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Andrii Ivanets

*Research Institute of Ukrainian Studies of the Ministry of Education and Science of Ukraine, Kyiv*

Iryna Krasnodemska

*Research Institute of Ukrainian Studies of the Ministry of Education and Science of Ukraine, Kyiv*

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# A SITUATION OF THE CRIMEAN DIOCESE OF THE ORTHODOX CHURCH OF UKRAINE IN RUSSIAN-OCCUPIED CRIMEA (2014-2022)

By **Andrii Ivanets, Iryna Krasnodemska**

**Andrii Ivanets**, Candidate of Historical Science, leading research fellow of the Department of Historical Studies of the Research Institute of Ukrainian Studies of the Ministry of Education and Science of Ukraine, Kyiv, Ukraine.

Email: [crimeaua@ukr.net](mailto:crimeaua@ukr.net) ORCID.org/ 0000-0001-7167-8183

**Iryna Krasnodemska**, Candidate of Historical Science, head of the Department of Historical Studies of the Research Institute of Ukrainian Studies of the Ministry of Education and Science of Ukraine, Kyiv, Ukraine.

Email: [kiisof@ukr.net](mailto:kiisof@ukr.net) ORCID.org/0000-0001-5552-9073

## *Abstract*

The article is devoted to the situation regarding the Crimean Diocese of the Orthodox Church of Ukraine after the annexation of Crimea by the Russian Federation. It should be noted that Orthodoxy and Islam are the most common religions on the peninsula. The Crimean Diocese of the Orthodox Church of Ukraine is the largest and most prominent among the Crimean religious organizations. The authors highlight Russia's consistent discriminatory policy toward the Ukrainian Orthodox Church–Kyiv Patriarchate/the Orthodox Church of Ukraine on the temporarily occupied peninsula, which is aimed at their gradual but rigorous expulsion from Crimea. The methods of its implementation are elucidated. Currently, the number of parishes has decreased by more than six times, and the number of clergies has reduced by almost six times under pressure from the occupation authorities. Practically, the diocese has been placed on the brink of existence. The Russian large-scale invasion of Ukraine in February 2022 worsened the crisis of the Orthodox Church of Ukraine in Crimea. An analysis of the conditions of its activities in 2014-2022 leads to the conclusion that there is a persistent negative trend toward the deterioration of its situation. The policy of the occupying state is not simply aimed at violating the rights of believers of this religious organization, but at gradually creating conditions for the termination of its activities.

Russia's discrimination against the Crimean Diocese of the PCU is not only a gross violation of the rights of believers, but also pressure on the community of ethnic Ukrainians in Crimea, whom the occupation authorities have turned into one of the two most discriminated ethnic communities in the region. This religious organization is an important center for the maintenance of Ukrainian identity for Crimean Ukrainians in the conditions of Russia's destruction of Ukrainian socio-political and cultural-educational institutions in Crimea. The rights of Crimean believers of the Orthodox Church of Ukraine can be fully protected only after the liberation of Crimea and the restoration of Ukraine's territorial integrity. Until then, the Ukrainian state and civil society, international organizations, and civilized countries should use methods that at least partially relieve pressure on this religious organization.

**Keywords:** Crimea, Crimean Diocese, the Orthodox Church of Ukraine, religion, Orthodoxy, Ukraine, the Russian Federation.

## Introduction

Crimea is a special region of Ukraine, both in geographical, historical, ethnic, and denominational aspects. The Crimean Peninsula is numerically dominated by supporters of two world religions, Christianity and Islam, and is home to representatives of different ethnic communities, including indigenous people, connected by common historical experiences, both positive and traumatic. The actions of Russia, which launched an undeclared aggressive war against Ukraine from the annexation of Crimea and Sevastopol in 2014, led to many negative consequences of a global and local nature, in particular, large-scale systematic violations of the rights of Ukrainian citizens to freedom of conscience and religion in the temporarily occupied territory.

The Crimean diocese of the Orthodox Church of Ukraine (OCU) has a special position in the spectrum of religious structures in Crimea. Its flock is not the largest among Orthodox believers in Crimea (its believers are probably the second largest Orthodox community among Crimeans). However, after receiving *Tomos* on granting autocephalous ecclesiastical polity from Bartholomew I of Constantinople and the Holy Synod of the Orthodox Church of Constantinople in January 2019, the OCU acquired special legitimacy throughout Ukraine, including on the Crimean Peninsula from the point of view of canon law. It became the 15th canonical autocephalous church, a full and self-governing administrative part of the one Ecumenical Orthodox Church (without the intermediary of other autocephalous churches). For many Orthodox believers, the question of the canonicity of the Church plays a significant role.

In addition, the main part of the OCU's believers in the temporarily occupied territory of Crimea is made up of ethnic Ukrainians, who have been turned into one of the two most discriminated ethnic communities by the occupation authorities. Since Russia illegally destroyed the political and public structures of Crimean Ukrainians, Ukrainian educational institutions and mass media that existed before 2014, de facto excluded the Ukrainian language from office work, persecutes leaders and activists of the Ukrainian community in the Autonomous Republic of Crimea and Sevastopol, participation in the life and activities of the Crimean diocese is one of the few ways to maintain and protect Ukrainian identity for some Crimeans. The Ukrainian Orthodox Church–Kyiv Patriarchate/the Orthodox Church of Ukraine is one of the leading and most important religious organizations in this community. In this regard, human rights defenders point out that the persecution of the OCU in Crimea by the

Russian occupation authorities not only violates the right of citizens to freedom of conscience and religion but is also a way of discrimination against the Crimean Ukrainian community,<sup>1</sup> which numbered 576.600 people as of 2001<sup>2</sup> and is the second largest on the temporarily occupied peninsula.

Legally, the OCU emerged at the turn of 2018 and 2019, when the Holy Synod of the Orthodox Church of Constantinople returned the Kyiv Metropolitanate to its jurisdiction. Representatives of the clergy and laity who had previously been part of the Ukrainian Orthodox Church–Kyiv Patriarchate (UOC–KP), the Ukrainian Autocephalous Orthodox Church (UAOC) and the UOC–Moscow Patriarchate (UOC–MP) held a Unification Council and formed the OCU, with the mother church granting it *Tomos* of autocephaly. At the Unification Council of all branches of Ukrainian Orthodoxy in December 2018, Crimean believers were represented by a delegation from the clergy and believers led by Archbishop Klyment (Kushch) of Simferopol and Crimea, who belonged to the UOC–Kyiv Patriarchate. In 2019, he was appointed by the OCU Synod to chair the Orthodox Mission for assistance to victims of human rights violations and persons deprived of liberty and was elevated to metropolitan the following year. Representatives of the three Crimean dioceses of the UOC–MP, like most hierarchs of that denomination in Ukraine, did not participate in the Unification Council. As a result, the Crimean diocese of the OCU de facto inherited the structures of the UOC–Kyiv Patriarchate, its clergy, and believers in temporarily occupied Crimea. Therefore, in this article, we will analyze the situation of the Crimean dioceses of the UOC–KP and the OCU in 2014-2022 together, as they can be considered as one organizational structure, which in December 2018–January 2019 changed its status in terms of secular laws and canon law.

Since the stated research concerns current events of the last eight years, it can be stated that there are no fundamental works on this issue. We note only several analytical publications of the Razumkov Centre in the *National Security and Defense Journal* (*“Національна безпека і*

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<sup>1</sup> «Крым без правил. Тематический обзор ситуации с правами человека в условиях оккупации». Специальный выпуск. Религиозная оккупация: притеснение Украинской православной церкви Киевского патриархата в Крыму / Под общей ред.: С. Заец, Р. Мартыновский, Д. Свиридова. (Киев, 2018), с. 39. ["Crimea without rules. A thematic review of the situation with human rights in the conditions of occupation". Special issue. Religious occupation: oppression of the Ukrainian Orthodox Church – Kyiv Patriarchate in Crimea / Edited by: S. Zayets, R. Martynovskii, D. Sviridova. (Kyiv, 2018), p. 39].

<sup>2</sup> Про кількість і склад населення Автономної Республіки Крим за підсумками Всеукраїнського перепису населення 2001 року. [On the number and composition of the population of the Autonomous Republic of Crimea based on the results of the All-Ukrainian population census of 2001]. <http://2001.ukrcensus.gov.ua/results/general/nationality/crimea/>; Про кількість і склад населення Севастопольської міськради за підсумками Всеукраїнського перепису населення 2001 року. [On the number and composition of the population of Sevastopol city council based on the results of the All-Ukrainian population census of 2001]. <http://2001.ukrcensus.gov.ua/results/general/nationality/sevastopol/>.

