

2014-2016

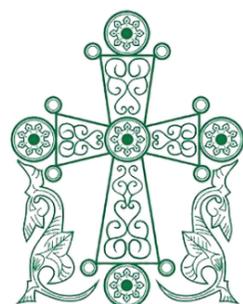
Facts, Evidence and Claims Regarding Violations of the Rights of Believers and Religious Organizations of the Ukrainian Orthodox Church in 2014-2016

Collection of Information Materials and Documents



From Authors:

This information collection includes applications, facts and evidence regarding violations of the rights and freedoms of believers and religious organizations of the Ukrainian Orthodox Church. The materials are prepared by the efforts of specialists of the Ukrainian human rights defense organization NGO “Public Advocacy” in close cooperation with the Department for External Church Relations of the Ukrainian Orthodox Church. The provided materials have been collected not only as a result of questioning the aggrieved persons and parties to the conflict, but also as a result of legal assistance of cases being considered by the judicial and law enforcement authorities of Ukraine, as well as outcomes of negotiations with representatives of state bodies, SMM OSCE staff members, who directly participated in the conflict monitoring, described in the report below. The material before you is an official report of NGO “Public Advocacy” and serves, within the procedures stipulated by the International Law, as facts of evidence and reference source on the subject matter under consideration.



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Department for External Church Relations

NGO “Public Advocacy”

Address: Leipzigska 14, Kiev, Ukraine

www.protiktor.com, www.religua.info, www.uoj.org.ua/eng

email.: protiktor2015@yandex.ru

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1. Statements of human rights defenders and official representatives of religious organizations of the Ukrainian Orthodox Church at the conferences of the OSCE in 2015.

Conference / Meeting documents

Statement of Archpriest Nikolay Danilevich, Deputy Chief of the Department for External Church Relations of the Ukrainian Orthodox Church at the OSCE Conference in Warsaw (Human Dimension Implementation Meeting) on 30 September 2015

<http://www.osce.org/odihr/186901>

My Dear Fellow Conference Participants!

I represent the largest religious organization in Ukraine – the Ukrainian Orthodox Church, which has over 12,700 church communities in total evenly distributed across the entire country. This includes the territories of the Crimea and the Donbass. In fact, we have 5 dioceses, 1,100 parishes, more than 1,000 priests and 300 monks, in addition to hundreds of thousands of faithful parishioners in the Donbass region.

Since the beginning of 2014, the UOC has been the target of numerous and frequent hostile acts that can most accurately be described as discriminatory. These acts have to do with inter-religious and political conflicts within my country. But since the goal of this meeting is not a review of interdenominational or political conflicts but, instead, violations of believers' rights and their discrimination, I would like to provide you with some concrete facts with regards to such discrimination having been perpetrated against my Church.

On the 28th of January, 2015, deputies of the Kyiv City Council adopted a decision which provided benefits for religious organizations of Kiev in the form of exemption from real estate

tax. The only exception was the religious communities of the Ukrainian Orthodox Church. This clearly unconstitutional and discriminatory decision was nevertheless overturned by decision of the District Administrative Court of Kyiv on 18th of June, 2015. In its ruling the court noted, "the principle of non-discrimination, impartiality and equal treatment of all organizations, including religious, in particular, prevention of circumstances that gives rise to less favorable conditions or provisions compared with other persons and/or groups must be applied as well to the regulatory acts of local self-government". Similar violations of rights against the Ukrainian Orthodox Church have been made by the Ternopil and Lviv Regional Councils. On the 25th of June, 2015, deputies of the Volyn Oblast Council voted for the initiative to rename the Ukrainian Orthodox Church, which for some reason they call «the Ukrainian Orthodox Church of the Moscow Patriarchate» (since such organization does not exist in Ukraine) to the name «Russian Orthodox Church in Ukraine». This is a gross interference in the internal affairs of the Church and a blatant attempt to discriminate against the clergy and faithful of the Church in the eyes of the Ukrainian society. Similar decisions were also made in other district councils and in certain oblasts (regions) of Ukraine.

Of particular concern, when it comes to the gravest violations of the rights of believers, is the so-called 'transfer' of parishes of our Ukrainian Orthodox Church to the jurisdiction of the UOC-KP. Actually, we are talking about the UOC churches being simply seized in the course of raider attacks instigated by supporters of the UOC-KP who use political forces, local deputies, and even radical nationalist power structures ("Pravyi Sektor" ("Right Sector"), so-called «Freedom», and even the National Guard units, in particular, the "Ternopol- 2" elite force battalion).

As of today, approximately thirty (30) churches belonging to the Ukrainian Orthodox Church have been seized whilst four (4) religious communities have voluntarily changed their jurisdiction.

I want to clarify it is not all about free change of jurisdiction according to the Law of Ukraine "On Freedom of Conscience and Religious Organizations", but takeovers with force, violence and deceit. Most of our seized churches are located in Volyn, Rivne, Ternopil, Lviv and Chernivtsi regions.

The latest evident example of lawlessness was the seizure on the 21st of September, 2015, of the Ukrainian Orthodox Church of St. George the Victorious in the village of Katerynivka, Kremenets district, Ternopil oblast, which has been legally owned by the community of the Ukrainian Orthodox Church since 1946. The above-mentioned Ukrainian Volunteer Corps "Right Sector", as well as soldiers of the "Ternopol-2" battalion with the connivance of the police, together with representatives from the UOC-KP illegally and arbitrarily seized the premises of the church. The raiders did not allow the parishioners of the UOC even to enter their own church. Subsequently, everything ended in bloodshed with parishioners being beaten with rubber batons as well as suffering the effects of tear gas. About 20 parishioners of the UOC were injured. Those parishioners whose intention it is to remain in the community of the UOC are threatened and intimidated. Law enforcement agencies refuse to accept applications on the incident as well as victim injury reports from those parishioners who suffered beatings.

On its official website the «Right Sector» confirms its complicity in the violent seizure of the church belonging to the UOC in the village Katerynivka and, moreover, confirms its intention to interfere in the activities of the religious communities of the Ukrainian Orthodox Church. <http://pravyysektor.info/news/akciyi/848/pravij-sektor-vidvoyuvav-u-moskvi-sche-odnu-cerkvu.html>.

So what exactly are the offences perpetrated by the local authorities and how do the parishioners get discriminated against?

1. The said religious community is entitled (under contract) to the premises of the church. This agreement is valid till the present day. Thus, the new decree establishing the procedure for the use of the church and the property on which it is located is illegal. In addition, this order is being appealed in court;

2. The transfer of property that de-jure belongs to the above-mentioned religious community of the UOC to the alternate use by another religious community is also not legal. In this situation, the Chairman of the Ternopil Oblast Administration Mr. S. Barna is exceeding his authority, because he does not have the right to personally dispose of property that belongs to the said religious community;

3. In addition, one of the main violations of the local authorities in this conflict was the decision of the police to allow representatives of the right-wing power structures («Right Sector» and the «Ternopol-2» battalion) to take part in resolving this conflict. In doing so, the representatives of the state «shared» monopoly on the legitimate use of legal force which is strictly regulated by national legislation with representatives of the unmanageable right-wing formations, leading to further sharpening of inter-denominational relations at both regional and national levels. At the press conference held on 25.09.2015, representatives of the central organ of state power which provides implementation of the state policy in this area (Ministry of Culture), did not have the courage to admit its mistake. Instead, they charged the Ukrainian Orthodox Church with unfounded accusations.

4. As a result, we can all clearly see the protectionist policies of the authorities in favour of a particular denomination – i.e. the Ukrainian Orthodox Church of the Kiev Patriarchate. It turns out we are all equal before the law, but some are still more equal than others.

Kolosova village, Ternopil region: failure to implement the court decision

On 27 August 2015, the Ternopil Regional State Administration of Ukraine took the first official step in the expropriation of the church

of St. John the Theologian, located in Kolosova village (Kremenets district, Ternopil region) from the rightful owners – the Orthodox parish of the Ternopil diocese of the UOC. It is reported by lawyer Oleg Denisov, representing the interests of the diocese. The statement of claim (with the signature of head of the Regional State Administration V.V. Shumada) is already registered in the Ternopil district administrative court and is likely to be accepted by the court for consideration.

In its initiative the Ternopil Regional State Administration proposes to cancel the state registration of property rights of the UOC community to the church complex, the bell tower and amenities buildings. The statement of claim reads that the RSA has found out about the alleged irregularities in the registration of property rights only recently, after an appeal of the Kolosova Orthodox community to them with the request to register the statute, amended and restated. "This motivation of officials (which, in fact, the whole claim is based on) deserves attention, - says Oleg Denisov. - Firstly, because the bureaucratic desire to follow the letter of the law itself violates the legal logic – in the name of the state of Ukraine it is decided not to deprive of churches (as in the Ukrainian SSR), but to return them to the Church. Secondly, and perhaps most importantly, the UOC religious community of the village of Kolosova did not appeal to the State Administration with a request to reamend the statute".

It is known that since April, 2015, the church of St. John the Theologian in Kolosova, Kremenets district, Ternopil region, has been the subject to raider attacks. A number of cases is reported when part of the village community wishing to come under the jurisdiction of the "Kyiv Patriarchate", accompanied by the clergy of the UOC-KP and unknown men in balaklavas, tried to occupy the church building. Following the incidents, the police even initiated a criminal case.

According to Oleg Denisov, re-registration of the statute of the UOC community in this story is part of the scheme, involving the legalization of ownership of the church in the interests of «KP». To actually existing orthodox communities releasing (including the fixed change of canonical

jurisdiction), in fact, leads to their elimination – to pray with the self-proclaimed «KP» is against the canons of the Orthodox Church.

According to available information (audio recordings and transcripts of «round tables» with participation of representatives of local authorities, law enforcement agencies, OSCE) in 2015 the Ternopil Regional State Administration did receive a petition for re-registration of the UOC communities into the communities of «the UOC-KP». Igor Kulchitsky, deputy director of the Department of Culture, Religions and Nationalities of the Ternopil Regional State Administration, was repeatedly informed (both formally and informally) of the fact that such motions were made by the part of the villagers, and not by the religious communities of the UOC.

It is not unexpected that on August 26, 2015, the Kremenets District Court issued a ruling that sustained the claim of the canonical Ukrainian Orthodox Church community of the village of Kolosova (the owner of the church of St. John the Theologian) and prohibited the Regional State Administration any manipulations on the parish statute.

It is to be recalled that on August 25 supporters of the UOC-KP blocked traffic on the highway «Domanovo-Kovel-Chernivtsi» and agreed to free it only after the meeting with Igor Kulchitsky, who promised to investigate the case and make a decision as soon as possible. In this connection, it is quite possible that the claim to the Ternopil Regional State Administration is an attempt to defuse the situation. However, even in this context the following question arises: "Can't the RSA be playing into the hands of one party of the property dispute between the faiths?"

[A statement made by Oleg Denisov, President of NGO "Public Advocacy", at the OSCE Human Dimension Conference held on 29-30 October 2015 in Hoffburg, Vienna. \(Supplementary Human Dimension Meeting/OSCE Contribution to the Protection of National Minorities\)](#)

Dear Ladies and Gentlemen,

I would like to draw your attention to the grave problem of rights' violation of the UOC (Ukrainian Orthodox Church) communities in Western Ukraine. The subject matter of today's session is the rights of minorities. Despite the fact the Ukrainian Orthodox Church is the biggest Orthodox denomination in Ukraine, the issue in question is directly related to the session's order. In fact, according to Ljubljana Recommendations included in the session's agenda, rights of the religion-based groups, in particular, the right to worship is also subject to defense. The Ukrainian Orthodox Church uses the Church Slavic language in its worship practice that constitutes an ancient-long cultural and historic tradition. The right of the faithful to pray in the Church Slavic language is provided for by the international law, which forbids any kind of discrimination, especially if it has to do with internal religious customs. However, over the period of 2014-2015 religious organizations of the Ukrainian Orthodox Church have been persecuted in an unprecedented way ever. Churches of this denomination are seized, set on fire, or ransacked, while the clergymen and the faithful are oppressed, in particular, by the state authorities. One of the requirements posed by the initiators of illegal seizures is to refuse from the Church Slavic language and adopt the Ukrainian language in this regard. People who decline this requirement turn into the minority and suffer various kinds of violence and pressure.

Another factor which accounts for pressure and discrimination of the Ukrainian Orthodox Church in Western Ukraine is its canonic link with the Russian Orthodox Church. It's a well-known fact that Ecumenical Orthodoxy is built on the principle of mutual recognition of denominations of separate countries by other Orthodox Patriarchs (and other jurisdictions) providing the denominations in question are canonical. Therefore, the affiliation of the UOC to the Russian Orthodox Church of the Moscow Patriarchate is implemented through the recognition of its status with wide-range independence and sovereignty rights that was affirmed by the Tomos of His Holiness Patriarch

Alexius II.

Nevertheless, in spite of an obvious character of full independence of the Ukrainian Orthodox Church in institutional, administrative and financial respects that does not need re-confirmation by the Russian Orthodox Church, the idea of creating a KP-based local church has been widely propagated in Ukraine. KP – Kiev Patriarchate – is not recognized as a canonical denomination by any Orthodox Patriarchs and organizations that belong to the canonical Orthodoxy.

Such state of affairs is a religious worship practice of Orthodox denominations which are entitled to observe it without any restrictions whatever. This right is enshrined both in the international law and internal legislation of Ukraine.

Owing to the above said, the growing incidence of illegal seizures of the UOC sanctuaries undertaken by the KP adherents who are lobbied by both radical organizations and state authorities, raises serious concerns. So far about 40 churches of the Ukrainian Orthodox Church have been taken over or there is an ongoing conflict around them. These church buildings are either illegally seized and used by the Kiev Patriarchate, or sealed by the state authorities, what deprives the UOC congregation of the possibility to have church services. Upon that, the UOC communities which fall victim to these unlawful actions in many cases are not only historic successors but also owners of the land and real estate property being taken over. There is an impression that state bodies intentionally turn a blind eye to illegal seizures of the UOC churches imposing certain pressure on this denomination with a view to implementing the local church project in Ukraine opting for the apocryphal denomination of the Kiev Patriarchate.

Let me draw the attention of, first and foremost, Astrid Thors, the OSCE High Commissioner on National Minorities to the necessity of immediate intervention into the situation in Western Ukraine in order to prevent the confrontation from running. The clash is quite deep, embraces a big territory and keeps getting a large amount of the population involved in the conflict; the people who stay on

opposite sides of the trench have repeatedly blocked highway traffic and sparked open confrontations. One has a narrow escape from tragic consequences resulting from each “tug-of-war” incident. By our observation, state authorities fail to take enough efforts to ensure efficient protection of the law and order, that’s why grassroots are made to ensure their own security that might lead to unpredictable implications.

With a view to regulating the situation, the OSCE representatives were invited to Ukraine and were acting in Ternopol and Rovno regions. In particular, Mr. Mark Kirschbaum and Maurizio Mantipo – authorized mission collaborators – personally met with the eyewitnesses, victims, the injured, persons in dispute from both sides: the Ukrainian Orthodox Church and that of the Kiev Patriarchate. With their direct involvement there were organized round tables, inter alia, with participation of state power bodies for the sake of conflict prevention. Such dialogue was sustained at the regional level – meetings were held at the level of regional and district state administrations as well as by means of negotiations of the OSCE representatives with each party to the conflict. Thus, the OSCE is fully aware of the conflict in question and we’d recommend in this context to take an immediate action to halt the probable escalation of the dispute, to prevent a tragic scenario.

As you might know, the elite unit of the Ministry of Internal Affairs, the “Ternopol” battalion, used force in an unlawful and ungrounded way towards the civilians – the faithful of the Ukrainian Orthodox Church who’d arrived at the church having been in their ownership since 1946 by virtue of the written agreement which is in effect according to the judicial case law. However, despite negotiations with the OSCE participation, the state bodies transferred this church into common use by the UOC and KP denominations leaving the parish of Katerinovka village religious community perplexed. Instead of reasonable response and resolving the dispute in legal terms, the adherents of the Kiev Patriarchate broke the church door open and arbitrarily, without any relevant court decision, occupied the church building while the “Ternopil” battalion merely

assaulted and battered the UOC parish who’d been trying to make the situation clear. Over 13 persons were inflicted injuries, including grievous bodily harm – broken arms, wounded heads. This evidence was also examined directly by the OSCE representatives.

I’d like to underscore for all attendees that conflicts in Western Ukraine being heated up could lead to destabilization of the whole region in Western Ukraine. It’s necessary to take urgent actions for preventing another flash seat of religious clashes on the nearest-neighbor borders with the EU.

In the circumstances concerned, one cannot say the OSCE has not been informed about grave violations of the faithful people’s rights of the Ukrainian Orthodox Church. Therefore, we strongly encourage to:

1. Pay immediate attention to the incidence of illegal seizure of churches, assault and battery of the UOC faithful in Western Ukraine and call Ukraine to fulfill its commitments and obligations on ensuring human rights in the country.
2. Send to Ukraine an on-site representative of the OSCE High Commissioner on National Minorities to study the situation and elaborate prevention methods for similar conflicts jointly with the state power bodies.
3. Set up an ad hoc Commission within the OSCE or any other designated structure to ensure direct response to the probable conflict escalation in Western Ukraine.

Supplementary materials to the address (eyewitness accounts, video records, a human rights defense report) are available on the web-site www.religua.info.

With best wishes,
Oleg Denisov

Representative of Ternopol and Kremenets diocese,
Rovno diocese of the Ukrainian Orthodox Church,
President of NGO “Public Advocacy”

Statement made by Oleg Denisov,
President of NGO “Public Advocacy”,
at the OSCE Human Dimension
Conference held on 30 September
2015 in Warsaw (Human Dimension
Implementation Meeting).

<http://www.osce.org/odihr/188076>

Dear Ladies and Gentlemen!

The international community has to pay careful attention to the processes currently taking place in Ukraine in view of the attitudes of state authorities to one of the biggest religious denominations in the country. We have to state with regret that in Ukraine, especially in its western part, the number of illegal seizures of the UOC churches keeps growing alongside with discrimination and violent behavior with regard to both particular faithful Orthodox and big religious centers.

The case in point is accepting by Ternopil regional council of the address to the Prime Minister of Ukraine which states that “... there have been actively created and galvanized fifth columns to serve the neighboring state. One of the spiritual sanctities of the Ukrainian nation – the Pochaiv Lavolta (lavra) of the Dormition – is being purposefully turned into the hub of anti-Ukrainian and interdenominational hostility. Under the guise of “canonicity” the UOC of Moscow Patriarchate tries to Russify Ukrainian citizens by abetting invaders”. Unfortunately, such official position of the state body can be interpreted by the population of Ukraine as a signal to illegally seize the UOC sanctuaries with impunity and persecute its parishioners.

As early as summer 2015 there got intensified actions of radical organizations and other persons aimed at taking over the UOC property and disrupting the situation in Western Ukraine. At present, more than 30 churches of our denomination have been exposed to illegal seizure without any legitimate grounds. For instance, in Ptycha village of Rivne region there was illegally seized a church our religious community is entitled to. Despite all the relevant documents and the court decision

which confirms ownership of our community of this building, we are unable to use it due to the prohibition of the local authorities to open the church. The authorities reason that in case the owner – our community – exercises their right to worship in the church, radically minded population and separate organizations will resort to mass rioting which the authorities will not be able to defend us from. This is also the case with other churches which are either illegally seized by raiders or closed and sealed by public authorities.

In Ternopil region, in the villages of Bashuky, Kulykiv, Kolosova, Katerynivka unprecedented events occurred when state authorities in the person of Governor S. Barna refused to abide by the court’s decision that forbids eliminating our community. Owing to inappropriate unprofessional performance of the local authorities, over 15 people including youngsters and women were severely injured – fractured limbs, brain concussion – as a result of ungrounded use of ruby beats and tear-gas by the Internal Affairs Ministry unit – “Ternopil” battalion – against unarmed civilians who arrived at the church which had been seized before by the adherents of “Kyiv Patriarchate”.

Regretfully, we observe that the power no longer takes a neutral stance because internal affairs agencies do not bother to investigate judicial cases upon the petitions we have continually submitted

to state authorities since 2014. They haven’t brought even an administrative action against at least a single person being involved in illegal seizures of the UOC churches although these persons are familiar to the authorities and details about those persons are forwarded to the law enforcement agencies. Assaulters of our churches normally wear camouflage uniform, balaclavas, and in some cases, they carry on cold guns and fire weapons.

Of no less importance is the fact that Ternopil state administration has probably urged to abolish the right of ownership of Kolosova village UOC community for the first time since the Communist atheist times wherefore they filed a lawsuit. The Governor of Ternopil region demands that the court should abolish the right of ownership of the church building but forgets

about Ukraine's international commitments and obligations with regard to restitution – returning of the property, having been unlawfully appropriated under the Soviet rule, to the Ukrainian Orthodox Church. Consequently, for the first time ever the state makes an overt act opposite to restitution and urges to abolish the community's title to the church property instead of making the worship building over to the Ukrainian Orthodox Church.

The evidence testifies to the fact that there has been turned on the “green light” in Ukraine to suppress and humiliate the denomination recognized as “politically insecure”. Is it really so?

The problem is when religious strives are stirred up, when slogans and conceptual messages are directed against our denomination, it gets widely disseminated by mass media. For instance, the slogan was made available to the public via mass media that “each candle bought in a church of the Moscow Patriarchate is a bullet fired at the back of the Ukrainian soldier”.

Such defamation alongside with impunity of the persons guilty of property seizure and other violations of rights of the UOC faithful only aggravates religion-based discrimination in Ukraine. To date, it is impossible to hold divine services in more than 30 UOC churches due to the fact they've been either occupied by representatives of the Kyiv Patriarchate or the authorities have made a decision to terminate worship in these churches.

Religious communities have sent official addresses to the international authorities and structures that assumed the “watchdog” functions with regard to honoring human rights and freedoms. We cherish hope that the influence of the international community will help to halt the wave of religion-based infringements of human rights and freedoms. Besides, we are grateful to Mr. Mark Kirschbeim, OSCE representative in Ukraine, who expressed his concern about problems of the UOC churches seizure in Ternopil region having taken part in an interfaith dialogue on the matter highlighted. However, the presence of international observers didn't shoot the trouble, to make matters worse, the members of the OSCE

mission while approaching Bashuky village of Kremenets district of Ternopil region were assaulted by the people who intended to prevent the foreign delegation from meeting with the community of the Ukrainian Orthodox Church. A statement on the above incident was submitted to the law enforcement bodies of Ukraine, but we received no feedback concerning the effective investigation. We bindingly affirm that continued illegal seizures of the UOC churches, religion-based discrimination of the faithful may entail unpredictable implications and destabilization of the situation in Western Ukraine. Failure of the authorities to take actions has already brought about security threat which is likely to cause new conflicts. We call the Ukrainian authorities to halt the wave of illegal seizures of the UOC churches and take actions to bring the guilty to justice in order to put a stop to impunity and ensure defense of human rights in the country.

Video materials and reference papers on the topic highlighted in this speech are available on the site www.protiktor.com.

Thank you for your attention,

Oleg Denisov
Head of NGO “Public Advocacy”

Statement of Oleg Denisov, President of NGO “Public Advocacy” as a reply to the speech of the Kyiv Patriarchate's representative at the OSCE Human Dimension Conference in Warsaw 01.10.2015.

**Statement
As an exercise of the right of reply to the representative of the Ukrainian Orthodox Church of Kyiv Patriarchate. Events in Katerynivka..**

With reference to the statement of the representative of the Ukrainian Orthodox Church of Kyiv Patriarchate it's noteworthy that parishes of the Ukrainian Orthodox Church

appear as legal persons acting on by virtue of the Statute registered in the manner prescribed by laws.

Therefore, references made by the representative of the Kyiv Patriarchate denomination to the fact that parishes of the Ukrainian Orthodox Church are changing their jurisdiction en masse in favor of the Kyiv Patriarchate by their own free will are false. The affiliation of a legal person to whichever denomination is not defined by the majority of residents of any given inhabited locality in which the community is registered as a legal person. This does not comply with the law of Ukraine. The right to make a decision on changing denomination belongs to the administrative body of each particular legal person (community). One can qualify changing of denomination as legitimate provided that persons who are members of such administrative body (parish assembly) make a decision about transition of a legal person under subordination of the Kyiv Patriarchate.

Otherwise when the respective decision is made at “referendums” by the village residents who personally do not form a part of administrative authorities of a legal person – the Ukrainian Orthodox Church community – such decisions are deemed unlawful and frequently employed as a springboard for illegal seizure of the UOC churches.

We believe that another attempt to disguise the UOC property takeover as a purported expression of free will of the people – village or city residents who are not even members of the parish assembly of a particular religious community of the Ukrainian Orthodox Church - is invalid. We draw your attention to the fact that applicable legislation of Ukraine does not enable to hold referendums on the issues in question, and they have never been held in any inhabited locality due to the lack of regulations making it possible to perform that kind of actions.

Obviously, if there should be such referendum-related regulations, the procedure of that kind will have to foresee the involvement of a state body responsible for holding a referendum, obligatory notification of all residents of a village to ensure voting by

secret ballot on any issue given, presence of observers, creation of the tally committee, and presentation of the referendum results. In each case when “referendums” served as the rationale for illegal church seizures, such processes of law didn't take place.

Even if out religious communities form the minority vis-a-vis initiators of the transition of a religious organization to a different denomination, it does not empower radical organizations and representatives of the Kyiv Patriarchate to illegally seize the property of a legal person – the Ukrainian Orthodox Church community.

If most villagers do not want a sanctuary to belong to the community of the Ukrainian Orthodox Church, it in no way justifies the action initiated by the “Ternopil” battalion having used bats and other control weapons towards civilians who got together in Katerynivka village to clarify the situation as for the church seizure.

It's noteworthy the Ukrainian Orthodox Church community in the village of Katerynivka has owned the church since 1946 by virtue of the agreement in force.

As far as actions of the authorities are concerned, we consider they were performed contrary to law and with abuse of power. Intrusion of the state into the peaceful stand of Katerynivka villagers on 21.09.2015 under the circumstances was not only inefficient and exceeded all acceptable *raison d'être* limits but was also determined, as far as we are convinced, by the political strive to favor one denomination – the Kyiv Patriarchate to the detriment of the other denomination – the Ukrainian Orthodox Church. The events in Katerynivka village and short-sightedness of the authorities resulted in mass battering of the UOC faithful. At the moment these parishioners are being accused of the alleged police attack and “military assault”. However, an ordinary comparison of the character of injuries inflicted by the encounter of the “Ternopil” battalion and civilians allows to define that the police didn't suffer severe injuries – fractured limbs, head traumas etc. whereas the civilians did. Consequently, the authorities had failed to take a due action to make sure there would be a sufficient number of the police officers equipped

with non-traumatic means of protection such as shielding, fencing etc.

Of particular concern are the people wearing the “Right Sector” patch who were actually in the same cordon with the police and got aligned between the church and the parishioners. There arises a question if the “Right Sector” is empowered to cordon off facilities, or fulfill other functions assigned only and solely for the bodies of internal affairs. Did the state power “share” any functions with the individuals

wearing balaclavas and camouflage suits?

The case in point is indicative.

We recommend that the OSCE takes all relevant actions to put a stop to discrimination and direct violence with regard to religious communities of the Ukrainian Orthodox Church in Ukraine.

Oleg Denisov
Head of NGO “Public Advocacy”.

2. The facts and evidence of violations of the rights and freedoms of religious organizations of the UOC for the 2014-2015 years.

Hate Crimes and Hate Speech in Ukraine

This overview is aimed at drawing attention of the world community to the events related to illegal seizures of religious institutions which belong to one of the most numerous Christian denominations in Ukraine – the Ukrainian Orthodox Church.

Civil factors of the conflict

Extremism is born where there is a place for inequality and interest opposition of social groups in economic, social, spiritual, interracial, interreligious and other respects. Escalation of extreme moods in society occurs in the time of exacerbation of historic, geopolitical, social and economic, social and cultural, informational and other contradictions in society. 2014-2015 years were marked by the wave of illegal seizures of sanctuaries that belong to the Ukrainian Orthodox Church. In almost all cases faithful people send a warning to the government about a planned seizure; nevertheless, unfortunately, there is no anticipated efficient response from the state authorities. Church seizure is accompanied by sparking religious hostility,

threats towards faithful people, physical and psychological violence. We have to state with regret that both authorities and even the population is getting used to this reality increasingly losing their hope to seek defense.

Crime scheme

A) Media propaganda and hate mongering

A key factor that enables to enlist support from the local population in the course of illegal seizure is media propaganda. Hate mongering targeted against the Ukrainian Orthodox Church is, unfortunately, systemic. Its regular character lies in continual distribution of negative information regarding the Ukrainian Orthodox Church. Such information includes messages about the denomination being unpatriotic, about appeals of the clergy to separatism, as well as about ties with Moscow. Actually, the Ukrainian Orthodox Church has a canonical and structural unity with the Russian Orthodox Church, this factor being widely used in shaping an aggressive propaganda model towards this denomination. The administrative staff of the Kyiv Patriarchate as well as its clergy publicly accuses the Ukrainian Orthodox Church of its “ties with Moscow”, “separatism lobbying” and being “the fifth column” assuring the Moscow presence in Ukraine. There is a widely known slogan worded by the archpriest

of Lutsk and Volyn diocese Metropolitan Michael of the Kyiv Patriarchate that “every candle purchased in churches of the Ukrainian Orthodox Church is a bullet fired at the back of a Ukrainian soldier” (<http://korrespondent.net/ukraine/3595461-mytropolyt-upts-kp-pryzval-khoronyt-nesohlasnykh>). Another evident example of intolerant attitude of the KP clergy towards the UOC is regular speeches of certain priesthood of the Kyiv Patriarchate calling to seize the Pochaiv Lavra of Holy Dormition (<https://www.youtube.com/watch?v=nDWpyqLapl4>). A number of public movements such as “Ukrainian sanctities for Ukrainian people”, public organization “Pravyi Sektor” (“Right Sector”), “Svoboda” (“Freedom”) make open statements about the necessity to transfer the UOC property to the Kyiv Patriarchate.

Enhancement of aggressive media pressure on the UOC was highlighted in an annual report of the UOC Primate Metropolitan Onufriy who remarked, in particular, the following: “Unfortunately, the ongoing social and political situation in the country remains extremely intense, noticeable is exacerbation of inter-denominational and inter-religious relationships. Therefore, I call each and everybody to the unfaltering fulfillment of their duties before God, His Church, and the people, to have courage in the commitment and confession of the One Holy Conciliar and Apostolic Church. Nowadays we are all witnesses to the uncovered planned information war waged against the Ukrainian Orthodox Church with the use of unverified and sometimes openly defamatory statements”. (<http://news.church.ua/2015/12/28/dopovid-blazhennishogo-mitropolita-kijivskogo-i-vsijeji-ukrajini-onufriya-na-richnix-jeparxialnix-zborax-kijivskoji-jeparxiji/>).

Consequently, one should arrive at the conclusion that hate mongering with regard to the Ukrainian Orthodox Church is not singular and comes from separate radical groups, but still appears as a systemic phenomenon. Hate mongering involves central mass media, senior representatives of the Kyiv Patriarchate at the highest level of hierarchy, as well as civil servants.

B) Church seizure as an element of politics

One cannot but note that the attitude towards the Ukrainian Orthodox Church is a part of political program of each public actor within a particular region. In particular, S. Barna, governor of Ternopil region, who has been a coordinator of “Ukrainian sanctities for Ukrainian people”, comes out for the transfer of the property in the ownership of the UOC, to the Kyiv Patriarchate. As it will be further remarked in this report, these views couldn’t but have an impact on the decisions made by the governor after he was appointed governor of Ternopil region. A wave of seizures of the UOC churches in this region in 2015 was mostly underpinned by resolutions of this functionary. Deputies of Ternopil regional council officially and publicly articulate in their decisions defamatory and discriminatory accusations of the UOC religious organization – the Pochaiv Lavra of the Holy Dormition. In particular, the deputies deemed it appropriate to use the following wordings in their official document with regard to the UOC religious organization – “hotbed of anti-Ukrainian and inter-denominational hostility... Under the guise of “canonicity” the UOC of the Moscow Patriarchate intends to russify the Ukrainian nation abetting the invader”.

Using such rhetoric at the official public level testifies to the fact that the state policy does not provide for a legal filtration of desiderata of random political groups to heat up religious animosity among the civilians.

C) Juridical front for illegal seizures

The technology of church seizure involves raiders turning up near a church who then incite local residents using political slogans about “non-patriotism” of the Ukrainian Orthodox Church and stir up religious hostility. The population “stuffed” with anti-church propaganda about alleged “Russian roots” of the Ukrainian Orthodox Church at the background of military developments in the country is ready to support those radically-minded. Hereby the amount of supporters is not crucial since stirring up the war issue seems enough to spark people’s emotions. It creates a platform for power confrontation with the involvement of radical ultra-right public organizations –

“Svoboda” and “Right Sector” – which assist in physical extrusion of religious communities from their churches.

Violators of law disguise their absence of juridical rights by organizing a so-called poll among local residents who have to “correctly” answer the question what confession they would like to have in their village. Normally such an inquiry pretends to look like “referendum”; even though it is considered a formal act, it doesn’t include all local residents and is not conducted within a legal procedure stipulated by the Ukrainian legislation. As a rule, people who don’t go to church and who hardly know what it is all about take part in such pseudo-referendums.

It’s noteworthy the current legislation of Ukraine does not basically prescribes any possibility to hold a referendum or a poll among local residents which serves as a rationale for a church transfer to another denomination. Based on witnesses’ accounts, a conclusion should be made that the Kyiv Patriarchate’s administrative staff are aware of illegitimacy of such “referendums” and “polls”, nevertheless they intentionally use legal illiteracy of local residents in order to further foment conflict.

There is a growing incidence when the powers-that-be don’t detain violators of law and give their de facto consent or sometimes even compel faithful people to seal sanctuaries. After a religious community under official pressure and that of radicals has been displaced from their sanctuary with the church sealed by the government as a “trade-off” decision, raiders – with impunity and even intimidating local authorities – cut off locks, force the doors open and break into the church. As a result, the church property is hardly returned to its legal owners – communities of the Ukrainian Orthodox Church.

In many cases assaulters don’t even bother to return the property stolen from the church interior for they believe this is their “trophies”. European human rights defenders are aware of the prospects of starting a legal action in Ukrainian courts based on numerous resolutions of the European Court of Human Rights. Still, the situation is aggravated by the fact that raiders are particular physical persons

wearing balaclavas, carrying clubs and sticks and have to be identified only by the police that remain mostly inactive. Law enforcement officers hardly ever detain violators.

There is also a problem to trace down criminals because it’s not clear who actually seize churches due to the fact the police fail to catch “customers” and “performers” of illegal seizures in flagrante. Inefficiency of the power is one of the factors to provoke raiders to illegally take over the property of the Ukrainian Orthodox Church and make law-unaware religious communities get stuck in a futile litigation despite an overt crime – plunder. At best, law enforcement manages to prevent bloodshed. Religious institutions of the Ukrainian Orthodox Church, instead of having efficient protection of their rights against criminal acts overt, are offered to file suits and wait for years for the “law justice”, which people tend to believe in less and less, given a “blind eye” of the government.

Radicalism and juridical wars as a part and parcel of the Kyiv Patriarchate’s policy. Are there any signs of extremism?

The Ukrainian Orthodox Church of the Kyiv Patriarchate is currently a religious organization registered according to the legislation in force of Ukraine and composed of separate legal entities – communities, monasteries, eparchies, acting virtually in each regional center of Ukraine. It would seem that such organization was set up thanks to the conscious choice of faithful people who had deliberately decided to create this denomination. However, the analysis of the facts makes it possible to conclude that is not true.

The Kyiv Patriarchate denomination is an end-product of introducing changes into the statutory documents of another denomination – the Ukrainian Autocephalous Orthodox Church (UAOC). This event was accompanied by scandals and complaints of the laid off UAOC administration, as well as protests made by the Prosecutor General Office of Ukraine, which qualified such introduction of

amendments as unlawful. The creation of the Kyiv Patriarchate denomination was initiated by Mikhail A. Denisenko (at present – “Patriarch Filaret”) who, before forming a part of the UAOC denomination, used to be one of the chief administrators of the Ukrainian Orthodox Church. However, because of a number of canonical violations, according to the UOC by-laws, he was removed from office and defrocked, thus, having no right to act as a clergyman. As a matter of fact, such restrictions are applied solely by the canonical church power by virtue of the canonical right norms which are not provided for by the state’s juridical force. For this reason M.A. Denisenko did not recognize these decisions and continued to resort to the ecclesiastic attributes in a free-standing way: he called himself “patriarch” and wore distinctive signs of the church and monastic rank – cross, rhason, and other attributes. Legal actions of the new administrative staff of the Ukrainian Orthodox Church, namely, the decisions on M.A. Denisenko’s deprivation of powers as an authorized chief, stripping all church titles from him, as well as punitive measures taken against him for his canonical offences, no longer allowed him to be the head of the Ukrainian Orthodox Church.

Still, separation of the state from the church as well as political support of President of Ukraine L. Kravchuk enabled M. Denisenko to enter into another registered denomination – the UAOC – and become one of the deputy heads of this organization’s primate Patriarch Mstislav. However, M.A. Denisenko soon initiated the so-called All-Ukrainian Orthodox Council being intrinsically a meeting of his adherents that resolved to introduce changes into the UAOC Statute, changed this organization’s name for the “Ukrainian Orthodox Church of the Kyiv Patriarchate”, whereby Denisenko himself became its primate wearing the “patriarch” title. A legal analysis of these actualities makes it possible to conclude that the above-cited scheme of illegal seizure of the UAOC denomination fully coincides with numerous raider assaults of the communities in Western Ukraine which are taking place currently.

Similarly to the UAOC seizures in Western Ukraine, there are meetings and gatherings

in the village holding “referendums” or even meetings of the faithful (who actually are not people of faith); then these documents are accepted by the state authorities just because they support the Kyiv Patriarchate, being “politically correct” and meeting “demands of the folks”. Unfortunately, nobody brings up the issue of observing legal norms and citizens’ rights of those who frequently built a taken over church at their own costs. The rights are infringed en masse.

In fact, it was the case at the very beginning of the Kyiv Patriarchate creation. The address of the chief of the Ukrainian Autocephalous Orthodox Church dated 20.10.1992 has it as follows: “I, Mstislav, by the grace of God being Patriarch of Kiev and all Ukraine, feel deeply concerned about uncertain ambience around our Holy Church. In particular, after the so-called “unification” of the part of the Ukrainian Orthodox Church and Ukrainian Autocephalous Orthodox Church into a single “Ukrainian Orthodox Church – Kiev Patriarchate”. Praying continually for integrating all Orthodox Christians of Ukraine and Diaspora, I bring to the notice of my spirit children that the decision on the UAOC unification with any other church under the UAOC statute can be made only by the Council of the UAOC episcopate, the clergy, and lay people, convened by me... In this connection the decisions of the so called “All-Ukrainian Orthodox Council” of 25-26 June 1992, “the Committee on Protection of Orthodoxy”, as well as part of the UAOC episcopate that recognized the decisions of the mentioned council and the committee, are not legally binding for the UAOC episcopate, clergy and lay people”.

The General Prosecutor’s Office of Ukraine also responded to the convention of the illegitimate “All-Ukrainian Council” issuing a formal protest:

From the protest of the General Prosecutor’s Office of Ukraine dated 20.08.1993, № 7-55872 regarding the resolution of the Council on religious matters of the Cabinet of Ministers of Ukraine of 20 July 1992 “On changes and additions to the Statute on the Management of the Ukrainian Autocephalous Orthodox Church”:

«The Council on religious matters of the Cabinet of Ministers of Ukraine adopted a resolution on 20 July 1992 that registered herewith amendments and additions to the Statute on the Management of the Ukrainian Autocephalous Orthodox Church. This resolution does not comply with the requirements of the current legislation of Ukraine due to the following reasons:

...By virtue of the Statute on the UAOC management, Section 19 it is determined that “the right to amend and supplement the Statute hereof belongs to the Church Council of the Ukrainian Autocephalous Orthodox Church”. **As it was found, the UAOC Church Council was not convened and did not make any amendments to the Statute. References made by the Council on religious matters of the Cabinet of Ministers of Ukraine to the decisions of “All-Ukrainian Orthodox Council” do not have legitimate grounds due to the fact that the UAOC Management Statute does not stipulate holding this kind of council...** All-Ukrainian Orthodox Council was not legalized and authorized to make decisions on changing the statute... the cited decision of the Council on religious matters of the Cabinet of Ministers of Ukraine led to exacerbation of the religious situation in the country due to the interference into a legal plane of numerous religious organizations...”

(Full text of the documents quoted above is enclosed in supplements to this report).

Regretfully, the protest of the General Prosecutor of Ukraine and complaints of Patriarch Mstislav failed to produce any effect since the chief of the new denomination “Kyiv Patriarchate” was personally supported by President L. Kravchuk. In the aftermath of “creation” of the “UAOC-based” Kiev Patriarchate denomination, there was a countrywide wave of church seizures of the Ukrainian Orthodox Church; an inter-denomination situation in the country was turbulent for several years, while the conflict situations in some populated areas, caused by antagonism, keep separating people until now.

Consequently, based on the factual analysis of actions of the Kiev Patriarchate at different levels of hierarchy, it is to be concluded that this organization continues to use forceful seizure practices, a juridical disguise of illegal raiding which took place in the 90s, thus this tendency has to be defined as an activity hallmark of this organization with its law-related implications.

Legal claims to authorities

Religious communities of the Ukrainian Orthodox Church, based on the circumstances, appealed to the national legal remedies. With escalating conflict, the number of claims by religious organizations to law enforcement bodies of different levels – the police, prosecutors, the Ombudsman, courts, the President, the Head of the Supreme Council of Ukraine and the Prime-Minister – has increased manifold. In all cases of religious rights violations believers filed a claim on the opening of criminal proceedings on the seizure of churches, incitement of religious hatred and disruption of religious services. However, the authorities ignore these facts. Though upon the applications of believers more than 25 criminal proceedings were opened only on cases in Western Ukraine, none of them was brought to court. Furthermore, the analysis of jurisprudence confirms that community representatives have repeatedly complained to the court about the inaction of the investigators who are unwilling to investigate cases against the Kyiv Patriarchate. The supplement to this report provides information on the number and procedural status of certain criminal cases on the appeals of the UOC believers, as well as the texts of court decisions on the consideration of complaints about the inactivity of the investigation.

Another line of defense became reconciliation talks with representatives of the conflicting parties, public authorities, human rights activists and representatives of the OSCE mission.

It should be noted that the work of the OSCE observers brought a positive contribution to the development of the situation, as the presence of international observers briefly disciplined some authorities, who recalled the existence of

international law and the State’s accountability for promoting mass violations. The OSCE observers Mr. Marc Kirschbaum, Mr. Maurizio Mantipa and other members of the OSCE office communicated directly with witnesses of the confrontation, familiarized themselves with legal documents, visited the places of conflict and had an opportunity to fully establish the accuracy of the stated facts in this report.

Appeals to the international community and international law enforcement authorities

Having exhausted to a certain extent the hope of effective legal protection by the state authorities of Ukraine, representatives of religious communities began to appeal to the international community and international organizations, human rights institutions of the Council of Europe and the UN in order to achieve the attention and practical help in resolving the conflict.

