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Human rights situations that require the Council's attention

Written statement* submitted by Public Organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 May 2019]

* Issued as received, in the language(s) of submission only.



The need for counter-terrorism measures in Ukraine

Currently, it is urgent to draw the attention of the UN Human Rights Council to the substantial drawbacks in the effectiveness of the use of counter-terrorism measures by the state of Ukraine according to the international law and the state's commitments to the responsibility to protect.

For the last several years Ukrainian high official have been exploiting religion to incite hostility, deliberately supporting extremism, discrimination, violence, defamation against Orthodox Christian believers of the Ukrainian Orthodox Church (hereinafter referred to as "UOC").

Since 2015, overt violence against the UOC has become widespread in Ukraine. This include beatings of the faithful by the police officers, illegal seizures of religious buildings, illegal arrests of property, discrimination and defamation in decisions and decrees issued by the state authorities, as well as in the public speeches of politicians.¹ At length these facts are set forth in our human rights reports² and official statements of the representatives of the UOC at the OSCE meetings,³ as well as in our submissions within the UN UPR.⁴ The UOC has already filed more than 40 collective complaints on alleged violations to the UN HRC, UN Special Rapporteurs, as well as to the ECHR.

During the period from 2015 to 2019 more than 120 churches of the UOC have been unlawfully seized. The faithful and clergymen have been labelled as "enemies of the people" of Ukraine and are now listed in a notorious defamation website Peacemaker (Mirotvorets).⁵ There have been numerous cases when bishops faced obstacles to freely cross the Ukrainian border. Unfortunately, the state authorities are directly and indirectly supporting the radicals and perpetrators, thus showing to the general public that crimes against the UOC are not intended to be investigated. In the years of 2015 and 2016, more than 20 criminal cases were initiated, however not a single criminal was ever brought to justice. Such impunity leads to a situation when serious crimes are overtly committed against the faithful of the UOC even in front of the police.⁶

Moreover, a law was passed by the Parliament, obliging all UOC religious organizations to change their historical names to include the information about their affiliation with the Russian Federation.⁷ The purpose of the law is to pin a label on the believers of the UOC calling them "agents of the Kremlin" and the "fifth column of Russia".

Due to the abovementioned acts of discrimination, the Holy Synod of the UOC publicized a number of decisions, in which the Church declares direct persecution and oppression by the state.⁸

In October 2018, the UN Special Rapporteur on freedom of religion or belief jointly with a number of other Special Rapporteurs sent an official communication⁹ to the Ukrainian government. However, in violation of international law, this communication had been left

¹ <https://drive.google.com/file/d/0ByGnYIHdafnCZ0J1Tml3WlZuMDQ/view>.

² <https://www.protiktor.com/app/download/6756821863/Ukraine+Orthodox+Report+2016.pdf?t=1536927492>.

³ <https://www.osce.org/odihr/415814?download=true>.

⁴ <https://publicadvocacynetwork.org/wp-content/uploads/2018/04/Submission-of-NGO-about-Ukrainian-Orthodox-Church.pdf> ; https://www.upr-info.org/sites/default/files/document/ukraine/session_28_-_november_2017/uoc_upr28_ukr_e_main.pdf.

⁵ <https://spzh.news/en/zashhita-very/58186-zapugannyje-i-ne-zapugannyje>.

⁶ <https://www.youtube.com/watch?v=J4M4pIqRmLw>.

⁷ <https://spzh.news/en/news/59559-minkulyt-vklyuchil-upc-v-spisok-organizacij-obyazannyh-pomenyaty-svoj-ustav>.

⁸ <https://undocs.org/en/A/HRC/40/NGO/72>; <https://undocs.org/en/A/HRC/40/NGO/71>.

⁹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24107>; <https://spzh.news/en/news/60903-upc-ignoriruja-zapros-oon-vlasti-prenebregajut-mezhdunarodnym-pravom>.

without consideration and relevant response, which was later followed by a public statement on the part of the UOC.¹⁰

Such discriminatory attitude of the state gave birth to a number of radical organizations which are set up to commit public acts of intimidation and defamation, and in fact, create conditions for mass genocide.

An obvious example of extremism is the activity of the right-wing organization S14, which systematically carries out acts of violence and intimidation against believers of the UOC in order to force them to transfer to another religious denomination. S14 has repeatedly committed crimes, including bodily injuries to and psychological aggression against the clergy and believers of the UOC, damage to church property, public abuse of religious shrines and incitement of religious hatred. It is characteristic of S14's actions that the young members of the organization "stream" their criminal offences online on social media¹¹. This extremist group is registered with the Ministry of Justice of Ukraine as a public organization and, therefore, enjoys all the rights under the current Ukrainian legislation.

In November 2017, S14 was added to the data-base of the International Organization for the Study and Analysis of Terrorism (TRAC) as a paramilitary right-wing group consisting of football fans and former volunteer battalion fighters who took part in hostilities in eastern Ukraine, the ideology of which is to build a new nationalist state, ethnic nationalism, urban terrorism using the tactics of arson, explosions, armed assaults¹².