оборона”) in recent years, in particular on the religious situation in Ukraine, its state and development trends in the first decades of the 21st century and the attitude of Crimean residents to Ukrainian orthodoxy,<sup>3</sup> ways to harmonize inter-denomination relations in Crimea.<sup>4</sup> In 2021, an expert and analytical report by A. Ivanets<sup>5</sup> was published, in which the author conducted a detailed analysis of the state of the ethnic Ukrainian community in 2014, including violations of the rights of Ukrainians to freedom of conscience in Crimea, in particular, discrimination against the Ukrainian Orthodox Church–Kyiv Patriarchate and the Ukrainian Orthodox Church. A. Shchekun and L. Shchekun considered the problem of blocking the OCU Cathedral in Simferopol by the Russian invaders.<sup>6</sup> Due to constant violations of the rights of believers of these denominations, they are shown in monitoring and other materials of human rights defenders.<sup>7</sup>

Interesting informative material is presented in mass media, in particular in the newspapers *Day* (“День”), *The Voice of Orthodoxy* (“Голос православ’я”) and *Krymska svitlytsia* (“Кримська світлиця”) and on the pages of Internet resources, such as The Orthodox Church of Ukraine (“Православна церква України”), Religious Information Service of Ukraine (“Релігійно-інформаційна служба України”), Voice of Crimea (“Голос Криму”), Radio Liberty (“Радіо Свобода”), Crimea. Realities (“Крим. Реалії”), Virtual Museum of Russian

<sup>3</sup> Особливості соціально-культурної і громадянської ідентичності домінуючих в АР Крим національно-етнічних груп. Національна безпека і оборона. (2008, № 10 (104)), с. 3–18. [Features of the sociocultural and civil identity of the dominant national and ethnic groups in the Autonomous Republic of Crimea. National Security and Defense. (2008, №. 10 (104)), pp. 3–18]; Релігійна мережа в Україні: стан і тенденції розвитку. Національна безпека і оборона. (2011, № 1–2 (119–120)), с. 3–36. [Religious network in Ukraine: state and development trends. National Security and Defense. (2011, №. 1–2 (119–120)), pp. 3–36]; Ставлення жителів криму до питань, які мають значний конфліктний потенціал. Національна безпека і оборона. (2011, № 4–5 (122–123)), с. 27–39. [Attitude of Crimean residents to issues that have a significant conflict potential. National Security and Defense. (2011, № 4–5 (122–123)), pp. 27–39].

<sup>4</sup> Бачення шляхів гармонізації міжнаціональних і міжконфесійних відносин у Криму. Національна безпека і оборона. (2009, № 5(10), с. 19–21. [Vision of ways to harmonize interethnic and inter-denomination relations in Crimea. National Security and Defense. (2009, №. 5(10), pp. 19–21].

<sup>5</sup> А. Іванець. Експертно-аналітична доповідь «Громада етнічних українців Криму в умовах російської окупації станом на 2020 р.: дискримінація, потенціал самозбереження та підтримувальні дії України. (Київ: Тов «Видавничий дім «Українська культура», 2021), 60 с. [Expert and analytical report "Community of ethnic Ukrainians of Crimea under Russian occupation as of 2020: a discrimination, a potential for self-preservation and supporting actions of Ukraine. (Kyiv: Ukrainian Culture Publishing House LLC, 2021), 60 p p.].

<sup>6</sup> А. Щекун, Л. Щекун. Блокування кафедрального собору. Православна Церква України зазнає гоніння. [Blocking the cathedral. The Orthodox Church of Ukraine is being persecuted]. <https://rusaggression.gov.ua/ua/pravoslavna-tserkva-ukrainy-zaznaie-honin-c628b76d4d82c4a68450bcce7cedd14f.html>

<sup>7</sup> "Крым без правил. Тематический обзор ситуации с правами человека в условиях оккупации". Спецальный выпуск. Религиозная оккупация: притеснение Украинской православной церкви Киевского патриархата в Крыму / Под общей ред.: С. Заец, Р. Мартыновский, Д. Свиридова. (Київ, 2018), 44 с. ["Crimea without rules. A thematic review of the situation with human rights in the conditions of occupation". Special issue. Religious occupation: oppression of the Ukrainian Orthodox Church – Kyiv Patriarchate in Crimea / Edited by: S. Zayets, R. Martynovskii, D. Sviridova. (Kyiv, 2018), 44 pp.].

aggression (“Віртуальний музей російської агресії”), *Ukrainska Pravda* (“Українська правда”), etc.

The attitude of Crimeans at the beginning of the 21st century generally corresponds to all-Ukrainian trends, including the predominance of women and older people among believers. Thus, according to the sociological survey of the Razumkov Centre in 2008, 67.9% of Crimeans admitted to being believers (against 73% in Ukraine as a whole), 25% as non-believers (against 22%). The overwhelming majority of believing Ukrainians in Crimea (76.6%) identified themselves with a particular denomination, are Orthodox, and less than 1% of believing Ukrainians are Muslims.<sup>8</sup> At the beginning of 2011, the relative majority (47%) of religious organizations in the Autonomous Republic of Crimea belonged to Muslim communities; the share of Orthodox communities was 29.2%; the share of the UOC communities was 26.5%.<sup>9</sup> It should be noted that the number of religious structures, in this case, does not correlate with the number of their adherents.

At that time, 18.2% of Orthodox in Crimea had a positive attitude to the UOC–KP, 7.2% had a negative attitude, and 13.4% and 5.3% had a negative attitude to the UAOC, respectively.<sup>10</sup> Thus, at the time of the annexation of Crimea by the Russian Federation, the residents of Crimea had a positive attitude to Orthodoxy in general, and the Crimean diocese of the UOC–KP was a religious minority despite its relatively positive "balance" in attitude among the Crimean population, and played a special role in the spiritual life of the community of Crimean Ukrainians.

### **The Position of Klyment, the Crimean Bishop of the OCU–KP and the OCU on the Annexation of Crimea**

The ruling diocesan bishop plays a special role in the life of the diocese, and his position and actions to preserve diocesan structures in the tragic situation of the occupation are critical. Klyment, the head of the Crimean Diocese of the OCU (secular name Pavlo Kushch) was born in Simferopol in 1969 in a family with Ukrainian and Bulgarian roots (according to family

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<sup>8</sup> *Особливості соціально-культурної і громадянської ідентичності домінуючих в АР Крим національно-етнічних груп*. Національна безпека і оборона. (2008, № 10 (104)), с. 5–6.) [*Features of the sociocultural and civil identity of the dominant national and ethnic groups in the Autonomous Republic of Crimea*. National Security and Defense. (2008, №. 10 (104)), pp. 5–6].

<sup>9</sup> *Релігійна мережа в Україні: стан і тенденції розвитку*. Національна безпека і оборона. (2011, № 1–2 (119–120).), с. 34. [*Religious network in Ukraine: state and development trends*. National Security and Defense. (2011, №. 1–2 (119–120)), p. 34].

<sup>10</sup> *Ставлення жителів криму до питань, які мають значний конфліктний потенціал*. Національна безпека і оборона. (2011, № 4–5 (122–123)), с. 30. [*Attitude of Crimean residents to issues that have a significant conflict potential*. National Security and Defense. (2011, № 4–5 (122–123)), p. 30].

stories, their Bulgarian ancestors lived in Crimea in the 18th century). In 1995, he became a cleric of the Kyiv Patriarchate, two years later, he was appointed secretary of the Crimean Diocese, and in 2000, he was consecrated as a bishop of Simferopol and Crimea. In 2012, Klyment was elevated to the rank of archbishop. During the Revolution of Dignity, he and his flock supported the Euromaidan protesters. After Russia's disguised attack on Ukraine, on February 28, 2014, he signed the Statement of the Ukrainians of Crimea to the people of Ukraine and the world community, which, among other things, called on the nuclear state guarantors of Ukraine's territorial integrity and security, "in accordance with the Budapest Memorandum, to take measures to prevent foreign interference in the internal affairs of our state," and to leading international organizations to "influence the position of Russia on the inadmissibility of provoking separatism in the regions of Ukraine—in particular in the Autonomous Republic of Crimea and Sevastopol."<sup>11</sup>

Immediately after the occupation of Crimea by the Russian Federation, the OCU was under pressure. Hierarch Klyment publicly supported political prisoners, openly expressed his position, assisted Ukrainian military units, and refused to re-register the church in Crimea under Russian law. On March 11, 2014, the Council of Bishops of the Kyiv Patriarchate made an official statement condemning the occupation and blessed the Ukrainian army and people to defend the sovereignty and territorial integrity of their state.