As of the date of this report the Council of Europe, the UN Special Rapporteur on freedom of religion and religious rights, the European Court of Human Rights, the Office of the Commissioner for Human Rights, the Council of Europe Commissioner on National Minorities, the Council of Europe Commissioner for Human Rights received direct information, evidence and facts about the situation in Western Ukraine and the request for assistance within the framework provided by international procedures. Statements at international conferences of the OSCE and the ODHR confirm the fact of informing the international community about the situation in Western Ukraine.

In 2016 facts of the rights’ infringement of the UOC faithful were recognized by a range of institutions and organizations having an international status, in particular:

- Office of the United Nations High Commissioner for Human Rights (OHCHR):

According to the Report on Human Rights in Ukraine of 16 November 2015 – 15 February 2016 of the Office of the United Nations High

Commissioner for Human Rights¹:

119. OHCHR paid attention to tense relationships between local communities that affiliate themselves with the Ukrainian Orthodox Church (UOC) and the Ukrainian Orthodox Church of the Kyiv Patriarchate (UOC KP). Within the period of 28 January - 1 February 2016 the OHCHR representatives visited Ternopil and Rivne regions in Western Ukraine, affected by such tension. In some rural areas certain people wish to pass to the UOC KP, the rest making a stand for the UOC. It leads to tension, particularly in the villages which have one Orthodox worship building. Some parishioners and priests of both denominations expressed their concern to the OHCHR on discrimination and use of humiliating and provocative rhetoric against them, depending on whether they belong to the UOC or UOC KP. Furthermore, there are messages about physical violence threats and coercion, aimed at making people change their confession. Such facts are to be interpreted as an infringement of the unconditional ‘forum internum’ principle of freedom of religion and belief.

120. According to the local residents’ accounts, law enforcement authorities and state bodies concentrate their efforts on the prevention or counteraction of only physical clashes, without paying proper attention to other forms of confrontation, intimidation and discrimination. Of particular concern is the fact that in a number of villages, local residents and external forces prevent the faithful of both denominations from entering shrines of their preference and conducting religious services for several weeks, including baptizing and church wedding sacraments. On the whole, investigations of such cases are either ineffective or not carried out at all.”

- on 10 August 2016 the USA State Department published a report on religious freedom in the world over the year of 2015, wherein special attention was paid to the problems of discrimination of human rights to freedom of faith in Ukraine. This report highlights in particular:

“Representatives of the UOC MP complained

¹ http://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016_ru.pdf

about the central government's inadequate response to the increased discrimination and intolerance toward its faithful by UOC KP representatives and high-ranking UOC KP supporters in some local governments. According to the UOC MP, emboldened by the police inaction and support from radical groups, separate activists from the "Right Sector" political party, some local government representatives, and businessmen – proponents of the UOC KP – intensified their efforts to seize a number of UOC MP church buildings. Some of the incidents occurred after local authorities had transferred parish jurisdictions from the UOC MP to the UOC KP, reportedly against the will of some parish members.

Right Sector representatives claimed they had visited the disputed sites on the UOC-KP's request to facilitate the change of jurisdiction and protect UOC-KP followers from "violent attacks" by UOC-MP supporters. The UOC-KP accounted for the "Right Sector" involvement by that parishioners themselves "often turn to patriotic organizations" for protection. The UOC-KP Ternopil diocese said that UOC-MP parishioners were "forced to go to temples of the Russian Church in Ukraine [reference to UOC-MP] and pray for their murderers and invaders."

On September 7, the Ternopil Regional State Administration issued a resolution that the UOC-MP St. George parish in Katerynivka, Ternopil Oblast, should use its church on a rotational basis with a newly created local UOC-KP congregation. The UOC-MP challenged the decision in court. The UOC-MP stated that on September 21 the UOC-KP supporters arrived at the church, accompanied by about two dozen members of the Right Sector. The UOC-MP said the group then forcefully occupied the church building, insisting that it belonged to the UOC-KP. During the seizure, the Right Sector members reportedly threw a smoke bomb into a private house as they were chasing a UOC-MP church guard and detained him. The UOC-MP stated police representatives sided with Right Sector representatives, denying UOC-MP members entry to the churchyard. Members of the UOC-MP stated that several of their followers forced their way into the yard,

demanding that their priest be allowed to enter the church. The police ordered them to leave the site. After they refused, riot police (OMON) used batons and physical violence to get them away from the yard and continued to beat some who'd fallen behind. The "Right Sector" representatives also participated in chasing UOC-MP followers, using pepper spray and physical violence. The UOC-MP said 15 of their representatives were injured and several of them were hospitalized. Some were reportedly afraid to seek medical assistance, following statements that Right Sector representatives were forcing victims to retract complaints lodged at a local police department and had visited a local hospital requesting medical staff disclose identities of the injured. A local police representative told the media that the riot police had to use force in self-defense.

On September 23, the Right Sector issued a statement describing the Katerynivka incident as part of a "fight against Moscow's stooges and separatists" and vowing to use "any available means to defend the development of a local Ukrainian Christian Church."

According to the UOC-MP, since April 26, masked Right Sector representatives armed with sticks and knives repeatedly visited Kolosova village, Kremenets District, Ternopil Oblast to intimidate members of the local UOC-MP parish of St. John the Theologian, who opposed the change of parish jurisdiction to the UOC KP. At times, the Right Sector activists reportedly brought "fighting breed" dogs to the village in an attempt to put more pressure on the UOC-MP followers.

In July the Kremenets District State Administration set up a coordination council to solve the parish jurisdiction dispute. The administration also warned the Ternopil Regional State Administration against hasty reregistration of the Kolosova UOC-MP parish as part of UOC KP, saying that not all members of the parish wanted to join the UOC KP.

On August 26, the Kremenets District Court prohibited Ternopil Regional State Administration from reregistering Kolosova parish. On August 28, following a protest by local UOC-KP followers, the Ternopil Regional State Administration chairman issued a

reregistration order, thereby transferring the church building to the UOC KP. The chairman stated that he only learned of the court ban after he had signed the order. The UOC-MP said its parishioners would no longer be able to hold religious services at the church because the Regional Administration's decision had deregistered its congregation.

The Ministry of Culture encouraged the UOC MP to resume dialogue with the UOC KP in a working group set up in 2014 to mediate disputes between the two Churches.

3. Actions of civil servants of central state power bodies directed at discrimination and pressure with regard to the UOC

A) Refusal to grant a legal entity status to religious organizations of the UOC and to register their legal capacity

The Ukrainian Orthodox Church is a religious denomination that consists of groups of physical and juridical persons – believers who form a part of these legal persons being their members. Primary structural divisions of the Ukrainian Orthodox Church are parishes, incorporated into dioceses (diocesan administrations).

In 2015 religious organizations of the Ukrainian Orthodox Church, which hold an administrative position (diocese, diocesan administrations), as well as some monasteries submitted documents for introducing corrections into charters, regulating activities of these organizations. One part of those corrections was necessitated by the compliance with the requirements of the current legislation of Ukraine, which non-fulfillment can result in negative implications for the above religious organizations. The other part of applicants submitted their charters for registration with a view to receiving legal standing – a legal entity status.

Meanwhile the Ministry of Culture of Ukraine – a state body, authorized to implement the state registration of constituent documents

Therefore, numerous violations of believers' rights have been reaffirmed now by the authorities, empowered under the International Law to exercise advocacy and monitoring functions related to human rights defense.

For our part, we believe that a response of the international community in the situation at hand will be an efficiency litmus test for the above institutions in the matter of human rights defense.

and amendments thereto, failed to take any actions, stipulated by the law, on registration of corrections, registration of charters of the UOC religious organizations, as well as did not give any written replies which could provide rationale or grounds for non-compliance of the submitted documents with the legislation of Ukraine. Nor did the Ministry of Culture of Ukraine take a single action to ensure an efficient dialogue or any other procedure, which would allow for the applicants to get familiar to the standpoint of the above state institution with respect to the documents submitted.

In view of the fact that non-registration of charters and amendments thereto hampers the activity of religious organizations, the problem of inaction of the Ministry of Culture became a point of consideration by the Holy Synod of the Ukrainian Orthodox Church.

A decision of the UOC Holy Synod of 20 July 2016 notes, in particular:

"From December 2014 till May 2015 there were submitted 13 charters of religious organizations of the Ukrainian Orthodox Church to the Ministry of Culture of Ukraine: 3 charters of the Diocesan Administrations; 2 charters of the Synodal Departments; 8 charters of the monasteries. Verbal critical notes made by the MoC representatives as for the charters were taken into account and disposed of within a

time frame till 15 July 2015.

On 13 August 2015 two letters came from the Ministry of Culture of Ukraine dated 16 April 2015 № 334 / 18-15. The letters said that the charters of 7 institutions of the UOC are subject to consideration by the Expert Council on Freedom of Conscience and Activities of Religious Organizations under the Ministry of Culture of Ukraine, which session was scheduled for 28 April 2015. Afterwards no further letters or critical remarks have been received, with the state body responding to the repeated appeals that the charters were being considered by the Expert Council or submitted for signature to directing officials.

According to Article 14 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" a registrar shall consider an application, a Charter (Regulation) of a religious organization within a month and make a respective decision. In separate cases a decision on registration of Charters (Regulations) of religious organizations shall be adopted within a three-month term.

Owing to the expiry of all time frames necessary for registration, the Ukrainian Orthodox Church had to draw the public attention to the violation of the law by the Ministry of Culture and the problem of charter non-registration, which was reported at the press-conference on 25 March 2016. Afterwards the MoC representatives made a public announcement that the charters of the UOC religious organizations do not get registered since they fail to comply with the legislation. Numerous requests to provide critical remarks in order to correct errors in the UOC charters were ignored.

On 6 April 2016 a meeting was held with the representatives of the Ministry of Culture (A. Yurash, L. Vladichenko, I. Papayani), during which they pledged to grant written critical comments on the charters of the UOC religious organizations.

On 8 April 2016, during the meeting at the Department for Religions and Nationalities a representative of the Ukrainian Orthodox Church was presented print-outs on 13 sheets, called by the MoC representatives as "critical remarks for the charters". However, the mentioned

materials did not have any signs of a document; nor did they have a signature of an authorized person, responsible for the document content. Director of the Department for Religions and Nationalities A.V. Yurash refused to formalize these materials in a document.

Due to this a letter was forwarded to the Ministry of Culture of Ukraine which contained a request to formalize and transfer the charters of the UOC religious organizations as long as there are points to be corrected there, according to the requirements of the Record-Keeping Instruction within the Ministry of Culture of Ukraine and Ukrainian legislation.

On 16 June 2016 a letter arrived, addressed for the UOC and dated 16.06.2016 #18 / 18-16, with an invitation to take part in the meeting to discuss the situation and a message that on 25.05.2016 the session of the Expert Council's members approved a decision to send back charters of the UOC religious organizations for their reworking and finalizing.

The reply to the letter said that any meetings without official critical remarks in writing are premature, unproductive and delaying the registration procedure of the charters, which had been pending for over a year. Pursuant to the legislation, the charter registration procedure does not involve a necessity to hold meetings and discussions. Thus, representatives of the MoC initiated meetings in order to waste time and create the appearance of work on charter registration, and by doing so to find an excuse for breaching the registration deadlines.

Consequently, on 29 June 2016 the UOC received letters of 02.06.2016: #474 / 18-16 with critical remarks for the diocesan charters and #476 / 18-16 with those for the monasteries' charters. Together with the letters there were sent document packages for registration and charters of the two dioceses and eight monasteries with a stamp "for reworking".

The remarks suggested do not take into account traditions and internal dogmata of the Orthodox Church, contradict the already registered charters and lack legal basis.

In accordance with the Law of Ukraine "On Freedom of Conscience and Religious Organizations" it is unlawful for the charter registrar to send back a charter of the religious

organizations for reworking; since the provisions of the Law clearly define what decisions can be adopted by registration of charters.

Non-compliance with the term, established by the law for charters registration, is infringement of the law. In our case the registration of the charters continued from one year to a year and a half. To date, the Ministry of Culture still delays with the registration of the UOC Lviv Diocese Administration's charter, which was submitted to the institution as long ago as in December 2014. Therefore, registration of charters led to the violation of rights of religious organizations of the Ukrainian Orthodox Church, depriving them eventually of the possibility to enjoy their fully-fledged activity under the charter."

On 3 August 2016 Director of the Department for Religions and Nationalities under the Ministry of Culture of Ukraine Andrey Yurash declared² at the press-conference in Kiev that the UOC is trying to force the registration of charters of its structural units.

During the press-conference the civil servant stated that constituent documents of the UOC religious organizations are not consistent with the Ukrainian legislation. He noted, in particular, the charters submitted contain a provision, according to which an eparch has powers to create and register a parish. This, in his opinion, makes it impossible for a church congregation to change their jurisdiction.

Chairman of the UOC Legal Department Archpriest Alexandr Bakhov called such statements ungrounded and intended to launch a policy of double standards.

During his speech the Director of the Department for Religions and Nationalities also said they "did not want to refuse" registration to the UOC.

"What does it mean? – wonders the Chairman of the UOC Legal Department. – The law establishes a term of one to three months, during which a registrar is supposed to register a charter or refuse registration, specifying reasons thereto. Sending back charters for reworking is not envisaged by the law at all. What rule of law can we speak about if they are driven solely by their own desires?"³

² <http://ua.interfax.com.ua/news/general/361755.html>

³ <http://news.church.ua/2016/08/04/minkult-v-ocherednoj-raz->

The above cited actions and inaction of the MoC of Ukraine directly restrict human rights and freedoms, envisioned, in part, by articles 22, 26, 27 of the International Covenant on Civil and Political Rights, whereunder each individual has a right to freedom of associations with others, all humans are equal before the law and enjoy the right, without any discrimination, to equal protection by the law. In this respect any kind of discrimination must be prohibited by the law and the law must guarantee all individuals equal and effective protection against any discrimination on any grounds, including religion-based discrimination. In the countries where there exist ethnical, religious and language minorities, persons belonging to such minorities cannot be denied the right, together with other members of the same group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Unlawful delay in registration of constituent documents directly restricts the believers' rights, such as joining a monastery (which are unable without registration to implement their activities in full scope), as well as deprives religious organizations of their legal capacity.

Besides, in the inaction of the Ministry of Culture of Ukraine one can see violations of the Declaration on Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief dated 25.11.1981, Article 1 of which provides that everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Impossibility of having religious organizations registered as a juridical person makes it impossible for the faithful to confess their religion in public due to the fact that monasteries and other religious organizations, not being entitled as juridical persons, cannot fully enjoy a possibility to use their property and non-property rights, the scope of which is directly provided by the existence and activity

pokazal-svoe-predvzyatoe-otnoshenie-k-upc/?lang=ru

of the religious organization.

It's noteworthy, a state body – Ministry of Culture of Ukraine, not registering the charters submitted by the applicants – was at the same time registering charters and related documents, submitted by other denominations, which appears as a religion-based discrimination.

B) Draft laws which unlawfully restrict the rights of believers and religious organizations of the Ukrainian Orthodox Church

The fact that raises a concern is submitting of draft law #4128 to the Parliament of Ukraine, which foresees the right of each individual, even if he/she is not a member of the parish (religious community), to define on his/her own membership in the community and influence decisions of juridical persons' administrative bodies – religious organizations of the UOC. Insight into this draft law allows for a conclusion that his authors strive to enshrine in juridical terms a possibility of changing affiliation by the UOC communities by means of amending their charters. Soon after the submission of the mentioned draft law #4128, the Verkhovna Rada of Ukraine was introduced draft law #4511. According to the Explanatory Memorandum to the draft law hereof, it aims to defend national interests of Ukraine through a legislative mechanism of establishing a special status of religious organizations, which conduct their activities in Ukraine and at the same time are subordinated in canonical and organizational issues to the religious centers based in the aggressor State. The draft law envisions signing of treaties (agreements) between the state and administration of the above religious organizations, "which will enable authorized state bodies to timely find out and duly respond to the potential destructive effects of external factors with the involvement of religious factors and impacts on the public at large, as well as infringement upon territorial integrity and state sovereignty of Ukraine." Therefore, the only denomination which is imposed additional obligations, compared with other denominations, to sign agreements with the

state bodies is the Ukrainian Orthodox Church – what runs counter to generally accepted legal equality standards and establishes illegitimate restrictions of the rights of this religious organizations.⁴ NGO Public Advocacy prepared a legal opinion on non-compliance of draft law 4511 with the International Law.⁵

One cannot but mention about the transfer by the government of Ukraine in the person of the Ministry of Culture of Ukraine of the worship building of Minor (Warm) Sophia of the National Conservation Area "Sophia of Kyiv" to the denomination of the Kyiv Patriarchate for its use, despite numerous requests of the UOC to come into ownership of this building in the furtherance of state obligations on church property restitution. The above building is an architectural landmark and a spiritual sanctity to be particularly revered in Ukraine.

In spite of the denomination of the Ukrainian Orthodox Church being the only legal successor to the owner of this building, confiscated earlier by the Soviet power, and recurring attempts of the UOC – starting from 2010 – to have this property officially transferred to the UOC, in 2016, without any document publishing, this building was transferred to the Kyiv Patriarchate's denomination.

In fact, in February 2016 on the Internet there was published a letter of the MoC of Ukraine dated 11.02.2016, according to which the Ministry of Culture of Ukraine does not object to the transfer of the architectural landmark – Trapeznaya (Refectory) (Warm) Sophia – to the KP's confession. The UOC representatives were never to receive any other documents providing grounds for this transfer. Such documents were never to be published in any alternative way. Kyiv Metropolitan's Office of the Ukrainian Orthodox Church has an immediate interest and right for this building to be transferred to it on an exceptional basis as a sole legal successor of the historic owner of the above mentioned building. Yet it did not happen

⁴ <http://pravlife.org/content/opublikovan-proekt-zakona-no-4511>

<http://uoj.org.ua/en/novosti/zashchita-tserkvi/metropolitan-anthony-pakanich-bill-4128-creates-unprecedented-ground-for-manipulation>

⁵ <http://www.protiktor.com/english/>

despite the repeated appeals of the UOC to the state authorities since 2010. It's noteworthy the current legislation of Ukraine, namely Article 17 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" stipulates that worship property, which was earlier confiscated by the Soviet power from religious denominations, has to be returned (transferred) to the religious organizations being legal successors to the denomination that used to be a historic owner of the property in question. A return of the earlier confiscated worship property to the confessions, which were it's the then owners, is an international obligation of Ukraine. However, despite the legislation in force that binds to take account of the legal successor's rights – the transfer of Trapeznaya (Warm) Sophia was made in favor of the Kyiv Patriarchate community. Furthermore, as it was noted above, such transfer was not made in public.

It should be noted that representatives of the Kyiv Patriarchate had begun to use the church of Trapeznaya (Warm) Sophia before they were officially permitted to – in February 2016 they already conducted worship services there.

At the same time Minister of Culture Kirilenko during his speech in the Verkhovna Rada of Ukraine made the following statement, "For the first time in the last 330 years the Ukrainian Church has come back to the Sophia of Kyiv... We are ready to any public monitoring. As for the Ukrainophobic of all hues, who are going to hubbub around this issue, may they calm down," declared the Minister.⁶

Almost simultaneously with the transfer of Trapeznaya (Warm) Sophia church to the confession of the Kyiv Patriarchate, draft law #4128 was submitted to the Verkhovna Rada of Ukraine "On Introducing Corrections and Additions to the Law of Ukraine "On Freedom of Conscience and Religious Organizations". It was created by a number of MPs, including V. Yelensky, who held a position of Deputy Chairman of the VRoU Committee on Culture and Spirituality and worked as an Advisor to Prime Minister of Ukraine A. Yatseniuk, and a deputy head of the Committee on State Policy

⁶ <http://uoj.org.ua/novosti/sobytiya/kirilenko-podtverdil-vozmozhnost-peredachi-tyeploy-sofii-kiyevskomu-patriarkhatu>

in the Sphere of Freedom of Conscience and Religious Organizations. Thus, the draft law in question was initiated by the person who bears responsibility for the state policy in the religious sphere, which enables to view this legal initiative as a marker for further development of the state policy in this sphere. Analysis of this draft law allows for a conclusion that it fails to conform to the norms of the International Law and contains the provisions of discriminatory character, which could facilitate illegal seizures of shrines of the Ukrainian Orthodox Church under the schemes that proved effective in Western Ukraine. The concerns raised about this issue are reasonable, which can be reaffirmed with the following:

From Analysis of draft law #4128, aimed at further development of the discrimination policy with regard to the Ukrainian Orthodox Church, prepared by independent experts (excerpts):

"Having considered the draft law materials, it should be noted it does not comply with the norms of the International Law and forms artificial underpinning for the rise of interfaith conflicts in Ukraine. In particular, there are the following faults in the draft law to be pointed to:

1. The draft law contains specific terminology, not defined by the current legislation, which allows for its arbitrary interpretation. For instance, such terms (notions) as "self-identification", "involvement in the religious life of a particular community", the term "particular" is not defined by the current legislation and cannot be used by articulating legal norms. Otherwise, there should be provided definition of these terms (notions).

2. Analysis of circumstances of the transition of religious communities from one denomination to another, especially in Western Ukraine, suggests that most conflicts come to the fore when certain individuals, who have decided to change their religious affiliation, wish not just to change it but put forward property claims related to the worship building and other assets that belong to a legal entity – a religious community, which is registered in a manner established by the law of Ukraine, has its founders and managing bodies. It is these bodies that are in charge of forming a property complex of the

legal entity – the religious community. It should be mentioned that the manner of forming the property of a religious community does not differ from forming the property complex of any enterprise in terms of its principles, except for the targeted allocation of funds proceeding to the religious organization. In particular, a major share of those funds is transferred on condition of the donation deal, which execution is foreseen by Article 729 of the Civil Code of Ukraine. Pursuant to this article provisions of the gift agreement can be applied to the donation agreement. Consequently, a religious community – a legal entity becomes an owner of the property, transferred to it by physical or legal persons. Maintenance of this property is exercised by managing bodies of the juridical person – the religious community, whose composition is determined by constituent documents of the legal entity. It's important to realize that changing of the religious community's charter can result in changing of the circle of individuals who exercise control of the property complex of the religious community; therefore, defining a membership of the managing body of the juridical person that is empowered to adopt a decision on corrections or additions to the charter, or approval of the charter in a new wording, is crucial for the control of the religious community's property. Given that the draft law's content is directed at creating a norm of the law, which defines who is a member of the religious community (para 1 of the proposed draft law), as well as at establishing a new obligation – to obtain an approval to amend the charter from the persons who become members of the religious community in a unilateral mode, by means of self-identification, but may not be members of the managing body, authorized under the community's charter to make decisions on corrections and additions to the charter – the above draft law establishes unjustifiable rights of individuals, who did not form the property complex of the religious community and are not members of the managing body of the juridical person – the religious community – with respect to the key issue of the community's functioning.

In the event of adopting the draft law, individuals who are not a part of the managing body, authorized under the law to make

corrections and additions to the religious community's charter, by means of a unilateral statement that they just identify themselves with the given community, can block decisions of parish meetings of the religious community or influence otherwise decisions of the religious organization, and also undertake illegal seizures of the church property.

3. Pursuant to Part 1 Article 17 of the Law of Ukraine "On Implementation of Decisions and Application of Practices of the European Court of Human Rights" courts refer to the Convention and the Court practices as a source of the law by considering cases.

It should be taken into account that the European Court of Human Rights laid down some legal views not to be changed even by means of adopting the above draft law. In particular, according to the decision of the ECHR of 14.06.2007 on the matter "Saint Michael parish against Ukraine", it is said (para. 146-147): "Contrary to the conclusions of national courts, articles 7 and 8 of the Law did not determine that a religious group has to consist of all persons and all believers who attend divine worships of a particular church. Apart from that, there is an evident controversy of the national law's provisions with respect to what is a "religious organization" and what is a "religious group", or if these mean the same thing; the only difference between them is a local status of "religious group" and absence of any requirements as for its registration in accordance with the Law provisions... Besides, Article 8 of the Law not at all restricted or prevented a religious organization from defining at its own and sole discretion how it will arrange the enrollment of new members, determine membership criteria and managing body election procedure. From the standpoint of Article 9 of the Convention, taken together with Article 11, these were decisions of the private law plane and should not be subject to intrusion on the part of state bodies as long as the former violate rights of other persons. In other words, the state cannot bind a legally existing private-law association to accept or exclude the elected members. Intrusion of such kind will contradict the freedom of religious associations to freely regulate their behavior

and handle their matters. Consequently, the Court has to consider the charter provisions which regulate membership-related issues in the Parish and factual circumstances of the case."

Additionally, according to the above ECHR decision: "150. The Court reminds that religious associations are entitled to define, at their own and sole discretion, a manner according to which they will accept new and exclude existing members. An internal structure of the religious organization and norms regulating its membership, are to be approached as a manner, according to which such organizations manifest their views and observe their religious traditions. The Court indicates that the right to freedom of faith excludes any powers of the state to evaluate the legitimacy of the manner of manifesting religious views (see Hasan and Chaush, cited above, paragraph 78; and Manoussakis and Others v. Greece, judgment of 26 September 1996, Reports 1996-IV, para 47)."

Conclusion: the right to self-identification of personality as a reason for including the person into membership of the religious community with simultaneous authorization of such persons as members of the managing body of the religious community appears as violation of the international juristic principle of the autonomy of religious organizations and non-interference in the internal affairs of the confession, which is regulated solely by its internal prescriptions.

A proposal of the draft law makers on that individuals, by means of self-identification, become members of a religious community is not consistent with the provision, determined by the International Law and enshrined in the above mentioned decision of the European Court of Human Rights, which specifies that making a decision on who is a member of a religious community pertains to the exclusive competence sphere of this religious community, whereas the state is not empowered to interfere into these relations given they are private-law.

Therefore, the draft law, which is directed de facto at legalization of unlawful intrusion (4128), alongside with draft law 4511, aimed at creating additional artificial juridical barriers and burdens related to creating and functioning of the UOC

religious organizations, together with the fact of transferring Minor (Warm) Sophia church as aversion and violation of the restitutorial mechanism, stipulated by the legislation of Ukraine, – proves that the state policy toward the Ukrainian Orthodox Church has become different, and testifies to discriminatory patterns in its implementation.

C) Criminal offences, discriminatory statements, and impediments by holding a peaceful action of the religious character – All-Ukrainian Cross Procession.

In July 2016 there was held a Cross Procession upon the blessing of the Ukrainian Orthodox Church Primate – a peaceful procession of faithful followers of the Ukrainian Orthodox Church who aimed to make a spiritual deed of praying for peace in Ukraine. The Cross Procession started off from the two most well-known monasteries – the Holy Dormition Pochayiv Lavra (Pochayiv city, Ternopil region, Western Ukraine), the Holy Dormition Sviatogorsk Lavra (Sviatogorsk city, Donetsk region, Eastern Ukraine,) and finished in Kyiv city on 27 July 2016 on the holiday of Baptism of Kievan Rus, on the territory of the Holy Dormition Kyiv-Pechersk Lavra. Despite a peaceful character of the religious procession, the All-Ukrainian Cross Procession suffered not only discriminatory attacks, hate speech, forceful obstacles during the journey, juridical counteractions on the part of authorities, other actions, including those characteristic of criminal offences, but also became a litmus test to reveal the actual attitude of certain civil servants to their citizens, as well as evidence to the inequitable and intolerant behavior. Regrettably, the character of utterances of some individuals, holding high-rank positions in the government, proves there have been mainstreamed an ideological and juridical lines of pressure with regard to the Ukrainian Orthodox Church, targeted both at reducing the scope of rights of this religious denomination and all kinds of discrimination of the Church adherents.

Hate speech and discriminatory utterances addressed for participants of the Cross Procession on the part of the power representatives and other persons

For instance, Advisor to the MIA head Zorian Shkiriak on his Facebook page claimed: “The so-called “cross procession”, organized by Moscow priests in shoulder straps is another well-planned FSB provocation. Its purpose is to split citizens along the religious line. Undoubtedly, the right to religious preferences is enshrined in the Constitution. No questions. But we will do our best to destroy disgraceful plans of the Kremlin on undermining an internal situation in Ukraine with the help of its robe-wearing agents...”

Speaker of the Parliament Andriy Parubiy also made a statement with wordings negatively depicting the Cross Procession’s participants:

“Russian intelligence services are pulling in provocateurs in Kyiv under the guise of participants of the peaceful Cross Procession,” he said today in the morning at the Coordination Board. What he means is “so called cossack organizations and young men of athletic build, who were earlier involved in raider attacks and provocations with illegal seizures of churches, whose communities wished to make a voluntary change of jurisdiction and affiliation of their church.”⁷

Comments and appeals of the UOC rivals, who do not enjoy state powers, were more unambiguous in social media and on the Internet, contained insults and calls to forceful attacks of the Cross Procession participants.

In particular, Ukrainian political expert Yuriy Romanenko offered to broadcast at every Ukrainian TV channel that participants of the Cross Procession wing from Donbass are going to be crucified.⁸ On his Facebook page the following comment was posted: “Moscow priests intend to organize a cross procession

⁷ <http://strana.ua/articles/analysis/22182-krestnyj-hod-upc.html>

⁸ <http://news-front.info/2016/07/05/ukrainskij-politolog-prizval-raspyat-na-krestax-uchastnikov-krestnogo-xoda-s-donbassa/>

from Lugansk and Donetsk People’s Republics to Kiev. It’s more correct to say not Moscow priests but the Kremlin with the support of Moscow priests. How should we act? First of all, all channels must broadcast that beyond the front line all participants of the Cross Procession will be crucified. Secondly, crosses must be set up on the roadsides in advance. The effect will be mind-blowing.”⁹

Greek-Catholic military chaplain Nikolay Medinsky, giving his opinion on All-Ukrainian Cross Procession, called thousands of Orthodox Ukrainians “Russian rotten stuff”. “The nucleus of the “Russian world” in Ukraine is an activity of the Moscow church (the so called UOC)... (the blood of those who died at war and the war itself is on their conscience). And currently the “Russian world” from the East (Donetsk) – and “Russian rotten stuff” from the West (Pochaev) are heading for Kiev to pray for peace in Ukraine,” wrote Medinsky on his FB page.¹⁰

Actions of the state authorities, directed at restricting the rights of the Cross Procession participants:

- In fact, the executive committee of Zhitomir “with a view to preventing clashes and conflicts between the participants and city residents” turned to court with an intention of changing the itinerary of the religious column. The administrative court of Zhitomir resolved to dismiss the claim of the executive committee of Zhitomir City Council to Zhitomir UOC diocese on restrictions of the Cross Procession without hearing on the merits. The court decided to leave the lawsuit without consideration¹¹. At the same time, the court’s press-service hastened to refute the statement that the court had recognized the Cross Procession event lawful and noted in its press release that the court had just declined the claim out of formal reasons: “By adopting a decision the court was guided by the provisions of Part 2 Art. 182 of the Administrative Legal Proceedings Code of

⁹ <https://www.facebook.com/yuriy.romanenko/posts/1142850369070026?pnref=story>

¹⁰ https://www.facebook.com/permalink.php?story_fbid=157292333001727&id=100008522259686

¹¹ <http://rian.com.ua/society/20160719/1013361891.html>

Ukraine, which enshrines that a lawsuit, filed on the day of holding an event, determined by Part 1 of the Article hereof, or afterwards, remains without consideration. Owing to the fact the lawsuit was filed to the court on 18 July 2016, i.e. the day of holding a cross procession by Zhitomir Diocese of the Ukrainian Orthodox Church on the territory of Zhitomir city, the claim was left unconsidered,” the court remarks.¹²

- on 22.07.2016 Borispol City Council approved a decision “On Prohibition of the Cross Procession for Peace of the Ukrainian Orthodox Church (Moscow Patriarchate) through Borispol city.”¹³

Despite the fact this institution is not authorized to restrict peaceful processions, still the decision was further on taken advantage of by the UOC opponents to create forceful obstacles for the Cross Procession participants.

- as the Cross Procession pilgrims were approaching Kyiv city, the authorities took a number of actions, directed at the restriction of the Cross Procession movement along the city. For instance, MIA spokesmen made an official declaration that the “Cross Procession” had been stopped and its participants would continue their journey by buses.”¹⁴ MIA head Arsen Avakov announced the Cross Procession would be prevented from coming into Kyiv by the police. He wrote about it on his Facebook page on July 26: “In the situation at hand, being the Minister of Internal Affairs, I am not guided with the categories of religious rituals, but with the categories of the public order priority... Explosive devices and real shell plantings, which were found out in the morning along the planned itinerary, left no doubts that threats and provocations are real. By the forces of the National Police and National Guard, the MIA managed to block the movement of the Cross Procession along the streets of Kiev,” wrote Avakov.¹⁵ At the same time, though,

¹² <http://sud.ua/news/2016/07/20/93242-zhitomirskij-okryzhoj-adminsyd-ne-priznaval-zakonnost-prokhozheniya-krestnogo-khoda-po-gorody>

¹³ https://www.facebook.com/permalink.php?story_fbid=943059639149596&id=715896135199282

¹⁴ <http://www.unian.net/society/1438173-krestnyiy-hod-ostanovlen-ego-uchastniki-zavtra-budut-peredvigatsya-po-kievu-na-avtobusah-mvd.html>

¹⁵ <http://kp.ua/incidents/546162-v-kyev-polytsiya-ne->

the MIA chiefs were not able to comment on the fact that, according to the legislation of Ukraine, restrictions or prohibitions of peaceful processions can be enacted only upon the court decision.

Use of force with regard to the UOC faithful - participants of the Cross Procession, including actions with signs of criminal offences

- On 14 July 2016 along the route of the Cross Procession, moving from the Holy Dormition Sviatogorsk Lavra, 20 km away from Poltava, there was hanged a poster on the bridge under construction, which content was offending for the believers.

Moreover, in the forest belt on the roadside people in camouflage were waiting for the Cross Procession to make photo- and video records of the pilgrims against a scandalous poster. The poster featured the Cross Procession equal to the LGBT-parade, with the “still life” on the Easter cake reminiscent of a reproductive organ.

“These people do not even understand they discredit themselves with such “poster”, commented on the occurrence Archimandrite Joseph (Kovetsky), who led the right wing of the Cross Procession. – Of course, their aim is to make us feel outraged, lose our balance, offend us. They won’t succeed. We are praying for their lost souls as well.”¹⁶

- On Monday, 25 July 2016, the UOC Cross Procession could not get to Borispol city due to the roadblocks having been arranged at the city entrance. According to mass media, “In order to avoid attacks from protestants, the Procession participants decided to detour – along Brovary by-road. Having learnt about it, the participants of the protest meeting made a move to interception and began to throw eggs and plastic bottles at the column. In their turn, the members of the National Guard and police tightly encircled the pilgrims – which prevented clashes and pushed back aggressive activists... Governor of Kyiv region Maksim Melnichuk, who’d arrived at the meeting, reminded the believers they “had to comply with the decision

propustyt-krestnyi-khod

¹⁶ <http://uoj.org.ua/spetsproekty/sobytiya/pravoradikalnye-sily-izbrali-novuyu-taktiku-diskreditatsii-krestnogo-khoda>

of the City Council session on prohibition of procession through Borispol.”¹⁷

- In the evening of 26 July 2016 several dozens of violent people in camouflage blocked the traffic of the buses that were supposed to deliver the faithful of the UOC Odessa Diocese to Kyiv for their participation in the All-Ukrainian Cross Procession.¹⁸ At 10 p.m. there was scheduled a departure of 10 buses with over 500 pilgrims for them to join the rest participants of the Cross Procession on the following day in Kyiv. On the eve it was reported about a planned provocation of forceful disruption of this travel: threats were coming from radical organization “Automaïdan Odessa” that posted on its official site calls to pierce bus tyres and burn them. Odessa Diocese turned in advance to the law enforcement administration of Odessa region with a request to prevent this provocation.

“Automaïdan provocateurs openly urged their adherents to get together in their office to subsequently organize pogroms of buses with pilgrims from Odessa. In fact, the site of Odessa radicals already had a photo of a crushed and earlier burnt bus. There are also threats here towards bus drivers,” underscores the press-service of the Diocese.

The application also says, “Due to this we address the administrative staff of the SBU Office in Odessa region, Prosecutor’s Office of Odessa region, regional Police Service with a request to curb probable provocations on the part of extremist organizations, planning to assault Odessa-based pilgrims of the Cross Procession. We also request about furnishing a relevant number of your staff members so that they could accompany an autocolumn with pilgrims, since the radicals do not hide their intentions to attack the faithful along the whole route.”¹⁹

Unlawful pressure on human rights defenders and mass media

¹⁷ <https://www.rbc.ua/stylter/zhizn/krestnyy-hod-pravoohraniteli-otbivali-ataki-1469458716.html>

¹⁸ <http://news.church.ua/2016/07/27/v-odesse-radikaly-s-ugrozami-spalit-zhivem-ne-pustili-veruyushhix-v-kiev-dlya-uchastiya-v-krestnom-xode/?lang=ru>

¹⁹ <http://uoj.org.ua/spetsproekty/sobytiya/odesskaya-eparkhiya-upts-zayavila-ob-ugrozakh-krestnomu-khodu-ot-pravoradikalnykh-organizatsiy>

In compliance with the OSCE standards and general defense principles of human rights activists²⁰ persons, who carry out their activity on human rights defense, including those who criticize power, are human rights defenders, and states have to provide safeguards against discriminatory and moreover, criminal acts. Human rights advocates act with a view to “encouraging and striving to defend and exercise human rights and fundamental freedoms, individually and collectively with others, at the national, regional, and international levels. They recognize a universal character of human rights for everybody, without any distinction whatsoever and protect human rights with peaceful means. Human rights defenders play a crucial role in democratic societies. Active participation of disabled persons, groups, organizations and institutions has a decisive impact on sustainable progress in the implementation of international human rights. A civil society, inter alia, facilitates states to ensure respect for human rights, fundamental freedoms in full scope, as well as principles of democracy and the rule of law. Therefore, human rights activists fulfill important and legitimate functions in democratic societies. State authorities have to realize that different views can be manifested in a peaceful way in democracies; they should acknowledge a significant and legal role of human rights advocates. In view of the said above, the statement of Advisor to the Minister of Internal Affairs of Ukraine Anton Gerashchenko, who expressed his opinion in an accusatory and negative context towards the Union of Orthodox Journalists – an information agency that basically carries out advocacy and journalistic activities. In particular, Anton Gerashchenko accused the UOJ of “an attempt to incite interfaith hatred in Ukraine.” He published on his Facebook page the following information: “For those who want to clear the issue in question – how, why, and what for the UOC MP decided to arrange such a large-scale event – I recommend to study the background of the public organization “Union of Orthodox Journalists”, which sprang up last autumn and which, since March of the current year, according to its most active member Viacheslav

²⁰ <http://www.osce.org/ru/odihr/123728?download=true>

Pikhovshek, has affirmed that “a religious war in Ukraine is highly probable. My opinion is that it makes sense for the SBU and Foreign Intelligence Service of Ukraine to monitor the work of this public organization. “Peacekeeper” project has already listed this organization in the plan to scrutinize its role in trying to stir up interreligious hostility in Ukraine.” he said.

Responding to A. Gerashchenko’s comments, the UOJ declared that “his words are not just remarks of the offended person. This is a direct threat posed to the UOJ journalists and the freedom of speech they bear. Namely the threat! A lot of Ukrainians know perfectly well what the “Peacekeeper” site, supervised by Mr. Gerashchenko, is all about. Everybody remembers an innocent death of journalist and publicist Oles Buzyna and other people, whose data were published on this particularly “peacekeeping” resource,” state the journalists and add they address Ukrainian and international human rights advocacies, mass media trade unions and those of the Union of Ukrainian Journalists, OSCE, UNO, and others with a request to defend their rights to the media freedom. Besides, they also reserve the right to appeal to courts – even the international ones – filing lawsuits on slander and violation of the Constitution as well as the Ukrainian laws and norms of the International Law.²¹

Several facts and evidence

Below is some selected evidence provided by the parties involved in raider events in Western Ukraine. For more detailed information link to www.uoj.org.ua/eng

Ternopil region

On April 28, 2015 the site of the Religious Information Service of Ukraine, the office of which is located at the Ukrainian Catholic University in Lviv, spread a pseudo-sensation

²¹ <http://uoj.org.ua/spetsproekty/sobytiya/spzh-opublikoval-zayavlenie-v-svyazi-obvineniyami-v-razzhigani-mezhkonfessionalnoy-rozni>

that supposedly 54 parish of the Ukrainian Orthodox Church of only Shumsk district, Ternopil region, want to go under the jurisdiction of the so-called «UOC-KP». The agency referred to the chief of public security police of Internal Affairs of Ukraine in the Ternopil region Ruslan Balyk. Readers were surprised by the strange statistics, because all of six deaneries of the Ternopil diocese of the UOC include 120 parishes, and how half of them suddenly appeared in only one Shumsk district is unclear.

The journalists of the Synod Information Department of the Ukrainian Orthodox Church asked personally Ruslan Balyk for comments, who said that he had never claimed to the media about the alleged desire of 54 parishes of the UOC in Shumsk district to change jurisdiction. On April 27, during a press conference he reported the journalists that only in Kremenets and Shumsk districts, there are about 54 parishes of the UOC. And the information posted by RISU hurt him personally. Ruslan Balyk said that in cases of incitement to religious tension in some villages of Ternopil region the local police always keep the situation under control and do not allow provocations – this is what he said at the press conference. In clarification of the Information Department of the UOC on the participation of the «Right Sector» in such conflicts, the police chief of public security service said that the representatives of this organization made visits to some villages, where they do not reside, to destabilize the confessional situation.

It is not the first time when the Religious Information Service of Ukraine has had a biased coverage of activities of the Ukrainian Orthodox Church and, as well as in the above case, resorted to fiction and distorted information.

Mass bashing of civilians – the UOC followers in Katerynivka village, Ternopil region – “Latent war”: timeline

1. In June-September 2015 there is an exacerbation of socio-political situation in Ternopil region on religious grounds. In particular, certain individuals are spreading calls for the seizure of religious buildings which

belong to the Ukrainian Orthodox Church. The information resource of the «Right Sector» has posted information that this structure will provide legal, power and information support to persons wishing to go into the denomination of the Kiev Patriarchate.

2. Using the scheme of the so-called «referendum», by which supporters of the Kiev Patriarchate call common meetings of the part of the village community, people interested in seizing religious buildings of the UOC submitted documents on amendments to the statutory documents of religious communities of the UOC in the villages of Bashuky, Kulykiv, Kolosova of Kremenets district. In addition, the confrontation started in Katerynivka village, Kremenets district. Religious communities of the UOC sent a number of appeals to the Ternopil Regional State Administration, the district and regional Prosecutor's Office, the Department of Internal Affairs, which provided a full explanation for the fact that the religious communities of the UOC in vlgs. Bashuky, Kulykiv, Kolosova of Kremenets district, are separate legal entities with their own governing bodies – the parish meeting, and only these governing bodies are authorized in accordance with the statutory documents or the laws of Ukraine to decide on statute change. The local authorities were informed that our religious communities had not taken decisions on the transition to another denomination.