S14 was involved in the following criminal acts:

- On January 15, 2019, in the village of Olenivka of Chernihiv Region, threatening to use physical force S14 brutally dispersed the believers. Afterwards they cut off the locks at the Holy Ascension Church and broke into the premises¹³. These actions were committed in front of the reluctant police officers.
- On April 27, 2018, 5 members of S14 battered the head of the Union of Orthodox Brotherhoods, Valentin Lukiyaniuk. Upon arrival, the National Police of Ukraine did nothing to arrest the offenders.¹⁴
- At night, from January 24 to 25, 2018 in Kyiv, the members of S14 Alexey Shemotiuk and Alexander Gorban made an attempt to commit an arson at the Tithes Church of the Nativity of the Blessed Virgin Mary using a bottle with an incendiary fuel. On December 15, 2018, S14 attacked the Tithes Church again. Photographs and video footage of the incident were openly posted on Facebook.¹⁵ Law enforcement agencies did not take any measures to bring to justice the members of S14.
- On March 10, 2019, in the city of Baranivka, Zhytomyr Region, a group of people, accompanied by members of S14, used brutal force against the believers of the Church of the Nativity of the Virgin Mary, beating them and throwing out of the church territory, tearing their clothes, and cutting off the entrance door of the church. As a result of the confrontation, the faithful were sealed in the church premises from 10:00 to 23:00 without access to a toilet. During the incident among the members of the community of the UOC were also children and women.¹⁶

¹⁰ <http://news.church.ua/2019/03/19/zayava-predstavnictva-upc-pri-jevropejskix-mizhnarodnix-organizacijax-shhodo-komunikaciji-specialnix-dopovidachiv-oon-stosovno-porushen-prav-viryuchix-upc/>; www.protiktor.com/UOCcommunication.

¹¹ <https://www.youtube.com/watch?v=H4ngS0efVjg>;
https://www.youtube.com/watch?v=_U4hm4sHzpo.

¹² <https://www.trackingterrorism.org/group/c14-aka-sich-ukraine>.

¹³ <https://spzh.news/en/news/59212-v-olenovke-s14-srezali-zamki-i-zahvatili-khram-upc>.

¹⁴ <https://spzh.news/ru/news/53078-radikaly-s14-izbili-glavu-sojuza-pravoslavnyh-bratstv-lukijanika--socseti>.

¹⁵ <http://gordonua.com/news/kyiv/v-kieve-aktivisty-pytalis-podzhech-monastyr-upc-mp-policiya-228767.html>.

¹⁶ <https://spzh.news/en/zashhita-very/60840-baranovka-khroniki-neudavshegosya-shturma-khrama-upc>.

- On January 08, 2018, in Kyiv, 30 members of S14 blocked the entrance to the Holy Dormition Kyiv-Caves Monastery of the UOC, not allowing cars and parishioners to enter the territory of the Monastery. This action was accompanied by accusations of believers of the UOC of non-patriotism. At the same time, S14 promised that in the future the Monastery would become a chief place for their demonstrations against the UOC.¹⁷
- On February 23, 2018, in Kyiv, S14 forcibly broke into the office of the Union of Orthodox Journalists Information Agency, blocked the work of journalists, searched their workplaces, stole a hard disk with data, shouted out insults and demanded to leave the office. The criminal case on this assault was closed without due investigation by the National Police of Ukraine. The attack was made in the presence of the police officers, however no measures were made to arrest the offenders and stop the crime.¹⁸
- On January 1, 2019, members of S14 damaged the fence of St. George's Cathedral and wrote on it: "FSB go away from L'viv. S14".¹⁹

The full list of violations committed by S14 is available at: www.protiktor.com/statementCCPCJ28

We would like to draw your attention to the fact that the law enforcement officers of Ukraine, regardless of the severity of the crimes committed by S14, have taken no measures to ensure the security of the believers of the UOC. The perpetrators have not been brought to justice. The criminal are now closed without due investigation.

It should also be noted that there are grounds to believe that the terrorist activities of S14 are supported by the state authorities for political purposes. For instance, despite a number of criminal cases initiated against S14, Yevgeny Karas, the leader of S14, even after repeated reports about his actions to the police, was honourably placed near the President of Ukraine and the Prosecutor General of Ukraine at a solemn service to mark the receiving of Tomos granted to a newly established local church in Ukraine. The photograph was posted by Evgeny Karas on his Facebook account²⁰.

In this regard, we recommend and request the UN Human Rights Council to urge the Ukrainian government to stop extremist acts of violence and other violations of the rights of believers of the UOC, as well as to provide Ukraine with the necessary methodological and other assistance.

¹⁷ <https://gordonua.com/news/politics/fsb-von-iz-lavry-nacionalisty-proveli-akciyu-protiv-prisutstviya-v-ukraine-cerkvi-moskovskogo-patriarhata-225936.html>.

¹⁸ <https://spzh.news/en/news/50799-activists-from-s14-block-the-uoj-office-in-kyiv>;
<https://spzh.news/en/news/50925-uoj-statement-regarding-the-assault-on-editorial-office>;
<https://spzh.news/en/news/50928-after-the-press-conference-on-the-threats-of-s14-uoj-director-placed-on-mirotvorets>.

¹⁹ <https://spzh.news/en/news/59189-gety-zi-lyvova-radikaly-iz-s14-ostavlyajut-poslanija-na-khramah-upc>.

²⁰ <https://spzh.news/en/news/59022-glava-s14-opublikoval-svoje-foto-s-petrom-poroshenko-na-prazdnike-tomosa>.