Thus, the UOC–KP church leadership demonstrated its attitude towards the Russian authorities in Crimea exclusively as occupation and illegally established. In addition, the statement of the Council of Bishops recorded violations of the rights of believers that had already taken place in the first days of the occupation, including the abduction of parishioners Andrii Shchekun and Anatolii Kovalskyi.<sup>12</sup>

Due to this position of the OCU bishops, including hierarch Klyment, which was supported by the majority of the clergy and parishioners, the parishes of the UOC-KP/the OCU in Crimea, from 2014 to 2022, are the centers of spiritual Christian and Ukrainian cultural life. They hold worship predominantly in Ukrainian and celebrate Ukrainian national holidays and

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<sup>11</sup> Заява українців Криму до народу України та світової спільноти. А. Іванець. Експертно-аналітична доповідь «Громада етнічних українців Криму в умовах російської окупації станом на 2020 р.: дискримінація, потенціал самозбереження та підтримувальні дії України. (Київ: Тов «Видавничий дім «Українська культура», 2021, с. 47.). [Statement of the Ukrainians of Crimea to the people of Ukraine and the international community. A. Ivanets. *Expert and analytical report "Community of ethnic Ukrainians of Crimea under Russian occupation as of 2020: discrimination, the potential for self-preservation and supporting actions of Ukraine.* (Kyiv. Ukrainian Culture Publishing House LLC, 2021), p. 47.].

<sup>12</sup> М. Кіккас. Переслідування ПЦУ в Криму є системними та послідовними. [The persecution of the OCU in Crimea is systematic and consistent]. <https://www.pomisna.info/uk/vsi-novyny/peresliduvannya-ptsu-v-krymu-ye-systemnyy-ta-poslidovnyy/>

commemorations, including Ukraine's Independence Day and Holodomor Memorial Day. The Crimean diocese of the UOC–KP/the OCU in 2014-2022 did not cooperate with the occupying forces, while its clergy and believers prayed for the Ukrainian army and the Ukrainian government and state.

Over the past eight years, Bishop Klyment has been constantly concerned with those Crimean citizens of Ukraine who have been turned into political prisoners in occupied Crimea and Russia by Russian authorities. Moreover, he sought to help not only the believers of his church but also compatriots of various religious beliefs. Among them are film director Oleh Sentsov, farmer Volodymyr Balukh, journalist Vladyslav Yesypenko, analysts Volodymyr Dudka and Oleksii Bessarabov, pensioner and public activist Oleh Prykhodko, deputy chair of the Mejlis of the Crimean Tatar People Ilma Umerov. Regarding the fate of the latter, in 2018, he addressed not only the president of the Russian Federation, but also the leaders of the Russian Orthodox Church, the spiritual administration of Muslims of the Russian Federation, and the Central spiritual administration of Muslims of Russia.<sup>13</sup>

In 2014-2022, Bishop Klyment repeatedly addressed international organizations (UN, OSCE, CoE, etc.), the heads of the countries of the Budapest Memorandum, Ukrainian presidents Petro Poroshenko and Volodymyr Zelenskyi, Russian president Vladimir Putin, heads of the Orthodox Churches and other confessions to ensure the rights of Crimean believers of the UOC–KP/the OCU and Ukrainians in Crimea, in general. For example, during October 2016, at a roundtable with delegates of the Parliamentary Assembly of the Council of Europe in Strasbourg, the Archbishop stated that the Crimean diocese of the UOC–KP, Ukrainian education, Ukrainian culture, and Ukrainian-language space in Crimea are under threat of destruction. In this regard, he appealed to leading international organizations, state guarantors of Ukraine's integrity, which signed the Memorandum on security guarantees in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons, and other actors to take decisive measures to protect the basic principles of rights and freedoms of Ukrainians in Crimea, in particular, the immediate introduction of an international mission to monitor human rights and discriminated ethnic communities in the Crimean Peninsula.<sup>14</sup>

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<sup>13</sup>Звернення «Тот, хто спасе одну життя, спасе весь мир». Особистий архів митрополита Сімферопольського і Кримського ПЦУ Климента. [The statement "The one who saves one life will save the whole world." Personal archive of Metropolitan Klyment of Simferopol and Crimean OCU].

<sup>14</sup>Виступ архієпископа Сімферопольського і Кримського Климента у ПАРЕ (Страсбург, жовтень 2016). Персональний архів митрополита Сімферопольського і Кримського ПЦУ Климента. [Speech of Archbishop Klyment of Simferopol and Crimea in PACE (Strasbourg, October 2016). Personal archive of Metropolitan Klyment of Simferopol and Crimean OCU].



The speech of bishop Klyment at the Forum for the Promotion of Religious Freedom in Washington, to which the US Secretary of State Michael Pompeo had invited him, was an important one. At that speech, the archbishop called for increased and consolidated efforts of international institutions and countries to protect freedom of religion and belief in the Russian-occupied Crimean Peninsula, preserve the Orthodox Church of Ukraine, and stop religious and ethnic persecution of ethnic Ukrainians living in Crimea.<sup>15</sup>

In early March 2022, after Russia launched a new large-scale war, Metropolitan Klyment in an address to Russian mothers, condemned the war that Russia had started against Ukraine and urged Russian mothers to take their children out of the army so that they would not die as murderers on Ukrainian soil.

### **The Negative Impact of the Occupation on the Legal Status of the OCU Diocese in the Occupied Crimea**

In accordance with the norms of international humanitarian law in force under occupation, the Russian Federation must adhere to the principle of *status quo ante bellum*, refraining from extending its legislation to the occupied territory. Russia has grossly violated this principle in relation to Crimea, as the aggressor state extended its legislation there in the first days of the occupation.

Under the Russian legislation that was unlawfully extended to the territory of Crimea, membership in a religious organization is possible only if one has Russian citizenship or another legal basis for staying in the Russian Federation, such as a residence permit. That is, if a person wants to be a member of the community, he or she must obtain a Russian passport or residence permit. If a person refuses to obtain these documents, he or she cannot be a member of a religious association and is deprived of the possibility to permanently stay in Crimea in accordance with the migration legislation of the Russian Federation.<sup>16</sup>

Such an approach had an extremely negative impact on the religious life of the parishioners and priests of the Crimean diocese of the OCU, as they did not have permanent residence registration in Crimea at the time of the beginning of its occupation. For example, there was a

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<sup>15</sup> Виступ архієпископа Сімферопольського і Кримського Климента на Форумі з питань просування релігійних свобод (Вашингтон, червень 2019 р.). Персональний архів митрополита Сімферопольського і Кримської ПЦУ Климента. [Speech of Archbishop Klyment of Simferopol and Crimea at the Forum on the promotion of religious freedoms (Washington, June 2019). Personal archive of Metropolitan Klyment of Simferopol and Crimean OCU].

<sup>16</sup> М. Кіккас. Переслідування ПЦУ в Криму є системними та послідовними. [The persecution of the OCU in Crimea is systematic and consistent]. <https://www.pomisna.info/uk/vsi-novyny/peresliduvannya-ptsu-v-krymu-ye-systemnymy-ta-poslidovnymy/>

recorded case of a priest being forced to move to mainland Ukraine due to his inability to obtain a passport or residence permit due to the lack of Crimean registration. Before Russia's large-scale war in Ukraine in February 2022, he held worship by coming to Crimea periodically, but for no more than 90 days during each 180 days. This situation has significantly worsened the quality of religious life in the parishes entrusted to him: without a priest, parishioners cannot regularly participate in worship and begin church sacraments.<sup>17</sup>

Contrary to international law, Russia required religious organizations to re-register before March 1, 2015, after the annexation of Crimea. Its implementation was complicated by the additional need to comply with the Federal Law of the Russian Federation "*On Freedom of Conscience and Religious Associations*." According to this law, only an association registered as a legal entity has the status of a religious organization. At the same time, the occupation authorities repeatedly, formally refused registration of the community of believers of the UOC-KP/the OCU in Crimea as a local Crimean religious community, which deprived it of its official status and corresponding rights that determines this status.<sup>18</sup>

The Crimean diocese of the UOC-KP, which since December 15, 2018, has been part of the only local Autocephalous Orthodox Church in Ukraine, the OCU, has refused in principle to register with the illegitimate Russian authorities, causing its structures to lose legal personality in the opinion of the occupation administration and thus making it impossible to enter into transactions, open bank accounts, and carry out other activities essential to its proper functioning. In addition, human rights activists note that with the start of the occupation, the Russian policy of intolerance towards Christian confessions (except for the Orthodox Church of the Moscow Patriarchate) spread to the territory of Crimea, which led to a significant deterioration of the UOC-KP (now the OCU) on the peninsula.<sup>19</sup>

### **Oppression of the Clergy and Believers of the UOC-KP and the OCU by the Russian Invaders**

From 2014 to 2022, the Russian authorities, its security apparatus, and occupation administrations constantly oppressed priests and believers of the Ukrainian Orthodox Church

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<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> "Крым без правил. Тематический обзор ситуации с правами человека в условиях оккупации".