3. Meanwhile, documents submitted by residents of vlgs. Bashuky, Kulykiv, Kolosova, who are not members of the parish meeting, resulted in the start of interfaith talks with representatives of the OSCE mission, which took up the function of the observer in this conflict. In order to achieve mutual understanding, a face-to-face meeting of Metropolitan of Ternopil and Kremenets Sergiy with the head of the Ternopil Regional State Administration S. Barna was held, where the authorities were notified of the systematic attempts of the «Right Sector» and the Kiev Patriarchate to commit a forcible takeover of our churches. S. Barna was warned that further escalation of the conflict could lead to unpredictable consequences in view of the fact that individuals, who identify themselves as supporters of the Kiev Patriarchate and

members of the «Right Sector», use threats towards our parishioners, exert pressure, wearing balaclavas and camouflage uniforms, carrying about knives, in some cases even guns. These actions are accompanied by incitement to religious hatred, in particular, charges of the UOC faithful in the «pro-Moscow position», «financing Moscow», etc. They are spreading offensive slogans that «each candle bought in the church of the Ukrainian Orthodox Church is a bullet in the back of a Ukrainian soldier».

4. Representatives of the UOC religious communities of vlgs. Bashuky, Kolosova, Kulykiv, Katerynivka of Kremenets district, have repeatedly appealed to the law enforcement authorities with claims on violations of their rights and interests, which resulted in opening a number of criminal proceedings. But by these proceedings, unfortunately, no effective investigation has been conducted yet; the authority does not fulfill its function of providing law and order. In some cases they do not even carry out the examination of witnesses on the applicant's side. Appeals of our communities to the President of Ukraine, prosecutor's bodies, the Ministry of Internal Affairs, the Ombudsman of the Verkhovna Rada for Human Rights in Ukraine also did not bring the desired results. There is an impression that the authorities deliberately neglect the flagrant violations of the rights and interests of our communities.

5. The situation of confrontation in the region has aggravated in August-September 2015 due to the fact that S. Barna, contrary to decisions of the Kremenets District Court of Ternopil region and despite numerous requests from the faithful of the UOC, registered amendments to the statutes of the UOC religious communities of vlgs. Bashuky, Kolosova and Kulykiv, by which these communities are subject to the denomination of the Kiev Patriarchate. Such actions of Mr. Barna were apparently illegal, particularly in view of the fact that on 26.08.2015 the Kremenets District Court enjoined to make changes to the statute of the religious community of Kolosova village. But in spite of this decision, on 28.08.2015 S. Barna signed a directive to amend the statute of our religious community and resubordinated it to the Kyiv

Patriarchate, thus demonstrating the apparent lack of respect for law. On 04.09.2015, the UOC believers attended an appointment with S. Barney and demanded an explanation for the failure of the court decision. S. Barna explained that he «did not know» about such a decision (although the Ternopil Regional Administration is a party to court proceedings on the case), and promised to set a commission on revoking of his order, made despite the court injunction. But such a commission has not been established. Instead, on 04.09.2015, in fact, during the reception of our parishioners S. Barna signed another order - to amend the statute of the religious community of Bashuky village, Kremenets district, also contrary to the decision of the Kremenets District Court, which on 02.09.2015 restrained the Ternopil Regional Administration from making any changes to the statutory documents of the UOC religious community of Bashuky village.

6. Taking these orders, the Ternopil Regional State Administration acted contrary to the legislative findings of the Kremenets public administration, the village councils of Bashuky and Kolosova, which on the request of the Ternopil Regional State Administration reported that the religious communities in the villages of the UOC actually exist and are not willing to change religious affiliation. It should be noted that during the preparation of these findings officials of the Kremenets RSA and village heads worked under the pressure by representatives of the «Right Sector» and supporters of the Kiev Patriarchate to force these individuals to provide findings on the feasibility and expedience of religious affiliation. One of the facts of the aggressive behavior of these individuals is an attempt to do acts of violence against representatives of the OSCE mission, foreign nationals who arrived in the village of Bashuky to initiate interfaith dialogue. A great number of unidentified people attempted to overturn a foreign vehicle with official marks of the OSCE mission in order to prevent them from meeting with local residents – members of the religious community of the Ukrainian Orthodox Church. This fact was publicly notified to law enforcement officers and prosecutors during the talks in the Kremenets

RSA, who heard comments of Bashuky village head on this account.

7. Simultaneously with the above actions S. Barna signed a statement of claim to the Ternopil Regional Administrative Court, which asked to revoke the right of ownership of the church building, which belongs to a religious community of Kolosova village beneficially owned, justifying their actions by the fact that this church is supposedly the state-owned, which does not correspond to reality (the church was built by the religious community of the UOC). Such actions have been assessed by the UOC believers as being similar to the actions of the Soviet communist government confiscating church property in 1918.

8. On 07.09.2015, the head of the Ternopil Regional State Administration S. Barna signed an order on the establishment of alternating (with the Kiev Patriarchate) use of the church, which has belonged to the religious community of the UOC of Katerynivka village since 1946, in accordance with the agreement made with the Soviet power, which is still valid and recognized by the legislation of Ukraine. The message of our believers that the church cannot be transferred to the alternative use because of the agreement signed with our community and not terminated yet, was ignored.

9. According to the order of the head of the Ternopil Regional State Administration S. Barna, each religious community – the Kyiv Patriarchate and the Ukrainian Orthodox Church - is to enter into a separate agreement, which will contain the terms and the schedule for the use of the place of worship. On 09.10.2015 the Kremenets Regional State Administration signed an agreement on the use of the church with the Kyiv Patriarchate. The community of the Ukrainian Orthodox Church was not even sent a copy of the draft contract.

10. Immediately after the adoption of the above order on the alternate use of the church in Katerynivka village, the Kiev Patriarchate supporters activated their attempts to seize the religious building of the village, which belonged to the UOC community. As a result of such efforts and failure on behalf of the authorities to protect the rights and interests of people, the believers were forced to lock the building and

serve outdoors. Meanwhile, the official position was not clear, because according to this order the alternate use of the church by religious communities of the UOC and the UOC-KP was supposed to be made by securing an agreement with each religious community (UOC and the UOC-KP) separately. But such an agreement was not even offered to our religious community. And representatives of the Kiev Patriarchate have just announced that they can conduct service in the church now. The same position was taken by the head of the Kremenets District Office of the Department of the Ministry of Internal Affairs of Ukraine in the Ternopil region.

11. On 09.21.2015, in Katerynivka village there was a public worship on the occasion of the Feast of the Nativity of the Blessed Virgin. Religious communities of the UOC and the UOC-KP celebrated the divine service without collisions next to the closed church out in the open air. But around 15.00 representatives of the Kiev Patriarchate by breaking a window got into the premises of the church, broke open the front door, entered the church and began the evening service. After that, the faithful of the UOC religious community of Katerynivka village arrived at the church. The representatives of the Kiev Patriarchate refused to allow them in. The confrontation was witnessed by the head of the Kremenets District Office of the Department of the Ministry of Internal Affairs of Ukraine and representatives of the DMIA in the Ternopil region. Officials of the Kremenets DSA and the Ternopil RSA were not present. Entrance to the church was blocked by representatives of the Kiev Patriarchate, who formed the first line up at the church doors, police officers who formed the second line, and militants of the «Battalion Ternopil», who appeared at the direction of the MIA authorities after the UOC followers refused to leave the parish territory. Suddenly, without any reason, the soldiers of the battalion «Ternopil» started beating people with rubber truncheons, though the presence of the UOC faithful was peaceful. Among the believers of the UOC were a lot of youngsters. People were bashed on the head, kidneys and limbs. As a result, they suffered serious injuries - fractured limbs, broken heads – and had

numerous hematomas and minor injuries. The total number of victims is more than 15 people.

12. It should be noted that DMIA authorities who were present in the territory of Katerynivka village behaved aggressively and provocatively demanding, without any explanation, that believers of the UOC should not only give up any attempts to get into the owned building but also leave the church territory. Such demands were supported by the statement that our community supposedly “did not agree to a compromise”. Surprisingly, there were no officials of the Kremenets DSA and the Ternopil RSA, who would be authorized to address the issue related to the order of the church use. The «operation» on conflict resolution was entirely carried out by force units.

13. After numerous calls of the injured to the Emergency Medical Service, it turned out that health care providers refused to come to the village of Katerynivka, despite of severe injuries in humans. Immediately after the events the representatives of the «Right Sector» appeared in the Kremenets district hospital and pressed medical workers for the information about people who had applied for medical assistance in connection with the incident in Katerynivka village.

14. On September 22, after the mass bashing of people and the beginning of media coverage campaign, the Kremenets DSA called out representatives of the UOC and the UOC-KP to force the senior priest of the religious community of the Ukrainian Orthodox Church to sign an agreement on alternate use of the church. At that, the UOC community had no possibility to make any suggestions and changes to the text of the agreement.

15. Following the legal statements to the police on severe beating of the faithful, the authorities reported about the opening of criminal proceedings on the abuse of power by law enforcement officials and on offering resistance to public officers.

16. On 25.09.2015 was held a press conference with the Head of the Department for Religious and Ethnic Affairs of the Ministry of Culture of Ukraine A. Yurash, the Head of the Department for Religious Affairs of the Ternopil Regional State Administration V. Kulchytsky,

at which the parishioners of the Ukrainian Orthodox Church were accused in the attack on police workers, collaboration with the Russian security services and other illegal actions.

17. According to the officials, who represent the interests of the Ukrainian Orthodox Church, the Head of the Ternopil Regional State Administration S. Barna takes the position of openly lobbying the Kiev Patriarchate, which resulted in further destabilization in the region. The UOC community finds this official entirely responsible for the mass bashing of people in Katerynivka village and the adoption of ill-conceived and illegal orders, which has already led to violations of the rights and interests of the residents of Ternopil region.

Musorivtsi village, Zbarazh district, Ternopil region

In this small in amount of residents locality there used to be an old church of the Ukrainian Orthodox Church. Village community by their own efforts managed to build a new sanctuary. Ioann Pyvovarchuk, beneficiary of the parish, supervised the construction process which lasted for 10 years.

While the church was being built there weren't any disputes or misunderstanding between the people. However, once the sanctuary had been erected and the question arisen about its dedication service – it turned the tide. At that moment part of the parish wished the new sanctuary to belong to the Kyiv Patriarchate rather than the canonical Ukrainian Orthodox Church. All in all, members of the only registered parish of the Ukrainian Orthodox Church were able to dedicate the newly built sanctuary as Pokrovsky Church.

On January 3rd 2010 after the Divine Liturgy was over a few dozen of young hefty men led by Mykhailo Holovko, an authorized delegate in Ternopil region of Oleh Tiahnybok, the then candidate for the presidency came from Ternopil accompanied by faction deputies of “Svoboda” pan-Ukrainian organization in Ternopil Regional Council in the face of Mykhailo Tymoshyk, Natalia Mandziuk, Volodymyr Karpinskyi and Sviatoslav Shvets, priest from the Kyiv

Patriarchate. As for the congregation, they managed to lock the church door from within.

Then the church assault began. The attackers carrying breakages and axes were trying to force the entrance door of the church open. Simultaneously, they were thundering threats and extremist slogans. Local policemen who were watching this just turned their blind eyes and deaf ears to the barbarous action. On seeing desperate attempts of the raiders to break in militia major Tabaka directed them to the side door of acolyte's section of the church.

The church was being assaulted with the slogans like “Moscsals must be cut with knives!”, “Glory to heroes – death to enemies!” Young muscular guys began to push the side doors, broke the windows and started to hurl burnt items inward the church. The assault was led by Mykhailo Holovko, Ternopil municipal council deputy.

Through the open windows the intruders were beating parishioners, went on breaking the side door. This entire horrible spectacle was being witnessed by law enforcement authorities whose sole response was video recording. After the intruders succeeded in breaking the side door open they kept on beating the parishioners with sticks.

Under the hit squall the people inside the church were doing their best to cover the broken door. It wasn't until one of the injured parishioners lost her consciousness and the ambulance arrived that the assault diminished. The young men left the church grounds thundering threats to come back with a bigger number of actors and to seize the church for sure at Christmas.

Bashuky village, Kremenets district, Ternopil region

A congregation “Parish of St. Archistratigus Michael” from Bashuky village, Kremenets district, Ternopil bishopric of the Ukrainian Orthodox Church has owned and continually used the church as a historical legal successor of the developers of this structure since 1946. Starting from April, 2015 aggressively-minded individuals have repeatedly organized

meetings in the village where they required that the “Parish of St. Archistratigus Michael” congregation of the Ukrainian Orthodox Church should leave the church building and transfer it to the denomination of Kyiv Patriarchate. On being refused, the raiders resorted to pseudo-judicial procedures in order to pretend they have powers to compulsorily change the jurisdiction of the Orthodox Church congregation.

There appeared publications on the site of the nationalist organization “Right Sector” which said it would “provide assistance” for the Ternopil region villagers who are eager to pass to another denomination and receive tenure of the buildings concerned. Alongside with such publications there were initiated public hearings and disputes in the village, voting by means of collecting signatures on the lists where they raised an ultimate question – “if the villagers want to see in their locality the Ukrainian Orthodox Church or the Ukrainian Orthodox Church of Kyiv Patriarchate. Based on the majority of votes to accede to the Ukrainian Orthodox Church of Kyiv Patriarchate raiders began a forceful attempt to seize the church. In particular, on April 26th individuals with aggressive behavior broke into the Orthodox church building during the worship, began to swear and interrupted the service demanding to leave the building and crying out provocative slogans.

At further Sunday services, in particular, on 3rd, 10th, 17th and 24th of May similar events took place: representatives of the “Right Sector” came to the village dressed in camouflage uniforms with sticks and bats and explained their presence with “having to keep the public peace”. Undoubtedly, such a “show of force” was aimed at exercising psychological pressure on parishioners of the Ukrainian Orthodox Church. With such “defenders” in the background aggressively charged local population and furriners were trying to muscle out parishioners from their “legal” premises. In their turn, the Orthodox congregation had to invite faithful people from other communities to come to Bashuky village for common prayer and assistance should there be any raid attempt.

Time and again the congregation of Bashuky village turned to the law enforcement authorities

who personally witnessed the illegal seizure but didn’t take a single action to detain violators of public order. It’s noteworthy that militia started a criminal proceeding upon worship sabotage; however this action not in the slightest bothered the invaders who pursued with their aggressive pressure on villagers, loyal to the Ukrainian Orthodox Church.

Eventually, the raiders made an attempt to reregister a juridical person – i.e. congregation of the Ukrainian Orthodox Church – into a different denomination. According to the statutory documents of the congregation adoption of the resolution on changing denomination and passing under jurisdiction of the Ukrainian Orthodox Church of Kyiv Patriarchate can be implemented by means of amending the Statute of the religious community. Such amendments can be made only at parish assembly by the empowered members who meet the criteria stated in the Community Charter.

Hence, nobody else is entitled to make decisions. Still the raiders didn’t bother to observe legal formalities. In particular, having gathered the villagers who are members neither of the religious community of the Ukrainian Orthodox Church nor of the regulatory body of this community – i.e. parish assembly – those individuals wrote minutes and made up a “protocol of parish assembly of the congregation”. By these minutes the religious community allegedly had to pass to another denomination. The documents on status change were submitted to Ternopil Regional State Administration which is currently looking into a possibility to reregister the congregation of the Ukrainian Orthodox Church into that of Kyiv Patriarchate.

The negotiations of representatives of the Ukrainian Orthodox Church with state authorities, in particular, with the head of Department on Religious Matters of Ternopil Regional State Administration proved the fact that the authorities are put under pressure by the “Right Sector” which demands to reregister the congregation of the Ukrainian Orthodox Church into denomination of Kyiv Patriarchate. Otherwise it threatens to hold actions and protest rallies near the building of Ternopil Regional State Administration.

Upon that the Bashuky congregation didn’t even receive a formal notification concerning the protocol of parish assembly of the congregation about transfer to another denomination. The congregation of the Ukrainian Orthodox Church told the Ternopil Regional State Administration in writing that its administrative body – beneficiary and parish assembly – didn’t take any decisions on passing to another denomination while the documents submitted had nothing to do with the congregation of the Ukrainian Orthodox Church. At the same time during the talks the head of Department on Religious Matters referred to “poorly regulated legislation in force” and impossibility to define who exactly had taken a decision about “congregation transfer”. He stated he had to overhaul the documents.

Consequently, there is a risk for the authorities to approve an illegal resolution under the pressure of the “Right Sector” with further power collision in the village and unpredictable effects. Given an official announcement made by the “Right Sector” this organization intends to offer its “services” on the way to the Ukrainian Orthodox Church of Kyiv Patriarchate in other villages as well, in particular, Kuliky and Kolosovo in Kremenets district of Ternopil region. In case an illegal resolution on reregistration of the Ukrainian Orthodox Church congregation in Bashuky village is adopted by the authorities it’s highly probable Ternopil region will be hit by a large-scale power confrontation on the religious ground.

Novostav village, Shumy district, Ternopil region

The parish of the Ukrainian Orthodox Church of St. Archistratigus Michael sanctuary in Novostav village was created on 24.09.1991.

The building for public worship was erected in 1865 and has always been owned by the Ukrainian Orthodox Church. By the Order of Ternopil Regional State Administration in 2000 the ownership of the church building in Novostav village was transferred to the parish

of the Ukrainian Orthodox Church in Novostav village.

On May 26th 2014 an aggressively behaved group of individuals consisting of strangers, villagers and priests of the so called Kyiv Patriarchate under the guise of worship made an attempt to illegally seize the church building whose authorized owner as it was mentioned above is the parish of the Ukrainian Orthodox Church in Novostav village. They reasoned their actions by the fact that according to the Order of Ternopil Regional State Administration the given parish had been eliminated with the ownership delivered to them.

Illegal church seizure attempts occurred on a regular basis till the issue of illegality of the Order of Ternopil Regional State Administration had been submitted to Ternopil county administrative court.

The case was heard in the court from 11.07.2014 to 11.09.2014. During the proceeding the court of the 1st resort found out a number of law violations by civil servants and state authorities.

Alongside with the trial on August 19th 2014 representatives of the Ukrainian Orthodox Church of Kyiv Patriarchate without any permission took off the window glass in the church and illegally went inside. Due to this on 21.11.2014 the worship didn’t take place and the sanctuary was sealed. However, despite the ruling of the court on prohibition of any illegal actions as regards the church property the congregation of the Ukrainian Orthodox Church of Kyiv Patriarchate made up its own service schedule, opened the door and had an unauthorized worship.

At present the church hosts alternate worships of the two denominations – the Ukrainian Orthodox Church and the Ukrainian Orthodox Church of Kyiv Patriarchate though the church as it was said before is owned by the parish of the Ukrainian Orthodox Church in Novostav village. The Lviv administrative court of appeal delays handling the church case at the moment.

Butyn village, Zbarazh district, Ternopil region

The parish of St. Archistratigus Michael from Butyn village, Zbarazh district, Ternopil region has existed since 1991 (when Ukraine was proclaimed independent) and appears as a sole legal successor to the rights and liabilities of the parish mentioned. There have never arisen any property disputes or claims since it is the only registered parish in Butyn village.

As a matter of fact, on February 23rd 2014 they began to implement an illegal seizure scenario by means of secret collection of signatures of Butyn villagers and making amendments to the Statute in force of the parish following a familiar practice of illegal seizure in Novostav village.

At first, the conflict of interests was aroused by village head A. Zhyla who behaved in a hostile and aggressive way blaming the beneficiary, father Vitaliy Huriev, for the fact that he prayed for the deceased but didn't mention separately those who had died during Maidan event.

The act of provocation continued until 28.02.2014 when the initiative group of the villagers turned to the parish head and demanded that worships be performed in Ukrainian (note: the centuries-long recognized worship language of the Ukrainian Orthodox Church is liturgical Old Slavic). Upon that 7 particularly Ukrainian-conscious villagers even resorted to violence making the residents put their signatures in favor of the Ukrainian language. It's noteworthy the village gathering that took place on 28.02.2014 and was attended by 160 people didn't keep minutes and the issue of changing the church jurisdiction wasn't discussed then (audio record is attached).

On March 7th 2014 aggressively-minded Butyn villagers led by the village council head arrived at Ternopil bishopric demanding to meet with its chief. On the same day there was a gathering on the church grounds at which the demand of aggressive villagers to replace the beneficiary was satisfied and father Volodymyr Slobodian was appointed new beneficiary of the parish. The worships were agreed to be performed in Ukrainian. So the conflict seemed to be exhausted.

On October 5th 2014 on Sunday there began a new round of events when the church was illegally seized by representatives of the so called Kyiv Patriarchate. The entrance to the church was guarded by strange men wearing balaclavas, who called themselves "Pravyi Sektor" ("Right Sector") and barred the parishioners and the senior priest from going inside. The police tour of duty was quietly watching the whole process. The Sunday worship was eventually sabotaged. After these unlawful actions, there were collected over 70 signatures of Butyn residents who testified their loyalty to the canonical Ukrainian Orthodox Church and spoke against conversion to the "Ukrainian Orthodox Church of Kyiv Patriarchate".

To date law enforcement authorities refused to open a criminal case against illegal seizure of the church which belongs to the Ukrainian Orthodox Church because according to them "they didn't find any acts of infringement". This resolution of the authorities which explicitly challenges the rights of the faithful has been litigated for 5 months now. Obviously, the court procrastinates with defending the violated rights of the Orthodox congregation in Butyn village.

Mylcha village, Dubno district, Rivne region

Explanatory memorandum by members of the religious community of the Ukrainian Orthodox Church:

"On 12.02.2015 in the local House of Culture there was a meeting of villagers where they considered a motion that the land plot occupied by the building of the Ukrainian Orthodox Church should be transferred to the Kyiv Patriarchate whereas the community should pass into the Ukrainian Orthodox Church of the Kyiv Patriarchate (hereinafter referred to as KP). There were about 80 attendees in the House. On this very day from 14:00 to 17:00 an inquiry was made as for belonging of the church building and the land plot to either of the confessions. Voting was conducted by means of ballot cards prepared beforehand which contained the following questions: "Are you in

favour of the Ukrainian Orthodox Church of Kyiv Patriarchate?", "Are you in favor of the Ukrainian Orthodox Church of Moscow Patriarchy?" To elderly villagers came "authorized delegates" with ballot cards and boxes. Its noteworthy Mylcha church beneficiary, archpriest Oleksiy Halun, emphasized for the participants of the meeting that this inquiry was unlawful while its results aren't legally binding.

According to the information available, part of village residents were either not informed about the polling-to-be or consciously refused to participate. In the same village archpriest Volodymyr Hlavatskyi announced that without any permission or agreement from the parish council advocates of the KP Ukrainian Orthodox Church had illegally put a metal lattice on the acolyte room's door. 26.02.2015 congregation and clergymen were barred from taking part in the church service. The ongoing situation is controlled by village head Mishchuk Y. According to the information supplied by the villagers the community of the KP Ukrainian Orthodox Church submitted the registration documents to the regional council wherein village head Mishchuk Y. was noted as a KP community monitor. Among the documents submitted there was one to testify that the executive committee of Mylcha village council upon the request of village head Mishchuk Y. changed the juridical address Tykha 1 for Tykha 1a – the latter being actually the juridical address of the long-standing community of the Ukrainian Orthodox Church. However, the community members were not informed about this change in the address. 08.03.2015 supporters of the KP Ukrainian Orthodox Church arrived at the church with their own priest and their choir-master from the Kyiv Patriarchate broke the door locks and had a service. After that they sealed the church again."

At the moment the representatives of the Kyiv Patriarchate, the Ukrainian Orthodox Church even prohibit the faithful to approach the building of the church. Also, there have been cases when representatives of the Kyiv Patriarchate did not allow a daughter to the grave of her father buried on the territory of the church. The head of the village council intimidates the faithful in every way, does

not issue necessary certificates and other documents on the ground of religious beliefs.

On December 22, 2015, the UOC community confirmed its ownership title to the seized church. The rector of the UOC-KP said in the court room that representatives of the Kyiv Patriarchate would not return the church in vlg. Mylcha, and the UOC might go to the church in the neighbouring village.

Chudnytsia village, Hoshcha district, Rivne region

Below is a text of the written application of the head of religious community of St. Paraskeva parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsa village to law enforcement authorities on the subject of the church service disruption (following the church seizure)

Hoshcha District Municipal Department
Ministry of Home Affairs Administration, Ukraine
House 11, Zastavye Str., Hoshcha town
Hoshcha district, Rivne region

Applicants:

1) Religious community of St. Paraskeva parish of Rivne bishopric of the Ukrainian Orthodox Church, Chudnytsia village, Hoshcha district

Tserkovna Str., Chudnytsia village, Hoshcha district, Rivne region, 35424

2) Ivan P. Yaroshchuk – a physical person – participant of the church service
8a Shevchenko Str, Zhavriv village
Hoshcha district, Rivne region

APPLICATION on starting a criminal proceeding

01.03.2015 a religious community of St. Paraskeva parish of Rivne bishopric, the Ukrainian Orthodox Church, in Chudnytsia village of Hoshcha district were having a prayer service on the church stairs and reading the Acatistos to Godmother in front of the church that belongs to our community. Around 12.00,

approximately 30 people (out of whom 20 were from Chudnytsia) came up to the congregation. These “visitors” approached us from different sides and began to grab and snatch our clothes, hair, hands, and using physical power they pushed us down off the stairs and pulled away from the prayer venue. The priest who was running the service (father Yuriy Hopanchuk) was pushed away from the service table. There were holy items on the table: the Icon, the New Testament and the Cross. The table was overturned with the items falling onto the ground. As a result, our faithful people were not able to finish their service: the priest had read the Acatistos up to the 6th song, the congregation were made to leave while the raiders began to break the door locks of the church building by means of an angle grinder.

Based on the evidence laid down,

WE REQUEST:

1. To start a criminal proceeding under Article 180 of the Criminal Code of Ukraine.
2. To call the faithful congregation members who were directly involved in the event in the capacity of witnesses.
3. To grant the above mentioned persons as well as other faithful people who participated in the disrupted service the status of the injured in the criminal case.
4. To grant the religious community as a juridical person the status of the injured in the open criminal proceeding.

I. Yaroshchuk
Head of the religious community

Since the seizure the UOC community has been holding its worship in the house near the church. In September 2015, representatives of the Kyiv Patriarchate nailed the door to the house, pointing out that they have ownership rights to it. Then the religious community of the UOC in protest against the illegal actions of the UOC-KP blocked the highway of international importance «Kyiv - Chop.» In this regard, the head of Hoshcha DMIA of Ukraine in Rivne region with the help of special equipment personally opened the doors of the house for the UOC community.

In October 2015, the court invalidated the ownership title of the Kyiv Patriarchate to the church building, and the right of use of land under it. Repealed documents were unlawfully issued by representatives of the UOC-KP with the direct support of the head of Krasnoselsk village council and the head of Dubno district council.

Hodosy village, Rivne district, Rivne region

An application fragment of Acheiropaeic image church beneficiary in Hodosy village to the prosecutor of Rivne oblast

«...On September 20th 2014 I was told there would be a meeting of villagers at 16.00 with the agenda as follows: transfer of our parish to the Kyiv Patriarchy... After the moleben (the prayer service) at 16.00 we began the night vigil at which 50 parishioners gathered. Meanwhile behind the church fence the villagers got together to make for the meeting in the eastern part of the village. After a while several minibuses and cars drove up to the church with old and young people dressed in camouflage suits – from “Pravyi Sektor” and “Svoboda”. On noticing that, we went inside the church and locked the door. Hardly had we done it when they started to force the door open, cut off the locks with angle grinders and began to drive the congregation out of the building swearing and yelling. Those who showed resistance were pulled out, beaten and struck with tear gas. Following this “riot” the KP priests entered the church and started their prayer service. All our reports to the militia and state bodies regarding the incident yielded no results. Though our parish has all valid juridical documents, no one even paid attention to that. The so-called gathering of the villagers (local villagers made up just to 20%) was supervised by the head of Rivne rayon state administration and law enforcement agencies. The Kyiv Patriarchy assures it has nothing to do with the illegal seizure of the church but it’s not true because their bishopric secretary Mr. Luchanin pulled our priests out of the church, beat and pushed them. He was stopped personally by the dean archpriest father Valeriy...In view of

this dishonourable action the village community inquires if we actually live in a sovereign, independent, democratic country and – what’s most crucial – the country with the rule of law?...”

NGO Forpost invites to cooperation all individuals concerned with obtaining verified information about the ongoing situation in Ukraine caused by persecutions of Orthodox Christians of the Ukrainian Orthodox Church.

We request everybody to give the best possible coverage of true positions within this discourse and offer the willing human rights watchdogs as well as other organizations and communities to contribute to cooperation in the sphere of rights and freedoms defense in Ukraine. Our capabilities lie in our determination to highlight developments in Ukraine and provide a true verified law-related evaluation for them based on the available evidence of witnesses as well as in-depth analysis of actions taken by the state bodies concerning elimination and prevention of violation of the rule of law by virtue of primary monitoring, in particular.

In August 2015, the UOC community decided to build a church on a land plot allocated by one of the parishioners. On the same site an Orthodox cross was raised. But the head of Shpaniv village council initiated verification of the land by the inspection bodies. Subsequently, the believer was fined and obliged to personally demolish the cross which had been put up.

In October 2015, the religious community of the Ukrainian Orthodox Church acquired a new land plot in vlg. Khodosy and started the construction of an Orthodox church.

Riasnyky village, Hoshcha district, Rivne region

At the end of May 2015, the head of the village council of Riasnyky village, Rivne village initiated a meeting of the village, and with the help of radically-minded people tried to seize the church, motivating their actions with an alleged fact that on the territory of vlg. Riasnyky a new religious community of the Kyiv Patriarchate was registered, so it must acquire all the assets

of the UOC community. In March 2015, the head of the village council tried to call for a vote on the transition of the UOC community under the «jurisdiction» of the UOC-KP, but the attempt was disrupted by members of the UOC religious community of vlg. Riasnyky, as most of the faithful did not want to transfer to another religious community without their consent. Then the head of the village council publicly promised not to prevent the UOC community in holding worship services but did not keep his word: on 24 May 2015, he again tried to take an unlawful vote.

On 04.08.2015, the head of Riasnyky village council overturned the decision which earlier granted the UOC community permission to issue land use documentation for the plot under the church. In October, the court found the actions illegal.

At the end of August 2015, the deputy of the Rivne Regional State Administration - Alexander Savchuk - forced the religious community of the UOC to the transfer of the church to the Kyiv Patriarchate, exerting pressure on the UOC believers.

Sudobychi village, Dubno district, Rivne region

According to the story of the priest Alexander Kardash:

«In the spring of 2014, representatives of the Kyiv Patriarchate, headed by the local forester, a secretary of the local village council, tried to hold a «referendum» on the transition of the UOC community of vlg. Sudobychi under the jurisdiction of the Kyiv Patriarchate. But due to the fact that the believers of the UOC dominated, the raiders “retreated».

However, on 01.09.2014, the representatives of the Kyiv Patriarchate secretly took all the official documents, and in the amount of 60 people seized the church of the religious community of the Ukrainian Orthodox Church.

The UOC religious community, accepting the consequences, decided to build a new church.

But the representatives of the Kyiv Patriarchate again prevent the community by trying to evict me, the senior priest of the UOC,

together with my family, out of the house, which was kindly provided by one of the faithful, out of the village ...»

Rachyn village, Dubno district, Rivne region

According to the story of the senior priest, Father Andrei Decker:

«On 31.08.2014, the Kyiv Patriarchate, with the support of the head of Rachyn village council held a “referendum” on the transition of the UOC religious community of vlg. Rachyn under the «jurisdiction» of the UOC-KP. The initiators of these events were representatives of Dubno district administration, law enforcement agencies and representatives of the «Right Sector». After the divine service, a large number of aggressive persons (about 300 people) approached the church. They strongly required the UOC community transfer the church to the Kyiv Patriarchate and threatened the parishioners if they refused to leave the church. Later the church was seized...»

Ptycha village, Dubno district, Rivne region

On December 26, 2014, a religious community of vlg. Ptycha was attacked by a group of people. The attacking side, with the direct support of the radical organization «Right Sector», cut the locks, seized the church, motivating their actions that part of the local villagers had decided upon assignment of the church belonging to the UOC community for the benefit of another entity - the religious community of the Kyiv Patriarchate. The church is actually occupied by the representatives of another religious denomination, the Kyiv Patriarchate.

On April 20, 2014, the religious community of the UOC of vlg. Ptycha tried to administer in the church building belonging to it, but representatives of the Kyiv Patriarchate prevented the UOC believers from completing the service, seized the church, organized resistance and did not allow in the owner (the UOC community) to end the divine service in

the religious building. Consequently, under strong pressure from supporters of the Kyiv Patriarchate, representatives of local authorities decided to seal the church until the Kiev Patriarchate took legal action and court proceedings were over. The UOC community had to administer services in the senior priest's garage, adjusted for religious needs. In September 2015, the Economic Court made a decision that the owner of the church is the Ukrainian Orthodox Church and the community of the UOC-KP does not have any title rights to the church premises. However, despite the obvious legal judgment, the supporters of the Kiev Patriarchate continued to make raider attempts.

On November 1, 2015, in a room of the Ptycha village council, Petro A. Shevchuk, a representative of the religious community of the UOC-KP, took (according to the testimony - stole) the keys to the church, carried by the head of the village council. As a result, representatives of the Kiev Patriarchate again seized the church.

On 07.11.2015, the representatives of the UOC-KP of vlg. Ptycha, led by their senior priest, Ihor Zahrebelny, unlocked the church and got into it. However, after the arrival of law enforcement officers, the UOC-KP adherents started to go home. The UOC community requested that the deputy chief of Internal Affairs of Ukraine in Rivne region should hang extra locks on the church. When the request was met, the UOC community peacefully dispersed.

On 08.11.2015, the representatives of the religious community of the UOC-KP decided to stain the gate and Fr. Nicholai's bench with faeces. However, once the UOC-KP supporters learned about the arrival of the reporters of the national TV channel «1 + 1», they personally cleaned up the previously marred gates and the bench.

On 15.11.2015, the representatives of the UOC-KP (20 women) got inside the church, demanding the abolition of the title rights of the UOC community of vlg. Ptycha. Realizing that they failed to obtain it legally, they locked themselves inside the church, and declared a pseudo-hunger strike. It is known that at the time

of these events, the UOC-KP representatives openly and regularly carried food in and toilet buckets out. A separate sign of disrespect to the sanctuary is the fact that the people who seized the church used it as a toilet and directly defecated inside the building.

On November 16, 2015, negotiations were held between the representative of the UOC and the UOC-KP in Rivne Regional State Administration, chaired by Alexander Savchuk (deputy chairman of Rivne Regional State Administration) The meeting was attended by the head of Dubno DSA and law enforcement officials. Exerting pressure on the negotiators, Alexander Savchuk forced the UOC to transfer the church to the Kyiv Patriarchate. In particular, A. Savchuk called the head of Ptycha village council for taking a local decision on alternate service. On the same day, the religious community of the Ukrainian Orthodox Church in protest blocked the road of international importance «Kyiv-Chop».

On 17.11.2015, Ptycha village council, chaired by the village head, in presence of the chairman of Dubno RSA, law enforcement officials and representatives of the UOC-KP (I. Zahrebelny) and UOC (V. Buha), made a decision, according to which there was granted permission for alternate service in the church according to the schedule fixed by the two denominations. The decision was appealed in court by the UOC community.

On 18.12.2015, the UOC community of vlg. Ptycha tried to hold worship in the church. But the community of the UOC-KP, supported by members of the radical organization «Right Sector», attacked the UOC believers and beat the clergy and parishioners. Law enforcement officers, who had arrived at the scene, were inactive. Also, the head of the organization «Right Sector» made an official statement that if the UOC community did not leave the church, they were determined to seize all the Orthodox churches in Rivne region. In the attack on the faithful, representatives of the UOC-Kyiv Patriarchate and the «Right Sector» used batons, clubs, electric shocks, cold weapons, tear and pepper gas. According to eyewitnesses, the police at some point began to beat parishioners together with representatives

of UOC-KP. Also the reports attest to the fact that the police neither detained nor stopped the representatives of the Kyiv Patriarchate who beat the UOC parishioners with long sticks, threw «Molotov cocktail» and used electric shocks, fire extinguishers and tear gas sprays. There are registered facts when the police lined up in front of the disputed church and did not allow the legal owners – the UOC believers – to get into the building that belongs to them.

On 21.12.2015, negotiations were held under the supervision of the prosecutor of Dubno district. He, like other officials, insisted on the transition of the church building for alternate use to representatives of the UOC-KP. Later in the day talks with the deputy of Rivne Regional State Administration were carried out. They were attended by representatives of the Security Service, the Main Department of Internal Affairs of Ukraine in Rivne region, the head of Dubno District State Administration, spokespersons of the UOC and UOC-KP. But the negotiations resulted in no compromise achieved. Some state officials exerted discriminatory pressure on the UOC religious community, calling for alternate use of the church for the reason that the majority of residents of the village allegedly voted for the transition under the «jurisdiction» of the UOC-KP. The Security Service officers were reported to threaten the UOC clergy and faithful with criminal prosecution under the false pretext.

On 22.12.2015, one of the protesters in the church, a parishioner of the Ukrainian Orthodox Church, suffered anaphylactic shock and was hospitalized.

On 23.12.2015, the parishioners of the Ukrainian Orthodox Church locked themselves up in the church and for five days did not get any food and water. They also suffered from cold in an unheated room. On the same day the UOC faithful picketed Rivne Regional State Administration, demanding the resignation of the Deputy Chairman of Regional State Administration Alexander Savchuk and protection of the believers' rights. As a result, talks were held with the Deputy Chairman of the Regional State Administration Y.Y. Pryvasky, which led to an agreement that people in the church would be changed; the light and heating would be on.

On 25.12.2015, representatives of the Kyiv Patriarchate picketed Rivne Regional State Administration and Rivne Regional Council with a demand to recognize the Ukrainian Orthodox Church separatists, to cancel the decision confirming title rights of the UOC community to the church in vlg. Ptycha. Rivne Regional Council decided to refer a statement on the abolition of private ownership of the UOC community of religious buildings in Rivne region (48 votes) to state authorities.

It should be noted that during the escalation of inter-faith conflict, Rivne Regional State Administration prepared and filed an appeal to the Court of Cassation against the decision of the court, which had entered into force, grounding their actions with the fact that the case must be heard by the Administrative Court. The cassation appeal of the state body contains only the above mentioned formal grounds and does not contain any allegations that the UOC is not the owner of the building or the decision of the court of first instance is in fact unjustified. So the public authorities made a step aimed at prolongation of the conflict, giving the Kyiv Patriarchate supporters reason for hope that it may be revised and hence the statement on the title rights of the UOC community to the church is inconclusive and may be subject to judicial review. Meanwhile, the community of the Ukrainian Orthodox Church is the registered owner of the church building and is not required to confirm in any additional way its entitlements to the church. The judicial process was initiated by the Kyiv Patriarchate.

A separate assessment should be given to the police, who, according to eyewitnesses, blocked food and water supply to the people trapped in the church, thus actually committing acts that could be qualified as torture and inhuman treatment. Also, it should be remembered that electricity and heating were turned off in the church, and the police prevented the resumption of power and heat supply to the people in the church. Food and water supply, as well as the resumption of power and heat supply, became possible under active pressure from journalists and the UOC faithful on the regional leadership of the police and state administration.

Povcha village, Hoshcha district, Rivne region

Dubno Ministry of Internal Affairs of Ukraine,
From Vitaliy G.Buha,
Residence address: 1 Nekrasov St., Dubno,
Dubno district, Rivne region
tel: +380 99 284 0441;

STATEMENT of a criminal offence

At 19:00, June 24, 2015, to buy a bottle of mineral water I decided to go to the village shop situated in Rykun St., Povcha village, together with Vitaliy V. Chaika and Andriy V. Pankevych. Entering the shop, I saw, as I later found out, the deputy chairman of the district council Alexander V. Kozak, who was drinking alcoholic beverages with the shop assistant and was intoxicated, as was noticeable by the smell of alcohol, impaired motor coordination and "glass eyes". After I decided to get the cell phone out of my pocket, A.V. Kozak attacked me with foul language, picked up a wooden chair on which he had been sitting, and aimed a blow at me. I took these actions as a threat to life and health. Also, I regarded this threat as real and such that can be realized, as it was publicly expressed. A. V. Kozak, being aware of the difficult situation in the country and the fact that I am a senior priest of the Ukrainian Orthodox Church of vlg. Povcha, inciting inter-faith strife, started swearing and speaking rudely to me: «After the trial I'll take the church in vlg. Ptycha, and the next will be a church in vlg. Povcha «.,» You are a Moscow priest, a sucker, a Moskal, but you do not know what will happen to you», «It is necessary to expel all the Moscow priests from Dubno district «, "I support the Kyiv Patriarchate to seize churches of the UOC.»

After these events my health has deteriorated significantly, and on the night of 25.06.2015, I had to turn to a local hospital.

On the basis of the above,

I REQUEST:

1. To open the criminal proceedings under Art. 129 and 161 of the Criminal Code and to make an entry to the Unified State Register of pre-trial investigations;

2. To call as witnesses who directly participated in the events:

- Vitaliy V. Chaika;
- Andriy V. Pankevych;

3. To grant me and the above-mentioned persons the status of victims in the case.

V.G Buha June 26, 2015

Duliby village, Hoshcha district, Rivne region

In June 2015 the head of the local self-government in village Duliby, Lesia O. Myronchuk, took illegal possession of the official documents of the UOC religious community of vlg. Duliby to further lobby a transfer of the UOC church to the Kyiv Patriarchate. She motivated her actions purportedly by the fact that as a territorial community she is in a position to decide who should own the property of the religious community of the Ukrainian Orthodox Church. On 7 July 2015, the head of Duliby village council at the meeting of the territorial community, in support of her unlawful acts towards the UOC community of vlg. Duliby, publicly brought up the issue of conveying the UOC documents to another religious community – the Kyiv Patriarchate. This act overt led eventually to sparking inter-religious animosity among local residents. On the same day she decided to seal off the church with the state seal.

In October 2015 there were held elections to the village council and L.O. Myronchuk wasn't elected the village council head. On 6 November 2015 the church was opened by the UOC community for divine worship services.

Dmytrivka village, Hoshcha district, Rivne region

On 07.06.2015, during the church service, the religious community of the Ukrainian Orthodox Church in vlg. Dmytrivka was assaulted by the Kyiv Patriarchate members, radically minded persons from the "Right Sector", law enforcement authorities of Hoshcha District Department of the MIA of Ukraine in Rivne region as well as the head of

Riasnyky village council. Aggressive persons, who interrupted the burial ceremony, took over the church building in which they have had worship services until today, preventing the UOC faithful of vlg. Dmytrivka from entering the church territory.

A month later, the UOC religious community of vlg. Dmytrivka decided to build a new church but the head of Riasnyky village council hindered this initiative refusing to allocate a land plot for the religious community. Currently, divine worships of the UOC community are held in an abandoned house.

The community representatives filed an application to the law enforcement authorities to start criminal proceedings upon church service disruptions and illegal church seizure. Guilty persons who had perpetrated acts overt were identified, though not brought to justice; some of them are residents of the populated area described above.

Belogorodka village, Dubno district, Rivne region

From the account of senior priest Vitaliy V. Chayka:

«Everything began when I decided to prepare all the church and land documents. On having learnt that, the head of the village council started to tell the villagers that I wanted purportedly to self-privatize the church.

