 of the CC of Ukraine (arbitrariness) upon the report of A.D.Bohdanova, which was received on April 8, 2015. According to the report, on April 8, 2015, representatives of the community of the UOC-KP had cut off the locks on the entrance door of the church in the village of Ptycha of the Dubny district of Rivne region.

Upon the findings of the pre-trial investigation, on June 26, 2015, the criminal proceeding No. 12015180040000286 was closed on the basis of paragraph 2 of Article 284 (1) of the Criminal Procedure Code (CPC) of Ukraine, due to the absence of a criminal offense in the act.

As of now, the decision to close the criminal proceeding has not been revoked by the prosecutor's office and the court.

On November 2, 2015, the IU of the Dubensky division of the Department of the Ministry of the Interior filed the materials in the unified register of the pretrial investigations under No. 12015180040000959, with respect to elements of the criminal offense stipulated by Article 179 of the CC of Ukraine (illegal detention, desecration or destruction of religious shrines). According to the materials, on November 1, 2015, there was a conflict between the parishioners of Kyiv Patriarchate and Moscow Patriarchate over division the premises of the church in the village of Ptycha of Dubensky district of Rivne region.

Upon the findings of the pre-trial investigation, on August 13, 2016, the criminal proceeding No. 12015180040000959 was closed on the basis of paragraph 2 of Article 284 (1) of the CPC of Ukraine, due to the absence of a criminal offense in the act.

As of now, the decision to close the criminal proceeding has not been revoked by the prosecutor's office and the court.

Volyn Region

During 2014-2016 in the village of Uhryniv (Horokhiv District) there was a conflict over the church and property between communities of the Ukrainian Orthodox Church of the Moscow Patriarchate (UOC-MP) and the Ukrainian Orthodox Church - Kyiv Patriarchate (UOC-KP). Following the court hearings of various instances, the church and property transferred to the jurisdiction of the UOC-KP. In 2016, the UOC-KP community completely sued the residential building, where cleric of the UOC-MP' religious community lived. The conflict is completely exhausted so far and the parishioners of this village transferred to the jurisdiction of the UOC-KP.

At the beginning of 2014 the conflict between local communities of the UOC-MP and the UOC-KP had occurred in the village of Hrybovytsia (Ivanychi District). The parishioners of the UOC-KP did not allow to the believers of the UOC-MP to get in the church. According to the decisions of the courts of various instances, the church and property transferred to the jurisdiction of the UOC-KP.

In 2017, believers of the UOC-KP arbitrarily entered to the residential accommodation of the cleric of the UOC-MP, took his stuff out and blocked access to the premises.

Currently, community of the UOC-MP, with the assistance of senior manager of the UOC-MP metropolitan Antonii, had constructed temporary modularization church, where worship are being carried out.

Information submitted by the Ministry of Interior of Ukraine

According to the Directorate-General for Investigation of the National Police of Ukraine, the investigative unit of the Boryspil Police Department of the Main Directorate of the National Police in the Kyiv region has conducted investigation in a separate criminal proceeding.

On 25 July 2016, near the city of Boryspil (Kyiv region) unidentified persons shouted insults and threw different objects at parishioners, who took part in the All-Ukrainian Cross Procession.

On 27 July 2018, according to paragraph 2 of Article 284 (1) of the Criminal Procedure Code, the decision to close the said criminal proceedings was adopted. At present, the judgement has not been revoked by the prosecutor's office.

According to the investigative units of the Main Directorates of the National Police in the city of Kyiv, Volyn region, Donetsk region, Kirovohrad region, Lviv region, Rivne region, Ternopil region and the Autonomous Republic of Crimea and the city of Sevastopol, 26 criminal proceedings were initiated on the grounds of the seizure of churches, two of which resulted in filing an indictment and were transmitted for trial.

13 criminal proceedings were closed under Article 284 of the Criminal Procedure Code of Ukraine. As of now, judgements have not been revoked by the prosecutor's office. Currently, pre-trial investigations into 11 other criminal proceedings are in progress.