Специальный выпуск. Религиозная оккупация: притеснение Украинской православной церкви Киевского патриархата в Крыму / Под общей ред.: С. Заец, Р. Мартыновский, Д. Свиридова. (Киев, 2018), с. 39.

["Crimea without rules. A thematic review of the situation with human rights in the conditions of occupation". Special issue. Religious occupation: oppression of the Ukrainian Orthodox Church – Kyiv Patriarchate in Crimea / Edited by: S. Zayets, R. Martynovskii, D. Sviridova. (Kyiv, 2018), p. 39].

of the Kyiv Patriarchate (the OCU after the Unification Council) in Crimea. The violations of their rights to freedom of conscience and religion have become systemic and widespread. An aggressive pro-Russian public was sometimes involved in illegal actions against the OCU.

In March 2014, parishioners Andrii Shchekun and Anatolii Kovalskyi were kidnapped by "Self-Defense of Crimea," the pro-Russian illegal paramilitary formation, and subjected to torture and inhumane treatment, including those motivated by religious hatred (cross pendants were forcibly torn off from both).

On July 21, 2014, unknown people burned down the dacha house of the head of the diocese, Metropolitan Klyment in Mramorne village, Simferopol district. On March 3, 2019, the occupation police detained him while trying to leave Simferopol for Rostov-on-Don for a court hearing in the case of Ukrainian political prisoner Pavlo Hryb. Priest Maksym Volohodin, who was forced to leave Crimea, reported attempts of officers of the Federal Security Service to recruit him to obtain information about the diocese.<sup>20</sup> According to him, attempts to recruit priests by Russian security forces occur regularly.<sup>21</sup>

The head of one of the congregations, who also left Crimea, reported that officials of the Ministry of Internal Affairs of the Russian Federation, who explicitly stated that his parish's activities were undesirable, had summoned him for "conversations."<sup>22</sup> One of the parishioners of the OCU in Crimea told about cases when civil servants asked their parents not to attend the Ukrainian church after the annexation of the peninsula by Russia, as this could cause problems at work.<sup>23</sup> On August 23, 2021, Archimandrite Damian (Pavlo Heorhiovych Skokov in the secular world) of the OCU was held administratively liable by the invaders for committing the Divine Liturgy as "illegal missionary activity." It should be noted that liturgy is not missionary

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<sup>20</sup> М. Кіккас. *Переслідування ПЦУ в Криму є системними та послідовними* [The persecution of the OCU in Crimea is systematic and consistent]. <https://www.pomisna.info/uk/vsi-novyny/peresliduvannya-ptsu-v-krymu-ye-systemnymy-ta-poslidovnymy/>

<sup>21</sup> Після окупації Криму кількість парафій ПЦУ на півострові зменшилася з 45 до семи. Укрінформ. 29.04.22. [After the occupation of Crimea, the number of OCU parishes on the peninsula decreased from 45 to 7. Ukrinform. 29.04.22.]. <https://www.ukrinform.ua/rubric-crimea/3470499-pisla-okupacii-krimu-kilkist-parafij-ptsu-na-pivostrovi-zmensilasa-z-45-do-semi.html>

<sup>22</sup> М. Кіккас. *Переслідування ПЦУ в Криму є системними та послідовними* [The persecution of the OCU in Crimea is systematic and consistent]. <https://www.pomisna.info/uk/vsi-novyny/peresliduvannya-ptsu-v-krymu-ye-systemnymy-ta-poslidovnymy/>

<sup>23</sup> Після окупації Криму кількість парафій ПЦУ на півострові зменшилася з 45 до семи. Укрінформ. 29.04.22. [After the occupation of Crimea, the number of OCU parishes on the peninsula decreased from 45 to 7. Ukrinform. 29.04.22.]. <https://www.ukrinform.ua/rubric-crimea/3470499-pisla-okupacii-krimu-kilkist-parafij-ptsu-na-pivostrovi-zmensilasa-z-45-do-semi.html>

activity even under Russian law, as it takes place for people who are already Orthodox believers and is not aimed at attracting new members from among non-church people to the church.<sup>24</sup>

Shortly after the annexation of Crimea, the Church of the Holy Martyr Clement of Rome in Sevastopol was seized from the Kyiv Patriarchate. On June 1, 2014, at 8 a.m. armed members of paramilitary pro-Russian structures captured the Temple of Protection of the Mother of God in the village of Perevalne near Simferopol. The assailants crashed the priest's car and injured a pregnant woman. Russian police in Crimea initially ignored the appeals of the victims, and when the police arrived at the scene three hours later, they took the side with the assailants. Both the bandits and the police explained their actions by saying that "the Kyiv Patriarchate is engaged in anti-Russian activities and there is no place for them in Russian Crimea."

The assault on the Temple of Protection of the Mother of God in Perevalne village was a planned action. In fact, the day before, its rector, Father Ivan Katkalo, was visited at home by a priest of the Moscow Patriarchate and demanded that he voluntarily "vacate" the temple, saying: "These are your last days in Crimea."<sup>25</sup> Subsequently, this temple was transferred to the UOC of the Moscow Patriarchate under the terms of assistance to the "patriotic education" of members of the Russian occupation troops. The rector of this church, I. Katkalo, was forced to leave Crimea with his family due to threats and the opening of a criminal case for separatism by the occupation authorities. Other representatives of the UOC-KP/the OCU clergy were also forced to evacuate women and children from the occupied territory due to threats of physical reprisal.<sup>26</sup>

### **Struggle with Invaders for Churches and Attempt to Seize the UOC Cathedral in Simferopol**

During the seizure of Crimea on 20 March 2014, in Simferopol, Archbishop Klyment negotiated with Igor Strelkov (Girkin, former Federal Security Service (FSB) officer), the so-called advisor to the chairman of the Council of Ministers of Crimea on defense and security issues, on the release of parishioners A. Shchekun and A. Kovalskyi from captivity. During

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<sup>24</sup> М. Кіккас. *Переслідування ПЦУ в Криму є системними та послідовними* [The persecution of the OCU in Crimea is systematic and consistent]. <https://www.pomisna.info/uk/vsi-novyny/peresliduvannya-ptsu-v-krymu-ye-systemnymy-ta-poslidovnymy/>

<sup>25</sup> В Криму напали на українську церкву. [Ukrainian church attacked in Crimea]. <https://www.volynnews.com/news/extreme/v-krymu-napaly-na-ukrayinsku-tserkvu/>

<sup>26</sup> А. Іванець. *Експертно-аналітична доповідь «Громада етнічних українців Криму в умовах російської окупації станом на 2020 р.: дискримінація, потенціал самозбереження та підтримувальні дії України*. (Київ: Тов «Видавничий дім «Українська культура», 2021), с. 23. [Expert and analytical report "Community of ethnic Ukrainians of Crimea under Russian occupation as of 2020: a discrimination, a potential for self-preservation and supporting actions of Ukraine. (Kyiv: Ukrainian Culture Publishing House LLC, 2021), p. 23].

these negotiations, a document signed by Strelkov was also received, which stated that "any actions aimed at illegally seizing the property of the UOC-KP and its individual representatives in the territory of the Republic that did not pass coordination with the Office of the chairman of the Council of Ministers of the Republic of Crimea will be considered illegal." In 2014, this document somewhat slowed down the encroachment upon the property rights of the Crimean Diocese of the UOC–KP by the Russian occupation administration, but of course, it did not stop it.

In 2014, the occupation authorities first seized at least two churches of the UOC-KP in Crimea and Sevastopol with the help of Russian troops and paramilitary formations, and later they switched to the illegal use of administrative and quasi-judicial mechanisms (the illegitimate judicial structures of Crimea). Due to the absence of registration with the occupation authorities, the power supply of the church in the village of Ostrovske in Pervomaiskyi district was turned off, citing the same reason, and tried to ban the UOC-KP community in Yevpatoria from holding worship services.<sup>27</sup> Obviously, under pressure from the invaders, some businesspeople and enterprises were forced to refuse to financially support communities of believers or provide them with premises to hold worship services on a lease basis. Parishes in Kerch, Krasnoperekopsk and Saki were closed due to pressure on businesses that provided premises for worship services and parishioners of the UOC-KP/the OCU.<sup>28</sup> This was one of the significant factors in reducing the number of structures of the UOC–KP in occupied Crimea.