After a while the village council head together with the head teacher from the local school initiated the sign-up in order to change the UOC jurisdiction in favor of the UOC-KP. It was followed by the session to agree on holding "referendum".

On 28 September 2014 the "referendum" took place, the KP representatives carried the sign-up boxes, as a result of this "referendum" 320, the majority, signed up for the KP while the minority remained with the UOC.

On 29 September 2014 deputy head of Dubno military base Roman A. Dvorzhyk, the "Right Sector" members as well as the local military unit soldiers came to the church. They were equipped with bats and batons and

intimidated me they would take me to ATO and burn my car.

The above mentioned persons began to beat and scatter the UOC parishioners, at this very time the school staff member Tatiana V. called someone and asked to assist with the church seizure. After she had made these calls, there came about 300 hard-line persons.

On 30 September 2014 the representatives of the Kyiv Patriarchate and the Right Sector broke into the church, tore off seals and cut off locks, intended to overturn my car. On that very day I packed things and left with my family to another village.

On 31 October 2014 we were to celebrate a festivity on the occasion of the church centenary, but my faithful parishioners called and warned me not to come to the village because the Right Sector people inspected every car at the entrance to the village to prevent me from coming to the church.

In August 2015 our community decided to build a new church. Since the village council refused to allocate a new land plot for the church building, it was agreed by the community to build it on the plot of one of the UOC believers. Still, the head of the village council is trying to hinder construction works refusing to make a decision on changing the designation purpose of the land plot...”

The community representatives submitted applications to the law enforcement authorities about opening criminal proceedings upon worship disruptions and illegal church seizure. Guilty persons who had perpetrated acts overt were identified, though not brought to justice; some of them are residents of the populated area described above.

Badyvka village, Ostroh district, Rivne region

According to Halyna Hulchuk, resident of vlg.Badyvka:

“On 26 November 2015 at nearly 7 a.m. the Kyiv Patriarchate representatives together with the “Right Sector” and “Netishin Self-defense” members came to the church. When I approached the church I saw the church

windows were lit. The law enforcement did not take any actions, just checked the documents. When we wanted to enter the church, the Kyiv Patriarchate representatives threatened to burn our houses down. Later, the KP representatives came to the shop where I work and demanded that I should be evicted from the village; they accused me of receiving money from Putin. After that our community accommodated a tent for an improvised church and we had services there despite winter frosts. At present the divine worships are conducted by the UOC senior priest in one of my house rooms. We are prevented from entering our church...”

The UOC religious community of vlg.Badyvka is an owner of the church. Upon the application of the senior priest the police opened a criminal proceeding which was soon closed due the lack of grounds for the investigation. A complaint the priest filed to the court about inaction of the investigator was sustained, moreover, the court noted in its decision that the investigator not only failed to interrogate witnesses – the UOC parishioners, but did not even interrogate the aggrieved party – the senior priest who had filed an application to the police. Even after the decision on reversal of the criminal proceeding was cancelled, the guilty persons who illegally seized and disrupted church services remain at large and haven’t been brought to justice. The addendum to the report contains documents related to this case.

Verbychne village, Turiysk district, Volyn region

The head of the UOC community of Verbychne village, Turiysk district, the rector of the Church of the Nativity of the Most Holy Mother of God Archpriest Vladimir Greben was publicly accused of ordering to paint over the emblem of Ukraine on the church gate. It even came to an inquiry of the Deputy Head of Volyn Regional Council, Alexander Pyrozhyk, a member of the «Svoboda» party, to law enforcement bodies to investigate the provocation and outrage upon the state symbol – in the version of that political power.

According to the rector of the church,

provocations indeed have taken place in the village, and he managed to inform the appropriate authorities about them. As Father Vladimir explained, the Orthodox community has been living quietly so far until a few «activists» appear, one of whom is going to run for the post of the head of the village council this autumn, which includes Verbychne. A month ago, as it happens traditionally before the seizure of Ukrainian Orthodox churches, they even initiated a village assembly on the denomination jurisdiction of the church, which, however, had no legal consequences.

A memorable «painting over the emblem of Ukraine» was the scheduled maintenance: the church fence around the premises has been newly repainted in blue. No emblem was painted over on the fence: the upper bar at the gate had been made yellow-blue before, and during the regular overhaul it was covered with another layer of paint. Time will tell if law enforcement bodies see anything criminal in it.

When the «hot» publications came out in Volyn press, the believers honored Holy Maccabean Martyrs, the great Orthodox holiday. As it turned out, that very a village meeting on reforming the village council was held in Verbychne. Of course, newly appeared political activists took a chance with the occasion to change the discussion into the denomination field, but in vain: all their initiatives proved useless for the villagers.

According to Father Vladimir, who has served the Orthodox community of the village for 38 years, the present church-political core group of activists is strongly connected with the political party «Svoboda», whose representatives – let us recall – read out a «sensational» inquiry of deputy during the session of Volyn regional council on August 14, 2015.

Uhryniv village, Horohiv district, Volyn region

The Church of the Exaltation of the Holy Cross in Uhryniv village, Volyn region was built in the 19th century by the confession of the Russian Orthodox Church. The parish of Uhryniv village as a legal successor of the

Russian Orthodox Church has been continually using the church since 1946. Despite the fact the parish hasn’t received any eviction notice so far they were driven out of the church by local entrepreneur Andriy Turak.

This person is an exclusive owner of most business property in the village and simultaneously he’s a deputy of Volyn Regional Council. In fact, his religious preferences were given to a different denomination – the Ukrainian Orthodox Church of Kyiv Patriarchate. A. Turak personally managed “village gatherings” where the church lot was determined without any compliance with regular proceedings.

Afterwards individuals hired by Mr. Turak forced the local congregation out of their church. By seizing the church its beneficiary protopriest Rostyslav Sapozhnyk (local resident) was heavily beaten with a stick resulting in head hematoma.

Despite numerous appeals to law enforcement bodies by parishioners of the Ukrainian Orthodox Church the investigation hasn’t been made yet due to the great influence Mr. Turak has on local authorities. At the end of May the problem was exacerbated because A. Turak demanded that father Rostyslav evicts from the house built by the parish of the Ukrainian Orthodox Church.

At the moment protopriest Rostyslav together with his wife and two under-age children are scared of the raid attack on his house and doesn’t hope to have local authorities interfere to effectively handle this issue. Why A. Turak resorts to these actions can be explained by the fact that father Rostyslav Sapozhnyk remains committed to his religious viewpoints and the canonical Ukrainian Orthodox Church having turned down a proposal of A. Turak to pass to the Ukrainian Orthodox Church of Kyiv Patriarchate.

Chumaky village, Pyatykhaty district, Dnipropetrovsk region

Metropolitan of Kryvyi Rih and Nikopol Ephrem sent an open letter addressed for the head of Dnipropetrovsk Regional State Administration V.M. Reznichenko regarding

the situation in the village of Chumaky of Pyatykhatky district, Dnipropetrovsk region (Kryvyi Rih eparchy).

The chairman of Regional State Administration has been addressed with a request to counteract inter-faith confrontation stirred by representatives of the so called "Kyiv Patriarchate" in the village of Chumaky.

Below is a full text of the open letter.

"We were compelled to appeal to you in view of the distressing and disappointing events developing around the village of Chumaky of Pyatykhatky district. A religious community led by senior protopriest Ivan Yusyppovych recovered an old Orthodox sanctity for years and years after times of irreligious adversity. To date a handful of ambitious people led by deputy of the Verkhovna Rada Yuriy Bereza and farmers V.G. Baisar and S.V. Zhydko make believe a religious confrontation in order to illegally seize the church and let it under jurisdiction of the so called "Kyiv Patriarchate" being unrecognized in the Orthodox world. Prior to that there had been made numerous threats to inflict bodily harm to the senior priest as well as shown inappropriate behavior by farmer V.G. Baisar.

Taking into account these incidents, on 9 September 2015 beneficiary of Pyatykhatky district, protopriest Oleksandr Ponomarenko held a general parish assembly of the religious community of Saint Nicolas Church in the village of Chumaky of Pyatykhatky district which was attended by 82 people who unanimously confirmed their affiliation with the canonical Ukrainian Orthodox Church. However, despite this fact on 11 September 2015 another conflict was brought about by farmer V.G. Baisar who expressed disregard for the clergymen and the faithful in a humiliating way using obscene words in his threats. All endeavors to shoot the trouble peacefully were futile.

Nowadays when our Ukraine is going through hard times, when the country's best men die in the East sacrificing their lives for peace and unity of the whole country, when the clergy maintain aspirations of the people towards peace and rest, certain persons mentioned before under the slogan of pretended "patriotism" tend to satisfy their ambitions by means of ruining churchly peace and public rest.

Referring to the Law of Ukraine "On Freedom of Conscience and Religious Organizations" we would like to remind that according to Article 17 of the Law it is prohibited to arbitrarily seize church property or take over places of worship. As for the decision about changing of jurisdiction by the community, such decision can be taken solely by the members of parish assembly chaired by the senior priest of the church.

Assuming further quite numerous calls to take over the church and pursuing the aim of preventing interdenominational confrontation and bloodshedding, we request and call you to approach this statement with proper understanding and take a relevant decision that could put a stop to arbitrary and illegal seizures of places of worship and church property.

We hope you will consider this issue with genuine concern and make your contribution to maintaining peace and rest throughout our Dnipropetrovsk land".

«Hate speech» and forfeiture-aimed legal actions in resolutions of the state authorities

The Holy Dormition Pochaiv Lavra

A case which illustrates the attitude of the government to the religious denomination of the Ukrainian Orthodox Church is that representatives of the elective state body – Ternopil Regional Council – who are supposed to act ethically and within the legislation took the liberty to openly defame the denomination of the Ukrainian Orthodox Church having blamed a centuries-old religious sanctity of the Ukrainian people – the Holy Dormition Pochaiv Lavra – in antinational activity. In particular, the state body approved by deputies' voting the following theses: "The Kremlin invaders are interested, like never before, in splitting Ukraine and destroying its territorial integrity. For they feel uneasy when they watch Ukrainians become the nation of courageous and brave people. In order to further undermine our society the occupants create and activate "fifth columns" to serve the neighbouring state.

The Pochaiv Lavra of Holy Dormition, one of the spiritual sanctities of the Ukrainian people, is being intentionally transformed into the focal centre of anti-Ukrainian activity and inter-religious conflict. Under the "canonical" guise of the Ukrainian Orthodox Church of Moscow Patriarchate it actually intends to russify the Ukrainian population assisting the invaders".

Regrettably, this official standpoint of the state body can be interpreted by the population as a flash signal to seize sanctuaries of the Ukrainian Orthodox Church with impunity.

Rivne diocese of the Ukrainian Orthodox Church

On 25 December 2015 Rivne Regional Council adopted a decision having ignored the fact of the preceding court decision on recognition of the Ukrainian Orthodox Church community's right to ownership of the church building. In particular, the decision stated the following:

«We appeal to Rivne Regional State Administration with a request to override the decision of Rivne Regional Executive Committee №173 of 25.09.1991 (ed.: by virtue of this decision there was documented the UOC title to property) on privatization of the worship building – the Holy Dormition church in vlg.Ptycha (ed.: actually, there took place "restitution" – recovery by the church community of its property earlier seized by the Soviet power – rather than "privatization" as it was called by the state body in the decision in order to enhance negative impact and perception); ... Besides, we condemn and acknowledge the actions of the Ukrainian Orthodox Church of the Moscow Patriarchate as those having the signs of separatism..."

Separatism involves actions directed at overthrowing the existing state order, first and foremost by means of separating certain territories or granting them the autonomous status. This is namely the way this phenomenon is currently interpreted by the official power of Ukraine. However, the UOC religious denomination cannot be accused of such actions because it has never made any appeals or taken any actions of that kind. Not to mention

the fact that there are no reasons to charge the whole denomination as a religious organization with taking such position, for there isn't a single statement of the Ukrainian Orthodox Church which would contain a separatism message. Moreover, the separatism issue could not be brought up or used in the clash in vlg.Ptycha due to the fact that this conflict is purely internal and involves Ukrainian citizens of different religious denominations. Issues related to the territorial structure of Ukraine are not discussed at all in the course of these events; all dialogues are focused exceptionally on the church affiliation. Nevertheless, the public authority used this standard template – accusations of "separatism" – namely with a view to amplifying charges and fomenting hysteria among civilians and does not bother to present any evidence to prove this hostile rhetoric. Therefore, once again the state body makes it clear that there is a more loyal and patriotic denomination – the "Kyiv Patriarchate", and less loyal – the "Ukrainian Orthodox Church". An answer to the question 'why?' is contained in the text of this decision: it points out that the UOC faithful are compelled "to agree to alternate worships". In other words, the requirement is formulated to convey the church, which is the community's private property, to the other, more faithful legal person from the state's point of view.

Ternopil region, Chortkiv district

27.11.2014 Chortkiv Regional Council of Ternopil region made an address to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine, the Prime Minister of Ukraine, which said as follows: We, the deputies of Chortkiv Regional Council of Ternopil region are extremely concerned about the situation regarding the future of the Holy Dormition Pochaiv Lavra. Due to the years of occupation of this spiritual sanctity, this praying venue has been intentionally transformed into the breeding ground for anti-Ukrainianism, inter-denominational antagonism, contention and confrontation in Ternopil region..."

The above incriminatory labels and utterances used officially with regard to the

religious organization that integrates the citizens of Ukraine testify to politicization and short-sightedness of a number of civil servants. It has to be noted with regret, this phenomenon has grown to form a consistent pattern. It would seem that the official authorities have shaped a clear-cut course towards open defamation and discrimination of one of the biggest religious denominations.

Ternopil region

In the course of the conflict in vlg. Kolosova, Kremenets district, Ternopil region the Kyiv Patriarchate adherents following the scheme described above, held a meeting of the village residents who are in fact not the parishioners of the Ukrainian Orthodox Church. The next move was to make amendments to the UOC Statute. Having turned to the judicial authorities, the UOC community made timely steps to block such endeavors, described above in an amplified way. It's noteworthy, the state bodies, responsible for the state registration of communities, had to take a neutral position, however, Ternopil State Regional Administration found it acceptable and possible to offer juridical assistance to just one of the parties to the conflict, having filed a lawsuit on withdrawal of property rights of the Ukrainian Orthodox Church community to ownership of the church building. This lawsuit was not satisfied by judicial authorities, though the very fact of an attempt made by the state body to come into collision with international obligations of Ukraine in terms of return of the

4. Supplements

«The UOC representatives: hegumen of St. John the Almsgiver monastery of Ternopil and Kremenets diocese father Gerontius, President of NGO PublicAdvocacy Oleg Denisov discussed acts of infringing the rights of the faithful in Ukraine with the CoE High Commissioner»

«Meeting of Ternopil and Kremenets Metropolitan Sergiy, the clergy and parishioners

church property, earlier seized by the Soviet power, to its legal successors proves that the issue of religion in Ukraine is politically biased. For the state officials were supposed to bother about a totally different problem, namely – how to transfer ASAP the church property earlier seized from the Orthodox Church by the Soviet power to the Ukrainian Orthodox Church.

Rivne region

As it was mentioned above, in the course of the conflict in Ptycha village, Rivne region, the Regional State Administration challenged in the Court of Cassation a court decision, approved in favor of the Ukrainian Orthodox Church community for the formal reasons: it stated that the case was to be handled by another branch of the judicial power. A cassation appeal of the state body did not contain any claims that it does not recognize or challenge the property right of the UOC community to own the church building what confirms the fact of recognizing by the state of the community rights. Lodging a cassation appeal testifies to the desire of public authorities to procrastinate with putting a stop to the force confrontation, by means of using the scheme of infinite talks and statements which say that “the issue is pending and subject to court review”. Against these juridical schemes of dispute prolongation the state power is willing to get the UOC community to “share” its property with the more “faithful” denomination (see the address of Rivne Regional Council on the matter – regarding “cancelling of privatization”).

of the UOC with representatives of the OSCE Special Monitoring Mission in Ukraine Marc Kirshbaum and Leszek Koczyk. Oleg Denisov, human rights defender, took part in the meeting. Members of the monitoring mission were supplied with the true information about the developments in Western Ukraine directly from the injured persons, eye-witnesses, and parties to the events».

«Workshop of representatives of Rivne UOC Diocese, President of NGO “Public Advocacy” with the OSCE mission representatives immediately during clashes in Western Ukraine. Observers are provided with the evidence and facts related to the developments”.

Meeting of Archpriest Nikolay Danilevich, Deputy Chief of the Synodal Department for External Church Relations, His Beatitude

Metropolitan Sabbas, Primate of the Polish Orthodox Church, and Oleg Denisov, President of the NGO “Public Advocacy”. Discussed at the meeting were the issues related to the observance of rights of the UOC religious organizations in Western Ukraine as well as defense of the Orthodox Christians’ rights in Europe.

Court decisions and other documents²²

(some decisions and juridical documents are published with reductions and exclusions of personal data of the parties concerned)

Document № 1

A list of conflict situations: the churches cited below are either seized or there is a collision threat

№	Parish Name
Rivne Eparchy	
1	vlg. Ostriv Radyvyliv district the church seized on 24.08.2014
2	vlg. Soloniv Radyvyliv district the church seized on 01.08.2014
3	vlg. Rachyn Dubno district the Church of the Mother of God of Kazan Icon seized on 01.09.2014 (worship is held in the Chapel of St. Martyr Barbara, located at the village cemetery)
4	vlg. Sudobychi Dubno district the Church of SS Cosmas and Damian seized on 11.09.2014 (worship is held in a room of a village house adjusted for prayer needs)
5	Khodosy Rivne district, 5 Tsentralna Str., The Church of the Miraculous Icon of the Savior seized on 20.09.2014 poky (worship is held in a room of a village house adjusted for prayer needs)
6	Miatyn Hoshcha district the Church of St. Paraskevia seized on 27.09.2014; a small number of believers go to the neighboring church; worship is held in a village house, the UOC congregation is bigger than of the KP)

²² The material contains the documents – court decisions and other official data, published as of the date of their being received by an issuer. Actual state of things, including the juridical force of whichever decision, needs to be specified when necessary.

7	<p>vlg. Bilihorodka Dubno district 3-a Tsentralna Str. the Church of Apostle and Evangelist Luke (seized on 29.09.2014; worship is held in a room of a private house adjusted for prayer needs; the UOC community is planning to build a new church)</p>
8	<p>vlg. Badivka Ostroh district, 1a Vatutina Str., the Church of St. Mary Magdalene (the construction of the church is almost over; internal finishing is underway) (the church sealed by the local authorities on 26.12.2014; worship was held outdoors; the faithful took legal action to protect their legal rights).</p>
9	<p>vlg. Novosilky Zdolbuniv district, 3-a Shkilna Str.; the Church of the Miracle of St. Michael sealed on 24.01.2015; seized on 07.02.2015</p>
10	<p>vlg. Chudnytsia Hoshcha district 4-aTserkovna Str., the Church of St. Paraskevia seized; the faithful took legal action to protect their rights; worship is held in a church building, criminal proceedings are open upon application of the UOC faithful, trials are ongoing)</p>
11	<p>vlg. Mylcha Dubno district 1 Tykha Str., the Church of the Nativity of the Blessed Virgin (seized on 18.03.2015; sealed at the moment; worship is held outdoors; the faithful are determined to take legal action to protect their rights)</p>
12	<p>vlg. Ptycha Dubno district 27a Lvivska Str., the Holy Dormition Church (seized on 26.12.2014; worship is held in a garage; criminal proceedings are open upon application of the UOC faithful, trials are ongoing) On November 1, 2015, in the premises of the village council of Ptycha village, on consent and support of the head of the council, Petro. A. Shevchuk, a representative of the religious community of the UOC-KP in Ptycha, Dubno district, took illegal possession of the keys to the Holy Dormition Church, allowing representatives of another legal entity - namely, the religious community of the Dormition parish of the Ukrainian Orthodox Church – Kyiv Patriarchate, which is not part of the religious community of the Holy Dormition Parish of the Rivne diocese of the Ukrainian Orthodox Church in vlg. Ptycha, Dubno district, to seize and hold the religious building, which does not belong to them by right of ownership. At the moment of seizure of the Holy Dormition Church, the religious community of the UOC of Ptycha village was holding a divine service near the church, which was interrupted by the above-mentioned illegal actions by representatives of the UOC-KP in Ptycha village, headed by their senior priest – Ihor Zahrebelny.</p>
13	<p>vlg. Dmytrivka Hoshcha district (the church seized on 07.06.2015, worship is held outdoors)</p>

14	<p>vlg. Riasnyky Hoshcha district the church is not seized In March 2015 the head of the village council V. Kozak held a village meeting, in which a question of transfer of the UOC community to the UOC-KP was raised, but the majority of the villagers supported the UOC and the dispute ceased. However, in May, the village head again attempted to hold a meeting, which also failed. At present V. Kozak doesn't give up his attempts to conduct a survey in the village, going from house to house, where there are young men, and pressing them with a question: the KP or ATO. On 20.10. 2015, the UOC-KP of Riasnyky village filed a lawsuit in the Rivne Regional Administrative Court and a petition to the head of the Regional State Administration Chugunnikov with a demand to ensure alternate service in the church of Riasnyky village, Hoshcha district. At the stage of pre-trial hearing, the court in its decision named as a co-defendant the Rivne Regional State Administration. The lawyer on behalf of the UOC-KP L.E, Toros LE, based his constitutional motion on the fact that the community of the UOC-KP appealed to the RRSA in August 2015 on passing the church in Riasnyky village to the UOC-KP for alternate use. So far the RRSA has not met their appeal. In this regard the lawyer cited Article 17 of the Law of Ukraine «On Freedom of Conscience and Religious Organizations», providing no other arguments. The RRSA spokespersons didn't attend any hearings, but submitted an explanatory note that the church had already been handed over for use to the UOC of Riasnyky village on 03.12.1991 year (Security Agreement dated 03.10.1988), the State is separated from the Church. On 24.11.2015, the Rivne Regional Administrative Court issued a decision to close the proceedings.</p>
15	<p>vlg. Duliby, Hoshcha district – the church is not seized The village head took possession of the Statute and the certificate of registration of the statute, documents on the land. Criminal proceedings were opened under Art. 357 of the Criminal Code of Ukraine)</p>
16	<p>vlg. Povcha, Dubnodistrict – the church is not seized The main initiator of the transfer of the UOC under jurisdiction of the UOC-KP in Dubno district is the head of the district council O. Kozak. On 24.06.2015 the senior priest entered a local shop where he was attacked by O. Kozak with a stool.</p>
17	<p>vlg. Hilcha, Zdolbuniv district – the church is not seized In June 2015, local residents began collecting signatures for the registration of the UOC-KP in the village to further seize the spring of St. Nicholas. But after the talk with the main initiators of the registration of the UOC-KP, their signatures were recalled from the documents submitted for the registration of the statute of the KP.</p>
Ternopil and Kremenets Eparchy	
18	<p>vlg. Butyn, Zbarazh district the church is seized</p>
19	<p>vlg. Novostav, Shumskdistrict the church is seized, alternate worship is held</p>
20	<p>vlg. Bashuky, Kremenets district the church is seized</p>
21	<p>vlg. Kulykiv, Kremenetsdistrict the church is seized</p>
22	<p>vlg. Katerynivka the church is seized, the authorities force to alternate use</p>
23	<p>vlg. Stinka a threat of seizure</p>
24	<p>vlg. Kolosova a threat of seizure</p>

25	vlg. Lyshnia almost all the community with the senior priest changed affiliation
26	vlg. Vovkivtsi almost all the community with the senior priest changed affiliation
Volyn Eparchy	
27	vlg. Uhryniv, Horokhiv district the church seized on 10 .09. 2014 worship is held in a church building; criminal proceedings are open
28	vlg.Pechychvosty, Horokhiv district – the St. Vvedensky church was seized on 20.08. 2014
29	vlg. Strilche – the Church of St. Volodymyr the Great was seized on 06.11.2014
Volodymyr-Volyn Eparchy	
30	vlg. Hrybovytsia, Ivanychy district a threat of seizure of the Holy Protection Church on 20.09.2015 the church was sealed in the presence of the village head and police officers
Khmelnysk Eparchy	
31	vlg. Stavyschany, Biligorod district the church is seized
Uman Eparchy	
32	vlg. VelykaSevastianivka, Khrystynivka district the church is seized
Kherson Eparchy	
33	vlg. Preobrazhenka, Chaplynka the church is seized
Lviv Eparchy	
34- 35	vlg. Turka the Holy Dormition Church and the Church of St Nikolas are seized
Chernivtsi and Bukovyna Eparchy	
36	vlg. Melievo, Vyzhnytsia district the church is seized
37	vlg. Oshykhliby,Kytsman district the church is seized
38	vlg. Kybaky, Vyzhnytsia district the church is seized
39	vlg.Korytne ongoing conflict
40	vlg. Vakhnivtsy ongoing conflict
Zhytomyr Eparchy	
41	vlg. Popilnia ongoing conflict
42	vlg.Myroslavl, Baranivka district The church is seized
43	vlg. Kolodianky The church is seized
Ivano-Frankivsk Eparchy	
44	vlg. Mykhalkiv the church is seized

Document № 2

Address of the Ruling Hierarchy of Rivne diocese of the Ukrainian Orthodox Church to the President of Ukraine

Dear Mr. President!

In Ternopil region, on St. Nicholas, terrible events occurred. In the village of Ptycha, Dubno district, real pogroms and violence began on the ground of religious enmity and discord. Local authorities, the police, radicals of the Right Sector, incited by the Kiev Patriarchate representatives, raised persecution and physical violence against citizens of Ukraine!

On December 18, on the eve of the holiday, the UOC believers were not allowed into the church, which representatives of the Kiev Patriarchate and the Right Sector activists had been illegally holding for some time. The parishioners of the UOC have on hand all the necessary documents and court judgments, proving the ownership of the religious building. However, the local authorities and representatives of the UOC-KP completely ignore the rights of believers of the UOC!

While attempting to get into the church, the UOC parishioners were beaten and used tear gas against. However, they managed to enter their sanctuary. Having served morning and evening liturgy, part of the community locked themselves in the church in protest against the arbitrariness of the local authorities and the UOC-KP.

Now the police and the aggressive-minded representatives of the Kiev Patriarchate keep these people under siege as some criminals. They are not allowed to pass warm clothes, water and food. The church building is cut off from electricity. The temperature indoors is +4. The parishioners' physical state has aggravated. An ambulance doctor was allowed in, but he did a hasty check-up and left insufficient amount of medication.

Tell me, who is a real offender in this situation? How can one do such things during one of the most important and merciful holidays for the Ukrainians?

At night the UOC faithful had the windows of their houses smashed. «Molotov cocktails»

were thrown onto the doorsteps. Some families have minors. One child was injured. Those who arrive in Ptycha to support the UOC parishioners are subjected to harassment as well: their car tyres are made flat, car windows are fired at with air guns. The UOC community of Ptycha village feels scared and shocked.

Today the Right Sector fighters and the most aggressive supporters of UOC-KP are getting ready for a night assault and the seizure of the religious building. The experience of previous conflicts suggests that they act violently, outside the law and Christian morality.

Mr. President, in your eyes, ordinary Ukrainians, as patriotically-minded as you, are deprived of basic human rights. They are treated as second-class beings. Their children are being harassed, their property – damaged. Such an ugly phenomenon as pogroms, which seems to have been defeated forever more than 70 years ago, is coming back to Ukraine.

Our state is pushed into the flame of religious hatred. There are no winners in such conflicts, only losers. Public wounds caused by such conflicts cannot be healed for many generations to come.

Mr. President! I ask you to intervene immediately and protect your fellow citizens! For the sake of Ukraine, for the sake of our common future, for the sake of life and health of ordinary believers. May the Almighty be kind to us all! May He empower us to understand and forgive each other! May He save the Ukrainians, who face off against one another! Some - from evil and violence. Others - from their own blind hatred and the sin of theomachy!

Bartholomew

Metropolitan of Rivne and Ostroh

Document № 3:

An open letter of human rights defender Oleg Denisov to the representatives of the international community

Council of Europe
Council of Europe High Commissioner for
Human Rights
OSCE High Commissioner on National

Minorities
UN High Commissioner for Human Rights
UN Special Rapporteur of the Human Rights
Commission
on Freedom of Religion and Belief
International human rights organizations
Mass media

OPEN STATEMENT

On behalf of the human rights community and the parishioners of the Ukrainian Orthodox Church we ask all international organizations, state authorities of Ukraine, representatives of the media and the public to pay attention to the difficult situation in Ptycha village, Rivne region.

In this village, the community of the Ukrainian Orthodox Church has the right of ownership on the church building. Since the end of 2014 the Kiev Patriarchate followers, interested in taking the religious building away from the community of the Ukrainian Orthodox Church, have attempted not once to seize the church. Already three times the conflict has been heard and decided in courts of Ukraine, and in all the cases, it was confirmed that only the owner of the church is a religious organization - the community of the Ukrainian Orthodox Church. However, despite this the attempts to seize the building have continued up to now.

An unprecedented fact was the pressure of the head of the Dubno District State Administration Yuri Parfenyuk and the deputy of the Regional State Administration Alexander Savchuk on the Ukrainian Orthodox Church congregation in order to obtain from them the decision to transfer the church to the Kiev Patriarchate denomination for alternate use. Despite the refusal of the parishioners to allow in the building belonging to them by the ownership right the third party, by the decision of the Ptycha village council was established alternate use of the church premises by the Ukrainian Orthodox Church community and the Kiev Patriarchate denomination. This resolution is obviously illegal and discriminatory, shows disrespect for the rights of the religious organization - the owner and a complete negation of the fundamentals of public law and order on the part of particular civil servants, permitting this decision. Currently, it is appealed

by the community of the Ukrainian Orthodox Church in the administrative court.

As of today, 12/20/2015, the parishioners of the Ukrainian Orthodox Church, the community that owns the church, were forced to lock themselves in the religious building because of the threat of its seizure. Our parishioners were delivered an ultimatum to vacate the church building; otherwise the «Right Sector» representatives will begin its assault tonight or late at night. According to information available, “Molotov cocktails” were thrown at the church building and windows of the parishioners’ households were smashed. The people trapped in the church do not get food, water and suffer from cold in the unheated premises. At the same time the public authorities do not guarantee the security of parishioners and are not ready to protect the parish property.

Given that more than 40 towns in Western Ukraine are involved in the state of inter-faith confrontation, changes in methods of making conflict by the parties, namely the transition to an open use of force and special weapons such as «Molotov cocktails», as well as cold arms and firearms, may lead to a radical change in the situation, not only in a particular region but throughout the country and affect the security of the European Union.

This situation requires an immediate response from the law enforcement bodies and the international community. In the present case, on behalf of the Ukrainian Orthodox Church and international human rights organizations official statements are sent to the UN Special Rapporteur on Freedom of Religion and Belief, the High Commissioner for Human Rights, the OSCE High Commissioner on National Minorities, other officials and organizations responsible for protection and respect for human rights in the world.

We hope that the quick response of the international community and close attention of the central authorities of Ukraine will avoid tragic consequences.

Oleg Denisov
Human rights activist
Legal Adviser of the Kyiv Metropolis of the Ukrainian Orthodox Church

Document № 4: Address of the Patriarch of Serbia to the Primate of the Ukrainian Orthodox Church regarding mass human rights violations of the faithful in Western Ukraine

PATRIARCH OF SERBIA
П № 2590
22. XII 2015.

His Holiness!
His Beatitude Metropolitan of Kyiv and All Ukraine Onufriy

Your Holiness,
Dear Concelebrant in the Lord:

With profound concern and sincere distress we learn again and again about violent seizures of Orthodox churches and mass beating of the faithful of the Ukrainian Orthodox Church in Ukraine.

The Serbian Orthodox Church heard Your Beatitude’s call to pray for the clergy and victimized parishioners of the Assumption church in the village of Ptycha, Rivne region. We are lifting up our prayers for those who fell victim to pogroms and sorrowful violence in this village; for the Orthodox clergy who were beaten up for the name of Christ; for our miserable fellow faithful who have been locked up in their own church for several days now without water and food, denied even necessary medical aid. We pray that the Lord may strengthen them to confess Christ and withstand all the ordeals for Him with courage!

No less concern is also caused by the recent attempt to take away the Kiev Laura of the Caves from the canonical Church, as we have learnt from the press and the statements of Your Holiness and bishops of the Ukrainian Orthodox Church. The Kiev Laura of the Caves is a great shrine for the whole Orthodox world, and we have learnt with indignation about the intention to hand them over to the schismatics who are not recognized by any of the Holy Orthodox Churches.

By their fruit you will recognize them, says Holy Scriptures (Mt. 7:16). Evil can dress itself up in the clothes of faith, light and truth but its fruits – falsehood, division and hate of the neighbour

– will invariably expose it. Schismatics from the so-called ‘Kiev Patriarchate’ have long been renounced by Orthodox Churches and refer to Orthodoxy only by name. And their disdain for the norms of Christian morality and readiness to hate, to lie and to spill blood is living proof of it.

We pray that the Lord may strengthen Your Beatitude and the Holy Ukrainian Orthodox Church in the feat of confessing Christ and give you strength to oppose the violence and hatred with love and patience in Christ!

Invoking God’s blessing upon you,
+ Irinej
Patriarch of Serbia

Document № 5: Address of the Holy Synod of the Bulgarian Orthodox Church to the President of Ukraine regarding human rights violations of the faithful and communities of the Ukrainian Orthodox Church

Holy Synod of the Bulgarian Orthodox Church
№ 980
15. XII 2015

President of
Ukraine,
Mr. Petro Poroshenko
C: His Holiness
His Beatitude Onufriy,
Metropolitan of Kyiv and All Ukraine
Kyiv

Dear Mr. Petro Poroshenko,
The Bulgarian Orthodox Church, which is in communion with the fraternal Ukrainian Orthodox Church, is concerned over the situation in religious sphere in Ukraine. Numerous registered facts of violating the rights of Christians belonging to the only canonical Orthodox Church in Ukraine cause serious concern.

First of all, we refer to forceful seizures of the UOC churches.

In the given context, of particular concern are the attempts to take away from the canonical Church two holy sites of World Orthodoxy - the Holy Dormition Pochayiv Laura and Kyiv

PecherskLavra - in favour of the so called "UOC - Kyiv Patriarchate" which is not recognized by any of the world's Local Orthodox Churches. The Bulgarian Orthodox Church takes a firm stand against this plan, for its implementation can not only destabilize the social situation in Ukraine, but also make it impossible for the Orthodox hierarchs, clergy and believers from other countries to visit the abovementioned holy places, since we do not have Eucharistic and prayerful communion with the religious structures that have fallen into schism.

In connection with this, the Holy Synod of the Bulgarian Orthodox Church requests you, Mr. President, to take all necessary measures to protect rights of the Ukrainian Orthodox Church, securing its churches from being seized, and to prevent further threat of forceful, information and other pressure against it.

Chairperson of the Holy Synod
+Neophyte
Patriarch of Bulgaria

Document № 6: Address of the Ruling Hierarchy of Rivne diocese to the Secretary General of the Council of Europe regarding human rights violations of the faithful and communities in Western Ukraine

Secretary General
of the Council of Europe
Thorbjørn Jagland
Council of Europe,
Avenue de l'Europe
F-67075 Strasbourg
Cedex

Dear Mr. Secretary General,

As we know, the Council of Europe is aimed at overcoming negative phenomena which may endanger peace and stability in Europe and other parts of the world. I think the situation that has developed requires urgent attention of the international community, because it affects the interests of Europe and other countries and can directly impact the security of the region.

Rivne eparchy of the Ukrainian Orthodox Church unites a significant number of religious

organizations on the territory of Western Ukraine. Unfortunately, since early 2014, there have been significant violations of the rights of believers and religious organizations of our denomination in connection with hate crimes committed on religious grounds. In particular, on the grounds of religious intolerance and aggression more than 11 churches of our eparchy have been seized. Unfortunately, such actions take place with the connivance of the authorities, who do not only provide an effective investigation into the violations of the rights and interests of our parishioners and religious organizations, but also in many cases contribute to such rights violations.

On this issue, in particular, we started cooperation with the OSCE mission, which is responsible for monitoring the Rivne region, including representatives of the organization headed by Mr. Maurizio Mantipo who repeatedly visited our eparchy and had the opportunity to get acquainted with the situation in the region. In addition, substantial information on the situation is presented in the monitoring report of the human rights organization NGO «Public Advocacy», (www.religua.info, <http://orthodoxrights.org/>).

Unfortunately, the situation in the region has deteriorated significantly since the end of 2015 due to both the inaction of the authorities and with the involvement of more and more people in confrontation. So each conflict situation, which leads to the seizure of our places of worship, involves from 50 to 500 people. Law enforcement bodies cannot control these processes or are unwilling to do so to consciously giving our denomination to elimination.

Unfortunately, we ran out of room for appeals to the national authorities, who do not carry out effective measures to protect the population, depriving people of hope for legal methods of protection.

In view of the above,
I ASK:

1. To enhance the inclusion of human rights monitoring in Western Ukraine in the list of issues to be considered by the authorized international personalities and organizations for a positive decision.

2. To carry out possible steps on your part to provide political or other protection of human rights and interests for the sake of peace and stability in order to draw the attention of Ukrainian authorities to the need to address the problems outlined and take effective measures to protect the fundamental rights and freedoms in the country.

Document № 7: A list of criminal proceedings (cases) opened by the Ukrainian authorities in Rivne region upon applications of the faithful and communities of the Ukrainian Orthodox Church.

№	Populated area	Article of the Criminal Code of Ukraine	Criminal Proceeding
1	<p>vlg. Badivka, Ostroh district, Rivne region</p> <p>In November 2014 the UOC-KP disrupted a divine service, and in December 2014 seized the church, though the UOC of vlg. Badivka has all the title documents to it.</p> <p>Currently Ostroh District Department of Internal Affairs is carrying out a pre-trial investigation into art. 356 of the Criminal Code of Ukraine. During this time, the investigator has tried to close criminal proceedings, to which the religious community has filed a complaint to the investigating judge.</p> <p>12.26.2014 year - a court prosecution was renewed.</p> <p>But so far, the investigator has remained inactive, as he has neither notified suspected perpetrators of the offence, nor questioned all witnesses of the incident - appropriate investigations are not being carried out.</p>	170	12014180170000483
2	<p>vlg. Dmytrivka, Hoshcha district, Rivne region</p> <p>In early June 2015 the representatives of the UOC-KP illegally took title documents and seized the UOC church, where the UOC had been holding worship services for more than 22 years old.</p> <p>On 06.24.2015, Hoshcha District Department of Internal Affairs in the Rivne region, upon the seizure of the church, as well as disruption of religious services opened criminal proceedings.</p> <p>But the investigator, Victor Kralkovsky, has not taken measures to ensure pretrial investigation, to question witnesses, to charge perpetrators on suspicion of committing an offence, the process of investigation is intentionally delayed.</p>	180	42015180080000002

3	<p>vlg. Povcha, Dubno ditrict, Rivne region</p> <p>On 24.06.2015, a state official - the head of Dubno district administration was trying to hit on the head the rector of the UOC of vlg. Povcha Vitaliy Buha with a wooden chair. Also the state official, being intoxicated, threatened to seize the church, where Fr. Buha services, and used foul language against the UOC.</p> <p>On 26.06.2015, the rector applied to the district police department.</p> <p>On 05.08.2015, the applicant received a written response from the police which stated that the application had been considered, registered in a single report of Dubno MD and heard in accordance with the Law of Ukraine «On Citizens' Appeals.» In response, the applicant complained to the investigating judge. On August 14, 2015, the po-lice investigator initiated pre-trial investigation. But up to now the victim and witnesses have not been questioned, the attacker has not been notified of an offence. No measures to protect the victim have been taken.</p>	129	12015180040000702
4	<p>vlg. Duliby, Hoshcha district, Rivne region</p> <p>In June 2015, the head of the Duliby village council took possession of official title documents of the UOC of vlg.Duliby.</p> <p>On July 6, 2015, the investigator of Hoshcha investigating police department, M.A. Korobochka, initiated pretrial investigation. At the moment, the applicant has no information about the course of the criminal investigation, because the investigator does not allow the applicant to study the case, does not interrogate the rector and other witnesses and notify a perpetrator on suspicion of committing an offence, in spite of a suf-ficient amount of evidence in the case.</p> <p>On 04.10.2015, the head of Duliby village council, according to the witnesses, supported by the deputy head of Hoshcha Internal Affairs DO of Ukraine in Rivne region Petro P. Samchuk, decided to seal the church, which by right of ownership belongs to the UOC, with a state seal, thus factually terminating worship services.</p> <p>In October 2015, the applicant learned that the investigator without informing the applicant had closed the criminal proceedings on 31.08.2015.</p> <p>At the moment, a com-plaint is filed against the investigator to the investigating judge of Hoshcha district court of Rivne region.</p>	375	12015180080000273
5	<p>vlg. Khodosy, Rivne district, Rivne region</p> <p>In early No-vember, a group of radically-minded people, among who were representatives of the «Right Sector», the UOC-KP, law enforcement bodies, seized the church of the UOC.</p> <p>On 26.09.2014, Rivne district Interior Department started pretrial investigation under Art. 194 of the Criminal Code (Intentional destruction or damage of property). But so far no actions have been taken to notify perpetrators of an offence, to question witnesses and victims, to ensure the process of investigation.</p>	194	12014180180001107

6	<p>vlg. Chudnytsia, Hoshcha district, Rivne region</p> <p>On 01.03.2015 the religious community of the Ukrainian Orthodox Church of vlg. Chudnytsia was attacked by a group of people who accused members of the community in being unpatriotic and having links with Moscow. The attackers claimed for the church, motivating their actions with an alleged decision of some local residents to transfer the church belonging to the UOC community to another entity - the religious community of Kiev Patriarchate. The requirements of the attackers on the transfer of the church were accompanied by threats against believers, accusations of collaboration with the aggressor country, allegations of lack of patriotism and support for separatism.</p> <p>From 01.03.2015 till 22.03.2015 power clashes occurred between members of the UOC community and those who want to transfer the UOC church to another entity. On March 22, 2015, a group of people attacked members of the community, holding a service at the entrance to the church, turned down religious objects (icons and the Gospel), and did not allow the members of the religious community of the Ukrainian Orthodox Church to complete the already started service. The attack took place in the presence of police officers who did not stop the actions of attackers.</p> <p>The investigator of Hoshcha District Department of Internal Affairs in the Rivne region V.V. Kralkovsky opened criminal proceedings under Art.180 of the Criminal Code of Ukraine («The prevention of religion practice»). The investigator has already tried to close criminal proceedings, referring the application for a criminal offense to conventional appeals of citizens. But in June 2015 the community complained about the inaction of the investigator. The Court by its decision ordered the law enforcement officers to make a statement about the crime in the single state register of pretrial investigations and to initiate an investigation of the crime. However, so far, the investigator has only questioned the rector of the church as victim and no more.</p> <p>Criminal proceedings are not conducted in an efficient way.</p>	160	12015180080000261
7	<p>vlg. Chudny-tsia, Hoshcha district, Rivne region</p> <p>Evasion of execution of the court de-cision of 10.02.2015 by Krasnoselsk village council, Hoshcha dis-trict, and by the UOC-KP of vlg. Chudny-tsia.</p> <p>Since the opening of proceedings investigation has not been carried out.</p>	s. 2 art. 382	12015180080000391
8	<p>vlg. Ptycha, Dubno district, Rivne region</p> <p>On 01.11.2015, in the office of the head of Ptycha village council a rep-resentative of the UOC-KP Petro A.Shevchuk illegally took possession of the keys to the church, which led to the seizure of the UOC church by representatives of the UOC-KP. The UOC community of vlg. Ptycha was holding a service in the garage of the church rector, which was disrupted by the above actions.</p>	179	12015180040000959
9	<p>vlg. Ptycha, Dubno district, Rivne region</p> <p>On 13.11.2015, Dubno District Prosecutor's Office made statements to the USR on the fact of violation of the equality of believers on religious grounds.</p>	161	42015180100000034

10	vlg. Ptycha, Dubno district, Rivne region		4201518110000002
<p>On the 18.12.2015 event 12/18/2015 Dubno District Prosecutor's Office made statements to the URPTI on the fact of bodily harm to the police and citizens. The community found it out from a cassation appeal to the DRSA</p>			

Document № 8: A list of criminal proceedings (cases) opened by the Ukrainian authorities in Ternopil region upon applications of the faithful and communities of the Ukrainian Orthodox Church.

