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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.



Intimidation and reprisals of Human Rights defenders and Christians in Ukraine

I. Justification that priest Victor is a human rights defenders

Fr. Victor is the head of the Department for the Resolution of Interfaith Conflicts at the Rivne Diocese of the Ukrainian Orthodox Church (hereinafter referred to as “the Department”).¹ The functions of the Department include preparing legal documents, providing legal advice, representing the interests of the Church at different state bodies. The Department is engaged in communication activities and other assistance in terms of protecting the property of religious communities of the UOC. In fact, it carries out all necessary actions to prevent violent seizures of churches of the UOC, as well as is committed to returning the property to its legal owner. Therefore, Fr. Victor together with other staff of the Department has defended and promoted the rights of the UOC to religious freedom. The activities of the Department has proved to be effective, given the fact that three churches were returned to the UOC and 27 churches were prevented from illegal takeover.²

In view of promoting and advancing human rights, Fr. Victor repeatedly reported to the media cases of illegal church seizures, use of physical force against priests and believers of the Ukrainian Orthodox Church, illegal actions of law enforcement agencies and other cases of discrimination against religious communities.³

Additionally, it is important to emphasize Fr. Victor’s ardent commitment to cooperate with international organisations entitled to consider submissions on alleged human rights violations, such as the United Nations, OSCE, European Court of Human Rights etc. Since 2015, Fr. Victor provided legal and other assistance to religious communities of the Ukrainian Orthodox Church for this purpose. In addition, Fr. Victor has collected and provided our organization with a substantial number of complaints on behalf of local worshippers. The information supplied by Fr. Victor was employed by our organization to prepared individual and collective complaints to the UN Special Rapporteurs, written statements to the UN Human Rights Council, as well as complaints to the European Court of Human Rights.⁴

In particular, Fr. Victor also leads the protection of the internationally high-profile case of Ptycha village of Rivne region⁵. Thanks to his active support, we managed to submit to the UN HRC a written statement concerning the said well-known case.⁶

We also draw your attention to the fact that the activities of Fr. Victor in terms of the organization of the All-Ukrainian Religious Procession became the subject of the Communication 4/2018 of October 30, 2018 addressed to the Government of Ukraine by the Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on freedom of religion or belief.⁷ Fr. Victor was

¹ <https://spzh.news/en/news/32271-archpriest-victor-zemlianoy-there-is-no-politics-in-cross-procession>.

² <https://spzh.news/en/news/60833-sbu-vyzvala-na-dopros-svyashhennosluzhitelya-rovenskoj-jeparkhii-upc>, <https://spzh.news/ru/news/60857-prot-viktor-zemlyanoj-o-presledovanii-sbu-my-ne-boimsya-i-ne-ostanovimsya>.

³ <https://spzh.news/en/news/61413-glava-rajgosadministracii-podbivajet-storonnikov-pcu-na-zahvat-khrama-v-povche>; https://www.youtube.com/watch?v=hl6Y3k_8rsY, https://www.youtube.com/watch?v=dhL_9NwORnA.

⁴ <https://undocs.org/en/A/HRC/37/NGO/61>; <https://undocs.org/en/A/HRC/40/NGO/69>.

⁵ <https://spzh.news/en/news/50779-russia-demands-that-eu-and-osce-stop-harassment-of-uoc-by-ukrainian-authorities>.

⁶ <https://undocs.org/en/A/HRC/39/NGO/7>.

⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24107>.

an immediate organizer the said Religious Procession⁸. Moreover, the Communication was in fact the result of the numerous individual and collective complaints prepared by Fr. Victor for the UN Special Rapporteur Mr. Ahmed Shaheed.

Fr. Victor was in charge of collecting all possible evidence about violations of the rights of believers in Ptycha village. The collected facts were handed over to our organization for subsequent appeal to international institutions. As a result, these facts were further submitted in different forms to the OSCE, European Court of Human Rights, UN Special Rapporteurs. In particular, in the form of oral and written statements at the OSCE Human Dimension Implementation Meetings⁹, written statements at the 37th¹⁰, 38th¹¹, 39th¹² and 40th¹³ regular sessions of the UN HRC, complaints to the European Human Rights Court¹⁴, as well as in the form of individual and collective complaints to the UN Special Rapporteurs. More information is available on our website at: <https://www.protiktor.com/Zemlyanoycase>

II. Violations of the rights of Fr. Victor due to his human rights defender activities

In view of the active advocacy activities of Fr. Victor and the absolute lack of guarantees of security from the state of Ukraine, investigative officers of the Security Service of Ukraine (hereinafter referred to as “the SSU”) in connection with the criminal investigation, in which Fr. Victor was a witness, searched the house of the priest where he lived with his family¹⁵. The officers of the SSU, armed with machine guns, threatened Fr. Victor, his wife and young children (7, 8 and 9 years old) to use force, brutally pushing them into the rooms of the house and not allowing them to get out.