In April 2014, the illegitimate "State Council of the Republic of Crimea" confirmed the right of the Crimean Diocese of the UOC-KP to use the premises in Simferopol, where the cathedral, the diocesan administration, and other church structures are located until 2050. Open "quasi-legal" pressure from Russia through the occupation administration and the court began in 2015, when the "Ministry of Property and Land Relations of the Republic of Crimea" changed the lease terms for the premises and buildings given to the UOC–KP for use until 2050, by significantly increasing the rent for the use of immovable property in Simferopol at 17-A

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<sup>27</sup> Виступ архієпископа Сімферопольського і Кримського Климента у ПАРЕ (Страсбург, жовтень 2016). Персональний архів митрополита Сімферопольського і Кримського ПЦУ Климента. [Speech of Archbishop Klyment of Simferopol and Crimea in PACE (Strasbourg, October 2016). Personal archive of Metropolitan Klyment of Simferopol and Crimean OCU].

<sup>28</sup> А. Іванець. Експертно-аналітична доповідь «Громада етнічних українців Криму в умовах російської окупації станом на 2020 р.: дискримінація, потенціал самозбереження та підтримувальні дії України. (Київ: Тов «Видавничий дім «Українська культура», 2021), с. 22–23. [Expert and analytical report "Community of ethnic Ukrainians of Crimea under Russian occupation as of 2020: a discrimination, a potential for self-preservation and supporting actions of Ukraine. (Kyiv: Ukrainian Culture Publishing House LLC, 2021), pp. 22–23].

Sevastopolska St., where the Crimean Diocesan administration, the Crimean Orthodox Spiritual Center, as well as the Cathedral of Saint Volodymyr and Olha Equal-to-the-Apostles, and another church were located, and started a lawsuit.

Representatives of the Crimean Diocese of the UOC–KP were forced to appeal to the "Arbitration Court of Crimea" (the occupation Russian structure, which is illegitimate from the point of view of international law and the legislation of Ukraine) to invalidate the decision of the Crimean "ministry" regarding part of the premises of 112.6 square meters, which since 2004, was in the use of the UOC–KP. However, the "Ministry of property and land relations of Crimea" filed a counterclaim. In January 2016, it became known that the "Arbitration court" dismissed all the claims of representatives of the UOC–KP, but the court satisfied the counterclaim of the "Crimean Ministry". As a result, the "judge" Sokolova ordered not only to vacate the premises with an area of 112.6 square meters on the first floor of the building at the address 17 Sevastopolska St., Simferopol, but also financially "punish" the church. In November 2016, representatives of the "Property Fund of Crimea" tried to seal the first floor of the Cathedral of Saint Volodymyr and Olha Equal-to-the-Apostles of the UOC–KP.

On August 31, 2017, so-called "court enforcement officers" suddenly blocked access to part of the premises of the Crimean diocese administration, and used force on Archbishop Klyment of Simferopol and Crimea, inflicted injuries on him, injured his hand, appropriated church property, such as crosses, icons, church dishes, tableware made of porcelain and Bohemian crystal, which was presented to the church, carpets, etc.

"The first floor is blocked, there are guards in black camouflage, i.e., special forces, a representative of the "property fund" is walking, the doors from the chapel of the Cathedral of Christ the Savior are broken, the doors from the street are broken," said Archbishop Klyment, who had been waiting for the arrival of doctors for a long time.<sup>29</sup> The invader decided to appropriate the main church of the community, i.e., the Cathedral of Saint Volodymyr and Olha Equal-to-the-Apostles in Simferopol.<sup>30</sup>

The UOC–KP expressed outrage and protest in connection with the actions of Russian security forces in Simferopol. The UOC–KP appeal says:

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<sup>29</sup> Усе про виселення собору УПЦ КП в Криму: винесли начиння, побили архієпископа Сайт «Новинарня. Новини України, що воює». [All about the eviction of the UOC–KP Cathedral in Crimea: utensils were taken out, and the archbishop was beaten up. Website "Novynarnia. News of Ukraine at war"]. <https://novynarnia.com/2017/08/31/use-pro-viselennya-soboru-upts-kp-v-krimu-vinesli-nachinnya-pobili-arhiyepiskopa>

<sup>30</sup> Блокування кафедрального собору Православна Церква України зазнає гонінь. Сайт віртуального музею російської агресії. [Blocking of the cathedral. The Orthodox Church of Ukraine is being persecuted. Website of the Virtual Museum of Russian aggression] <https://rusaggression.gov.ua/ua/pravoslavna-tserkva-ukrainy-zaznaie-honin-c628b76d4d82c4a68450bcce7cedd14f.html>

Our church assesses the actions of the Russian security forces as lawlessness, a violation of the right to freedom of conscience, guaranteed by international agreements that are also binding on Russia. The patriarchy considers these events a continuation of the invaders' pressure on the Ukrainian religious and national minority in Crimea, intimidation, and an attempt to eliminate the Kyiv Patriarchate on the peninsula. We also consider this to be the revenge of the invaders' special services for the position of Archbishop Klyment personally and his speeches in defense of the political prisoners of the Kremlin regime, including Crimean Tatar and Ukrainian activists.<sup>31</sup>

The Kyiv patriarchy asked the Ukrainian state authorities, the international community, in particular the EU and its member states, the USA, Canada and other democratic countries, international organizations, including the UN and the OSCE, churches and religious organizations to "condemn the assault of the occupying administration on the Ukrainian church in Simferopol and demand that Russia stop persecuting the UOC-KP in Crimea."<sup>32</sup>

In turn, the head of the Mejlis of the Crimean Tatar People, people's deputy of Ukraine Refat Chubarov called the assault of Russian security forces on the Church of the UOC-KP another solidification of the Russian policy of ethnic cleansing on the peninsula. He said,

The barbaric attitude of the Russian occupation authorities towards priests and parishioners of the Ukrainian Orthodox Church of the Kyiv Patriarchate in temporarily occupied Crimea, as well as the constant repression and persecution of Crimean Muslims, is evidence of Russia's strengthening policy of deliberate expulsion of Crimean Tatars and ethnic Ukrainians from Crimea and replacing them with ethnic Russians imported from mainland Russia.<sup>33</sup>

Two years later, in 2019, the UOC-KP in Simferopol received a letter from the "Ministry of Property and Land Relations of the Republic of Crimea" about the early termination of the lease agreement for the premises where the Cathedral of Saint Volodymyr and Olha Equal-to-the-Apostles is located. The reason for the eviction was the absence of re-registration of the religious community in accordance with the requirements of the legislation of the Russian Federation. In the letter, the invaders demanded that Archbishop Klyment of Simferopol and Crimea of the Ukrainian Orthodox Church (OCU) sign an agreement for early termination of the lease agreement within 20 days and vacate the premises within the next 10 days.<sup>34</sup> "Today we have really reached a state where the church in Crimea can be liquidated. If the center is

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<sup>31</sup> Усе про виселення собору УПЦ КП в Криму: винесли начиння, побили архієпископа Сайт "Новинарня. Новини України, що воює". [All about the eviction of the UOC-KP Cathedral in Crimea: utensils were taken out, and the archbishop was beaten up. Website "Novynarnia. News of Ukraine at war"]. <https://novynarnia.com/2017/08/31/use-pro-viselennya-soboru-upts-kp-v-krimu-vinesli-nachinnya-pobili-arhiyepiskopa>

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> О. Герасимчук. Українська церква в Криму: сім років в окупації. Голос Криму. 04.08.2020. [Ukrainian Church in Crimea: seven years under occupation. Voice of Crimea. 04.08.2020] <https://voicecrimea.com.ua/main/mainnews/9118.html>



liquidated, then accordingly, these eight parishes that remained in rural areas will also stop their activities," Archbishop Klyment said at the time.<sup>35</sup>

The reason for this situation was the refusal of the Diocese to register on the annexed peninsula under Russian law. As the archbishop explained, despite appealing to the Ukrainian authorities, the believers had not received a clear algorithm on how to do this, so that they would not be prosecuted under Ukrainian law for collaborationism. It is also impossible to transport icons and other valuables from the cathedral to mainland Ukraine after the closure of the cathedral, because the legislation prohibits the transfer of cultural property across the border, the archbishop said.<sup>36</sup>