№	Populated area	Article of the Criminal Code of Ukraine	Criminal Proceeding
1	vlg. Katerynivka, Kremenets district	p.1 art. 125 reclassified for p.2, art.345-1, 171	12015210-120000702
<p>21 September 2015 there was severely bashed journalist A.G.Volianiuk while he was video recording the developments next to the church in vlg.Katerynivka.</p> <p>An application on crime was filed 09.10.15 to the Prosecutor's Office in Ternopil region under p.2 art.345-1, art.171 CCU. However, the record in URPTI was made under p.1 art.125 of the CCU.</p> <p>10.11.2015 an application on crime was filed again on 09.10.15 to the Prosecutor of Kremenets district. The record in URPTI under p.2 art. 345-1 was never made.</p> <p>Pursuant to the approval of the investigating judge of Kremenets district court of 27.11.2015 the prosecutor was obliged to reclassi-fy under p.2 art.345-1 CCU.</p>			
2	vlg. Katerynivka, Kremenets district	180	12015010-120000752
<p>21 June 2015 the KP members together with rural dean Volodymyr Buhhak being in the church territory, without any reasons, stirred up interreligious animosity using humiliations and aspersions with regard to the UOC and its members. No action was taken. The application was ignored.</p> <p>28.10.2015 another application was filed – without result.</p> <p>11 November 2015 by the approval of the investigating judge of Kremenets district the chief of Investigation Department of Kremenets National Police Unit was obliged to make a record in URPTI upon application filed by the parish, and to start a pretrial investigation.</p> <p>12.11.15 the investigator made a record under p.1 art.180 of CCU, rather than art. 161 of CCU according to the application.</p> <p>14.11.15 the investigator files notice at court on case reclassification.</p> <p>20.11.15 the investigator partially refused to satisfy petition – reclassification wasn't made.</p>			

3	vlg. Katerynivka, Kremenets district	p.1 art.125	42015210-12000005
<p>21 September 2015 mass bashing of the UOC parishioners and seminary students took place by the Ternopil battalion and Right Sector fighters.</p> <p>21.09.2015 the UOC community from 9 a.m. to 1 p.m. conducted a divine worship on the church territory and didn't go inside the church. On the same day, from the opposite side of the church, the UOC-KP had their church service. Nearly 2 p.m. 3 cars with the Right Sector members with patches and balaclavas arrived in vlg. Katerynivka led by the chief of RS in Ternopil region – Vasyl Labaychuk.</p> <p>The RS, breaking a church window, went inside and opened the door. The assaulters were accompanied with the UOC-KP community. It was witnessed by the security guard who informed the UOC community elder and hid in the house of Olena M. Kozytska. This fact was found out by the Right Sector that burgled into the house, sprayed tear gas, grabbed the guard, and led the man to the car; however, they were barred by the village residents. Upon their demand the security guard was released.</p> <p>Due to this raider attack of the church the UOC community and pilgrims who'd attended the morning service came in the village.</p> <p>The church territory was circled by the RS reps by perimeter. The request of the UOC faithful to the police to take actions, to identify the persons wearing balaclavas and preventing the believers from entering the church territory, and to ensure free entrance, wasn't responded by the law enforcers. While the faithful were praying outside the church territory, there could be heard the drill and hammer sounds: the church windows and doors were being strengthened by the UOC-KP representatives.</p> <p>About 7-8 p.m. the Ternopil elite force fighters arrived in vlg. Katerynivka, dressed in camouflage outfits of sand color, black bulletproof vests, and were equipped with rubber sticks, pepperspray balls, and smoke grenades.</p> <p>After the UOC faithful managed to get onto the church territory, they (the UOC faithful) chose to stand opposite the entrance door singing church hymns. At this moment the Ternopil battalion fighters assaulted the UOC faithful in a brutal way, using rubber sticks, pepper-spray balls, and smoke grenades. Some believers were trying to drag the fighters from the people they were bashing. 11 persons were taken to a hospital with injured limbs, heads and fractures as a result of mass bashing.</p>			
4	vlg. Katerynivka the same events described in №3	p.2. art. 365	42015210-12000006
5	vlg.Kolosova, Kremenets district	p.1 art.126	12015210-120000625
<p>06.09.2015 on the church territory there was insignificantly injured M.B.Ramska (UOC parishioner) by Maria I.Boyko (who seized the for-mer by her hair with her left hand, drew towards herself, and tore out hair).</p> <p>09.09.15 an application on crime was filed to Kremenets Regional Department.</p> <p>09.09.15 a record entered the URPTI №12015210120000625.</p> <p>Pending the trial, the parties came to terms and the case was dismissed.</p>			

6	<p>vlg. Kolosova, Kremenets district</p> <p>06.09.15 a group of persons form the KP in vlg.Kolosova, supported by KP rural dean Anatoliy Dovhaliuk and 3 KP priests, made an attempt to forcefully enter the church offending the UOC faithful in vlg.Kolosova.</p> <p>This incident was reported to the head of Kremenets RD and registered in UA under № 3103. No record in the URPTI was made.</p> <p>The approval of the investigating judge of Kremenets district court of 11.11.15 obliged to register the offence in the URPTI upon the application filed.</p> <p>The record was made under p.1 art.180 of CCU, not under art.161 of CCU.</p> <p>The parish filed a notice to the in-vestigator to make reclassification, but the latter refused.</p>	180	12015210-120000753
7	<p>vlg. Bashuky, Kremenets district</p> <p>In May 2015 upon illegitimate disruption of the divine service there was made a relevant record 12015210120000316 upon application of senior priest V.M. Horiuk.</p>	180	12015210-120000316
8	<p>vlg. Bashuky, Kremenets district</p> <p>14.06.2015 upon illegitimate disruption of the divine service there was made a relevant record №12015210120000406 under application of senior priest V.M.Horiuk and №12015210120000419 under application on unlawful occupation of the religious sanctuary of a representative of the Kiev Patriarchate of 19.06.15.</p> <p>By the resolution of the Kremenets district Procuracy these proceedings were united into one №12015210120000406.</p> <p>19.06.15p. senior priest father Vasyl Horiuk was interrogated.</p> <p>17.07.15p. there was filed a notice on subpoena and interrogation of other witnesses. After the UOC community was reregistered as the UOC-KP one, further case processing is not known.</p>	179, 180	12015210-120000406
9	<p>vlg.Bashuky, Kremenets district</p> <p>31 December 2015 upon sparking religious confrontation by virtue of the approval of Kremenets court investigating judge, the police were obliges to make a relevant record into the URPTI on application of senior priest V.M. Horiuk</p>	p.1. art.161	Entered upon approval of investigating judge (URPTI number hasn't been found out yet)

10	<p>vlg. Kutu, Shumsk district</p> <p>During August-December 2015 a group of persons - residents of vlg.Kuty Yaroslav V.Mosiychuk, Nila D.Poberezhna, Vasyl G.Baranovskyi, Yuriy I.Fedoruk, Valentyna M.Kolontay and other persons showed disregard for the Ukrainian Orthodox Church (here-inafter referred to as UOC), hurt the feelings of the faithful of UOC parish in vlg.Kuty, spread or expressed designedly inveracious artifices about the UOC out of political motives; assaulted honor and dignity of mine as well as the UOC faithful due to our religious convictions and affiliation to the UOC etc.</p> <p>Knowing that the religious community of "Saint Righteous Ann of the UOC" had a divine worship on 13.12.2015, radically minded parishioners from the Kiev Patriarchate nevertheless entered church and cried out loud obscenities demanding that the UOC parish archpriest in vlg.Kuty come out to them.</p> <p>12 December 2015 p. the UOC parish archpriest filed a notification that Yaroslav V.Mosiychuk, Yuriy I.Fedoruk, and Vasyl G.Baranovskyi stirred up interreligious animosity in the village, artifices about me and the UOC faithful, calling us "the fifth column, Mosicals" etc. I noted in the application that their actions contain elements of the offence foreseen by art.161 of the Criminal Code of Ukraine.</p> <p>This application was accepted by Shumsk Police Department of the Main National Police Directorate in Ternopil region, which is confirmed by the notice of 12.12.2015.</p> <p>The application was ignored.</p> <p>14.12.2015 there was filed a complaint about inaction of the pretrial body.</p> <p>17.12.2015 by the approval of the investigating judge of Shumsk district department of Ternopil region, Shumsk Police Department of the Main National Police Directorate in Ternopil region was obliged to enter the evidence in URPTI pursuant to art.161 of CCU upon application of 12.12.2015.</p>	p.1 art.161	12015210-200000344
11	<p>vlg. Kutu, Shumsk district, Ternopil region</p> <p>13.12.2015p. the above mentioned persons Viktor S.Tymbaliuk, Yaroslav V.Mosiychuk, Yuriy I.Fedoruk, Svitlana V.Kolontay, Alla A.Pelyshok, Olexandr V.Yavorskyi, Petro M.Tymbaliuk, who were near the church, publicly assaulted honor and dignity of the senior priest, the warden (Mykola P.Vozniuk), and the UOC faithful in connection with our confession and affiliation to the UOC. They called us "Kiril's rats, Mosicals, junta etc", interfered into the divine service, threatened to take the church away as it was done in vlg. Katerynivka, Kremenets district.</p> <p>14.12.2015 the investigator of Shumsk Police Department of the Main National Police Directorate in Ternopil region made a record in URPTI and started a pretrial investigation.</p>	art. 180	12015210-200000337

Document № 9: A court decision on annulment of the investigator's ruling to dismiss the case, opened earlier upon the application of the UOC community.

**APPROVAL
IN THE NAME OF UKRAINE
(on processing of a complaint on the ruling to close a criminal proceeding)**

08 December 2015 Hoshcha district court of Rivne region in the person of investigating judge with participation of: prosecutor investigator claimant representative secretary	Hoshcha town in the person of L.I. Chornous O.A. Lysa V.V. Kralkovsky PERSON_1 PERSON_2 S.O. Polishchuk
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having processed in an open court session in Hoshcha town a complaint of the religious community of St. Paraskeva parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district, PERSON_1 on resolution of 18 September 2015 to close a criminal proceeding № 12015180080000261.

FOUND:

On 17 November 2015 PERSON_1 filed a complaint to the court in his personal interests as well as those of the religious community of St. Paraskeva parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district, on resolution of 18 September 2015 to close a criminal proceeding.

In his complaint PERSON_1 refers to that on 22 April 2015 being a representative of the religious community of St. Paraskeva parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district and guided by his own interests, he turned to Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine with a complaint about the commission of a crime foreseen by Article 180 of the Criminal Code of Ukraine and requested to enter the evidence into the Unified Register of Pre-Trial Investigations and start a pre-trial investigation.

The reason to file a complaint was that

on 01.03.2015 a religious community of St. Paraskeva parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district, were having a prayer service with Acatistos to Godmother read aloud in front of the church that belongs to the community, standing on stairs.

Around 12.00 approximately 30 people (out of whom 20 were residents of Chudnytsia) came up to the faithful who were praying. These persons approached the believers from different sides and began to grab and snatch their clothes, hair, hands, and using physical force, they pushed them down off the stairs and pulled away from the prayer venue. The priest PERSON_3 who was running the service, was pushed away from the service table. There were holy items on the table: the Icon, the New Testament and the Cross. The table was overturned with the items falling onto the ground. As a result, the parishioners of the UOC community were not able to finish their divine service since they had been dispersed by the assaulters.

By the decision of the investigating judge of 24 June 2015, the investigator of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine was obliged to register the evidence in the URPTI which is foreseen by Article 180 of the CC of Ukraine and to start a pre-trial investigation.

On 24 June 2015 the investigator of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region PERSON_4 registered the details in the URPTI about commission of the crime foreseen by Article 180 of the CC of Ukraine.

However, on 18 September 2015 the investigator of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region PERSON_4 dismissed a criminal proceeding № 12015180080000261 by virtue of para 1, part 1 of Article 284 of the CPC of Ukraine due to the absence of elements essential to the offence. Besides, it was noted that hampering of the religious worship, i.e. de-facto disruption of the worship or a ceremonial act, its obstruction whether alone or jointly and severally, was not established.

The claimant deems the decision of the pre-

trial body as unlawful because the investigator failed to carry out all actions related to investigation, in particular, PERSON_5, PERSON_6, PERSON_7, PERSON_8, and PERSON_9 were not interrogated as witnesses; the religious community was not granted the status of aggrieved party, and other testimonies were not evaluated, inter alia, a video record of the events of 01.03.2015, therefore, such resolution is subject to reversal.

During the court session, the claimant and his counsel PERSON_2 supported a complaint in full given the grounds laid therein.

The prosecutor reversed the claim.

Deputy head of the Investigation Unit of Hoshcha police station of Ostroh Department of the Chief Administration of the National Police in Rivne region PERSON_4 deems the complaint as ungrounded, whereas the ruling of 18 September 2015 on closing a criminal proceeding as legitimate.

Having heard an account of the complaint, his counsel, as well as prosecutor, investigator V.V. Kralkovskyi, the court believes that the complaint is to be sustained.

In accordance with Para 3, Part 1 of Article 303 of the CPC of Ukraine, an investigator's decision about closing of the criminal proceeding can be challenged at the pre-trial investigation by the claimant, the aggrieved party, and his/her counsel.

In compliance with Para 3, Part 1 Article 284 of the CPC of Ukraine, a criminal proceeding is closed in the event elements essential to a criminal offence are not established.

In compliance with Part 3 of Article 284 of the CPC of Ukraine on closing of the criminal proceeding, an investigator makes a judgement that may be challenged in a manner provided for by the Code. The investigator shall adjudge on closing of the criminal procedure on the grounds foreseen by paragraphs 1, 2, 4 of the first part of the Article hereof if not a single person has been informed about suspicion in this criminal proceeding.

The claimant PERSON_1 refers to that the investigator failed to interrogate PERSON_5, PERSON_6, PERSON_7, PERSON_8, and PERSON_9 as witnesses, didn't grant the religious community as a legal person the status

of the aggrieved party and didn't evaluate other testimonies, inter alia, a video record of the events of 01.03.2015.

As it proceeds from the supporting materials of the criminal proceeding, what was established in good faith at the court session, the judgement of the investigator of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region PERSON_4 is made by an authorized person.

However, I believe that the investigator made an incomplete inquiry into the factual circumstances of the events under investigation, failed to take proper actions to provide for a criminal proceeding with a view to having comprehensive and unbiased investigation, because he had selected accounts only from the witnesses who are accused by PERSON_1 of committing a crime, without conducting interrogation from the claimant's side: PERSON_5, PERSON_6, PERSON_7, PERSON_8, PERSON_9. Nor had he granted the religious community of St. Paraskevia parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district, as a legal person, the status of the aggrieved party and evaluated a video record of the events of 01.03.2015 relevant to the case.

In view of the above mentioned, I arrive at the conclusion that the investigator of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region PERSON_4, by making a judgement of 18 September 2015 about a criminal proceeding № 120151800800002613, failed to comply with the requirements of Articles 7,9 of the CPC of Ukraine, consequently, the decision made by him is untimely.

Based on Articles 7, 9, 284, 303, 304, 306, 307, 309 of the CPC of Ukraine,

APPROVED:

A claim of the religious community of St. Paraskeva parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district, PERSON_1, is to be sustained.

To cancel the decision of the investigator of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region PERSON_4 dated 18 September

2015, on closing of the criminal proceeding № 12015180080000261.

The materials of the criminal proceeding have to be forwarded to the prosecutor of Hoshcha district for further pre-trial investigation.

The approval is not subject to appeal.

Investigating judge:

Document № 10: A court decision on obliging the police to duly open an investigation upon the application of the UOC community.



Re № 557/693/15-к

**APPROVAL
IN THE NAME OF UKRAINE**

24 June 2015	Hoshcha town
Hoshcha district court of Rivne region in the person of investigating judge	L.I. Chornous
with participation of:	
prosecutor	V.V. Yarema
acting director of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region	
claimant	PERSON_1
counsel	PERSON_2
secretary	PERSON_3
	S.O. Polishchuk

having processed at the court session in Hoshcha town a claim of the religious community of St. Paraskevia parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district, PERSON_2 about inactivity of the investigator of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region as regards failure to register details about criminal proceeding to the Unified Register of Pre-Trial Investigations (URPTI).

FOUND:

On 16 June 2015 an applicant PERSON_2 turned to the court in his personal interests as well as those of the religious community

St. Paraskeva parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district, with a complaint about inactivity of the investigator of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region as for the failure to enter details about criminal proceeding to the Unified Register of Pre-Trial Investigations (URPTI).

The complaint is substantiated with the reference of the claimant to the fact that on 01.03.2015 a religious community of St. Paraskevia parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district, were having a prayer service with Acatistos to Godmother read in front of the church that belongs to the community, standing on stairs.

Around 12.00 approximately 30 people (out of whom 20 were residents of Chudnytsia) came up to the congregation. These persons approached the believers from different sides and began to grab and snatch their clothes, hair, hands, and using physical force, they pushed them down off the stairs and pulled away from the prayer venue. The priest PERSON_4 who was running the service, was pushed away from the service table. There were holy items on the table: the Icon, the New Testament and the Cross. The table was overturned with the items falling onto the ground. As a result, the parishioners of the UOC community were not able to finish their service since they had been dispersed by the assaulters.

On 22 April 2015 an applicant PERSON_2 being a representative of the religious community of St. Paraskevia parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district and guided by his own interests, turned to Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine with a complaint about the commission of a crime prescribed by Article 180 of the Criminal Code of Ukraine and requested to enter the evidence into the Unified Register of Pre-Trial Investigations and start a pre-trial investigation.

On 09 June 2015 an applicant counsel PERSON_3 personally received a reply from the head of Hoshcha District Office of the

Department of the Ministry of Internal Affairs of Ukraine in Rivne region PERSON_5, dated 06.05.2015, № 53/11-3194 which said that a criminal proceeding had not been opened because similar applications had been already considered and elements of criminal offence had not been established.

Pursuant to Article 214 of the CPC of Ukraine an investigator or a prosecutor, without any delay but not later than 24 hours after the application or notification has been filed about the commission of the criminal offence, is obliged to enter relevant details to the URPTI and start an investigation.

However, despite the requirements set out in the Law, the investigator failed to register the evidence in the URPTI which is prescribed by Article 214 of the CPC of Ukraine.

Therefore, the claimant requests to commit the investigator of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine to register the evidence in the URPTI which is foreseen by Part 5 of Article 214 of the CPC of Ukraine.

Having heard an account of the acting director of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region PERSON_1..., I arrive at the conclusion that the claim about inactivity of the pre-trial body was sustained.

...
Taking into account foreseen in the second paragraph, clause 3.5. Instructions of powers of the pre-trial body chief, I arrive at the conclusion that the reply given to the applicant by the head of Hoshcha District Office of the Department of the Ministry of Internal Affairs, PERSON_5, about refusal to register details of his application in the URPTI under the Law of Ukraine «On Address of Citizens» constitutes **an action that suspended the application procedure with regard to the religious community of St. Paraskeva parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district, in the manner provided for by the CPC and thus, made it impossible for the examination by the investigator who is authorized to enter the evidence into the URPTI.** Namely this action of the head of Hoshcha District Office of the

Department of the Ministry of Internal Affairs of Ukraine in Rivne region, PERSON_5, who acted on behalf of the district office, gives a ground to challenge inactivity of the MIA body that, according to the claimant, caused a failure to register the details of his application in the URPTI.

Consequently, PERSON_2 rightfully turned to the court in his own interests as well as those of the religious community of St. Paraskevia parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district, because he believes that his right to registration of the details of his application in the URPTI about the crime that took place 01.03.2015, was infringed by the officials of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region.

Based on Articles 303-307, 309, 369, 370, 372 of the CPC of Ukraine, according to Article 214 of the CPC of Ukraine,

APPROVED:

A claim of the religious community of St. Paraskeva parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district, PERSON_2, is to be sustained.

To bind the investigator of Hoshcha District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region, according to the requirements of Article 214 of the CPC of Ukraine, to enter the evidence into the Unified Register of Pre-Trial Investigations in compliance with the notification of PERSON_2 being a representative of the religious community of St. Paraskevia parish of Rivne bishopric of the Ukrainian Orthodox Church in Chudnytsia village, Hoshcha district, regarding the commission of the crime foreseen by Article 180 of the CC of Ukraine and to start a pre-trial investigation.

The approval is not subject to appeal, any objections can be submitted pending a preliminary procedure in the court.

Investigating judge:

Document № 11: A court decision on obliging the police to reopen an investigation of the case. The attention is drawn by the fact that the investigator did not even interrogate the claimant – a senior priest of the aggrieved UOC community – on the matter.



Re № 567/1457/14-к .
APPROVAL

26.12.2014 Investigatory judge Ostroh district court of Rivne region with secretary with participation of claimant prosecutor	Ostroh city V.A. Nazaruk I.V. Vlasjuk V.V. Maksymchuk M.S. Shapoval
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having processed in an open court session a complaint of V.V. Maksymchuk about a decision of investigatory judge of the Investigation Unit of Ostroh District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region I.S. Herchuk to close a criminal proceeding №12014180170000483 of 28.11.2014,

FOUND:

Senior priest of the church of Saint Maria Magdalena Equal-to-the-Apostles of Rivne UOC diocese of Badivka village, Ostroh district, Rivne region, filed a complaint to the court on the decision of investigator of the Investigation Unit of Ostroh District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region I.S. Herchuk to close a criminal proceeding №12014180170000483 due to the absence of the elements essential to a criminal offence.

In his complaint the claimant noted he deems the decision of the investigator of the Investigation Unit of Ostroh District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region I.S. Herchuk to close a criminal proceeding №12014180170000483 of 28.11.2014 unlawful due to the absence of

the elements essential to the criminal offence according to Article 170 of the CC of Ukraine, because the investigator did not interrogate him as a claimant, nor did he interrogate other witnesses who were in the scene on 02.11.2014 and provide legal evaluation as for flagrante delicti in the actions of PERSON_6 and other persons, prescribed by Article 161 of the CC of Ukraine.

Having heard the claimant's account who requests to sustain his claim, and the prosecutor who **requests to deny adjustment of the complaint**, having examined supporting materials of the case and criminal proceeding, the court considers the claim to be subject to adjustment.

It was established at the court session that on 03.11.2014 the applicant turned to the law enforcement authorities with an application as for the actions of PERSON_6 and other persons on 02.11.2014 on the territory of the church of Saint Maria Magdalena Equal-to-the-Apostles of Rivne UOC diocese of Badivka village, Ostroh district, Rivne region pointing out to their actions having elements essential to criminal offences prescribed by Article 161 of the CC of Ukraine on violation of equality of citizens' rights with regard to their religious beliefs and Article 170 of the CC of Ukraine on interference into legitimate activity of public organizations.

This notification entered the URPTI with number 12014180170000483 and there began a pre-trial investigation according to the elements of a crime prescribed by Article 170 of the CC of Ukraine.

On 28 November the investigator of the Investigation Unit of Ostroh District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region I.S. Herchuk closed the criminal proceeding in question by virtue of para 2, part 1, Article 284 of the CC of Ukraine due to the absence in actions of PERSON_6 of the elements of criminal offence prescribed by Article 170 of the CC of Ukraine

Based on the supporting materials of the criminal proceeding, a pre-trial investigation is performed superficially which testifies to the untimely decision about closing of the criminal proceeding.

Closing a criminal proceeding

№12014180170000483, the investigator relied on that there were not established any evidence of interference by PERSON_6 and other persons in the legitimate activity of the church of Saint Maria Magdalena Equal-to-the-Apostles of Rivne UOC diocese of Badivka village, Ostroh district, Rivne region.

Article 170 of the CC of Ukraine stipulates a criminal responsibility for intentional disruption of legitimate activity of public organizations or their bodies.

As it appears from the supporting materials of the criminal proceeding, on 2 November 2014, in Badivka village, Ostroh district, Rivneregion, a gathering of villagers took place to bring up the issue of the church transfer under jurisdiction of the UOC-KP. Based on the applicant's complaint, during this meeting there were undertaken actions that disrupted a legitimate activity of the UOC religious organization in Badivka village, Ostroh district.

As it appears from the supporting materials of the criminal proceeding, nearly 100 people participated in these events. **At the same time, contrary to the instructions of the prosecutor in the criminal proceeding, the investigator failed to interrogate claimant V.V. Maksymchuk in terms of the arguments laid down in his applications about commission of criminal offences, to establish and interrogate as witnesses persons who were present on 02.11.2014 near the church in Badivka village, Ostroh district. In fact, only two persons were interrogated within the criminal proceeding, one of whom, PERSON_6, with reference to Article 63 of the Constitution of Ukraine, refused to bear witness. Thus, a challenged resolution contains, against the law, allusions to the evidence of PERSON_6 which laid the ground for the decision about closing of the criminal proceeding.**

Simultaneously, according to the materials of the criminal proceeding, the investigator failed to take actions directed at determining an owner of the church building in Badivka village, Ostroh district, which constitutes one of the crucial issues in order to establish if there are any elements essential to criminal offences regarding the events which took place on

02.11.2014 in Badivka village, Ostroh district.

Owing to the fact that by closing the criminal proceeding, requirements of Articles 2, 9 of the CPC of Ukraine were just partially fulfilled, a complaint of V.V. Maksymchuk about the decision of investigator of the Investigation Unit of Ostroh District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region I.S. Herchuk to close criminal proceeding №12014180170000483 is to be reversed and forwarded to Ostroh District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region to conduct a pre-trial investigation.

Based on Articles 306-307 of the CPC of Ukraine,

APPROVED:

Decision of investigator of the Investigation Unit of Ostroh District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region I.S. Herchuk to close criminal proceeding №12014180170000483 is to be reversed due to the absence in actions of elements essential to a crime foreseen by Article 170 of the CC of Ukraine, and criminal proceeding №12014180170000483 is to be forwarded to Ostroh District Office of the Department of the Ministry of Internal Affairs of Ukraine in Rivne region to conduct a pre-trial investigation.

The approval is not subject to appeal.

Investigating judge V.A. Nazarchuk

Document № 12: a court decision on obliging the investigation to consider applications filed by the aggrieved UOC community.

Re №601/2376/15-к
Proceeding № 1-кк/601/603/2015

**APPROVAL
IN THE NAME OF UKRAINE**

On 11 November 2015 investigating judge of Kremenets district court of Ternopil region V.M. Mochalska assisted by secretary O.V. Koliada, with participation of prosecutor A.A. Vasyliuk, representatives of the religious community "Parish of Saint Apostle John the

Evangelist in Kolosova village of the Ukrainian Orthodox Church” A.V. Simora, A.S. Balan, claimants S.P. Mazuryk, M.B. Ramska, L.D. Mayboroda, having processed in an open court hearing in the court hall of Kremenets city a complaint of the religious community “Parish of Saint Apostle John the Evangelist in Kolosova village of the Ukrainian Orthodox Church” in the person of parish senior priest Anatolii V. Simora regarding inaction of Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region,

FOUND:

Parish senior priest of religious community “Parish of Saint Apostle John the Evangelist in Kolosova village of the Ukrainian Orthodox Church” A.V. Simora and parishioners of the same parish: S.P. Mazuryk, M.B. Ramska, L.D. Mayboroda filed a complaint to the court about inaction of Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region, which consists in failure to enter the evidence in the Unified Register Pre-Trial Investigations related to a criminal offence after receiving an application on criminal offence.

The complaint is substantiated with the following: on 9 September 2015 A.V. Simora filed a complaint to Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region about a criminal offence committed by V. Kotyk, A. Fiyalo, M. Kameniarskyi, T. Chervynskyi, V. Boyko, L. Sevidova, P. Ramskyi, L. Kameniarska, A. Vykhovanets and other individuals led by A.Dovhaliuk who, without a reasonable basis, entered the church territory and made a forceful attempt to seize the church, obstructing a religious riot, mongering and expressing designedly inveroacious artifices about the UOC.

In a court session representatives of the religious community “Parish of Saint Apostle John the Evangelist in Kolosova village of the Ukrainian Orthodox Church” A.V.Simora, A.S. Balan, claimants S.P. Mazuryk, M.B. Ramska, and L.D. Mayboroda sustained the complaint and referred to the arguments laid down therein.

Having heard accounts of the claimant’s

counsels, claimants, the prosecutor’s opinion, who deems this complaint untimely, having checked the supporting materials, I consider the complaint is to be sustained for the following reasons.

On 09 September 2015 A.V. Simora filed a complaint to Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region about a criminal offence committed by a group of persons V. Kotyk, A. Fiyalo, M. Kameniarskyi, T. Chervynskyi, V. Boyko, L. Sevidova, P. Ramskyi, L. Kameniarska, A. Vykhovanets and other persons led by led by A.Dovhaliuk who, without a reasonable basis, entered the church territory and made a forceful attempt to seize the church. The notice was registered in Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region 09.09.2015 under the number of 000438.

According to the letter of Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region about a criminal offence of 09.09.2015 reported by A.V. Simora, crime details did not enter the Unified Register Pre-Trial Investigations.

In accordance with Article 214 of the CPC of Ukraine, an investigator or a prosecutor, without any delay but not later than 24 hours after the application or notification has been filed about commission of a criminal offence or after circumstances from any source, which might testify to the criminal offence, have been found out on his/her own, is obliged to enter relevant details to the Unified Register of Pre-Trial Investigations and start an investigation. An investigator who will make a pre-trial investigation is to be appointed by the head of the pre-trial body.

...
Therefore, failure of the investigator to register the criminal offence evidence in the URPTI on receiving an application from A.V. Simora is not in line with the law whilst inaction goes contrary to the provisions of Article 214 of the CPC of Ukraine.

Taking note of the above, I consider the complaint of the religious community “Parish of Saint Apostle John the Evangelist in Kolosova village of the Ukrainian Orthodox Church” in the

person of senior priest of the parish A.V. Simora as regards failure to register the criminal offence evidence in the Unified Register of Pre-Trial Investigation is grounded, and thus, is to be sustained.

Taking into consideration the above-cited, based on Articles 303, 307, 308, 376 of the Criminal Code of Ukraine,

APPROVED:

The complaint of the religious community “Parish of Saint Apostle John the Evangelist in Kolosova village of the Ukrainian Orthodox Church” in the person of senior priest of the parish A.V. Simora about inaction of Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region is to be adjusted.

To bind the director of Investigation Department of Kremets branch of the National Police in Ternopil region, according to the requirements of Article 214 of the CPC of Ukraine, to enter the evidence into the Unified Register of Pre-Trial Investigations in compliance with the application of religious community “Parish of Saint Apostle John the Evangelist in Kolosova village of the Ukrainian Orthodox Church” in the person of senior priest of the parish A.V. Simora dated 09.09.2015 under the number of 000438 and to start a pre-trial investigation.

The approval is not subject to appeal.

Investigating judge:

This is a true copy of the original

Investigating judge



V.M. Mochalska

Document № 13: a court decision under which the police are obliged to duly open an investigation of the aggrieved

UOC community (the investigation had to be initiated without a court decision as it is, the very fact of appeal to the court proves the unwillingness of the police to investigate the matter).

Re №601/2377/15-к
Pro № 1-кк/601/604/2015

**APPROVAL
IN THE NAME OF UKRAINE**

11 November, 2015

Investigating judge of Kremenets district court of Ternopil region V.M. Mochalska assisted by secretary O.V. Koliada,

with participation of prosecutor A.A. Vasyliuk, representatives of the religious community “Katerynivka parish of Saint Yury of the Ukrainian Orthodox Church” S.V. Hladun, A.S. Balan,

having processed in an open court hearing in the court hall of Kremenets city a complaint of the religious community “Katerynivka parish of Saint Yury of the Ukrainian Orthodox Church” in the person of Serhiy V. Hladun regarding inaction of the pre-trial body in terms of the failure to enter the evidence in the Unified Register of Pre-Trial Investigations,

FOUND:

A representative of the religious community “Katerynivka parish of Saint Yury of the Ukrainian Orthodox Church” Serhiy V. Hladun filed a complaint to the court about inaction of the pre-trial body, which consists in its failure to enter the evidence in the Unified Register Pre-Trial Investigations related to a criminal offence after receiving an application about the criminal offence made.

The complaint is substantiated with the following: on 25 June 2015 he filed a complaint to Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region about commission of the criminal offence by the Kiev Patriarchate members led by the rural dean of Kremenets district of the UOC-KP Volodymyr Buhrak

who on 21 June 2015, without a reasonable basis, entered the church territory being in the ownership of the UOC parish, and made a forceful attempt to seize the church.

In a court hearing representatives of the religious community "Katerynivka parish of Saint Yury of the Ukrainian Orthodox Church" S.V. Hladun and A.S. Balan sustained the complaint and referred to the arguments laid down therein.

Having heard accounts of the claimant's counsels, the prosecutor's opinion, who deems this complaint untimely, having checked the supporting materials, I consider the complaint is to be sustained for the following reasons.

On 25 June 2015 beneficiary of the religious community "Katerynivka parish of Saint Yury of the Ukrainian Orthodox Church" Serhiy V. Hladun filed a complaint to Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region about a criminal offence committed on 21.06.2015 by the Kiev Patriarchate members led by the rural dean of Kremenets district of the UOC-KP Volodymyr Buhrak who, without a reasonable basis, entered the church territory being in the ownership of the UOC parish, and made a forceful attempt to seize the church. The notice was registered in Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region on 25.06.2015 under the entry number of Г-883.

According to the letter of Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region about the criminal offence of 21.06.2015 reported by A.V. Simora, crime details did not enter the Unified Register Pre-Trial Investigations.

In accordance with Part 1, Art. 214 of the CPC of Ukraine, an investigator or a prosecutor, without any delay but not later than 24 hours after the application or notification has been filed about the commission of criminal offence or after circumstances from any source, which might testify to the criminal offence, have been found out on his/her own, is obliged to enter relevant details to the Unified Register of Pre-Trial Investigations and start an investigation. An investigator who will make a pre-trial

investigation is to be appointed by the head of the pre-trial body.

...
Therefore, failure of the investigator to register the criminal offence evidence to the URPTI on receiving an application from S.V. Hladun is not in line with the law whilst inaction goes contrary to the provisions of Article 214 of the CPC of Ukraine.

Taking note of the above, I consider the complaint of the religious community "Katerynivka parish of Saint Yury of the Ukrainian Orthodox Church" Serhiy V. Hladun as regards failure to register the criminal offence evidence in the Unified Register of Pre-Trial Investigation is grounded, and thus, is to be sustained.

Taking into consideration laid above, based on Articles 303, 307, 308, 376 of the Criminal Code of Ukraine,

APPROVED:

A complaint of the religious community "Katerynivka parish of Saint Yury of the Ukrainian Orthodox Church" in the person of Serhiy V. Hladun regarding inaction of the pre-trial body in terms of the failure to enter the evidence in the Unified Register of Pre-Trial Investigations is to be adjusted.

To bind the director of the Investigation Department of Kremets branch of the National Police in Ternopil region, according to the requirements of Article 214 of the CPC of Ukraine, to enter the evidence into the Unified Register of Pre-Trial Investigations in compliance with the application of religious community "Katerynivka parish of Saint Yury of the Ukrainian Orthodox Church" of 25 June 2015 under the entry number of Г-883 and to start an investigation.

The approval is not subject to appeal.

Investigating judge:

This is a true copy of the original

Investigating judge



V.M. Mochalska

Document № 14: a court decision under which the police are obliged to duly open an investigation of the aggrieved UOC community (the investigation had to be initiated without a court decision as it is, the very fact of appeal to the court proves the unwillingness of the police to investigate the matter)

Re №601 /2701/15-к
Pro № 1 - кс/601 /668/2015

**APPROVAL
IN THE NAME OF UKRAINE**

31 December, 2015

Kremenets district court of Ternopil region in the composition of the first investigating judge Y.I. Zembra and in the presence of the secretary T.S. Logviniuk

having processed in a court hearing a complaint by Vasyl M. Horiuk whose interests are represented by Andriy P. Zakharchuk about inaction of Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region which consists in failure to enter the evidence in the Unified Register Pre-Trial Investigations related to a criminal offence after receiving an application or a notice about the criminal offence committed,

FOUND:

V.M. Horiuk (senior priest of the religious community in Bashuky village) filed a complaint to the court about inaction of Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil region which consists in its failure to enter the evidence in the Unified Register Pre-Trial Investigations (URPTI) related to a criminal offence after receiving an application or a notice about the criminal offence committed.

At the court session V. Horiuk and his counsel request to oblige the staff of Kremenets District Office of the Administration of the Ministry of Internal Affairs of Ukraine in Ternopil

region to register relevant data in the URPTI by his application, according to the notification # 000475 of 28.12.2015 and to start a pre-trial investigation with reference to the information available in the complaint.

A representative of the pre-trial body did not attend the court session. According to Article 306 of the Criminal Code of Ukraine which regulates the claim and decision procedure, actions or inaction of an investigator or a prosecutor pending a pre-trial investigation, absence of an investigator or a prosecutor cannot disrupt the claim procedure.

Upon examination of the claim materials, upon hearing a claimant and his counsel, the court considers the claim to be grounded and subject to adjustment, because according to Part 1, Article 214 of the CPC of Ukraine, an investigator or a prosecutor, without any delay but not later than 24 hours after the application or notification has been filed about the commission of criminal offence or after circumstances from any source, which might testify to the criminal offence, have been found out on his/her own, is obliged to enter relevant details to the Unified Register of Pre-Trial Investigations and start a pre-trial investigation. .

A pre-trial body failed to submit to the court the information about the adopted decision in accordance with the application about commission of the criminal offence stipulated by Article 55 of the CPC of Ukraine, which was filed to Kremets Department of the Main National Police Directorate in Ternopil region, according to the notification №000475. Consequently, such actions are qualified by the court as inaction pending a pre-trial investigation that allows for its challenge pursuant to Article 303 of the CPC of Ukraine.

By virtue of the above mentioned and based on articles 214, 306-307, 369-372 of the CPC of Ukraine,

APPROVED:

The complaint of Vasyl M. Horiuk is to be sustained.

To oblige Kremenets Police Department of the Main National Police Directorate of Ukraine in Ternopil region to take the following actions: to enter the data about criminal offence to the

Unified Register of Pre-Trial Investigations under the notification of Vasyl M. Horiuk, Ihor A. Labunets, Zhanna V. Zayats, Tetiana V. Myskiv, Halyna S. Holub, Nadiya I. Zayats, Nadia A. Zayats, Petro I. Yanishevskiy, Vasyl N. Yuryk, Yevhenia Pavlusyk, Olena I. Semeliak, Nina M. Antoshkevych about the crime pursuant to Article 161 of the CC of Ukraine and provide V.M. Horiuk with an abstract form the URPTI.

The approval is not subject to appeal.
Investigating judge
Y. Zembra

Document № 15: a court decision that clearly states that the police and the prosecutor denied the fact of violations of the UOC community rights; however, the court decided otherwise, having opened a criminal proceeding. The decision shows an intention of the authorities to cover the offence rather than carry out an impartial investigation prescribed by the law.

APPROVAL IN THE NAME OF UKRAINE

Re № 609/1442/15-к
«17» December 2015. Investigating judge of Shumsk district
T.M. Yashchuk, in the presence of

Secretary	D.P.Lirska
prosecutor	O.M. Yaniuk
claimant	I.M. Kushniruk
representative	A.P. Zakharchuk
representative of the challenged body	I.M. Mohyla

Having processed in the open court session in the court hall of Shumsk city a complaint of the religious community "Saint Righteous Ann" in Kutuy village, Shumsk district, Ternopil-Kremenets eparchy of the Ukrainian Orthodox Church in the person of the parish beneficiary Ihor M. Kushniruk on the matter of inaction of Shumsk Police Department of the Main National Police Directorate of Ukraine in Ternopil region.

FOUND:

Applicant I.M. Kushniruk being a senior priest of the religious community "Saint Righteous

Ann" in Kutuy village, Shumsk district, Ternopil-Kremenets eparchy of the Ukrainian Orthodox Church lodged a complaint with the court about inaction of Shumsk Police Department of the Main National Police Directorate of Ukraine in Ternopil region.

During the court session claimant I.M. Kushniruk and his counsel sustained the complaint and accounted that over the period of August – December 2015 a group of citizens of Kutuy village, Shumsk district, showed disrespect towards the parishioners of the UOC community in Kutuy village (factual circumstances are available in the application), which constitutes a criminal offence foreseen by Article 161 of the Criminal Code of Ukraine. It was the reason why the applicant filed a complaint about the commission of criminal offence to Shumsk Police Department on 12 December 2015. However, the evidence has not entered the URPTI and a pre-trial investigation has not begun yet that gave a free hand to the residents of Kutuy village for further unlawful actions prescribed by Article 161 of the CC of Ukraine. The request is to adjust the complaint and commit Shumsk Police Department of the Main National Police Directorate of Ukraine in Ternopil region to register the criminal offence-related evidence to the URPTI and provide the claimant with its copy.

Representative of the challenged body of Shumsk Police Department of the Main National Police Directorate of Ukraine in Ternopil region I.Mohyla did not recognize the claims. According to her, on 12 December 2015 Shumsk Police Department actually received a written application from the applicant, who is a senior priest of the religious community in Kutuy village, about the commission of the criminal offence under Article 161 of the CC of Ukraine, committed by Kutuy village residents. In the course of the application inspection there were interrogated persons mentioned in the application, and established there were no elements of the criminal offence in the actions of Kutuy village residents foreseen by Article 161 of the CC of Ukraine. The conclusions were made and forwarded to the claimant. Therefore,

details of the criminal offence reported by the applicant did not enter the URPTI.

Prosecutor of Shumsk district procuracy O.M. Yaniuk did not recognize the claim either and explained that there were no reasons to register the details about criminal offence in the URPTI since the application does not refer to elements essential to such offence.

The court having examined the supporting materials of the claim, having heard the claimant's and counsel's account, the representative of Shumsk Police Department, and the prosecutor's opinion, deems the application to be subject to adjustment.

...

On 12 December 2015 Shumsk Police Department recorded an application from I.M. Kushniruk about perpetration by the residents of Kutuy village, Shumsk district, of a criminal offence foreseen by Article 161 of the CC of Ukraine, and a request to enter the offence details into the URPTI. The above said is confirmed by the conclusion № 2015000175 of Shumsk Police Department.