The search was carried out with numerous procedural violations¹⁶, including, but not limited to, the fact that the officers did not instruct Fr. Victor in his rights, denied him to contact his lawyer, threatened and intimidated him, and tried to convince him that it was better not to inform anyone about the incident.

In addition, the officers of the SSU searched the Holy Ascension Church, where Fr. Victor serves as a priest, his private car and office of the Department.

Fr. Victor was interrogated by the SSU for three times. The officers questioned also:

All the member of his family, namely:

- wife N. Zemlyannaya (she was interrogated twice);
- sister N. Ivanchenko;
- nephew I. Ivanchenko;

23 priests of Rivne Region, whose parishes Fr. Victor defended as the head of the Department.

Later, on March 15, 2019 the SSU offered Fr. Victor a notice of suspicion of criminal offenses under Part 1 of Art. 161 of the Criminal Code of Ukraine (deliberate actions aimed

⁸ <https://spzh.news/en/news/32271-archpriest-victor-zemlianoy-there-is-no-politics-in-cross-procession>.

⁹ <https://www.osce.org/odihr/394571?download=true>.

¹⁰ <https://undocs.org/en/A/HRC/37/NGO/61>; <https://undocs.org/en/A/HRC/37/NGO/33>.

¹¹ <https://undocs.org/en/A/HRC/38/NGO/22>; <https://undocs.org/en/A/HRC/38/NGO/14>.

¹² <https://undocs.org/en/A/HRC/39/NGO/3>; <https://undocs.org/en/A/HRC/39/NGO/6>;

<https://undocs.org/en/A/HRC/39/NGO/7>; <https://undocs.org/en/A/HRC/39/NGO/11>.

¹³ <https://undocs.org/en/A/HRC/40/NGO/71>; <https://undocs.org/en/A/HRC/40/NGO/69>.

¹⁴ <https://www.protiktor.com/ECHRpt>.

¹⁵ <https://spzh.news/ru/news/38715-sbu-obyskivaet-ne-tolko-zhurnalistov-spzh-no-i-organizatorov-krestnogo-khoda>.

¹⁶ <http://news.church.ua/2017/01/27/v-dome-uchastnika-vseukrainskogo-krestnogo-xoda-lyubvi-mira-i-molitvy-za-ukrainu-provodyatsya-obyski/?lang=ru>.

at inciting religious strife and hatred, insulting the feelings of citizens in connection with their religious beliefs) and Part 1 of Art. 300 of the Criminal Code of Ukraine (deliberate actions aimed at the acquisition, distribution and storage of literature that promotes religious intolerance).¹⁷

Such suspicions in relation to Fr. Victor are not supported by any facts and are actually a fiction. The books, which were confiscated from Fr. Victor. They contain evidence on violations of the rights of believers of the UOC. There are no calls for religious intolerance in the confiscated books. The accusations that Fr. Victor took part in video footages produced in the Russia Federation are baseless, since, firstly, the videos contain no insults of religious feelings of believers and, secondly, the videos were taken from the Internet without prior consent of Fr. Victor.

The result of many facts of pressure exerted on Frater Victor was that he made a public video-address stating his being persecuted by the state authorities.¹⁸

We believe that the main purpose behind the abovementioned criminal investigations, interrogations and searches is to exert pressure on Fr. Victor due to his activities as the head of the Department with a view to stop his advocacy and protection of the rights of believers of the UOC.

One of the investigative officers of the SSU answering a question posed by believers about the status of Fr. Victor stated: "You're saying that he [Fr. Victor] prayed for you? Well, now it's time for you to pray for him."¹⁹

Therefore, we consider the actions of the SSU as a planned smear campaign designed to damage personal reputation of Fr. Victor, undermine public trust in the UOC, intimidate and force the priest to stop any actions of the Department. In this regard, we believe that the activities of the law enforcement agencies of Ukraine are disproportionate to the aim pursued, are illegal and constitute a gross interference in the personal life of human rights defender Fr. Victor.

We call upon the UN Human Rights Council and the international community to immediately pay attention to the blatant facts of the persecution of the clergy and laity of the UOC who are at the same time human rights activists who defend their right to freedom of religion from unlawful violation by state bodies and protect their churches from violent seizures.

¹⁷ <https://spzh.news/en/news/61138-sud-otkazal-sbu-v-izbranii-mery-presechenija-protoidereju-viktoru-zemlyanomu>;

¹⁸ <https://spzh.news/en/news/60833-sbu-vyzvala-na-dopros-svyashhennosluzhitelya-rovenskoj-jeparkhii-upc>; <https://www.youtube.com/watch?v=uw1gvobpIKY>; <https://spzh.news/ru/news/60857-prot-viktor-zemlyanoj-o-presledovanii-sbu-my-ne-boimsya-i-ne-ostanovimsya>; https://www.youtube.com/watch?v=hl6Y3k_8rsY;

¹⁹ <http://news.church.ua/2019/03/15/chas-vam-molitisya-za-nogo-slidchij-sbu-pastvi-o-viktora-zemlyanogo-foto/>.