In 2019, the "Ministry of property and land relations of the Republic of Crimea" also filed lawsuits against the Administration of the Crimean Diocese of the UOC-KP (now the Orthodox Church of Ukraine) for the recovery of funds, early termination of the lease agreement, and an incentive to return real estate. In June 2019, the occupation "court" in Crimea decided to demand that the OCU finally vacate the premises of the Cathedral in Simferopol. On 24 December 2019, the Supreme Court of the Russian Federation stopped the execution of court decisions on the return of real estate and obviously the eviction of the Ukrainian religious community from the church in Simferopol on 17-A Sevastopolska street and requested case materials from the court of First Instance.<sup>37</sup>

On August 4, 2020, the Supreme Court of the Russian Federation refused to review the decision to evict the OCU community from the Cathedral in Simferopol. This indicates a consistent course of the occupation authorities to forcibly deprive the OCU of the opportunity to use the premises. This court decision condemned the Representative Office of the president of Ukraine in the Autonomous Republic of Crimea. "The representative office condemns successive violations of the invader state against the Crimean Diocese of the Orthodox Church of Ukraine and its believers. The court's decision aimed at evicting the diocese from the Cathedral of Saint Volodymyr and Olha Equal-to-the-Apostles is the embodiment of the policy of the invader state to expel the Ukrainian Church from the temporarily occupied Crimean Peninsula. Russia wants there to be no Ukrainian Church in Crimea, an important center of

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<sup>35</sup> *Українська церква в Криму може бути ліквідована. Архієпископ погрожує оголосити голодування.* [The Ukrainian Church in Crimea may be liquidated. The Archbishop threatens to go on hunger strike]. <https://www.radiosvoboda.org/a/ukrainska-tserkva-v-krymu-mozhe-buty-likvidovana-arkhiypyskop-pogrozhuje-goloduvanniam/29766436.html>

<sup>36</sup> Ibid.

<sup>37</sup> *Українська церква в Криму: сім років в окупації. Голос Криму. 04.08.2020.* [Ukrainian Church in Crimea: seven years under occupation. Voice of Crimea. 04.08.2020]. <https://voicecrimea.com.ua/main/mainnews/9118.html>



unity of Ukrainians. The representative office will take all possible measures and actions to protect the Ukrainian Church," said Anton Korynevich, then permanent representative of the President of Ukraine in the Autonomous Republic of Crimea.<sup>38</sup> Ukrainian lawyer Serhiy Zayats called the decision of the Russian court "a complete liquidation of the Ukrainian Orthodox community in Crimea. In a technical sense, this is not genocide, but it borders on it," the lawyer said.<sup>39</sup>

Following this shameful decision of the Russian Supreme Court, the Kyiv Metropolis of the Ukrainian Orthodox Church (the OCU) on August 5, 2020, appealed to the Ukrainian state, international organizations, and democratic countries. They did this to protect the OCU Cathedral in Simferopol, the diocese, and the religious community from destruction; and to constantly raise issues of protecting the rights of Ukrainian Orthodox community in Crimea during contacts with the Russian Federation. The statement of the Press Service of the Kyiv Metropolis of the Ukrainian Orthodox Church (UOC) also supported the introduction, extension, and expansion of sanctions against the Russian Federation as an occupying state and personally against the accomplices of religious persecution, i.e., officials of the occupation administration, judges, police officers, court officers, and others.<sup>40</sup>

The eviction of the OCU community from the Cathedral of Saint Volodymyr and Olha Equal-to-the-Apostles in Simferopol was also condemned by the Ministry of Foreign Affairs of Ukraine, which in its comments on this issue stated that the persecution of the Ukrainian Orthodox community in Crimea is aimed at erasing Ukrainian identity in the temporarily occupied territories and is part of the policy of oppression of all religious communities in Crimea that are not controlled by Moscow.<sup>41</sup>

The Ministry of Culture and Information Policy also categorically condemned the actions of the occupying state aimed at evicting the Ukrainian Church from temporarily occupied

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<sup>38</sup> *Росія витісняє Українську церкву з Криму – представництво президента в АРК.* [Russia expels the Ukrainian church from Crimea – representative office of the President in the Autonomous Republic of Crimea]. <https://www.radiosvoboda.org/a/news-rosia-ukrainska-tserkva-krym/30767401.html>

<sup>39</sup> Ibid.

<sup>40</sup> *Цілеспрямоване нищення Росією української православної громади в Криму має бути зупинене!* [Russia's deliberate destruction of the Ukrainian Orthodox community in Crimea must be stopped!]. <https://www.pomisna.info/uk/vsi-novyny/tsilespryamovane-nyshhennya-rosiyeyu-ukrayinskoyi-pravoslavnoyi-gromady-v-krymu-maye-buty-zupynene>

<sup>41</sup> *Коментар МЗС України у зв'язку з переслідуванням Православної Церкви України та інших релігійних спільнот в Криму.* [Comment of the Ministry of Foreign Affairs of Ukraine in connection with the persecution of the Orthodox Church of Ukraine and other religious communities in Crimea]. [https://mfa.gov.ua/news/komentar-mzs-ukrayini-u-zvyazku-z-peresliduvannyam-pravoslavnoyi-cerkvi-ukrayini-ta-inshih-religijnih-spilnot-v-krimu?fbclid=IwAR38xSNN-OyNxH0EPwVwWIJ7HWA3uW6iyIwPzqav92guUnL5\\_Hy544TwznE](https://mfa.gov.ua/news/komentar-mzs-ukrayini-u-zvyazku-z-peresliduvannyam-pravoslavnoyi-cerkvi-ukrayini-ta-inshih-religijnih-spilnot-v-krimu?fbclid=IwAR38xSNN-OyNxH0EPwVwWIJ7HWA3uW6iyIwPzqav92guUnL5_Hy544TwznE)

Crimea. He noted in his statement that such a decision actually means the complete liquidation of the local Ukrainian Orthodox community, which borders on genocide<sup>42</sup>.

On February 17, 2022, the *Verkhovna Rada* of Ukraine adopted a resolution “*On certain issues of protecting the right to freedom of worldview and religion of believers of the Crimean Diocese of the Ukrainian Orthodox Church (Orthodox Church of Ukraine) and preserving the premises of the Cathedral of Saint Volodymyr and Olha Equal-to-the-Apostles,*” which contains the following points:

1. Temporarily, for the period of validity of the Law of Ukraine *On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine*, transfer a part of the property complex with a total area of 1,475.7 square meters, indicated in the plan of the premises by "a" letter located at 17 Sevastopolska St., Simferopol, 95015, namely the Cathedral of Saint Volodymyr and Olha Equal-to-the-Apostles from the ownership of the Autonomous Republic of Crimea to the state ownership.

2. The Cabinet of Ministers of Ukraine shall carry out measures to transfer the Cathedral of Saint Volodymyr and Olha Equal-to-the-Apostles into state ownership.<sup>43</sup>

This long-awaited and lobbied by the OCU believers and activists of the Crimean Ukrainian community decision of the Ukrainian parliament has created legal grounds for the state government to decide to transfer the cathedral premises into permanent/long-term use or ownership of the church, which in turn will enhance its ability to protect property rights in the occupied territories in international courts.

On May 15, 2020, the illegitimate "Yevpatoria City Court" issued a decision obliging the OCU to demolish the church in Yevpatoria. The document was handed over to Metropolitan Klyment only on July 22nd, to make it impossible to file an appeal against this decision. "Oblige jointly the defendants, i.e., Neopalyma Kupyna community and the Administration of the Crimean Diocese of the OCU to carry out work to dismantle the erected structure, namely

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<sup>42</sup> Заява МКІП щодо захоплення собору ПЦУ в окупованому Криму. [Statement of the MCIP on the seizure of the OCU Cathedral in the occupied Crimea]. <https://mkip.gov.ua/news/4055.html>

<sup>43</sup> Постанова «Про деякі питання захисту права на свободу світогляду та віросповідання вірян Кримської єпархії Української Православної Церкви (Православної Церкви України) та збереження приміщення Кафедрального собору святих рівноапостольних князя Володимира та княгині Ольги». [Resolution On certain issues of protecting the right to freedom of worldview and religion of believers of the Crimean Diocese of the Ukrainian Orthodox Church (Orthodox Church of Ukraine) and preserving the premises of the Cathedral of Saint Volodymyr and Olha Equal-to-the-Apostles"]. <https://zakon.rada.gov.ua/laws/show/2077-20#Text>

the strip foundation and the building made of wooden beams (log house) that was erected on it to the height of more than 10 meters, 'as stated in the document.'"<sup>44</sup>

Archbishop Klyment said that such decisions went beyond common sense. "These are all signs not only of the destruction of the Ukrainian church in Crimea, but also that such actions are aimed at the political persecution of not only us, the church servants, but also at the political persecution of the believers of the Ukrainian church in Crimea." He also believes that in this case, the current situation in Crimea should take place by international negotiations. "If the Russian authorities avoid discussion, then there must be a proper reaction and actions of the international community. I ask the whole world to protect not myself, but the Ukrainian church and the believers of our church in Crimea," he stressed.<sup>45</sup>

Note that the construction of the Church of the Exaltation of the Holy Cross in Yevpatoria began prior to 2014, and the OCU has the relevant documents. Repeated attempts were made to demolish the church after 2014. Hierarch Klyment reported in the media that the initiator of the church demolition was M. Purym, the deputy chair of Krymchahlar, the Crimean republican cultural and educational society. He is known for his many years of cooperation with pro-Russian radical organizations. In 2014, while Father Yaroslav, the rector of the Church in Yevpatoria, was on the Maidan, *titushky*<sup>46</sup> burned down the dome of the church. Subsequently, it was restored.