Neither the investigator nor the prosecutor registered the details related to the criminal offence in question in the URPTI.

This application content was inspected on 12.12.2015 by O.Dmytruk, chief inspector of Shumsk Police Department of the Main National Police Directorate of Ukraine in Ternopil region, as a common application of I.Kushniruk and it was concluded that **the inspection under the application of I.Kushniruk as for the raider attack of the church in Kutuy village by the UOC-KP community was terminated due to the absence of flagrante delicti in their actions.**

I believe Shumsk Police Department, contrary to Article 214 of the CPC of Ukraine, having recorded the application of I.Kushniruk on the matter of perpetration of the criminal offence foreseen by Article 161 of the CC of Ukraine, infringed the law by failing to register the evidence to the criminal offence in the URPTI; did not take any decision on the inspection results foreseen

by Article 161 of the CC of Ukraine; the conclusion of 12.12.2015 made by O.Dmytruk, chief inspector of Shumsk Police Department of the Main National Police Directorate of Ukraine in Ternopil region, which is referred to by the challenged body representative, does not contain the essence of the offence; statement of the representative and the prosecutor about absence of elements to the offence proves inaction. Consequently, the applicant's infringed rights are to be resumed by means of binding Shumsk Police Department of the Main National Police Directorate of Ukraine in Ternopil region to enter the details to the Unified Register of Pre-Trial Investigations and notify the applicant, I.M. Kushniruk.

By virtue of the above mentioned and based on Article 214 of the CPC of Ukraine, the investigating judge

APPROVED:

The application is to be adjusted.

To bind Shumsk Police Department of the Main National Police Directorate of Ukraine in Ternopil region to enter the information about criminal offence under Article 214 of the CPC of Ukraine, to the Unified Register of Pre-Trial Investigations according to the application of Ihor M. KUSHNIRUK dated 12 December 2015 and notify the applicant about the decision made.

The approval is not subject to appeal, whilst any objections thereto can be submitted pending the preliminary procedure in the court.

Investigating judge:



T. Yashchuk

Document № 16: this court decision confirms that the police eliminated violations of the UOC community rights, which caused the community's appeal to the court



Re № 559/3081/15-к
Pro number 1-кк/559/432/2015

APPROVAL

«10» December 2015 p. Dubno district court, Rivne region

Investigating judge B.G. Yuzviak
Secretary M.I. Svyryda

having processed a complaint of the representative of the religious community of Nativity of Mary parish of Rivne diocese of the Ukrainian Orthodox Church in Mylcha village, Dubno district, PERSON_1 about failure of the investigator of Dubno Police Station of the Chief Police Administration in Rivne region to use authority,

FOUND:

The complaint is substantiated with the following arguments. On 17.11.2015 the chief of the religious community of the Nativity of Mary parish of Rivne diocese of the Ukrainian Orthodox Church in Mylcha village, Dubno district PERSON_1 filed an application to Dubno Police Station in Rivne region about committing a criminal offence foreseen by Article 179 of the Criminal Code of Ukraine and requested:

- to accept a complaint about committing a criminal offence foreseen by Article 179 of the Criminal Code of Ukraine;
- to enter the evidence into the Unified Register of Pre-Trial Investigations (hereinafter referred to as URPTI) and provide with an abstract from the protocol;
- to grant the religious community of Nativity of Mary parish of Rivne diocese of the Ukrainian Orthodox Church in Mylcha village,

Dubno district, a status of the aggrieved party in an open criminal proceeding.

In his complaint a plaintiff refers to the fact that in February 2015 there was a forceful seizure of the worship building that belongs, by the right to title, to the UOC in Mylcha village by the radically minded members of the religious community of Nativity of Mary parish of Rivne diocese of the Ukrainian Orthodox Church - Kiev Patriarchate in Mylcha village, Dubno region. This community until now has illegally owned the sanctity having no statutory documents upon that. Additionally, the UOC-KP religious community forbids the UOC faithful to have worships in their legitimate church. Enclosed with the application is a copy of the abstract from the State Registry of the title to real estate of 04.02.2015, a copy of the abstract from the Unified State Registry, a copy of the decision of the executive committee of Rivne regional people's deputies council №173 dated 25.09.2015.

However, not having received a copy of the abstract from the URPTI, on 27.11.2015 PERSON_1 turned personally to Dubno Police Station where he was informed viva voce there were not found any grounds for the evidence to enter the URPTI...

Contrary to the provisions of Article 214 of the Criminal-Procedural Code of Ukraine (CPC), the plaintiff so far has not received any notification that the application in question entered the URPTI.

The plaintiff believes such inactivity of the investigator of Dubno Police Station of the Chief Police Administration in Rivne region is not in line with the requirements of Article 214 of the CPC of Ukraine and, as a result, a pre-trial investigation hasn't begun yet what violates procedural rights of claimants foreseen by the Criminal Code of Ukraine, for which reason the plaintiff is compelled to lodge a complaint with the investigating judge according to Part 1, Article 303 of the CPC of Ukraine.

In accordance with Para1, Part 1 of Article 303 of the CPC of Ukraine, at pre-trial investigation there can be challenged inactivity of an investigator or a prosecutor which consists in their failure to enter details to the URPTI within the criminal proceeding.

In accordance with Article 214 of the CPC of Ukraine an investigator or a prosecutor, without any delay but not later than 24 hours after the application or notification has been filed about committed a criminal offence or after circumstances from any source, which might testify to the criminal offence, have been found out on his/her own, is obliged to enter relevant details to the Unified Register of Pre-Trial Investigations and start an investigation. An investigator who will make a pre-trial investigation is to be appointed by the head of the pre-trial body.

In view of the above, the plaintiff made a request to commit the investigator of Dubno Police Station of the Chief Police Administration in Rivne region, in compliance with Article 214 of the CPC of Ukraine, to enter relevant data to the Unified Register of Pre-Trial Investigations by virtue of the complaint of 17.11.2015, and to immediately start a pre-trial investigation.

An abstract from the URPTI has been submitted to the court on 09.12.2015 regarding register of the data on seizure of the worship building in Mylcha village, Dubno district, Rivne region.

At the court session a plaintiff counsel, on being informed that the details under the plaintiff's application of 17.11.2015 entered the Unified register of Pre-Trial Investigations, didn't object to the case dismissal on the complaint.

According to Part 2 of Article 303 of the CPC of Ukraine, an investigator or a prosecutor may cancel, on their own account, decisions envisaged by para 1, 2, 5 and 6, part 1 of Article 303 of the Code, terminate action or inaction being challenged that entails case dismissal on the complaint.

Given that failure to use authority that consisted in failure to enter the details to the URPTI has been virtually eliminated, the proceeding by the complaint is subject to be reversed.

Based on Article 305 of the CPC of Ukraine,

APPROVED:

The proceeding on the complaint of the representative of the religious community of Nativity of Mary parish of Rivne diocese of the Ukrainian Orthodox Church in Mylcha village, Dubno district, PERSON_1 about failure of

the investigator of Dubno Police Station of the Chief Police Administration in Rivne region to use authority is to be dismissed.

The approval is not subject to appeal.

Judge:

Document № 17: under the court decision there were annulled the documents by virtue of which the Kyiv Patriarchate tried to reregister the community of the Ukrainian Orthodox Church with a view to undertake a church takeover.

Re № 601/1880/15-ц
Proceeding № 2/601/686/2015

APPROVAL IN THE NAME OF UKRAINE

26 November 2015 Kremenets city

The judge of Kremenets district court of Ternopil region G.S. Bilosevych, having processed an application of the religious community "Parish of Saint Apostle John the Evangelist" of Kolosova village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church about provisional injunction in the case under the application of the religious community "Parish of Saint Apostle John the Evangelist" of Kolosova village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church addressed to Viktor R. Kotyk, Larysa P. Sevidova about rendering a general meeting of the UOC religious community "Parish of Saint Apostle John the Evangelist" of Kolosova village ineffective (unlawful) and cancelling the minutes of the general meeting of the religious community,

FOUND:

A claimant filed a complaint to the court to Viktor R. Kotyk, Larysa P. Sevidova about rendering the general meeting of the UOC religious community "Parish of Saint Apostle John the Evangelist" of Kolosova village ineffective (unlawful) and cancelling protocol #1 of the general meeting of the religious community in Kolosova village.

In the properly documented application a claimant requests as a provisional injunction to forbid Ternopil Regional State Administration to adopt a decision about registration of a new wording of the Statute of the religious community "Parish of Saint Apostle John the Evangelist" of Kolosova village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church (ID code 25344195).

According to Article 151 of the Civil Procedural Code of Ukraine, a provisional injunction under an application of persons that are party to the case is permissible at any stage of the trial, if failure to take actions for provisional injunction can complicate or make it impossible to implement a court decision.

All the above mentioned gives grounds to assume that failure to take actions for provisional injunction can complicate or make it impossible to implement a court decision. Therefore, one should forbid Ternopil Regional State Administration to adopt a decision about registration of a new wording of the Statute of the religious community of "Parish of Saint Apostle John the Evangelist" of Kolosova village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church (ID code 25344195).

By virtue of the above said and based on articles 151 - 153 of the Civil Procedural Code of Ukraine, the court -

APPROVED:

The application is to be sustained.
To forbid Ternopil Regional State Administration to adopt a decision about registration of a new wording of the Statute of the religious community "Parish of Saint Apostle John the Evangelist" of Kolosova village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church (ID code 25344195).

A copy of the decision for implementation is to be forwarded to Ternopil Regional State Administration.

An appeal claim for the court decision shall be submitted within 5 days from the day when the decision was announced. In the event the decision was approved without participation of

a person to challenge it, an appeal claim shall be submitted within 5 days from the day of receiving a copy of the approval.

Document № 18: this court decision is an outcome of the public authority's lawsuit against the Ukrainian Orthodox Church regarding revocation of the property right of the UOC community to the church building. Prior to that, the church building was returned to the community as part of the commitments and obligations assumed by Ukraine on recovery of the earlier seized property. Having filed a suit on recovery of the property, which had been returned by the state to the Church before, the public authority committed an act aimed at illegitimate confiscation of the church property, having neglected Ukraine's obligations to restore property rights of the Church.

TERNOPIL DISTRICT ADMINISTRATIVE COURT

APPROVAL

on closing a proceeding in the case

Re № 819/2619/1521 October 2015 p.
Ternopil city

Ternopil district administrative court in the composition of:

presiding judge – N.A. Danilevych
assisted by the secretary – A.V.Stasiuk
with participation of:
claimant representative – PERSON_1
claimant representative – PERSON_2
third person representative – PERSON_3
third person representative – PERSON_4

having processed in a public court hearing in the court hall of Ternopil city the case upon lawsuit of Ternopil Regional State Administration against Kolosova village council, the third person – Kolosova parish of church PERSON_5 of Ternopil diocese of the Ukrainian Orthodox

Church regarding annulment of the decision №43 of the executive committee of Kolosova village council dated 08.12.2006,

FOUND:

Ternopil Regional State Administration (hereinafter referred to as claimant) filed an administrative lawsuit at the court against Kolosova village council (hereinafter referred to as defendant), third person – Kolosova parish of the church PERSON_5 of Ternopil diocese of the Ukrainian Orthodox Church, wherein taking note of the claims under the lawsuit, requests the court to cancel the decision №43 of the executive committee of Kolosova village council dated 08.12.2006 as the one that was adopted by the village council with abuse of its powers.

To reason the stated claims a reference is made to that under the decision №43 of the executive committee of Kolosova village council dated 08.12.2006, Kolosova diocese of the church PERSON_5 of Ternopil diocese of the Ukrainian Orthodox Church was transferred the complex: church, bell tower, maintenance house at the address 7a Zhukova St., Kolosova village, Kremenets district, Ternopil region.

Based on the decision of the executive committee of Kolosova village council, Kolosova diocese of the church PERSON_5 of Ternopil diocese of the Ukrainian Orthodox Church 19.01.2007 was issued a certificate on the title to real estate property, in particular, the complex: church, bell tower, maintenance house at the address 7a Zhukova St., Kolosova village, Kremenets district, Ternopil region.

The claimant believes the cited decision of the executive committee of Kolosova village council is illegitimate and the one that was adopted with abuse of powers as the church building is a subject to the right of the state property, whereas management of the worship structure is beyond the competence of the village council.

Therefore, according to the claimant, the defendant by making such decision exceeded its authority given that the responsibility of conveying the title to worship buildings or free use by religious communities is vested in local state bodies.

Having heard the accounts of the parties as well as third persons, having examined the case file and its evidence, the court established the following background.

In particular, the executive committee of Ternopil Regional National Deputies Council adopted a decision № 20 of 5 March 1992 "On transfer of the title, free use, free alternate and equal use of worship buildings to religious communities" under which it was resolved to transfer to the UOC religious community of Kolosova village, Kremenets district of the church PERSON_5 the worship building and the state property for its free use, having signed a specific agreement with the community.

During the trial the court did not obtain any proofs of signing the agreement on free use of the worship building mentioned above.

However, by the decision № 43 of the executive committee of Kolosova village council of 08.12.2006, Kolosova diocese of the church PERSON_5 of Ternopil diocese of the Ukrainian Orthodox Church was transferred the complex: church, bell tower, maintenance house at the address 7a Zhukova St., Kolosova village, Kremenets district, Ternopil region.

The claimant representative noted during the trial that they were made aware of the existing certificate on the right to real estate property, namely the worship building in vlg.Kolosova, Kremenets district only in the summer of 2015 on having been requested by the religious community of Kolosova diocese of the church PERSON_5 of Ternopil diocese of the Ukrainian Orthodox Church to register the Statute of the religious community in a new wording.

Not agreeing to the decision of the executive committee of Kolosova village council, the claimant filed an administrative lawsuit mentioned above at the court, referring to the fact that the defendant by making such a decision exceeded its authority as the cited construction complex is in the state ownership; consequently, the village council is not entitled to manage it.

Handling this administrative case by virtue of the current legislation the court proceeds from the following:

Pursuant to part 2 of article 2 of the Code of Administrative Procedure of Ukraine

(hereinafter referred to as CAP), any decisions, actions or inaction of public authority entities can be challenged in administrative courts, save as the decisions, actions or inaction are subject to an otherwise judicial proceeding under the Constitution or the laws of Ukraine.

The Constitutional court of Ukraine in its decision in the case upon the constitutional motion of Kharkiv municipal council as regards formally acceptable interpretation of provisions of part 2, article 144 of the Constitution of Ukraine, part 25 of art.25, part 14 of art.46, part 1, 10 of art.59 of the Law of Ukraine on "Local Self-Government in Ukraine" (the case on withdrawal of acts of local self-government bodies) (re №7-пн/2009 of 16.04.2009) concluded that non-regulatory (individual) acts of the local self-government body are acts of one-time use and, once implemented, are no longer in force.

Pursuant to para 1, part 2 article 17 of CAP, the jurisdiction of administrative courts applies to public disputes on legal matters, in particular, disputes of natural and legal persons with a power authority entity as for challenging its decisions (regulatory or individual legal acts), actions or inaction. The term "power authority entity" used in this norm of procedure means a state power body, a local self-government body, their government official or a civil servant, another entity, exercising state administrative functions including delegated powers by virtue of the laws (para 7 of part 1 of article 3 CAP).

Consequently, the competence of administrative courts include disputes of natural and legal persons with a power authority entity, a local self-government body, their government official or a civil servant their subjectmatter being verifying the legitimacy of decisions, acts or inaction of these bodies (persons), respectively, adopted or committed by them by exercising state administrative functions.

Part 2, article 161 CAP of Ukraine stipulates that by selecting and applying a regulatory act vis-à-vis contentious law relations, the court takes note of conclusions of the Supreme Court of Ukraine laid down in resolutions, adopted upon the results of processing applications on the court decision review on the grounds prescribed by para 1 and 2, part 1, article 237 of the Code hereof.

According to the requirements of part 1 art.242-2, the conclusion of the Supreme Court of Ukraine as for applicable law set forth in its resolution, which was adopted upon case examination on the grounds prescribed by para 1, 2 of part 1, article 237 of the Code hereof is binding for all public authority entities which apply in their activity a legal act that contains a respective customary law.

Thus, the judge board of the Judicial Chamber on administrative matters and the Judicial Chamber on economic matters of the Supreme Court of Ukraine in their resolution on re №21-551a14 dated 17.02.2015 adopted upon case examination on the grounds prescribed by para 1, part 1, article 237 CAP of Ukraine arrived at the conclusion that in the event of assuming by the entity of public authority, a decision on the land plot transfer into the ownership or rent (i.e. non-regulatory act that is no longer valid after having been fulfilled), further challenging of the lawfulness of acquisition by the physical or legal person of the disputed land plot has to be resolved within the procedure of civil (economic) jurisdiction, as there is a contention about the civil law. <...> Taking into account the fact that the fundamental principle of the judiciary in administrative cases is the principle of formal clarification of all the circumstances to the case and the duty of a public authority entity to prove lawfulness of its acts or decisions unlike the fundamental principle of civil judiciary which consists in competitiveness of parties; a court that examined the case not pertaining to its jurisdiction, cannot be considered the court established by the law in accordance with part 1, article 6 of the Convention.

By establishing circumstances of the case, the court found out that subject-matter of the dispute is restoration of the claimant's violated right, i.e. ownership right to the church building in dispute which is located at the address: 7a Zhukova, Kolosova village. It appears even from the statement of claim itself under which the decision № 43 of the executive committee of Kolosova village council of 08.12.2006 violates the title of Ternopil Regional State Administration as a sole proprietor of the structures cited above. That means that in this case legal relations between Ternopil

Regional State Administration and Kolosova village council are not such as between power authority entities, but as between entities of the the ownership right to real estate property, thus, in the court's opinion, the issue in question needs to be resolved as an economic court procedure.

Besides, the court pays attention to the fact that the decision № 43 of the executive committee of Kolosova village council of 08.12.2006 "On the procedure of providing ownership title to the church building at 7a Zhukova St., Kolosova village" objectively and inherently is a non-regulatory act that gets invalidated once it has been implemented; upon that, given a legal position – the conclusion of the Supreme Court of Ukraine on applicable law laid down in its resolution which was adopted upon case examination on the grounds prescribed by para 1, 2 of part 1, article 237 of the Code hereof (Ruling of 17.02.2015 Re №21-551a14), the court concluded the administrative lawsuit has to be settled as an economic court procedure. Since the dispute arisen between the parties is about the civil law, the character of controversial law relations does not contain public legal features; therefore persons have to defend their rights and interests in manners prescribed by laws of Ukraine.

Such legal position complies with the case law of the Supreme Court of Ukraine (ruling of 01 October 2013 Re №21-228a13, ruling of 11 November 2014 Re №21-405a14, ruling of 09 December 2014 Re №21-308a1) that, in view of the requirements of art.244-2 CAP of Ukraine, is to be fulfilled whereas the courts are obliged to bring their case law in compliance with the decision of the Supreme Court of Ukraine.

Pursuant to para 1, part 1, art.157 CAP of Ukraine, the court dismisses its proceeding on the case, particularly, unless the case is to be handled as an administrative court procedure.

A claimant's representative at the court hearing objected to dismissal of the proceeding in the case hereof, emphasizing that the dispute has to be settled as an administrative court procedure.

A defendant's representative objected to dismissal of proceeding in the case, having accounted it that in their opinion, there is every ground to examine the case per se and make a decision.

Representatives of the third person agreed to its being necessary to dismiss proceeding in the case having accounted it that the dispute is not public-legal but the one on the ownership right to the real estate property object.

Taking into consideration the above cited, based on the case file examined as well as current legislation norms, the court has become convinced that the proceeding on the administrative case thereof should be closed.

Pursuant to para 1, part 1, art. 157 CAP of Ukraine, the court

APPROVED:

To close proceeding in the case upon lawsuit of Ternopil Regional State Administration against Kolosova village council, the third person – Kolosova parish of the church PERSON_5 of Ternopil diocese of the Ukrainian Orthodox Church regarding annulment of the decision №43 of the executive committee of Kolosova village council dated 08.12.2006 "On the procedure of providing ownership title to the church building at 7a Zhukova St., Kolosova village".

The court approval can be challenged at Lviv Administrative Court of Appeal via Ternopil District Administrative Court within the term and in a manner prescribed by art. 186 of the Code of Administrative Procedure of Ukraine and enters into force according to art. 254 of the Code of Administrative Procedure of Ukraine.

Full text of the approval completed on 23.10.2015.

Presiding judge N.A.Danylevych

Copy is true

Judge N.A.Danylevych

Document № 19: this court decision was ignored by governor of Ternopil region S. Barna who, contrary to such a decision of the court, amended the Statute of the UOC community, having de-facto reregistered the community in favor of the Kyiv Patriarchate jurisdiction.

Re № 601/1223/15-ц
Proceeding № 2/601 /646/2015

**APPROVAL
IN THE NAME OF UKRAINE**

02 September 2015

Kremenets city

Judge of Kremenets district court of Ternopil region L.B. Varnevych, having processed an application of the religious community "Saint Archistratigus Michael Parish" of Bashuky village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church addressed to Volodymyr A. Nazarchuk, Inna V. Laturynska about invalidation of the general meeting of the religious community,

FOUND:

The claimant filed a suit against Volodymyr A. Nazarchuk, Inna V. Laturynska to invalidate and cancel the decision of the general meeting of the UOC "Saint Archistratigus Michael Parish" of Bashuky village, Kremenets district, Ternopil region of 07.04.2015 about transfer of the UOC to the UOC - KP.

In the duly documented application a claimant requests, as a provisional injunction, to forbid Ternopil Regional State Administration to adopt a decision about registration of a new wording of the Statute of the religious community of "Saint Archistratigus Michael Parish" of Bashuky village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church.

According to Article 151 of the Civil Procedural Code of Ukraine, a provisional injunction under application of persons that are party to the case is permissible at any stage of the trial, if failure to take actions for provisional

injunction can complicate or make it impossible to implement a court decision.

The court having examined the supporting materials, considers that there are eligible grounds to assume that failure to take actions for provisional injunction can complicate or make it impossible to implement a court decision.

Taking account of the above said, one should forbid Ternopil Regional State Administration to adopt a decision about registration of a new wording of the Statute of the religious community of "Saint Archistratigus Michael Parish" of Bashuky village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church (ID code 25346171).

By virtue of the above said and based on articles 151 – 153 of the Civil Procedural Code of Ukraine, the court

APPROVED:

The application is to be sustained.

To forbid Ternopil Regional State Administration to adopt a decision about registration of a new wording of the Statute of the religious community of "Saint Archistratigus Michael Parish" of Bashuky village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church (ID code 25346171).

A copy of the approval for implementation is to be forwarded to Ternopil Regional State Administration.

An appeal claim for the court approval shall be submitted within 5 days from the day when the decision was announced. In the event the decision was approved without participation of a person to challenge it, an appeal claim shall be submitted within 5 days from the day of receiving a copy of the approval.



Document № 20: the court decision below was disregarded by governor of Ternopil region S. Barna who, despite a direct prohibition of the court, registered the Statute of the UOC community in a new wording, having transferred it under jurisdiction of the Kiev Patriarchate. Being perfectly aware of the existence of the court decision, the head of Ternopil Regional State Administration nevertheless failed to take any actions to suspend or terminate his unlawful decision, having literally pushed forward the residents of this populated area to the force standoff.

Re № 601/1880/15-ц
Proceeding № 2/601/686/2015

**APPROVAL
IN THE NAME OF UKRAINE**

26 August 2015

Kremenets city

The judge of Kremenets district court of Ternopil region G.S. Bilosevych, having processed an application of the religious community "Parish of Saint Apostle John the Evangelist" of Kolosova village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church about provisional injunction in the case under the application of the religious community "Parish of Saint Apostle John the Evangelist" of Kolosova village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church addressed to Viktor R. Kotyk, Larysa P. Sevidova about rendering a general meeting of the UOC religious community "Parish of Saint Apostle John the Evangelist" of Kolosova village ineffective (unlawful) and cancelling the minutes of the general meeting of the religious community,

FOUND:

A claimant filed a complaint to the court to Viktor R. Kotyk, Larysa P. Sevidova about rendering the general meeting of the UOC

religious community "Parish of Saint Apostle John the Evangelist" of Kolosova village ineffective (unlawful) and cancelling protocol #1 of the general meeting of the religious community in Kolosova village.

In the properly documented application a claimant requests as a provisional injunction to forbid Ternopil Regional State Administration to adopt a decision about registration of a new wording of the Statute of the religious community "Parish of Saint Apostle John the Evangelist" of Kolosova village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church (ID code 25344195).

According to Article 151 of the Civil Procedural Code of Ukraine, a provisional injunction under an application of persons that are party to the case is permissible at any stage of the trial, if failure to take actions for provisional injunction can complicate or make it impossible to implement a court decision.

All the above mentioned gives grounds to assume that failure to take actions for provisional injunction can complicate or make it impossible to implement a court decision. Therefore, one should forbid Ternopil Regional State Administration to adopt a decision about registration of a new wording of the Statute of the religious community of "Parish of Saint Apostle John the Evangelist" of Kolosova village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church (ID code 25344195).

By virtue of the above said and based on articles 151 - 153 of the Civil Procedural Code of Ukraine, the court

APPROVED:

The application is to be sustained.

To forbid Ternopil Regional State Administration to adopt a decision about registration of a new wording of the Statute of the religious community "Parish of Saint Apostle John the Evangelist" of Kolosova village, Kremenets district, Ternopil eparchy of the Ukrainian Orthodox Church (ID code 25344195).

A copy of the decision for implementation is to be forwarded to Ternopil Regional State Administration.

An appeal claim for the court decision shall be submitted within 5 days from the day when the decision was announced. In the event the decision was approved without participation of a person to challenge it, an appeal claim shall be submitted within 5 days from the day of receiving a copy of the approval.

Document № 21: this court decision establishes the fact of illegal seizure of the church building that belongs, as a title to property, to the Ukrainian Orthodox Church community. Therefore, the fact is confirmed about raiding actions of the UOC-KP communities aimed at seizing the property of another denomination.



COMMERCIAL COURT OF RIVNE REGION
26A Naberezhna Str., Rivne city, 33013
IN THE NAME OF UKRAINE
DECISION

22 December 2015

Re № 918/1215/15

A commercial court of Rivne region in the composition of the **presiding judge V.H.Torchyniuk**, having examined the case file

on the lawsuit: *PERSON_1 of the community of Nativity of Mary Parish of Rivne Diocese of the Ukrainian Orthodox Church, vlg.Mylcha, Dubno district*

to the defendant: *PERSON_1 of the community of Nativity of Mary Parish of Rivne Diocese of the Ukrainian Orthodox Church - Kiev Patriarchate, vlg.Mylcha, Dubno district*

on *obligation no to impede and eliminate obstacles in the use, management, and ownership of the building*

CIRCUMSTANCES OF THE CASE:

A claimant PERSON_1 of the community of Saint Nativity of Maria Parish of Rivne Diocese of the Ukrainian Orthodox Church, vlg.Mylcha, Dubno district filed a lawsuit to the Commercial Court of Rivne region against a defendant PERSON_1 of the community of Saint Nativity of Maria Parish of Rivne Diocese of the Ukrainian Orthodox Church - Kiev Patriarchate, vlg.Mylcha, Dubno district on obligation no to impede and eliminate obstacles in the use, management, and ownership of the land plot and the church in vlg.Mylcha at 1Tykha Str., Dubno district, Rivne region.

...
Having examined the case file, having heard the accounts of the parties' representatives, fully and comprehensively clarifying all factual circumstances the claim is grounded on, having objectively evaluated the evidence, by one's personal convictions, based upon comprehensive and unbiased processing of all circumstances in total in the court trial which are of legal significance to the case and settlement of the dispute on the merits, the court

FOUND:

25 September 1991 PERSON_1 of the community of Nativity of Mary Parish of Rivne Diocese of the Ukrainian Orthodox Church, vlg.Mylcha, Dubno district was registered as a legal person, ID code 22585283, confirmed by the abstract (a.c. 10).

As it proceeds from the Statute, PERSON_1 of the community of Nativity of Mary Parish of Rivne Diocese of the Ukrainian Orthodox Church, vlg.Mylcha, Dubno district, in particular, para 7 of the Statute hereof it is foreseen that PERSON_1 the community enjoys the rights of legal person within the boundaries prescribed by the Statute hereof, the Statute of the Ukrainian Orthodox Church, the Statute of Rivne diocese.

In accordance with parts 1, 2, 3 of Article 18 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations", religious organizations own, use, and dispose of the property which belongs to them as the right of ownership. The property of religious organizations may include buildings, worship items, production, social, and goodwill assets,

transport, funds, and other kinds of property needed to provide for their activity. PERSON_1 organizations are entitled to property, purchased or generated by them at the cost of their own funds, donated by citizens, organizations, or transferred by the state, as well as purchased on otherwise grounds prescribed by the law.

Article 8 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations specifies that the religious community is a local religious organization of faithful citizens of one and the same worship, belief, direction, stream, or doctrine who got united on a voluntary basis with a view to common satisfaction of their religious needs. The state recognizes the right of a religious community to its subordination from the canonical and organizational perspective to any religious centers (administrations), which act in Ukraine and beyond its boundaries, and free change of this subordination. A notification of state bodies about creating a religious community is not mandatory.

The above mentioned actualities set it out that the claimant was registered in the manner prescribed by the law and enjoys all rights a legal person is vested with...

The case file testifies to the fact that on 27 February 2007 by the resolution of the executive committee of Mylcha village council of Dubno district, Rivne region, there was adopted a decision #97 under which it was decided to register the title to the church building of Nativity of Mary church located in vlg.Mylcha at 10a Tykha Str. in favor of the religious community (a.c. 34).

On 24 October 2014 Mylcha village council adopted a decision "On approval of the project design on land management regarding the allocation of the land parcel for the use by the religious community of Nativity of Mary parish of the UOC Rivne diocese in vlg.Mylcha".

The above mentioned circumstances were confirmed by authorized representatives of the claimant and the defendant in a court hearing of 22 December 2015.

Proceeding from the above, the court has it that in 1991 there was registered a religious community of the claimant and under the resolution of the executive committee of Rivne Regional People's Deputies Council #173 the

church building in vlg.Mylcha was entitled for the religious community of Nativity of Mary parish of the UOC Rivne diocese in vlg.Mylcha, Dubno district. Further on the village council in Mylcha approved the land management design project to let the land parcel wherein the church is located to the claimant for use.

It was found by the court that the claimant makes a legal use of the real estate property – a worship construction (church in vlg.Mylcha) and the land plot to maintain the property above.

Turning to the court with the claim, the claimant noted he is deprived of the possibility to make use of their property, particularly, the church lodging, to conduct divine worships and religious riots due to the fact that PERSON_1 of the community of Nativity of Mary Parish of Rivne Diocese of the Ukrainian Orthodox Church – Kiev Patriarchate, vlg.Mylcha, Dubno district arbitrarily seized a religious construction under dispute located in the land parcel of 0, 241 ha.

The circumstances mentioned are confirmed by the application on committing a criminal offence filed to Dubno Police Department (a.c.84 - 85) and abstract from the criminal proceeding #12015180040001090 (a.c.117).

In this connection the claimant requested the court to sustain the claim and bind the defendant not to impede the use of the land plot as well as to eliminate obstacles in the use, management, and ownership of the church building in vlg.Mylcha by means of evicting the defendant.

As it appears from the abstract of criminal proceeding # 12015180040001090, in February 2015 representatives of the religious community of Nativity of Mary Parish of Rivne Diocese of the Ukrainian Orthodox Church - Kiev Patriarchate, vlg.Mylcha, Dubno district, Rivne region undertook a forceful seizure of the worship construction, legally owned by the religious community of Nativity of Mary Parish of Rivne Diocese of the Ukrainian Orthodox Church, vlg.Mylcha, Dubno district, which is located at 1Tykha Str., vlg.Mylcha, and which is being unlawfully occupied at present.

Hence, the case file proves it that the defendant impedes the use by the claimant of the land plot and the property therein that has

been in the claimant's legal ownership since 1991.

Besides, by taking such decision the court took note of the fact that on 2 February 2015, according to the decision of Mylcha village council there was suspended the decision of 24 October 2014 #423 "On approval of the project design on land management regarding the allocation of the land parcel for the use by the religious community of Nativity of Mary parish of the UOC Rivne diocese in vlg.Mylcha", whereas on 23 March 2015 by approving decision #466 Mylcha village council annulled its own decision of 24 October 2014 #423.

At the same time, pursuant to parts 1-3 of Article 3 of the Law of Ukraine "On State Registration of Tangible Rights to Real Estate Property and Their Impositions" state registration of rights is mandatory. The information on the real property titles and their imposition is subject to enter the State Register of Rights. The state ensures that the registered real property rights and their impositions are verifiable. The real property rights and their impositions which are subject to state registration pursuant to this Law, arise from the moment of such registration.

...

Pursuant to part 1 of Article 321 of the Civil Code of Ukraine the property right is inviolable. Nobody can be deprived of this right against the law or restricted in exercising of this right.

As it appears from the case file, the religious community of Nativity of Mary Parish of Rivne Diocese of the UOC-KP, vlg.Mylcha, Dubno district, Rivne region, illegally seized the land plot and the church building under dispute at 1Tykha Str., vlg.Mylcha having been in the ownership of the claimant since 1991. The evidence of the illegally seized property is confirmed by the case file, inter alia, by the abstract from criminal proceeding #12015180040001090.

Taking into account the above-cited, the court concludes that claims under the lawsuit in terms of the obligation of the religious community of Nativity of Mary Parish of Rivne Diocese of the UOC-KP, vlg.Mylcha, Dubno

district not to impede the religious community of Nativity of Mary Parish of Rivne Diocese of the Ukrainian Orthodox Church, vlg.Mylcha, Dubno district, in exercising their right to use the land plot of 0, 241 ha are legal, therefore the lawsuit to such an extent is subject to adjustment.

Based on articles 1, 12, 22, 32-34, 43, 49, 81 - 1, 82 - 85 of the Commercial Procedure Code of Ukraine, the court

DECIDED:

PERSON_1 of the community of Nativity of Mary Parish of Rivne Diocese of the Ukrainian Orthodox Church - Kiev Patriarchate, vlg. Mylcha, Dubno district (356442, Rivne region, Dubno district, Mylcha village, Tykha Street, House 1A, ID code: 39732252) not to impede the religious community of Nativity of Mary Parish of Rivne Diocese of the Ukrainian Orthodox Church, vlg.Mylcha, Dubno district (35642, Rivne region, Dubno district, Mylcha village, Tykha Street, House 1, ID code: 22585283) in exercising their right to use a land plot in area of 0, 241 ha, allocated for use under the decision of Mylcha village council of 24 October 2014 #423.

PERSON_1 of the community of Nativity of Mary Parish of Rivne Diocese of the Ukrainian Orthodox Church - Kiev Patriarchate, vlg. Mylcha, Dubno district (356442, Rivne region, Dubno district, Mylcha village, Tykha Street, House 1A, ID code: 39732252) to eliminate obstacles in the use, management and ownership of the church building in vlg.Mylcha at 1Tykha Str., Dubno district, Rivne region, which is owned by the religious community of Nativity of Mary Parish of Rivne Diocese of the Ukrainian Orthodox Church, vlg.Mylcha, Dubno district (35642, Rivne region, Dubno district, Mylcha village, Tykha Street, House 1, ID code: 22585283).

Full text of the decision was completed on «28» December 2015

Judge

V.G. Torchyniuk

Document № 22: this decision clearly shows the attempts of the Kyiv Patriarchate community to challenge not only the ownership title of the UOC community to the church, but the fact of the succession of the Ukrainian Orthodox Church with the Russian Orthodox Church Orthodox denomination, which the church belonged historically. As it is more fully described in this article, the KP supporters were not stopped by the decision of the court and made several seizures of the church of vlg.Ptycha after the end of the court proceedings, completely ignoring the legitimate rights of the owner – the UOC community.



Kyiv Commercial Court of Appeal

04116 Kyiv, 1 SheludenkoSt.

(044) 230-06-58

ORDER IN THE NAME OF UKRAINE

02 December 2015

Kyiv Economic Court of Appeal of a panel of judges:
the head of the panel:
judges:

Re № 918/585/15

O.V. Tyschenko
I.A. Ionnikova
K. V. Tarasenko
I. Y. Filimonova

secretary

having considered in public hearing appeals of the religious community of the Assumption of the Most Holy Mother of God parish of Rivne diocese of the Ukrainian Orthodox Church – Kyiv Patriarchate of vlg. Ptycha, Dubno district and of the Rivne Region State Administration against a decision of the Economic Court of Kyiv of 02.09.2015 re №918/585/15 (judge– O.V. Chynchyn)

upon a claim filed by the religious community of the Assumption of the Most Holy Mother of God parish of Rivne diocese of the Ukrainian

Orthodox Church – Kyiv Patriarchate of vlg. Ptycha, Dubno district
to

1.The religious community of the Assumption of the Most Holy Mother of God parish of Rivne diocese of the Ukrainian Orthodox Church of vlg. Ptycha, Dubno district;

2.The Rivne Region State Administration;

3.The Rivne Regional Bureau of Technical Inventory

to invalidate the decision of the executive committee of the Rivne Regional Council of People's Deputies and the invalidation of the registration certificate of the Rivne Regional Bureau of Technical Inventory of 03.09.1996

THE ESSENCE OF THE DISPUTE AND THE COMPLAINT:

For consideration by the Economic Court of Rivne region was filed a claim of the religious community of the Assumption of the Most Holy Mother of God parish of Rivne diocese of the Ukrainian Orthodox Church - Kyiv Patriarchate of vlg. Ptycha, Dubno district (hereinafter – Claimant) to the religious community of the Assumption of the Most Holy Mother of God parish of Rivne diocese of the Ukrainian Orthodox Church of vlg. Ptycha, Dubno district (hereinafter – Defendant – 1), the Rivne Regional State Administration (hereinafter - Defendant - 2), the Rivne Regional Bureau of Technical Inventory (hereinafter – Defendant – 3) for annulment of the decision of the executive committee of the Rivne Regional Council of People's Deputies and the invalidation of the registration certificate of the Rivne Regional Bureau of Technical Inventory of 03.09.1996.

The claim is substantiated by the fact that the decision of the executive committee of the Rivne Regional Council of People's Deputies of 25.09.1991 №173, in the transfer to the defendant for personal ownership of the religious building is void because the defendant is not the legal successor of any organization, which legally enjoyed the religious building, with reference to Art. 17 of the Law of Ukraine «On Freedom of Conscience and Religious Organizations», and therefore the disputed building could only be transferred for free use. On these grounds, the decision of the

executive committee of Rivne Regional Council of People's Deputies of 25.09.1991 №173 was taken with the abuse of authority, and therefore requests the Court to annul the decision of the executive committee of Rivne Regional Council of People's Deputies of 25.09.1991 №173 on the transfer of the ownership of the religious building and the church premises located in vlg. Ptycha, Dubno district, Rivne region, to the religious community of the Assumption of the Most Holy Mother of God parish of Rivne diocese, Dubno district, and to annul the registration certificate of the Rivne regional BTI of 03.09.1996.

The decision of the Economic Court of Kyiv of 02.09.2015 dismissed the claim entirely.

Disagreeing with the decision, the religious community of the Assumption of the Most Holy Mother of God parish of Rivne diocese of the Ukrainian Orthodox Church — Kyiv Patriarchate of vlg. Ptycha, Dubno district appealed to the Kyiv Economic Court of Appeal with a complaint in which it requests to cancel the decision of the Economic Court of Kyiv of 02.09.2015 Re: № 918 / 585/15 and to take a new decision that will satisfy the claim in full.

...
The representative of appellant-1 at the court hearing of the appeal upheld the appeal, requested the court to satisfy the appeal and to cancel the decision of the Economic Court of Kyiv of 02.09.2015 Re: № 918/585/15 and take a new decision, which fully satisfy the claim. The rest of the appeal he requested to dismiss.

The representative of appellant-2 at the court hearing of the appeal upheld the appeal, requested the court to satisfy the appeal, to cancel the decision of the Economic Court of Kyiv of 02.09.2015 Re: № 918/585/15 and terminate the proceedings. The rest of the appeal he requested to dismiss.

The representative of defendant-1 at the court hearing of the appeal objected to the arguments set out in the appeal, asked the court to refuse to satisfy them and leave unchanged the appealed decision of the Economic Court of Kyiv of 02.09.2015 re: № 918/585/15.

The representative of defendant 3 didn't attend the court hearing of 02.12.2015 as he was not properly informed of the time and the

venue of the hearing to consider the appeal.

...
Having examined the arguments of the appeal, the case materials and heard the explanations of the representatives of the claimant and defendants 1, 2; having verified the correct application by the economic court of substantive and procedural law in making the appealed decision, the Kyiv Economic Court of Appeal

FOUND:

As it was truly found by the court decision of the previous executive committee of Rivne Regional Council №173 of 25.09.1991, the building of the church in vlg. Bird was transferred to the ownership of the religious community of the Ukrainian Orthodox Church of the Holy Assumption church, which is registered in the Rivne Regional Bureau of Technical Inventory in the registration book by registration №1-3 №7 and is confirmed by the registration certificate of 03.09.1996.

On 01.12.2015 was registered a religious communities of the Assumption of the Most Holy Mother of God parish of Rivne diocese of the Ukrainian Orthodox Church — Kyiv Patriarchate of vlg. Ptycha, Dubno district, as evidenced by an extract from the Unified State Register of legal entities and individuals – entrepreneurs.

According to claim 1 of the Statute of the Assumption of the Most Holy Mother of God, a parish is the primary religious center of Orthodox believers of Rivne diocese of the Ukrainian Orthodox Church - Kyiv Patriarchate, and is formed on a voluntary basis in accordance with applicable law.

By the general meeting of residents of vlg. Ptycha, Rivne region, Dubno district for the place of residence of 03.07.2015, the right to permanent use of the land on which the church of vlg. Ptycha is situated, issued in 1996, was upheld invalid as the territorial community of the village had not been notified of the decision.

Having examined the arguments of appeals, the case materials and heard the explanations of the representatives of the parties, having verified the correct application by the economic court of substantive and procedural law in making the appealed decision, the panel of

judges concluded that appeals shall not be satisfied, and the decision of the Court of First Instance made in compliance with rules of substantive and procedural law, is legitimate and justified on the following grounds.

...
The claimant in support of its legal position refers to the fact that the decision of the executive committee of the Rivne Regional Council of People's Deputies of 25.09.1991 №173, on the transfer of the ownership right to the religious building to the defendant is invalid because the defendant is not the legal successor of any organization, which legally enjoyed the religious buildings with reference to Art. 17 of the Law of Ukraine «On Freedom of Conscience and Religious Organizations», and therefore the disputed building could only be transferred for free use.

Pursuant to Art. 7 of the Law of Ukraine «On Freedom of Conscience and Religious Organizations» (hereinafter — the Law), religious organizations are formed to meet the religious needs of citizens to profess and propagate the faith and act according to their hierarchical and institutional structure, elect, appoint and replace the personnel in accordance with their statutes (provisions). One type of religious organizations in Ukraine is religious communities.

According to Art. 8 of the Law, the religious community is a local religious organization of religious citizens of the same cult, faith, direction, flow, or sense, voluntarily united to jointly meet the religious needs.

...
As it was truly found by the local economic court, on 25.09.1991 the Statute of the Ukrainian Orthodox Church was registered, whose activities extend to vlg. Ptycha, Dubno district, which is confirmed by a certificate of registration of the statute of the religious community №114, issued by the executive committee of the Rivne Region Council of People's Deputies, at the address 265 020, vlg. Ptycha, Dubno district, Rivne region, the Holy Assumption Church.

According to paragraph 1 of the Statute, the Holy Assumption parish is a religious association (religious union), the primary structural unit of the Ukrainian Orthodox Church, which itself is

part of the Diocese of Rivne.

In accordance with paragraph 26 of the buildings, structures, objects of worship, objects of social, charitable and household goods, cash, literature and other property acquired by the arrival, it has created its own expense, donated by citizens, enterprises, institutions and organizations, transferred to state and purchased on other legal grounds, it is owned by a religious organization of the UOC.

In accordance with paragraph 26, the premises, structures, objects of worship, objects of social, charitable and household goods, cash, literature and other property acquired by the parish, created on its own expense, donated by citizens, enterprises, institutions and organizations, transferred by the state and purchased on other legal grounds, are owned by a religious organization of the UOC.

...
Thus, the local court reached the correct conclusion that the religious community of the Holy Assumption parish of the Diocese of Rivne of the Ukrainian Orthodox Church of vlg. Ptycha, Dubno district, is a separate legal entity registered by the decision of the executive committee of the Rivne Region Council of People's Deputies of 25.09.1991 №173, later by order of the chairman of the Rivne Regional State Administration of 02.25.2013 №89 reregistered their founding documents and changed the legal name – the religious community of the Holy Assumption parish of the Diocese of Rivne of the Ukrainian Orthodox Church of vlg. Ptycha, Dubno district.

Article 328 of the Civil Code of Ukraine of 16.01.2003 № 435-IV stipulates that ownership is acquired on grounds not prohibited by law, in particular transactions. The right of ownership is considered to be legally acquired, unless otherwise follows from the law or the illegality of the acquisition of ownership has not been established by a court.

In accordance with Art. 29 of the Law of Ukraine «On Property» dated 07.02.1991 №697-III (existing at the time of transfer of the disputed objects) objects of property rights of religious organizations are the places of worship, religious ritual objects, charitable, cultural, educational, and industrial purposes,

houses, money and other property necessary for their activity. Religious organizations have the right to ownership of property acquired by them at their own expense, donated by citizens and organizations or transferred by the state or acquired on other grounds not prohibited by law.

In accordance with Art.17 of the Law of Ukraine «On Freedom of Conscience and Religious Organizations», religious buildings and property that make up the state property transferred to the Organization, on the balance sheet where they are, for free use or returned to the ownership of religious organizations free by the decisions of regional, Kyiv and Sevastopol city state administrations, the Government of Autonomous Republic of Crimea.

...

Pursuant to paragraph 3 of the Decree of the President of Ukraine on March 4, 1992 N 125 «On measures for the return of religious organizations to religious property» regional, Kyiv and Sevastopol city state administrations, and in the Republic of Crimea - the Government of the Republic of Crimea shall, during 1992 - 1993 years to transfer religious communities in ownership or gratuitous use of religious buildings used for other purposes. (Order of the President of Ukraine of 22.06.1994r. N 53/94, paragraph extended until 01.12.1997). Thus, according to the Presidential Decree of March 4, 1992 N 125 «On measures for the return of religious property to religious organizations» may be not only return, but the transfer of ownership of religious building to religious communities.

According to the Decree of the President of Ukraine of 04.03.92 № 125 (125/92) «On measures for the return of religious property to religious organizations» and orders of the President of Ukraine from 22.06.94 № 53/94-p (53/94-p) these state bodies are obliged on time to transfer the religious communities in the ownership or free use of religious buildings, which were used for other purposes. That is, according to this it is allowed not only to return but also to transfer religious buildings for ownership to religious communities. As explained by the Presidium of the Supreme Arbitration Court of Ukraine in its clarification of 29.02.96 № 02-5 / 109, the indicated transfer

of ownership of religious buildings to religious communities that are not their owners is possible, provided that in the village there is a legitimate contender for the buildings, that is, the religious community of the denomination (religious affiliation) which owned the building as of its transfer to the state property.

...

The Court found that according to the record of 1912, the church is wooden on a stone foundation with the same columns, on 15 August 1912 the laying of a new stone church was done. Order of the Archbishop of Volyn and Rivne №572 of July 30, 1981, the rector of the Holy Assumption Church of the village Ptycha, Dubno district, Rivne region, was appointed a priest PERSON_4.

According to protocol №5 of 02.12.1945, the meeting of the parishioners of the Holy Assumption church of vlg. Ptycha, Verba district, Rivne region, it was decided to choose the members of the church council and approve the Audit Commission Act of 27.11. 1945

On 12.12.1945, between the residents of vlg. Ptycha and the Executive Committee of Verba Council of Deputies there was signed a model agreement for the transfer of the parish church buildings and religious property, under the terms of which the residents of vlg. Ptycha took from the the Executive Committee of Verba Council for permanent and free use a one-storey stone church with a gatehouse and ceremonial objects, located in vlg. Ptycha.

Based on the decision of the Council for Russian Orthodox Church in SNK (People's Commissioner's Council, USSR) of 05.05.1946, the representative of the Council for Russian Orthodox Church at SNK of the Rivne region Ukrainian SSR №43 registered by the parish Orthodox community of the Holy Assumption church in vlg.Ptycha, Verba district, Rivne region, with the provision of church buildings and religious property to the community for the use, as evidenced by a certificate №43-19 of 05.05.1946.

Under registration №43-21 of 05.05.1946 was registered the Church Council of vlg. Ptycha, Verba district, which is also confirmed by a certificate of registration of the church council №43-21 of 05.05.1946.

On 24.12.1968 under №43 wre registered the executive body and the audit commission of the religious society of vlg. Ptycha, Dubno district, Rivne region, as evidenced by a certificate authorized by the Council for Russian Orthodox Church at SNK of the Rivne region of Ukraine.

It should be noted that the rights of religious communities that according the established procedure used religious buildings and property before the entry into force of the Law (987-12), are retained after they have legal personality in accordance with paragraph 4 of the Decree of the Verkhovna Rada of Ukraine of April 23, 1991 (988-12) on the introduction of the Act into effect. Community rights to possess and use these buildings and property are saved for their successors. (p.5 Clarifications №02-5 / 109 of 29.02.1996 of the Supreme Economic Court of Ukraine «On some issues arising from the application of the Law of Ukraine» On Freedom of Conscience and Religious Organizations «).

According to the Bureau of archival material of vlg. Ptycha, Rivne region, Dubno district, the church building at Rivne region, Dubno District, vlg. Ptycha, 27a Lvivska St. is registered in the ownership of the religious community of the Ukrainian Orthodox Church of the Holy Assumption Church on the basis of decision №173 of 25.09.1991, the executive committee of the Rivne Regional Council, which is confirmed by a certificate №1177 of 07.23.2015, eminent by the Rivne Regional Bureau of Technical Inventory.

...

According to a certificate №293 of 02.17.2015, given by the head of the Ptycha village council, Dubno district, Rivne region, a land plot of 0.25 hectares to allocate the religious buildings, residential and public buildings, on which the State Act for the right of permanent use to the land PO 00097 of 25.09.1996 was issued, belongs to the religious community of the Holy Assumption parish of the Diocese of Rivne of the Ukrainian Orthodox Church of vlg. Ptycha, Dubno district.

So taking into account the above-mentioned legal provisions, clarifying their use established by the court and the circumstances of the case, the panel of judges considers the correct

conclusion of the court of first instance that the transfer of ownership to the defendant - 1 of the religious building in vlg. Ptycha, Dubno district, Rivne region on the basis of the decision of the executive committee of Rivne Regional Council №173 from 25.09.1991, was made in consideration of the rights of a single religious community on the territory of vlg. Ptycha that existed as of the date of transfer of the ownership of the building, and enjoyed the religious building before the introduction of the Law of Ukraine «On Freedom of Conscience and Religious Organizations», that is within the powers granted to him and the current legislation of Ukraine.

In addition, the transfer of the religious buildings in vlg. Ptycha, Rivne region, Dubno district, to the religious community of the Holy Assumption parish of Rivne Diocese of the Ukrainian Orthodox Church of vlg. Ptycha, Dubno district, on the basis of the decision №173 of 25.09.1991, the rights of the claimant and the legally protected interests of the latter could not have been violated because only on 12.01.2015 the religious communities of the Holy Assumption parish of Rivne diocese of the Ukrainian Orthodox Church - Kyiv Patriarchate of vlg. Ptycha, Dubno district was registered, as evidenced by an extract from the Unified State Register of legal entities and individuals - entrepreneurs.

Thus, the panel of judges concluded that there are no grounds for annulment of the decision of the executive committee of Rivne Regional Council of People's Deputies of 25.09.1991 №173, on the transfer of the right of ownership to the religious building to defendant -1.

Regarding the claim to invalidate the registration certificate by the Rivne region BTI of 03.09.1996, which certified that the religious building, premises of the church in vlg. Ptycha, Dubno district, Rivne region, are registered to the religious community of the Ukrainian Orthodox Church of the Holy Assumption Church on the right of personal ownership by the decision of the regional council of 25.09.1991, the Court considers that these claims were not subject to the satisfaction of the derivatives of the primary requirement to invalidate the decision, which

the Court refused to satisfy.

...
Guided by Articles 99, 101-105 of the Arbitration Procedural Code of Ukraine, the Kyiv Economic Court of Appeal -

DECIDED:

Appeals of the religious community of the Holy Assumption parish of Rivne diocese of the Ukrainian Orthodox Church - Kiev Patriarchate of vlg. Ptycha, Dubno district, and the Rivne Regional State Administration disallowing the decision of the Economic Court of Kiev of 02.09.2015 re: № 918/585/15 remain unchanged.

To return the case materials № 918/585/15 to the Economic Court of Kyiv.

The decision comes into force from the date of its adoption and may be appealed to the Supreme Economic Court of Ukraine within twenty days from the date of its adoption.

the head of the panel: O.V. Tyschenko
judges: I.A. Ionnikova
K. V. Tarasenko

Document № 23: this order is granted on the claim of the UOC community, which had to be protected from the actions of local authorities, who have begun to cancel previously issued documents confirming the ownership rights of the communities of the Ukrainian Orthodox Church to the buildings and land belonging to them. In order to keep the title of the owner or defend their land property rights, the communities are forced to use the judicial way of protection.



Re № 557/1003/15-a

**ORDER
IN THE NAME OF UKRAINE**

20 October, 2015

Hoshcha District Court of Rivne region including:
judge L.M. Rudyk
secretary N.P. Gumeniuk
with the participation of a representative of the parties:
of the claimant Person 1
of the defendant 1 Person 2
of the third party
of the defendant not declaring independent requirements for dispute Person 3

having considered in public hearing in the court of Hoshcha the administrative case where the Ukrainian Orthodox church of vlg. Riasnyky of parish council of the Holy Intercession church of Rivne diocese appealed

against the Riasnyky village council of Hoshcha district, Rivne region

on cancellation of the decision of the local government and the obligation to perform certain actions,

FOUND:

The Ukrainian Orthodox church of vlg. Riasnyky of the parish council of the Holy Intercession church of Rivne diocese filed a lawsuit against the Riasnyky village council, Hoshcha district, Rivne region, to reverse the decision of the local government and the obligation to perform certain actions.

The claimant refers to the fact that the Ukrainian Orthodox church of vlg.Riasnyky of the parish council of the Holy Intercession church of Rivne diocese in October 1988 was transferred the right to use for religious rites the Church of Intercession, built in 1911, which is located in vlg.Riasnyky, Hoshcha district, at 2 Rivnenska St., and is an architectural monument. The Statute of the religious community is registered on September 25, 1991.

On July 2, 2015, the community of the Ukrainian Orthodox church of vlg.Riasnyky of the parish council of the Holy Intercession church of Rivne diocese applied to the Riasnyky village council, Hoshcha district for granting permission for issuing technical documentation on land management regarding the establishment of land boundaries in nature

(on the ground) of 0,78 ha for the service of the Ukrainian Orthodox church of vlg.Riasnyky.

Decision of the session of the Riasnyky village council №378 of August 4, 2015, the religious community was denied such a permission, citing the fact that the church is an architectural monument of local importance and is listed in the register of monuments of architecture, and the religious community has no title documents proving ownership (use) on the property (church building), which is located on the land.

Considering such denial to be unlawful and such that violates the rights of religious communities on the use of the land, the claimant requested to cancel the decision of the Riasnyky village council, Hoshcha district №378 of August 4, 2015, and to oblige the Riasnyky village council, Hoshcha district, Rivne region, to grant permission to the Ukrainian Orthodox Church of vlg.Riasnyky of the parish council of the Holy Intercession church of Rivne diocese for developing a land management project.

At the hearing the representative of the claimant changed the amount of the claim. Requests also to reverse decision № 381 of August 4, 2015, of the Riasnyky village council, Hoshcha district, referring to the fact that now the claimant learned that the village council by this decision cancelled the decision №233 of May 22, 2013, of the village council, which granted permission to develop a land management project for issuing project documentation certifying the right of permanent use of a land plot for the service of the Ukrainian Orthodox church of vlg.Riasnyky.

The representative of the defendant did not admit the claimant asks to dismiss the claim, citing the fact that on the territory of the village council is currently registered another religious community of the Holy Intercession parish of Rivne diocese of the Ukrainian Orthodox Church - Kyiv Patriarchate of vlg.Riasnyky, Hoshcha district, which also claims on the premises of the church. Therefore, according to decision № 378 of 04.08.2015 of the village council, the claimant was denied a permit for issuing technical documentation on land management regarding the establishment of land boundaries in nature (on the ground) of 0.78 hectares for

the service of the Ukrainian Orthodox church of vlg.Riasnyky, and also was cancelled the decision of the village council of May 22, 2013, which has already granted permission to develop a land management project.

The representative of the religious community of the Holy Intercession parish of Rivne diocese of the Ukrainian Orthodox Church - Kyiv Patriarchate of vlg.Riasnyky, Hoshcha district as a representative of a third party on the side of the defendant, without independent claims on the subject of the dispute, also requests to dismiss the claim.

Having heard the explanations of the parties and the representative of a third party, having evaluated the evidence examined in the hearing, the court finds that the claim is subject to satisfaction.

It was found that the claimant uses for religious ceremonies the premises of the Intercession Church, built in 1911, which is located in vlg.Riasnyky, Hoshcha district, and is an architectural monument. The premises of the church were handed over for permanent use to the parish of vlg.Riasnyky, Hoshcha district on the basis of the security agreement of 03 October 1988, concluded between the Regional Department for Construction and Architecture of the executive committee of the Rivne regional council and the church board.

At the time of concluding the protective agreement, there was one religious community on the territory of the Riasnyky village council, Hoshcha district, which on September 25, 1991 held the state registration and was included in the State Register of legal entities and individual entrepreneurs as the Ukrainian Orthodox church of vlg.Riasnyky of the parish council of the Holy Intercession Church of Rivne diocese.

Guided by Articles 9, 10, 11, 18, 159, 162, 163 of the Code of Administrative Court Procedure of Ukraine, by virtue of art. 171 of CACP of Ukraine, the court -

DECIDED:

The administrative action of the Ukrainian Orthodox church of vlg.Riasnyky of the parish council of the Holy Intercession Church of Rivne diocese against the Riasnyky village council, Hoshcha district, Rivne region on cancellation

of the decision of the local government and the obligation to perform certain actions to meet.

To declare illegal and annul decision № 378 «On granting permission to issue technical documentation for land management regarding the establishment of land boundaries in nature (on the ground) to serve the Ukrainian Orthodox Church of vlg.Riasnyky» of August 4, 2015 of the Riasnyky village council, Hoshcha district, Rivne region.

To declare illegal and annul decision № 381 «On the abolition of the earlier decision of the village council session» of August 4, 2015 of the Riasnyky village council, Hoshcha district, Rivne region.

Judge L.M. Rudyk
The full decision is made on October 24, 2015.

Document № 24: this court decision once again confirms a tendency of local authorities' actions aimed at supporting one of the denominations. This decision established the fact that the local council, knowing that the user of the land plot is a community of the UOC, nevertheless, transferred the ownership of the land on which the church belonging to the UOC community is situated to another legal entity. Thus a conflict situation was created, as this enabled the UOC-KP community to formalize their ownership of the land plot on which the church of another community is situated.



COMMERCIAL COURT OF RIVNE REGION
33013, Rivne, 26A Naberezhna St.
DECISION
IN THE NAME OF UKRAINE

28 October, 2015

Re №918/906/15

Judge R. V. Romaniuk having examined the case file

upon request of the Religious community of the parish of St. Paraskevia, Rivne diocese of the Ukrainian Orthodox Church, vlg. Chudnytsia, Goshcha district

to the Religious community of the parish of St. Paraskevia, Rivne diocese of the Ukrainian Orthodox Church-Kyiv Patriarchate, vlg. Chudnytsia, Goshcha district and

to the Krasnoselsk village council, Goshcha district, Rivne region

a third party without independent claims on the subject of the dispute on the side of the defendants PERSON_1 service of the Goshcha district administration of justice in Rivne region recognizing the right of use and withdrawal of recognition of decisions on the state registration of rights and encumbrances on the land plot in vlg.Chudnytsia, Goshcha district, invalid

With the participation of representatives of the parties:

of the claimant: Person 2 (power of attorney w/n of 05.25.2015)

of the claimant: Person_3 (power of attorney w/n of 10.26.2015)

of the defendant 1: Person_4 (power of attorney w/n of 07.10.2015)

of the defendant 2: Person_5 (attorney w/n of 10.20.2015)

of the third person: did not appear

Facts: The religious community of the parish of St. Paraskevia, Rivne diocese of the Ukrainian Orthodox Church, vlg.Chudnytsia, Goshcha district, appealed to the Commercial Court of Rivne region with a claim to the religious community of the parish of St. Paraskevia, Rivne diocese of the Ukrainian Orthodox Church-Kyiv Patriarchate, vlg.Chudnytsia, Goshcha district and the Krasnoselsk village council, Goshchadistrict, Rivne region, on the recognition as unlawful of actions of the Krasnoselsk village council and the cancellation of the decision of the Krasnoselsk village council № 425 of 10.06.2015; recognition as unlawful and reverse of the decision Person_1 of the service of the Goshcha District Office of Justice; recognition of the right to use a land

plot in vlg.Chudnytsia, Goshcha district.

In support of the stated requirements the Claimant stated that the contested decision of the village council № 425 of 10.06.2015r. on the approval of technical documentation on land management and the transfer of the land parcel of 0.60 hectares at the address: Rivne region, Goshcha district, vlg.Chudnytsia, 4 Tserkovna St. for use to the Defendant violates his rights and legitimate interests, as the specified land, according to the decision of the Krasnoselsk village council №15 of September 3, 1998, enshrined on the right of permanent use of it. According to the defendant, the transfer of land to another person without a corresponding withdrawal from the legitimate user is in violation of the current legislation and therefore the claimant asks the court to cancel the contested decision and, consequently, to cancel the registration, and acts committed by the state registrar in the execution of this decision.

At the hearing the representative of the claimant supported claim requirements in its entirety on the grounds set out in the statement of claim.

The representatives of defendant 1 and defendant 2 at the hearing objected to this claim and requested the lawsuit be denied.

The representative of a third person did not come to the hearing, the time and the place of the hearing has been duly notified.

Having examined the evidence collected in the case, having heard the explanations of the parties fully and completely to find out all the facts on which the claim is grounded, having objectively evaluated the evidence of legal significance to the case and settle the dispute on the merits, the court

FOUND:

10.06. 2015, the Krasnoselsk village council Goshcha district, Rivne region, took decision № 425 «On approval of technical documentation on land management on the establishment (restoration) of land boundaries in nature (on the ground) for the construction and maintenance of buildings of public and religious organizations», which decided:

1. To approve the technical documentation on land management on the establishment

(restoration) of land boundaries in nature (on the ground) for the construction and maintenance of buildings of public and religious organizations area of 0.6000 hectares (cadastral number: 5621283200: 01: 003: 0103) at the following address: Rivne region, Goshcha district, vlg. Chudnytsia, 4 Tserkovna St.

2. To provide the religious community of the Church of St. Paraskevia of the Kiev Patriarchate, vlg. Chudnytsia, Goshcha district, Rivne region, for permanent use with the land for construction and maintenance of buildings of public and religious organizations at the expense of the land of communal ownership of residential and public buildings of vlg. Chudnytsia on the territory of the Krasnoselsk village council, Goshcha district, Rivne region.

3. Religious community of the Church of St. Paraskevia of the Kiev Patriarchate, vlg. Chudnytsia, Goshcha district, Rivne region must formalize the right on land in the manner prescribed by law.

4. To entrust control over the implementation of the decision to the city council standing committee on agriculture land resources and environmental safety (a.c. 68).

10.06.2015 Registration Service, the Department of Justice of Goshcha district, Rivne region, on the basis of the decision of the local government a series and number: 425, issued 10.06.2015, the issuer: Krasnoselsk village council, Goshcha district, Rivne region, and the decision on state registration of rights and encumbrances, the index number : 21972739 of 10.06.2015 17:39:59 registered the right of permanent use of the land parcel of 0.60 hectares, for religious community of St. Paraskevia, Rivne diocese of the Ukrainian Orthodox Church - Kiev Patriarchate, vlg. Chudnytsia, Goshcha district (a.c.72-75).

The religious community of St. Paraskevia, Rivne diocese of the Ukrainian Orthodox Church, vlg.Chudnytsia, Goshcha district (the claimant in the case) considers the above mentioned decision of the local government on the approval of technical documentation on land management and transfer (registration of right of use) of the land parcel of 0.60 hectares in Rivne region, Goshcha district, vlg.Chudnitsa, 4 Tserkovna St. to the religious community of

St. Paraskevia Church of the Kiev Patriarchate, vlg.Chudnytsia, Goshchadistrict, Rivne region (the defendant) illegal, and therefore this decision and registration actions committed to its implementation by the registration service of the Goshcha District Office of Justice, Rivne region, asks the court to cancel.

...
As follows from the evidence collected in the case of (a.c 36) and set in the trial, the decision of the Krasnoselsk village council, Goshcha district, Rivne region, №15 of 03.09.1998, the village council, having considered the statement of the rector and members of the parish church of St.Paraskevia of vlg.Chudnytsia «On securing permanent use of land parcel of 0.60 hectares on which the church and other buildings are built,» decided to secure the permanent use of land parcel of 0.60 hectares, on which the church and other buildings are built, for the religious community of St.Paraskevia of the Ukrainian Orthodox Church of vlg.Chudnytsia (the claimant in the case).

Evidence of cancellation of this decision of the local government or the loss of power is not presented to the court, and this fact is confirmed by representatives of the parties present at the court hearing.

In addition, as follows from the tax returns submitted to the court by the claimant (submitted inclusive of 20.02.2015) as for the tax on the land, the claimant has a land parcel of 0.60 hectares in vlg. Chudnytsia, the claimant's right of use is based on the decision of the Krasnoselsk village council.

In such circumstances, the court concluded about the validity of the claimant's statements that a plot of land (an area of 0.60 hectares in vlg.Chudnytsia, Goshcha district, Rivne region), which is the subject of the contested decision № 425 of 10.06.2015, is in the claimant's legitimate use.

As established by the court, and it is not denied by the representatives of the parties present at the hearing, duly executed circumstances that would be the basis to consider the termination of the right to use the land parcel by the claimant do not exist on the day of hearing of the case.

According to Part 2 and 3 art.152 Land Code

of Ukraine, the land owner or land user may demand the elimination of all violations of his rights to the land, even if these violations are not related to the deprivation of the right to land ownership, and compensation for damages.

...
In such circumstances, when collected on the case evidence suggests that the land parcel of 0.6000 hectares (cadastral number: 5621283200: 01: 003: 0103) in Goshcha district, Rivne region, vlg.Chudnytsia, 4 Tserkovna St. is used by the claimant, the action of the local government on the transfer of land to another person is wrong, and the decision of the Krasnoselsk village council, Goshcha district, Rivne region № 425 «On approval of technical documentation on land management on the establishment (restoration) of land boundaries in nature (on the ground) for the construction and maintenance of buildings of public and religious organizations «subject to cancellation, as a violation of human rights regarding the use of land”.

Considering the above, guided by art. 49, Article 82-85 GIC Ukraine, the court -

DECIDED:

1. To satisfy the claim partially.
2. To recognize the actions of the Krasnoselsk village council on a decision of the Krasnoselsk village council, Goshchadistrict, Rivne region № 425 «On approval of technical documentation on land management on the establishment (restoration) of land boundaries in nature (on the ground) for the construction and maintenance of buildings of public and religious organizations» of 10.06.2015 - illegal.
3. The decision of the Krasnoselsk village council, Goshcha district, Rivne region № 425 «On approval of technical documentation on land management on the establishment (restoration) of land boundaries in nature (on the ground) for the construction and maintenance of buildings of public and religious organizations» of 10.06.2015 - to cancel.
4. To recognize illegal actions of the state registrar PERSON_1 service of the Goshcha District Office of Justice, Rivne region - PERSON_6, registration of permanent land use for the religious community of the parish of

St. Paraskevia, Rivne diocese of the Ukrainian Orthodox Church - Kiev Patriarchate, vlg. Chudnytsia, Goshcha district, index number № 21972739 of 10.16.2015 17:39:59 - unlawful.

5. To cancel the registration of state-owned registrar PERSON_1 service of the Goshcha District Office of Justice, Rivne region - OSOBA_6, registration of permanent land use for the religious community of the parish of St. Paraskevia, Rivne diocese of the Ukrainian Orthodox Church - Kiev Patriarchate, vlg. Chudnytsia, Goshcha district, index number 21972739 of 10.6.2015 17:39:59.

6. To reject the rest of the claim.

7. To recover from the religious community of St. Paraskevia parish, Rivne diocese of the Ukrainian Orthodox Church - Kiev Patriarchate, vlg.Chudnytsia, Goshcha district, (35425, Rivne region, Goshcha district, vlg.Chudnytsia, 10 Naberezhna Str., USREOU code 39619012) court fee in amount of 2 436,00 USD in favour of the religious community of St. Paraskevia parish, Rivne diocese of the Ukrainian Orthodox Church, vlg.Chudnytsia, Goshcha district (35425, Rivne region, Goshcha district, vlg. Chudnytsia, 4a Tserkovna St., USREOU code 23306233).

8. To recover from the Krasnoselsk village council, Goshcha district, Rivne region (34425, Rivne region, Goshcha district, Krasnoselsk, 21a Shevchenko Str.) court fee in amount of 2 436,00 USD in favour of the religious community of St. Paraskevia parish, Rivne diocese of the Ukrainian Orthodox church, vlg. Chudnytsia, Goshcha district (35425, Rivne region, Goshcha district, vlg.Chudnytsia, 4a Tserkovna St, USREOU code 23306233).

9. Orders issued after the decision enters into force.

The full decision is made on 30.10.2015
Judge R.V. Romaniuk

Document № 25: this court decision confirms the fact of seizing by adherents of the Kiev Patriarchate of the church building with the UOC community's title to property. Despite the court decision, the UOC

religious community as of this material preparation still cannot make use of their church due to the risk of force conflict stemming from unwillingness of the Kyiv Patriarchate proponents to recognize the right of the UOC community to the building.



COMMERCIAL COURT OF RIVNE REGION
26A Naberezhna St., Rivne city, 33013
DECISION
IN THE NAME OF UKRAINE
«18» May 2015 Re №918/160/15

A commercial court of Rivne region in the composition of presiding judge N.A. Polityka, in the presence of the court session secretary S.O. Shcherbyna

Having examined in an open court hearing in the court a case file upon the lawsuit

The Ukrainian Orthodox Church of Badivka village, Ostroh district

against Religious community of Saint Mary Magdalene of the UOC of the Kiev Patriarchate in vlg.Badivka, Ostroh district

on eliminating obstacles in the use of the land parcel and the church in vlg.Badivka, Ostroh district, Rivne region

DETAILS OF THE CASE:

The Ukrainian Orthodox Church of vlg. Badivka, Ostroh district, filed to the Commercial Court of Rivne region a suit against the religious community of Saint Nikolas parish of Rivne diocese of the Ukrainian Orthodox Church – Kiev Patriarchate, Ostroh city on overcoming obstacles in the use of the land parcel and the church in vlg.Badivka, Ostroh district, Rivne region.

...
Having examined the evidence collected in the case, having heard the accounts of the claimant's representatives, fully and comprehensively clarifying all factual

circumstances the claim is grounded on, having objectively evaluated the evidence, by one's personal convictions, based upon comprehensive and unbiased processing of all circumstances in total in the court trial which are of legal significance to the case and settlement of the dispute on the merits, the court

FOUND:

On 06 October 2000, Religious community of the Ukrainian Orthodox Church of vlg.Badivka, Ostroh district, was registered as a legal person, USREOU code 25895216 confirmed by the abstract (a.c. 31).

...
On 24 July, 2001 by the decision of Velbivne village people's deputies council of 23.04.2011 #118, the religious community of the Ukrainian Orthodox Church of vlg.Badivka, Ostroh district was granted a land area of 0,5880 hectares of permanent use for construction and maintenance of buildings within the boundaries specified in the land management plan, which is confirmed by the State Act on the right to permanent land use (a.c.16-17).

On 10 Devenber 2014 the State registrar I.V.Volska of the registration service of Ostroh Regional Justice Administration of Rivne region registered the right to ownership of the building, the church located at the following address: Rivne region, Ostroh district, Badivka vlg., 1 Vatutina Str., as the right invested in the Ukrainian Orthodox Church of vlg.Badivka, USREOU code 25895216 (a.c.20).

Apart from that, proceeding from the case file, namely form the Technical passport for building the church located at 1 Vatutina Str., vlg.Badivka, an owner of the church is the Religious community of the Ukrainian Orthodox Church in Badivka village (a.c.23).

In addition, the title to the church building is confirmed by the abstract from the commercial book vlg.Badivka #1457 of 11.11.2014 (a.c.28).

...
Filing this lawsuit, the claimant remarked that the latter is deprived of the possibility to use its the property, in particular, the church lodging, conduct divine worships and religious ceremonies due to the fact that the Religious community of Saint Mary Magdalene of the

UOC of the Kiev Patriarchate in vlg.Badivka, Ostroh district arbitrarily seized a disputed religious construction.

This fact of illegal seizure is confirmed by the reference of the village head of Velbivne village council #201 of 21.04.2015. As it proceeds from the reference, 26.12.2014 there were cut off entrance door locks in the church. The staff of Ostroh district Department of the Interior arrived at the scene of criminal offence. Starting from 26.12.2014 the church building at the address of 1Vatutina Str., vlg.Badivka has been in use by the religious community of Saint Mary Magdalene parish of the UOC Rivne diocese of the Kiev Patriarchate in vlg.Badivka, Ostroh district. Worships are conducted solely by the Kiev Patriarchate clergy (a.c. 144).

...
The court found that Viktor Maksymchuk, senior priest of Saint Mary Magdalene Equal-to-the-Apostles church, filed an application to the prosecutor of Ostroh district, Rivne region, wherein he requested to bring the guilty to justice in arbitrary seizure of the church building in Vatutina Str., vlg.Badivka.

The above mentioned application was forwarded by Ostroh interdistrict prosecutor to the chief of Ostroh Municipal Department of the MIA Administration of Ukraine in Rivne region for it to be processed on the merits (a.c.76).

As it appears from notification #63/1737 of 08.04.2015 of the head of Ostroh MD of the MIA Administration of Ukraine in Rivne region V.P.Samchuk upon application of senior priest of Saint Mary Magdalene church father Vikto Maksymchuk, the Investigation Department of Ostroh MD of the MIA Administration of Ukraine in Rivne region started a pre-trial invstigation in the criminal proceeding #12014180170000483 by the elements of the criminal offence prescribed by Art.170 of the Criminal Code of Ukraine which is pending (a.c.86).

....
Taking into account all the above-cited, the court concludes that the claims under the lawsuit of the Ukrainian Orthodox Church of Badivka village, Ostroh towards Religious community of Saint Mary Magdalene of the UOC of the Kiev Patriarchate in vlg.Badivka, Ostroh district on eliminating obstacles in the use of the land

parcel and the church in vlg.Badivka, Ostroh district, Rivne region are grounded, confirmed with the case file and subject to adjustment.

According to art. 49 of the Civil Procedure Code of Ukraine the court fee shall be incurred by the defendant in the amount of 1 218 UAH.

Based on articles 1, 12, 22, 32-34, 43, 49, 81-1, 82-85 of the Civil Procedure Code of Ukraine, the court -

DECIDED:

To satisfy the claim.

To bind the Religious community of Saint Mary Magdalene of the Ukrainian Orthodox Church of the Kiev Patriarchate in vlg.Badivka, Ostroh district (4 Nova Str., vlg.Badivka, Ostroh district, Rivne region, 35809) and the clergy of the UOC - KP not to create obstacles in exercising by the Ukrainian Orthodox Church of vlg.Badivka, Ostroh district, Rivne region (USREOU code 25895216) of its right to use the land plot of 0, 5880 ha, which is located in vlg. Badivka, Ostroh district, allowed for the use by the decision Velbivne village council in Ostroh district, Rivne region #118 dated 23.04.2011.

To recover from the religious community of St. Mary Magdalene Equal-to-the-Apostles of the Ukrainian Orthodox Church - Kiev Patriarchate, vlg.Badivka, Ostroh district (4 Nova Str., vlg. Badivka, Ostroh district, Rivne region, 35809) a court fee in amount of 1 218 UAH (one thousand two hundred eighteen hryvnas) in favour of the religious community of the Ukrainian Orthodox Church of vlg.Badivka, Ostroh district (35809, Rivne region, Ostroh district, vlg.Badivka, USREOU code 25895216).

To issue an order after the decision enters into force.

The decision of the commercial court enters into force after the claim of appeal procedure term expires in case it was not lodged. In the event the claim of appeal was filed, the decision, unless cancelled, enters into force after the case has been examined by the commercial court of appeal.

Full text of the decision was completed and signed 25.05.2015.

Judge

N.A.Polityka

Document № 26: an application forwarded to the Special Rapporteur on freedom of religion and belief, office of the UN High Commissioner for Human Rights within the framework of the established procedure on the case of Ptycha village. The UOC communities prepared and forwarded during 2015 15 complaints to the authority cited above, which testifies to systemic violations of rights of the UOC communities in Ukraine.

Special Rapporteur on freedom of religion or belief
c/o Office of the High Commissioner for Human Rights
United Nations at Geneva
8-14 avenue de la Paix
CH-1211 Geneva 10
Switzerland
Fax: (+41) 22 917 90 06
E-mail: freedomofreligion@ohchr.org or urgent-action@ohchr.org
(then please include in the subject box: Special Rapporteur on freedom of religion or belief)

1. GENERAL INFORMATION

- Does the incident involve an individual or a group?

The incident involves a group – natural persons - believers constituting a legal entity - the religious organization of the Ukrainian Orthodox Church.

- If it involves a religious or belief group please state the number of people involved and the denomination of the group:

Denomination – Orthodox, the number of people involved - 350

- Country(ies) in which the incident took place:

Ukraine

- Nationality(ies) of the victim(s):

Ukraine

- Does domestic law require (re-)registration of religious associations and if yes, what is the current status of the group in question?

The religious community is registered in accordance with the law of Ukraine.

2. IDENTITY OF THE PERSONS CONCERNED

Note: if more than one person is concerned, please attach relevant information on each person separately.

1. Legal entity - a religious community of the Holy Dormition parish, Rivne diocese of the Ukrainian Orthodox Church, Ptycha village, Dubno district, Rivne region

Address: 27a Lvivska St., vlg. Ptycha, Dubno district, Rivne region, Ukraine, 35645

2. Complainant – a group of 15 natural persons (personal data are not included in this document)

3. INFORMATION REGARDING THE ALLEGED VIOLATION

- Date and time (approximate, if exact date is not known):

26 December, 2014 – up to now

- Place (location and country/countries):

27a Lvivska St., vlg. Ptycha, Dubno district, Rivne region, Ukraine, 35645

- Please provide a detailed description of the circumstances of the incident in which the alleged violation occurred respectively the nature of the governmental action:

On 26 December, 2014, the complainant, a religious community of vlg. Ptycha, was attacked by a group of people who accused members of the community in being unpatriotic and having links with Moscow. The attacking side, with the direct support of the radical organization «Right Sector», cut the locks, seized the church, alleging as their reason that part of the local villagers had decided upon assignment of the church belonging to the UOC community for the benefit of another entity - the religious community of the Kiev Patriarchate. The church is actually occupied by the representatives of another religious denomination, the Kiev Patriarchate, which administered there from 26 December, 2014, till 20 April, 2015.

The religious community of the Ukrainian Orthodox Church of vlg. Ptycha (the registered name – a religious community of the Holy Dormition parish, Rivne diocese of the Ukrainian

Orthodox Church, Ptycha village, Dubno district, Rivne region) is a legal entity and operates on the basis of the decision on registration №173 dated 25.09.1991. The religious community of the Ukrainian Orthodox Church of vlg. Ptycha is in possession of the church building and other religious property, which is confirmed by the entitling documents - Rivne Regional Council decision № 173 of 25.09.2015, the registration certificate on the church issued by Rivne Regional Bureau of Technical Inventory of 03.09.1996 year, the registration certificate on the church building issued by Rivne Regional Bureau of Technical Inventory of 28.10.1996, the technical passport of 20.04. 2015, the state act on the land Series RB 00097 of 25.09.1996, the extract from the State Register on freehold estate, the registration of ownership of EKB 770236 of 01.08.2015(enclosed).

It should be noted that in accordance with Ukrainian law the right of ownership is protected by the rules of civil, administrative and criminal law. The legal regime of property is determined solely by the laws of Ukraine, respectively, no other regulations that restrict the rights of property and have no signs of the law, shall not apply. The owner shall possess, use, dispose of their property on their own reasoning, and may perform with respect to their property any actions not contrary to law. No one can be unlawfully deprived of their possessions.

On 20 April, 2014, the religious community of the UOC of vlg. Ptycha tried to administer in the church building belonging to it, but representatives of the Kiev Patriarchate prevented the UOC believers from completing the service, seized the church, organized resistance and did not allow in the owner (the UOC community) to end the divine service in the religious building.

Despite the rights, undoubtedly confirming the ownership of the church building, the community was subjected to regular force attacks in the presence of the police and other public authorities. Law enforcement authorities did not take effective measures to protect the owner and limited themselves to watching from the sidelines.

What is more, the enclosed documents prove that public authorities not only failed to

protect the rights of the religious community and prevent illegal seizure of the church in vlg. Ptycha but later exerted unprecedented discriminatory pressure on the UOC religious community of vlg. Ptycha, demanding that they deliver a religious building owned by the UOC into possession to another denomination- the UOC-KP (not the owner of the church, securing the seizure of the religious property).

In particular, the head of Dubno District State Administration, the head of Ptycha village council implemented discriminatory pressure on the religious community of the Ukrainian Orthodox Church of vlg. Ptycha, which was manifested in the following:

1) The demand to close down and seal off the church. Such actions are confirmed by the testimony of witnesses and other evidence. Eventually, the church in vlg. Ptycha was sealed in November 2014 by the head of the village council at the request of the head of the Dubno District State administration, motivating their actions by the attacking side attempting to disrupt public order and seize the church.

2) The authorities - internal affairs bodies, prosecutors, officials of the state administration did not detain representatives of radical organizations and did not prevent them from putting pressure on the believers, members of the religious community of the Ukrainian Orthodox Church of vlg. Ptycha during the collision, thus, actually contributing to raiders' impunity.

3) The public authorities, despite repeated appeals for the protection of the believers of the UOC, closed criminal proceedings on two cases of seizure of the church in vlg. Ptycha. Such actions confirmed the possibility of unpunished seizure of religious property of the Ukrainian Orthodox Church by radical organizations.

4) After the seizure of the church building, the UOC religious community of vlg. Ptycha was forced to administer the service in a garage next to the church, which also belongs to the UOC community as a property. Despite this, the authorities did not offer any other premises for worship to ensure the peaceful settlement of the dispute.

5) Dubno District State Administration has organized negotiations with representatives

of the Kiev Patriarchate, during which the authorities repeatedly insisted that the church building be alternatively used by community of the UOC and the UOC-KP. However, arguments of the UOC representatives of vlg. Ptycha that their community legally owns the building were not taken into account.

6) Dubno District State Administration has initiated negotiations and insisted on the UOC and the UOC-KP signing a memorandum on the alternative service to be held in the church of vlg. Ptycha. The representatives of the UOC denomination refused to sign such the memorandum, despite strong requirements of the public authorities. However, the fact of the requirements towards the owner of the church - the Ukrainian Orthodox Church - to provide access to their property to another denomination against the will of the owner is an apparent violation of fundamental human rights and freedoms.

5) As a result of deliberate, illegal and uncompromising policy of public authorities aimed at unilaterally limiting the rights of the religious community of the Ukrainian Orthodox Church of vlg. Ptycha in favour of another denomination, the right to freedom of religion in the religious building belonging to the complainant was grossly violated.

On 02.09.2015, the Economic Court of Kyiv declared ownership of religious property of the UOC religious community of vlg. Ptycha (owner of the church) and dismissed the claim of the UOC-KP of vlg. Ptycha (not the owner) to cancel the decision of the Rivne Regional Council of People's Deputies of 25.09.1991 №173 and Rivne BTI certificate of 03.09.1996.

On 03.09.2015, without recognizing the legitimate decision of the court and with the direct support of the Deputy Governor, the radical organization «Right Sector», representatives of the UOC-KP picketed the Rivne Regional State Administration with a demand to cancel the decision of the court and dismiss administration employees.

- Which indications exist that the victim(s) has been targeted because of his/her religion or belief?

Indications of attacks on religious belief are the following:

- The attacking party motivates their actions by saying that believers belong to the community of the denomination which is in canonical communion with the Russian Orthodox Church. It also demands delivering the religious building into possession to another denomination which is not in canonical communion with the ROC;

- The attacking party makes claims to the fact of commemoration of Patriarch Kirill, who heads the Russian Orthodox Church, in remembrance worship, though it is part of the common Orthodox liturgical practice.

- The attacking party expresses hostility to the language in which the faithful pray, and put forward a demand for the service to be celebrated in the Ukrainian language, but not in Old Church Slavonic, which is a common Orthodox practice.

- Identification of the alleged perpetrator(s), name(s) if known and/or function, suspected motive:

The names of the Kiev Patriarchate authorities making an assault :

Igor Zagrebelny

The names of public officials that exert a discriminatory pressure on the UOC community of vlg. Ptycha demanding an end to worship in the church, closing and sealing it:

A) The head of the Dubno DSA – Yuri V. Parfeniuk;

B) The head of the Ptycha village council – Yaroslav L. Vozniuk;

B) The Deputy Governor of the Rivne RSA – Alexander I. Savchuk.

The names of the government officials, allowing omission in the suppression of the offense to seize other people's property and not securing the effective and impartial investigation of the criminal proceedings:

A) Prosecutor of Dubno district – Alexey V. Burma;

B) Head of the Dubno District Department of Internal Affairs of Ukraine – Leonid N. Mykhalko.