In July 2012, Simferopol City Council allocated 0.49 hectares of land to the Crimean diocesan administration for the construction of the Cathedral of Christ the Savior. On May 5, 2013, Archbishop Klyment of Simferopol and Crimea of the UOC–KP held a religious procession on the allocated plot of land and consecrated the cross in the center of it. He said that the project of the Cathedral of Christ the Savior has already been completed. Christians from Lviv presented the Crimean believers with a wooden church, a monument of Western Ukrainian wooden architecture, which was to be delivered to Simferopol and installed on this site. However, after the occupation of Crimea, this site was taken away, because the invaders first wanted to build houses for officers of the Federal Security Service there instead of the cathedral. They nearly handed it over to another denomination.

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<sup>44</sup> Герасимчук, О. *Українська церква в Криму: сім років в окупації. Голос Криму*. 04.08.2020. [Ukrainian Church in Crimea: seven years under occupation. Voice of Crimea. 04.08.2020] <https://voicecrimea.com.ua/main/mainnews/9118.html>

<sup>45</sup> Ibid.

<sup>46</sup> Titushky are mercenary agents who supported the Ukrainian police force during the administration of Viktor Yanukovich, often posing as street hooligans with the clear purpose of performing illegal acts.

In 2014, the Pokrovskiy Church in the village of Perevalne and the Church of the Apostles Peter and Paul and St. Nicholas in Sevastopol were unlawfully seized from the UOC-KP/OCU diocese in Crimea. In addition, the occupation authorities initiated legal proceedings in which invader-controlled courts decided to seize the building of the cathedral in Simferopol and demolish the parish church in Yevpatoria.

In 2016, the so-called "Yarovaya law" was adopted in the Russian Federation, which, among other things, introduced a new provision in the Code of Administrative Offenses, providing for liability for "illegal missionary activity." The arbitrary interpretation of this provision was used in August 2021 to administratively prosecute Archimandrite Damian of the OCU for performing the Divine Liturgy.

The widespread use by the occupation administration of Russian judicial institutions to try to deprive the UOC-KP and the OCU of its religious and other premises in Crimea and other violations of believers' rights requires a legal assessment and response from the public, Ukrainian authorities, foreign states, and international organizations. More than 70 believers of the UOC from Crimea personally appealed to the UN Human Rights Committee about the violation of their right to freedom of conscience and religion, as well as other oppressions by the Russian authorities. As a result, this Committee proposed in 2019 that Russia should not deprive the OCU of the premises of the cathedral in Simferopol and the Crimean diocesan office.<sup>47</sup>

In 2020, representatives of the Regional Council of Ukrainians of Crimea (an institution of self-organization of Crimean Ukrainians that emerged in 1918 and resumed its activities in 2020), among whom there are many parishioners of the OCU, created a list of employees of Russian courts and security agencies involved in judicial (quasi-judicial) persecution of the OCU in Crimea and submitted it to the government of Ukraine to apply sanctions against them. In 2021, the National Security and Defense Council of Ukraine introduced personalized special economic and restrictive measures against 18 individuals involved in the issuance of unlawful court decisions to alienate the property of the Crimean diocese of the OCU.<sup>48</sup>

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<sup>47</sup> Комітет ООН з прав людини просить Росію не виселяти ПЦУ з храму в Сімферополі. Сайт радіо Свободи. 09 вересня 2019. [The UN Human Rights Committee asks Russia not to evict the OCU from the Church in Simferopol. Crimea. Realities. 09.09.2019.]. <https://www.radiosvoboda.org/a/news-oon-ptsu-hram-simferopol/30154926.html>.

<sup>48</sup> РНБО застосувала санкції до осіб відповідальних за переслідування громад ПЦУ в Криму. 03.01.22. [The National Security and Defense Council has applied sanctions to those responsible for the persecution of the OCU communities in Crimea. 03.01.22.]. <https://www.pomisna.info/uk/vsi-novyny/rnbo-zastosuvala-sanktsiyi-do-osib-vidpovidalnyh-za-peresliduvannya-gromad-ptsu-v-krymu/>.

In January 2020, Metropolitan Epiphanius of the OCU and Archbishop Klyment of the Crimean Diocese of the OCU met with Mike Pompeo, US Secretary of State, during which they reported violations of religious freedom and the right to religion in Crimea, as well as oppression of the OCU. "I thanked the Secretary of State for the great help that the USA is giving to Ukrainians in Crimea. The help is that the US government at all the events that take place in the world supports us; the problem of the existence of the Ukrainian Orthodox Church (UOC) in Crimea is always voiced. The Secretary of State keeps this problem under his personal control," Archbishop Klyment said.<sup>49</sup>

In August 2019, during a UN Security Council meeting on the Arria formula for the protection of religious minorities in conditions of armed conflict, Yurii Vitrenko, Ukraine's *Chargé d'Affaires* to the UN, also drew attention that the aggression in Crimea "is accompanied by systematic discrimination, persecution and torture, which grossly violate the rights of Ukrainian citizens in Crimea on religious grounds."<sup>50</sup>

In February 2020, V. Prystaiko, then Minister of Foreign Affairs of Ukraine, during a speech in New York at the 74th session of the UN General Assembly, said that the annexation of Crimea by Russia led to another form of discrimination. "I mean the plight of Muslims, Crimean Tatars, as well as the Orthodox Church of Ukraine. We believe that religious freedoms should be further addressed by the Assembly, and we welcome relevant initiatives of partners," the minister said.<sup>51</sup>

In December 2016-2020, the UN approved five resolutions on the human rights situation in the Autonomous Republic of Crimea and the city of Sevastopol. The focus is on political prisoners, persecution of Ukrainian and Crimean Tatar activists in Crimea, torture and illegal imprisonment, persecution of religious minorities, restrictions on freedom of conscience, and freedom of speech. The UN condemns these and other human rights violations by Russia in the occupied Ukrainian peninsula and notes that Russia has failed to comply with previous resolutions and the situation has only worsened since then.<sup>52</sup>

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<sup>49</sup> Помпео тримає проблему ПЦУ в Криму під особистим контролем – архієпископ Климент [Pompeo keeps the OCU problem in Crimea under personal control – Archbishop Klyment].

<https://www.radiosvoboda.org/a/news-krym-klyment-pompeo/30410375.html>

<sup>50</sup> Україна розповіла в ООН про утиски віруючих на окупованих Росією землях. [Ukraine tells UN about oppression of believers in Russian-occupied territories]. <https://www.pravda.com.ua/news/2019/08/23/7224264/>

<sup>51</sup> Пристайко в ООН: Генасамблея повинна розглянути питання порушення релігійних свобод в окупованому Криму. [Prystaiko at the UN: the General Assembly should consider the issue of violation of religious freedoms in the occupied Crimea]. <https://www.radiosvoboda.org/a/news-prystayko-religiyni-utysky-v-krymu/30445913.html>.

<sup>52</sup> Ситуація з правами людини в Криму за 7 років окупації: аналітична доповідь / ред. О. Виноградова; Дім прав людини Крим, Кримська правозахисна група, Регіональний центр прав людини, Центр громадянської просвіти «Альменда», Центр прав людини ZMINA. (Київ, 2021, с.7). [The situation with

On February 10, 2022, a round table on "Religious persecution in the occupied territories of Donbas and Crimea" was held at the Ukrainian House in Washington. It was attended by representatives of major US human rights organizations in the field of religion and freedom of speech, such as International Religious Freedom, ADF International, and Baptist World Alliance.

"Religious freedom is a fundamental right, not a subject of debate or blackmail. Unfortunately, in times of aggression, Russia is showing its real, not democratic face, and this must be stopped. That is why we are having this working meeting here," said Samuel Brownback, US Ambassador for International Religious Freedom (2018-2021). He is very familiar with the situation in Ukraine and has visited Kyiv several times.<sup>53</sup>

On December 16, 2019, two US Congressmen, Joe Wilson and Emmanuel Cleaver, introduced a bill on supporting religious freedom in Ukraine, including in the occupied Crimea and parts of the Donbas.

In March 2020, the Foreign Affairs Committee of the US Congress House of Representatives supported the bill "*On the support of religious freedom in Ukraine*," which aims to counter Russia's violation of religious freedoms in the occupied territories of Donbas and Crimea. It clearly states that Russia is responsible for violating religious freedoms in the territories under its control, and not just within its borders.<sup>54</sup>

In April 2021, senators Roger Wicker (MS) and Jeanne Shaheen (NH) reintroduced the bipartisan law on supporting religious freedom in Ukraine (S.1310). This is the accompanying bill to HR 496, introduced by members of House Joe Wilson (SC-02) and Emanuel Cleaver (MO-05), which was approved unanimously by the Committee on Foreign Affairs of the House of Representatives.

The Kremlin's current repression in Ukraine reflects an ugly chapter from Soviet times when believers were persecuted for their religious faith," Senator R. Wicker said. "Vladimir Putin

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*human rights in Crimea over 7 years of occupation: an analytical report* / ed. by O. Vynogradova; Human Rights House Crimea, Crimean human rights group, regional human rights center, Almenda civil education center, ZMINA human rights center. (Kyiv, 2021, p. 7)].

<sup>53</sup> У Вашингтоні відбувся круглий стіл, присвячений релігійній свободі в Україні. Сайт RISU. [A round table dedicated to religious freedom in Ukraine was held in Washington. RISU website]. [https://risu.ua/u-vashingtoni-vidbuvsya-kruglij-stil-prisvyachenij-relijijnij-svobodi-v-ukrayini\\_n126027](https://risu.ua/u-vashingtoni-vidbuvsya-kruglij-stil-prisvyachenij-relijijnij-svobodi-v-ukrayini_n126027)

<sup>54</sup> Конгрес США підтримав законопроект про відповідальність Росії за порушення релігійних свобод в окупованому Криму і ОРДЛО. [The US Congress supported the bill on Russia's responsibility for violating religious freedoms in the occupied Crimea and temporarily occupied territories of Ukraine]. <https://qirim.news/novosti-uk/kongres-ssha-pidtrymav-zakonoprojekt-pro-vidpovidalnist-rosiyi-za-porushennya-relijijnyh-svobod-v-okupovanomu-krymu-i-ordlo/>



and his proxies must face real consequences for their brutal attempts to restrict the religious freedom of Ukrainians suffering from this merciless Russian occupation."<sup>55</sup>

The law on support of religious freedom in Ukraine will allow and require the President of the United States to address particularly serious violations of religious freedom on the Ukrainian territory of Crimea and Donbas, and not just violations within Russia's internationally recognized borders when determining whether to include Russia in the list of countries of particular concern (CPC). The bill reiterates that "the policy of the United States will never recognize an unlawful attempt to annex Crimea by the Russian government or secede any part of Ukrainian territory through the use of military force."<sup>56</sup>

Under this bill, the US government must take certain steps against a country that violates religious freedoms. Such as public condemnation, cancellation of cultural and scientific exchanges, state and other visits, cancellation, or suspension of assistance from the US government, private and international institutions, and the introduction of sanctions.

## Conclusions

Russia's aggressive war against Ukraine and, in particular, the occupation of Crimea has had a very negative impact on the situation of the Crimean Diocese of the UOC–KP and the OCU. It was among the most affected religious organizations on the Crimean Peninsula from 2014 to 2022 due to the policy of the occupying state. On the one hand, it is associated with the sharp deterioration of the situation with human rights and freedoms and the rights of non-Russian ethnic communities due to the policy of neo-totalitarian Russia, primarily the community of ethnic Ukrainians, with the expulsion from Crimea of the leaders and activists of this community—most of whom were believers of the UOC–KP and the OCU, as well as Ukrainian organizations, structures, and authorities (some of which provided or may have provided support to this religious organization in Crimea and Sevastopol). On the other hand, the occupying state consistently pursues a policy of discrimination against the structures of the UOC–KP/the OCU in the temporarily occupied territory, which is aimed at gradually but steadily expelling them from Crimea.

Russia's stance is primarily due to two reasons, it seems. First, the Crimean Diocese of the OCU plays an important role in preserving and protecting the identity of Ukrainians in the

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<sup>55</sup> Wicker, Shaheen Reintroduce Bill to Hold Russia Accountable for Its Religious Freedom Violations In Ukraine. Thursday, April 22, 2021 <https://www.csce.gov/international-impact/press-and-media/press-releases/wicker-shaheen-reintroduce-bill-hold-russia>.

<sup>56</sup> Ibid.

temporarily occupied region. Even under the occupation, it openly positions itself as part of the local Church of the Ukrainian people, develops the Ukrainian-language worship tradition and prays "for God-protected state of our Ukraine, government, people, and its army," which directly contradicts the ideology of "the Russian world" and the Russian great-power and chauvinistic concept that "Russians and Ukrainians are one people," imposed by the Putin regime. In addition, discrimination against the believers and clergy of the OCU is part of Russia's overall colonization policy of expulsion of Ukrainian citizens from Crimea and repopulating it with Russian citizens. Secondly, the Crimean Diocese of the OCU has a center outside Russia that is not controlled in the manner desired by the authoritarian Russian government.

Among the methods of discrimination against the UOC–KP and the OCU in Crimea used by the occupying state, an important role is played by propaganda, judicial (or rather quasi-judicial, since illegitimate Russian courts are used in Crimea), administrative and forcible pressure on priests and laity of this religious denomination, illegal alienation of its property, primarily, churches. The systematic policy of discrimination is enhanced by a powerful campaign in the Russian and pro-Russian mass media, which forms a persistent negative image of the Crimean Diocese of the OCU among the population. The materials promulgated as part of this campaign justify the actions of the occupation authorities regarding the persecution of the church and attempt to discredit the OCU as a religious organization.

As a result of the targeted policy of the aggressor state, i.e., Russia, the number of structures of this denomination in Crimea has dramatically decreased since the occupation from 2014 to 2021 from 46 religious communities, two fraternities and one monastery to seven communities (four of them were permanently functioning in Simferopol, Simferopol district, Yevpatoria, Belohorsk; three were in Pervomaisk and Razdolne districts on a non-permanent basis), and priests from 23 to four (one more cleric occasionally visits occupied Crimea to hold worship). Thus, the number of parishes has decreased by more than six times and the number of clergies has reduced by almost six times under pressure from the occupation authorities. In fact, today, the diocese is on the verge of survival.

Russian large-scale invasion of Ukraine in February 2022 worsened the crisis of the Orthodox Church of Ukraine in temporarily occupied Crimea. This is due to the further intensification of military propaganda and anti-Ukrainian hysteria, the general deterioration of the moral and political climate and the difficulties of access to the peninsula, which has been turned by the occupying state into one of the most important bases for aggression against Ukraine. Because of the military actions, there is no way for the priest, who used to regularly



visit his Crimean flock, and most importantly, Metropolitan Klyment of Simferopol and Crimea, who as of February 24, 2022, was on church matters in Kyiv, to come to Crimea.

An analysis of the situation of the Crimean diocese of the UOC-KP/the OCU in temporarily occupied Crimea shows a steady, negative trend of deterioration. It is obvious that the policy of the occupying state is not simply aimed at violating the rights of believers of this religious organization, but at gradually creating conditions for the termination of its activities. In the first years after the occupation of Crimea and Sevastopol, the Russian authorities somewhat restrained pressure on this diocese in order not to worsen the situation of the structure of the ROC in Ukraine, i.e., the UOC–MP, then after the creation of the autocephalous OCU in 2019, and the announcement of "independence and autonomy" of the UOC–MP in May 2022, this deterrent factor disappears or is significantly levelled. Therefore, the forecast for the future of the OCU in Crimea in the context of the continuation of the Russian occupation is consistently negative.

The rights of the Crimean believers of the Orthodox Church of Ukraine can be fully protected only after the liberation of Crimea and the restoration of Ukraine's territorial integrity. Until then, the Ukrainian state and the civil society, international organizations and civilized countries should use methods that ease the pressure on this religious organization, such as political statements on its status; imposing sanctions on Russia and individuals who initiate or take part in the persecution of the OCU in Crimea, violation of the rights of its believers and clergy; widely informing the international community about the problems; defending the rights of Crimean believers in the courts.

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