- Are the perpetrator(s) known to the victim?

Yes, the above officials are known to members of the UOC religious community of vlg. Ptycha

- Are state agents or non-state-actors believed to be responsible for the alleged violation?

Non-state-actors are responsible for attempts to seize property and incitement to religious hatred.

State officials – for the willful and deliberate discrimination against the denominations of the UOC, terminating worship in the church, demanding to hand it over to another entity; allowing omission in the suppression of the offense to seize other people's property and not securing the effective and impartial investigation of the criminal proceedings.

- If the perpetrators are believed to be State-agents, please specify (police, military, agents of security services, unit to which they belong, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible.

The UOC religious community believes police officers and security agents of Dubno district, Rivne region, to be the perpetrators, as their representatives of law-enforcement bodies did not ensure adequate protection of property and non-property rights and interests of the UOC community of vlg. Ptycha; did not identify and detain the perpetrators, took no action to ensure the effective protection of the rights of members of the UOC religious community, which contradicts the direct responsibilities provided by the legislation of Ukraine.

It should be noted that according to the law, the police are obliged to ensure the protection of citizens' personal rights, property rights from criminal illegal encroachments, and to prevent the commission of offences under the Criminal Code of Ukraine.

- If identification as State agents is not possible, do you believe that Government authorities or persons linked to them, are responsible for the incident, why?

- If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify.

Witnesses to the incident – enlisted natural

persons (personal data are not included in this document)

4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANYONE ELSE ON HIS/HER BEHALF?

- Please indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e. police, prosecutor, court):

The religious community made complaints to the following public authorities:

03.11.2014 - a complaint to the head of Dubno District Department of Internal Affairs of Ukraine in Rivne region;

26.12.2014 – a complaint to the prosecutor of Rivne region;

31.12.2014 - a complaint to the head of Dubno District Department of Internal Affairs of Ukraine in Rivne region;

13.03.2015 - a complaint to the head of Dubno District Department of Internal Affairs of Ukraine in Rivne region;

21.04.2015 – a complaint to the Head of the Verkhovna Rada Committee on Culture and Spirituality.

- Were any other steps taken?

Representatives of the UOC community have attended negotiations with the Kiev Patriarchate and the public authorities in order to achieve the opening of the church and prevent attempts to disrupt worship. Negotiations were conducted repeatedly but failed to reach a compromise or any other outcome, which can be qualified as effective restoration of the applicant's property rights.

- Steps taken by the authorities:

The authorities have taken the position of direct and indirect support of the Kiev Patriarchate, taking over the property of the

complainant. By their forceful actions, the authorities appear to make the UOC community hand over the church building in vlg. Ptycha for use to another entity - the Kyiv Patriarchate – and stop their worship with no legal basis for it.

- Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Please indicate progress and status of these investigations as well as which other measures have been taken?

- In case of complaints by the victim or its family, how have those authorities or other competent bodies dealt with them? What has been the outcome of those proceedings?

Following up the complaints, the authorities did not take appropriate measures to protect the rights of the religious community of the Ukrainian Orthodox Church.

Outcome: The decision to close the criminal proceedings.

5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM

1. Legal entity - a religious community of the Holy Dormition parish, Rivne diocese of the Ukrainian Orthodox Church, Ptycha village, Dubno district, Rivne region

- Address: 27a Lvivska St., vlg. Ptycha, Dubno district, Rivne region, Ukraine, 35645

- Telephone: +380954699754

- Email: protiktor@i.ua

The religious organization acting with the knowledge and on behalf of the victims.

2. Parishioners of 15 natural persons
Date you are submitting this form: 25.09. 2015

“Hate speech” in resolutions of the state authorities and discriminatory language with regard to the UOC.

Документ № 27:

UKRAINE
Rivne Regional Council
7th convocation
(Second Session)
DECISION

December 28, 2015 №16

On the appeal of Rivne Regional Council to the Verkhovna Rada (Supreme Council) of Ukraine, Rivne Regional State Administration, the faithful of the Ukrainian Orthodox Church - Kyiv Patriarchate and the Ukrainian Orthodox Church on the situation around the Holy Assumption church in the village of Ptycha, Dubno district

According to Art. 43 of the Law of Ukraine «On Local Government in Ukraine», the Regional Council

DECIDED

1. To appeal to the Verkhovna Rada (Supreme Council) of Ukraine, Rivne Regional State Administration, the faithful of the Ukrainian Orthodox Church and the Ukrainian Orthodox Church on the situation around the Holy Assumption church in the village of Ptycha, Dubno district (Text attached).

2. To request the Chairman of the Regional Council to ensure the referral decision be provided to the relevant officials, government, law enforcement bodies, Rivne diocese of the Ukrainian Orthodox Church - Kyiv Patriarchate and Rivne diocese of the Ukrainian Orthodox Church.

The Council Chair V.O. Kovalchuk

APPEAL

of Rivne Regional Council to the Verkhovna Rada (Supreme Council) of Ukraine, Rivne Regional State Administration, the faithful of the Ukrainian Orthodox Church - Kyiv Patriarchate and the Ukrainian Orthodox Church on the situation around the Holy Assumption church in the village of Ptycha, Dubno district

We, members of Rivne Regional Council, representing regional municipalities, speaking on behalf of residents of Rivne region, appeal to the Verkhovna Rada of Ukraine, Rivne Regional State Administration and to the faithful of the two largest Orthodox churches.

In the days of Advent, when all Christians spiritually prepare to celebrate the great miracle of Christmas Savior, we call for adherence to Christian principles and cessation of violent confrontation.

We strongly condemn any attempts inciting hostility between residents of the region, the citizens of Ukraine. The time when the military confrontation is developing in the East of the state is not the time for internal conflicts. As history shows, always in such cases both parties lose, only the external aggressor wins.

Therefore, we call on the priests, believers, as well as politicians and the media to refrain from manipulating of the facts, misrepresentation, provocation and escalation of hostility. We ask to avoid actions that do not meet the standards of Christian morality and ethics, and the more generally accepted norms of behaviour. Only a common example of Christian love and reconciliation can counteract attempts to undermine the country from within.

Under current law, the fate of the church can only be determined by its parishioners - residents of Ptycha and other neighbouring villages and towns, the descendants of those who built and maintained it for many years. Therefore, we strongly oppose to the fact that newcomers, including from outside the region, interfere in the issue. We call on the police to legally assess such actions and do everything to reduce the level of confrontation.

We, members of Rivne Regional Council, ask the faithful of the Orthodox churches to show all the Christian virtues and to set an example of unity. On our behalf, we support the initiative on the construction of a new church in the village of Ptycha, thus contributing to reconciliation and salvation of people who will come to it in the future.

Meanwhile we appeal to the parishioners of the Holy Assumption church in Ptycha village to show an example of Christian mutual forgiveness by agreeing to alternate service. Doing so, they will lay the first stone in the foundation of reconciliation. We are sure that only throwing away personal insults, together, we'll build the only national Ukrainian Orthodox Church - as the spiritual foundation of a peaceful and prosperous Ukrainian state.

We appeal to Rivne Regional State Administration to cancel the decision of Rivne Regional Executive Committee of 25.09.1991 №173 on privatization of the religious building – the Holy Assumption church in the village of Ptycha, and recognize the right of communities to dispose of the village church they built.

We also condemn and find actions of the Ukrainian Orthodox Church of the Moscow Patriarchate as such which have signs of separatism.

We condemn interference in the life of the community, namely the promotion of pro-Moscow sentiment, calls for separatism, making decisions on community property against the will and without the knowledge of the community by persons who are not its members.

We request the police and the Security Service of Ukraine to react to separatist sentiment, which is disseminated by the Ukrainian Orthodox Church of the Moscow Patriarchate.

We appeal to the President of Ukraine to heed the demands of the community of Ptycha village and other communities that are under pressure from pro-Moscow forces.

We also require the Verkhovna Rada of Ukraine to amend the Law of Ukraine «On freedom of conscience and religious organizations», prohibiting the privatization of religious buildings; and in order to avoid inter-faith conflicts to empower local communities to determine the use of religious buildings.

Approved
by the decision of Rivne Regional Council dated December 28, 2015 №16
http://oblrada.rv.ua/documents/rishennya/7_sklikannya.php?SECTION_ID=171&ELEMENT_ID=11743

Документ № 28: Appeal by the Ternopil Regional Council deputies

President of Ukraine
P.O. Poroshenko
Cabinet of Ministers
Ministry of Culture of Ukraine

Appeal

by the Ternopil Regional Council deputies to restore the citizens' constitutional right to the freedom of thought and religion in the church complex of the UOC Moscow Patriarchate in Pochayiv

We, deputies of Ternopil Regional Council, supporting the initiative of the public movement «Ukrainian sanctities to Ukrainian people», once again appeal to you, demanding the return to the architectural complex «Pochayiv Lavra» of the status of the state reserve.

...
Currently the Pochayiv Lavra, the biggest shrine of Orthodoxy, has actually become a spiritual shrine occupied by the commissioners of the «Russian world». The uniqueness of this phenomenon lies in the fact that the spiritual environment, which is not just supportive of the ideas of the «Russian world», but also aggressively defends the most conservative tenets of this concept, set against the Ukrainian background.

The Lavra, with the assistance of the enemy emissaries, purposefully grew into the centre of anti-Ukrainism, confessional strife and discord. Recently inflated by the hostile ideology, confrontation resulted in open clashes between believers in Kremenets district. Failure to take urgent and effective measures can upset the fire of discord to other areas of the region and beyond.

One reason for this situation is the adoption in 2003 by the Government of Viktor Yanukovich of the decree «On Exclusion from Kremenets - Pochayiv State Historical-Architectural Reserve of Premises and Facilities of the Holy Dormition Pochayiv Lavra.» Accordingly, an agreement was secured between the State Construction

Committee and the Holy Dormition Pochayiv Lavra, and will be in force till 2052, to the free use of the monastery complex with the right of prolongation.

In doing so, the Government of Yanukovich took the first step to transfer the ownership of the Pochayiv Monastery to the Moscow Patriarchate.

That's why we, members of the highest representative body of Ternopil, demand the repeal of the shameful decision adopted and thereby restore the shrine status of the state reserve.

Such actions of the President of Ukraine, the Cabinet of Ministers of Ukraine and the Ministry of Culture of Ukraine must initiate the beginning of the procedure of returning of the Pochayiv Lavra in full state ownership.

Since it is important now to ensure freedom of free practice of religion, in order to restore citizens' constitutional right to freedom of thought and religion in the church complex of the UOC Moscow Patriarchate in Pochayiv, we consider it necessary to cease sole use and obstruction to hold religious rites by all religious communities in the church complex of the Holy Dormition Pochayiv Lavra.

Adopted
October 15, 2015 at the fifty-second
session of the Ternopil Regional Council of the
fifth convocation, elected by special elections
on March 15, 2009
Ternopil

Documents revealing unlawful creation of the Kyiv Patriarchate by means of reregistration of the Statute of the Ukrainian Autocephalous Orthodox Church without its consent thereon.

Document № 29: Address of the UAOC chief Patriarch Mstislav regarding unlawful registration of the Kyiv Patriarchate based on the UAOC Statute.

PARTIARCHAL CHANCERY
Ukrainian Orthodox Church of the USA
P.O. Box 445
S. Bound Brook, New Jersey
08880, USA
Tel: (908) 469-7486
Fax: (908) 271-8908

HIS HOLINESS MSTYSLAV S. SKRYPNYK
Patriarch of Kiev and all Ukraine
Metropolitan of the Ukrainian Orthodox Church
of the USA

20 October, 1992

ADDRESS

to the episcopate, the clergy and the laity of
the Ukrainian Autocephalous Orthodox Church
I, His Holiness Patriarch of Kiev and

all Ukraine, is deeply concerned with the atmosphere of uncertainty that has developed around our Holy Church, in particular, after the so called "unification" of part of the Ukrainian Orthodox Church and the Ukrainian Autocephalous Orthodox Church into One Holy Church – the Ukrainian Orthodox Church of the Kiev Patriarchate.

Being in constant prayer for the union of all Orthodox Christians of Ukraine and Diaspora, I bring my spiritual sons to the notice that according to the Statute a decision on unification of the UAOC with any other Church can only be taken by the Council of the episcopate, the clergy and the laity of the UAOC, convened by me, the preparation to which has already started.

Given this, the decisions of the "All-Ukrainian Orthodox Council" of June 25-26, 1992, the "Committee on Protection of Orthodoxy" and that part of the UAOC which recognized the decisions of the aforementioned Council

and Committee, are not mandatory for the episcopate, the clergy and the laity of the UAOC.

The episcopate, the clergy and the laity of the UAOC are under my arch-pastoral omophorion and jurisdiction of the Patriarch of Kiev and all Ukraine of the UAOC.

MSTYSLAV I (signature)
Patriarch of Kiev and all Ukraine
Ukrainian Orthodox Church of the USA
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HIS HOLINESS MSTYSLAV S. SKRYPNYK
Patriarch of Kiev and all Ukraine
Metropolitan of the Ukrainian Orthodox Church
of the USA

PRESIDENT OF UKRAINE, Mr. Leonid Kravchuk;
PRIME-MINISTER OF UKRAINE, Mr. Leonid Kuchma;
PROSECUTOR GENERAL OF UKRAINE, Mr. Victor Shyshkin

Cc: Council on the Religious Affairs under
the Cabinet of Ministers of Ukraine;

Chancery of the Ukrainian Orthodox Church
of the Kyiv Patriarchate

STATEMENT

On 20 July, 1992, the Council on the Religious Affairs under the Cabinet of Ministers of Ukraine registered the amendments to the Statute of the Ukrainian Autocephalous Orthodox Church (UAOC), adopted by the Local Church Council of the UAOC on June 5-6, 1990.

As a ground for that, the Council on the Religious Affairs took the decision of the meeting of part of the bishops, the clergy and the laity of the UAOC held on June 25-26, 1992, which was called the "All-Ukrainian Orthodox Council".

I should like to inform you that the aforementioned meeting is not the UAOC body, according to the Statute of the UAOC, and hence is not authorized to determine the fate of the UAOC. Participants of the meeting which took place on June 25-26, 1992, as citizens of Ukraine, had a full right to establish a new organization and grant it a new name. But the issue of the liquidation of the UAOC, as well as amendments to the Statute, can be considered

and decided by the authorized body, according to the Statute of the UAOC.

The participants of the meeting of June 25-26, 1992, acting against the Statute of the UAOC, abusively assumed for themselves the right to make amendments to the Statute of the UAOC, to decide on the liquidation of the UAOC, to reorganize it into "the Ukrainian Orthodox Church – the Kyiv Patriarchate", granting the latter the right to be a successor to the UAOC.

Due to the fact that the Council on the Religious Affairs under the Cabinet of Ministers of Ukraine has recognized the decision of the meeting of June 25-26, 1992, as a decision of the Statute body which the meeting is not, thus artificially providing a pseudo-judicial ground for the liquidation of the UAOC.

I, the Patriarch of the Ukrainian Autocephalous Orthodox Church Mstyslav, appeal

to you, Mr. President as a person who, according to Art.114-5 of the Constitution of Ukraine, act as a guarantor of the rights and freedoms of citizens and observance of the Constitution and the laws of Ukraine;

and to you, Mr. Prime-Minister as a person who the Council on the Religious Affairs reports directly to;

and to you, Mr. Prosecutor General of Ukraine as a person who, according to Art.162 of the Constitution of Ukraine, is entrusted with supervision of the observance and execution of laws by the Cabinet of Ministers of Ukraine, with a REQUEST: according to the international and national legislation, to cancel the decision on the liquidation of the UAOC and the reregistration of its Statute by the Council on the Religious Affairs, and to regain full rights of the Patriarch, duly elected by the Local Council of the UAOC.

I consider all the officials guilty of violating Art. 50 of the Constitution of Ukraine must be brought to justice, and moral and material damage suffered by the UAOC be compensated.

MSTYSLAV I (signature)
Patriarch of Kiev and all Ukraine

December 24, 1992
Kyiv

Document № 30: objection of the Prosecutor General of Ukraine in view of the unlawful creation of the Kyiv Patriarchate by means of actual seizure of the UAOC denomination with the use of juridical “reregistration scheme”.

Prosecutor General’s Office of Ukraine
13/15Riznytska St., Kyiv-11, 252601
Re: 200893 № 7-55892

Council on the Religious Affairs under the
Cabinet of Ministers of Ukraine
OBJECTION

to the resolution of the Council on the Religious Affairs under the Cabinet of Ministers of Ukraine of July 20, 1992 “On the amendments and supplements to the Statute on the administration of the UAOC”

On July 20, 1992, the Council on the Religious Affairs under the Cabinet of Ministers of Ukraine adopted a resolution which registers amendments and supplements to the Statute on the administration of the UAOC.

This resolution does not comply with the law requirements of Ukraine on the following grounds:

According to Art.16 on freedom of conscience and religious organizations, reorganization or liquidation of a religious organization is done in accordance with its own legislation. The Statute of the UAOC states that only “the Local Church Council of the Ukrainian Autocephalous Orthodox Church has the right to amend the Statute of the UAOC”.

As it was found the Local Church Council of the Ukrainian Autocephalous Orthodox Church was not convened and hence did not amend the Statute of the UAOC.

The reference of the Council on the Religious Affairs under the Cabinet of Ministers of Ukraine to the decision of the “All-Ukrainian Orthodox Council” does not have any legal basis as such a convention does not comply with the Statute of the UAOC. According to the Statute (Section II, c.2), the Local Church Council is convened by the Patriarch or in case of his death or disability – by the deputy Patriarch of the Holy See. As it

was found, at the moment of the so-called “All-Ukrainian Orthodox Council” Patriarch of Kyiv and all Ukraine was not disabled but was actively protesting against the violation of the Statute on the administration and de-facto liquidation of the UAOC. The position of the deputy Patriarch of the Holy See was not occupied at the time.

The Local Church Council, as necessary, may be convened by the Synod of Bishops (Section III, c.2 of the Statute on the administration of the UAOC), though the selection procedure of deputies among the clergy and the laity and their number must be determined by the Holy Patriarch and the Synod of Bishops in accordance to Section II, c.2 of the Statute on the administration of the UAOC. This legal rule is also violated.

The Council on the Religious Affairs under the Cabinet of Ministers of Ukraine did not verify the legitimacy of the Synod of the UAOC, which according to the submitted documents agreed to convene the “All-Ukrainian Orthodox Council”.

The All-Ukrainian Orthodox Council was not legitimate and was not authorized to amend the Statute of the legitimate religious organization, which was the UAOC at that time.

The unification of two earlier registered Churches – the Ukrainian Autocephalous Orthodox Church and the Ukrainian Orthodox Church – can be found legal in case of adoption of a corresponding resolution by the Statute bodies of the Churches. In accordance of the Statute of the Ukrainian Orthodox Church (Section II, c.8), the exclusive right to amend the Statute belongs to the Ukrainian Orthodox Church Council. With the aforementioned resolution the Council on the Religious Affairs under the Cabinet of Ministers of Ukraine violated the legal rights of the UOC, stated in the Statute, as the Statute bodies of the UOC have not taken a decision on the unification of the UAOC and UOC.

Besides, the aforesaid resolution of the Council on the Religious Affairs under the Cabinet of Ministers of Ukraine aggravated the religious situation in the country, interfering into the civil-law field of a number of religious organizations.

Hereby the Council on the Religious Affairs

under the Cabinet of Ministers of Ukraine as a state body, adopting the aforementioned resolution, interfered into the activity of the religious organizations, thus violating requirements of Art.50 of the Constitution of Ukraine and Art.5 of the Law of Ukraine on freedom of conscience and religious organizations.

Based on above set findings and in line with Art.10 of the Law of Ukraine “On the Prosecutor’s Office”, we

REQUIRE:

To cancel the resolution of the Council on the Religious Affairs under the Cabinet of Ministers of Ukraine of July 20, 1992 “On the amendments and supplements to the Statute on the administration of the UAOC” as it is inconsistent with the current national legislation of Ukraine.

The objection terminates the appealed resolution and is subject to consideration within a 10-day period after it is filed.

The Prosecutor General’s Office of Ukraine should be informed about the outcomes of the objection.

Faithfully yours,
Prosecutor General of Ukraine
(signature) V. Shyshkin

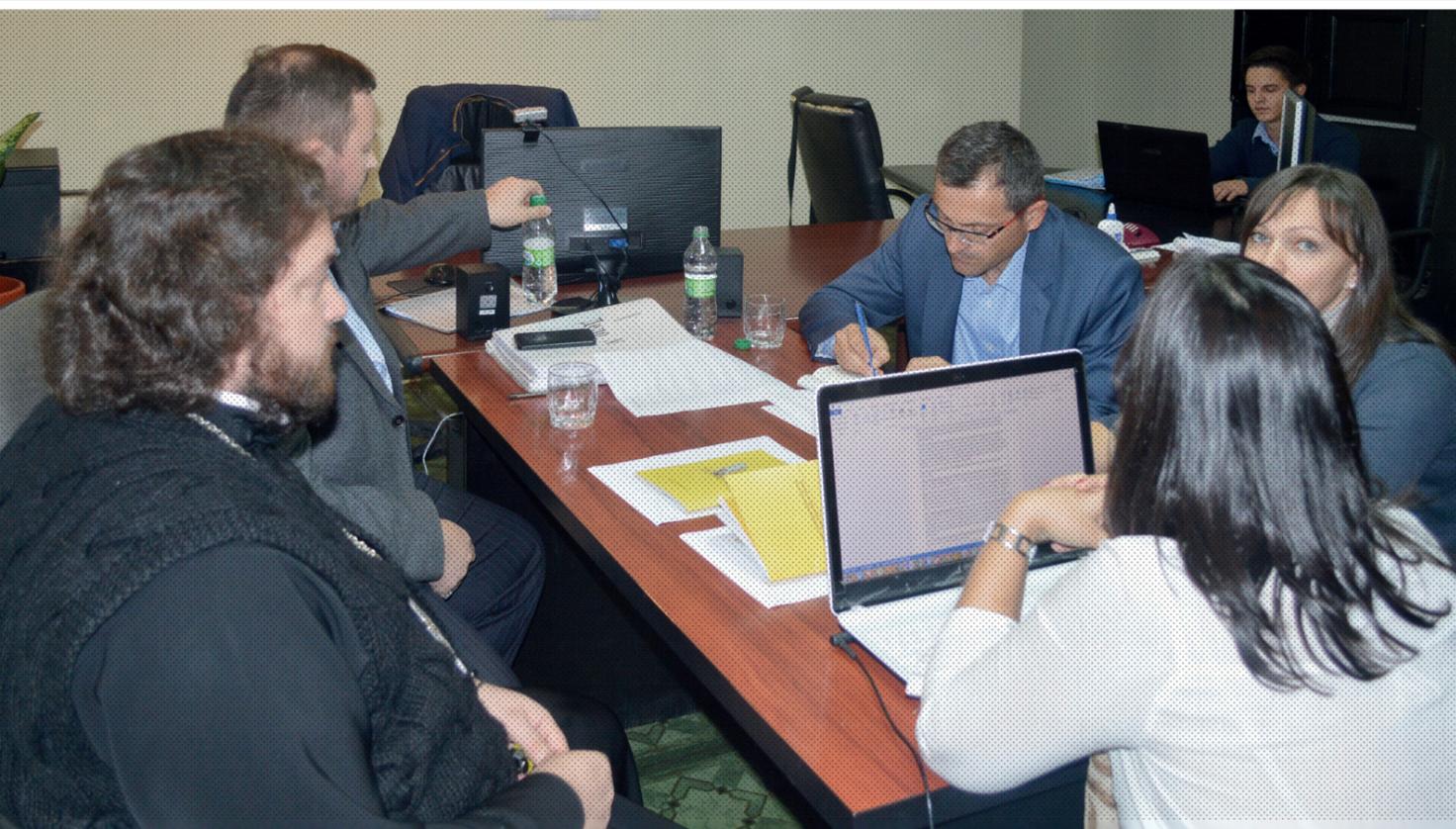
Supplements



«The UOC representatives: hegumen of St. John the Almsgiver monastery of Ternopil and Kremenets diocese father Gerontius, president of NGO Public Advocacy Oleg Denisov discussed acts of infringing the rights of the faithful in Ukraine with the CoE High Commissioner»



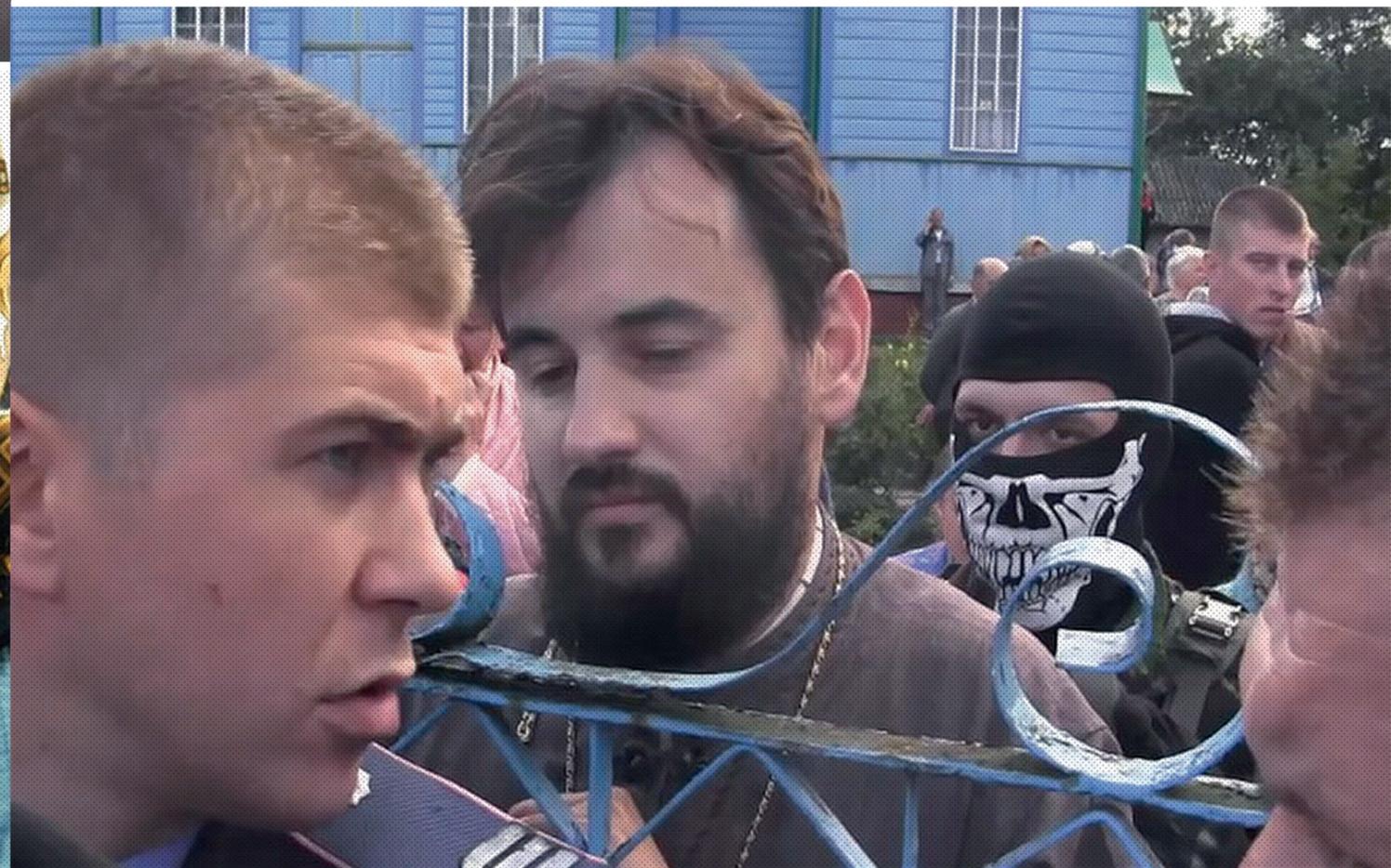
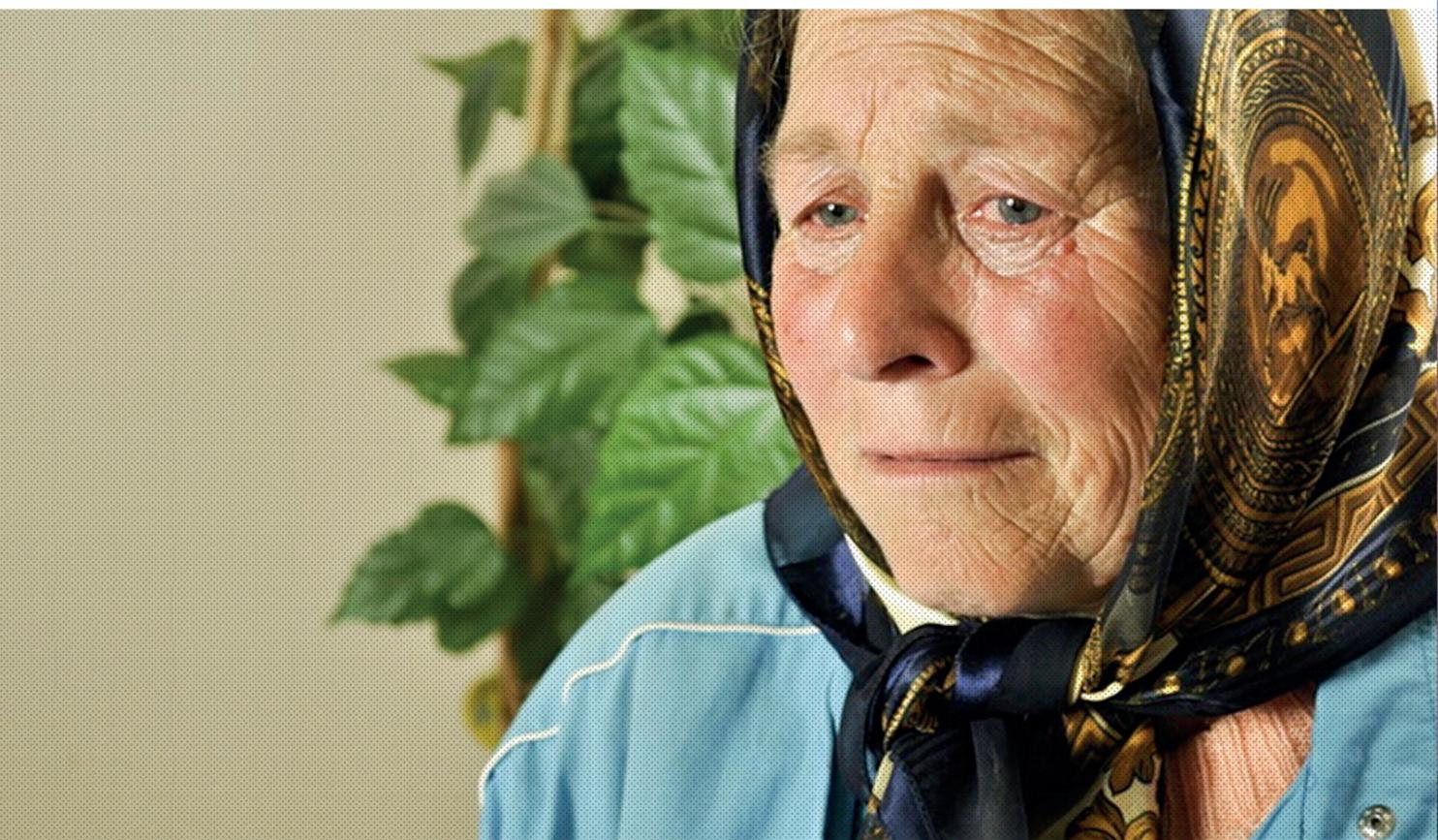
«Meeting of Ternopil and Kremenets Metropolitan Sergiy, the clergy and UOC parishioners with representatives of the OSCE Special Monitoring Mission in Ukraine Marc Kirshbaum and Leszek Koczyk. Oleg Denisov, human rights defender, took part in the meeting. Members of the monitoring mission were supplied with the true information about the developments in Western Ukraine directly from the injured persons, eye-witnesses, and parties to the events».

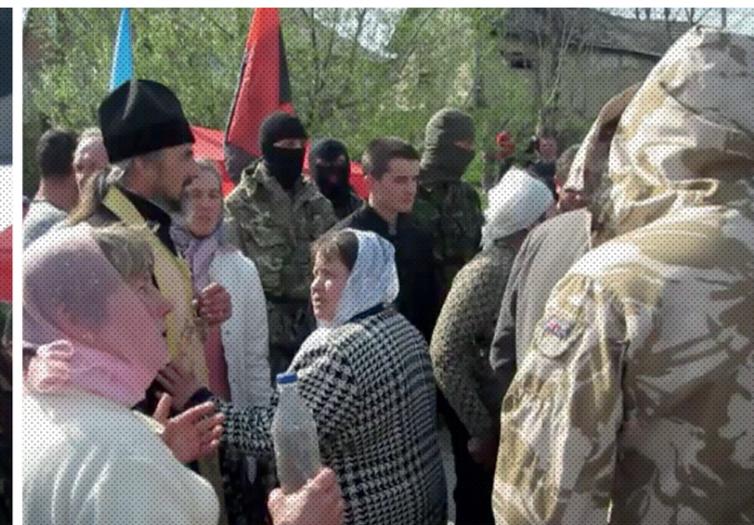


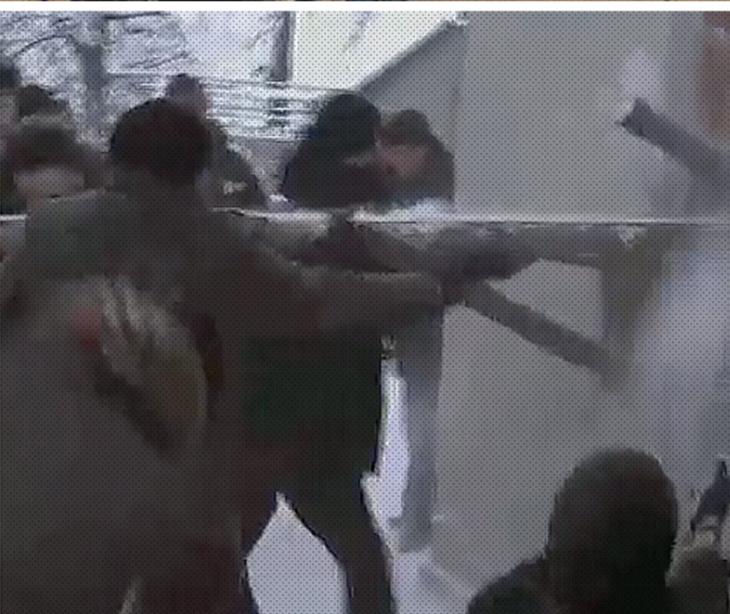
«Workshop of representatives of Rivne UOC diocese, President of NGO “Public Advocacy” with the OSCE mission representatives immediately during clashes in the territory of Western Ukraine. Observers are provided with the evidence and actualities related to the developments”

Meeting of protopriest Nikolay Danilevich, deputy chief of the Synodal Department for External Church Relations, His Beatitude Metropolitan Sabbas, Primate of the Polish Orthodox Church, and Oleg Denisov, President of the NGO “Public Advocacy”. Discussed at the meeting were the issues related to the observance of rights of the UOC religious organizations in Western Ukraine as well as defense of the Orthodox Christians’ rights in Europe.

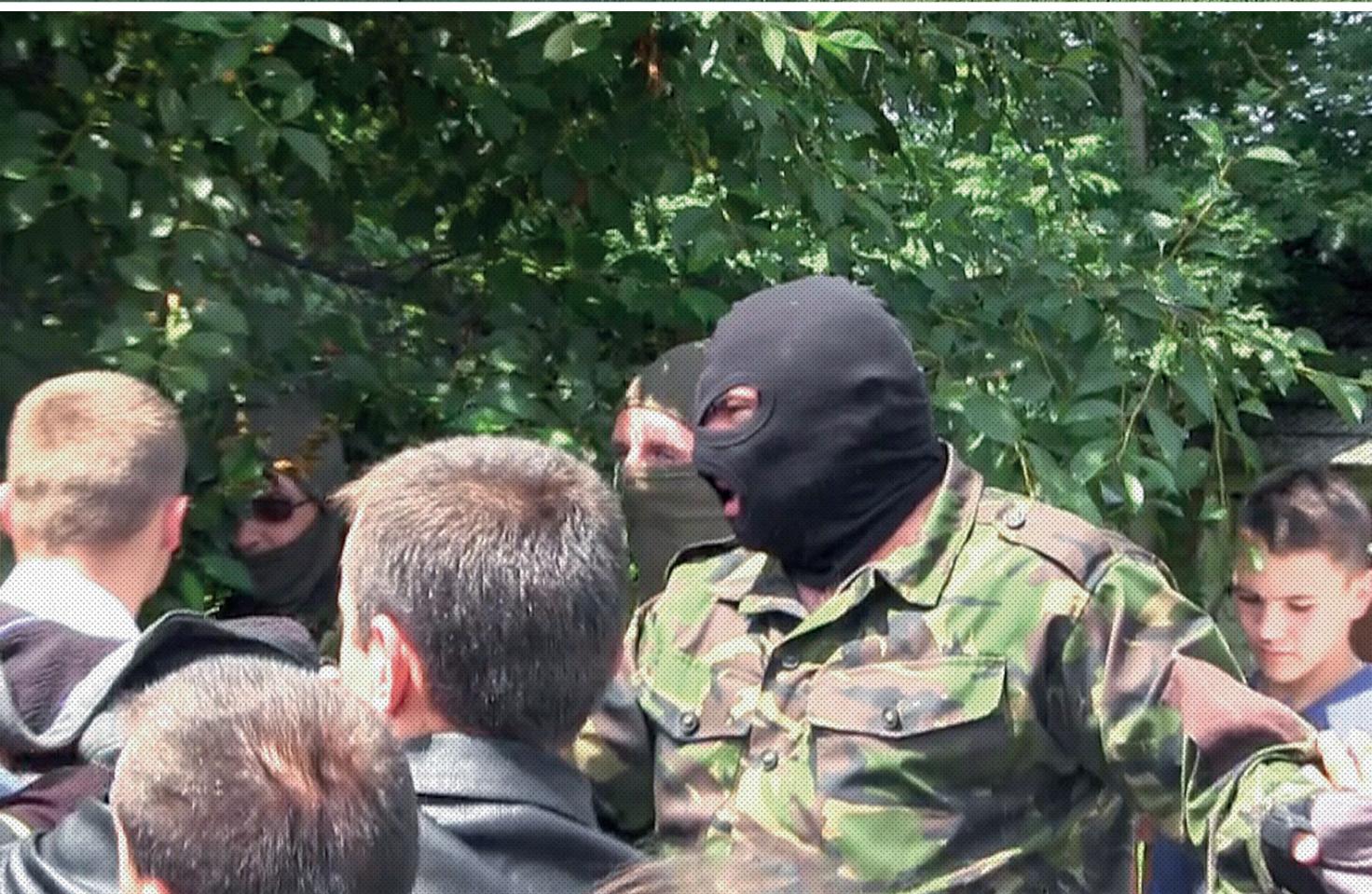
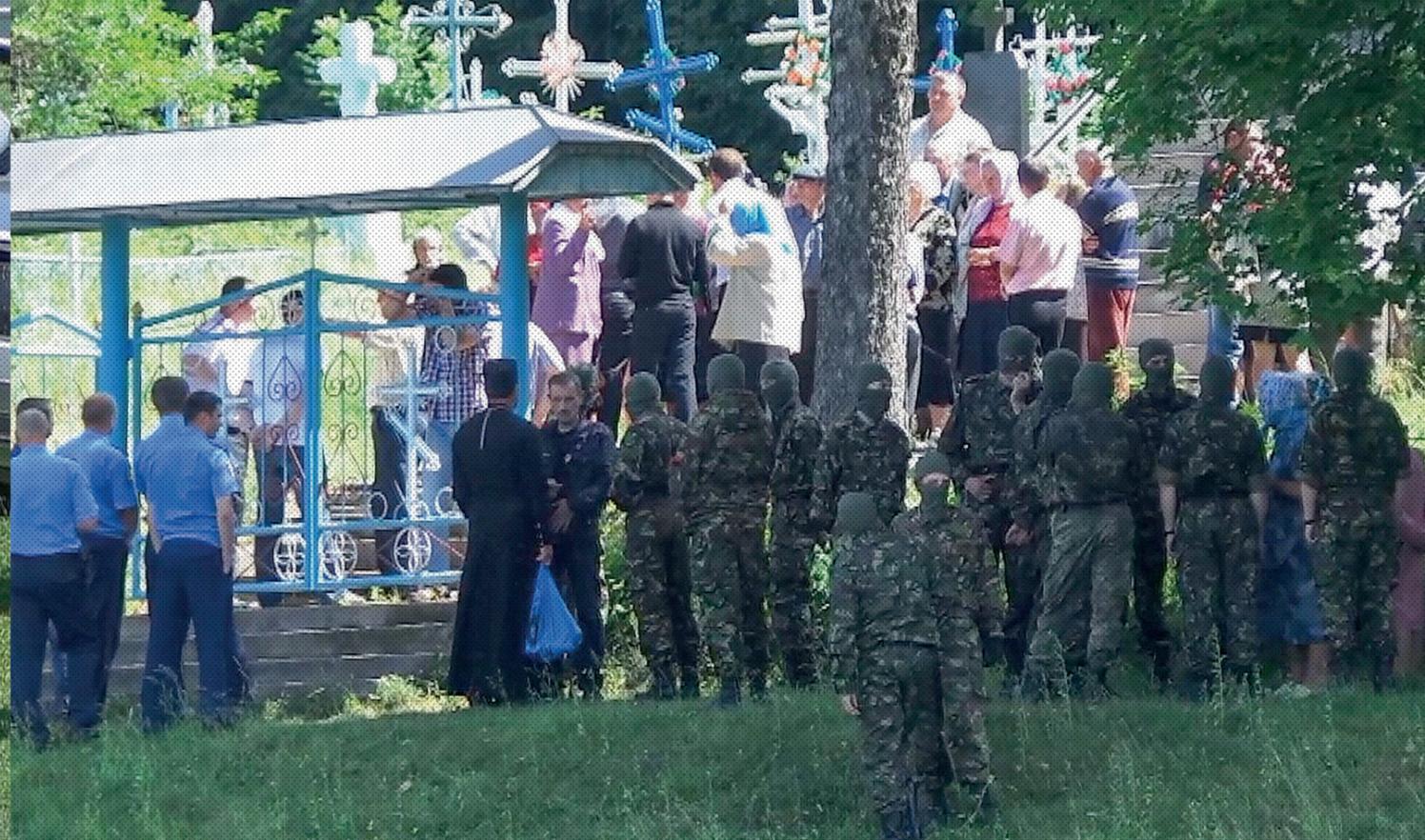
















This material is a thematic study, collected and published by NGO "Public Advocacy", in accordance with the eyewitness accounts and evidence supplied by the representatives of religious organizations and the general public. The truth and accuracy of the background in the present report have been verified by means of oral enquiry of eyewitnesses and studying juridical documents which were made available by the parties to dispute. Notices and comments can be sent at the e-mail address: NgoPublic@yandex.ru