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THE PROBLEMS OF REALIZATION OF FREEDOM CONSCIENCE AND FREEDOM OF RELIGIONS IN THE OCCUPIED TERRITORIES IN THE EAST OF UKRAINE

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Summary

This article analyses the problem of realization of freedom of conscience and religious organisations in the occupied territories of Donetsk region in Ukraine during the armed conflict. It is shown that the implementation of the «Russian World» created poor conditions for religious denominations in the occupied territories. Almost all religious denominations other than Ukrainian Orthodox Church (Moscow Patriarchate) suffered repression, confiscation or material damage during the armed conflict. In the occupied territories the rights are violated and freedoms challenged the possibility of universal freedoms, the ability to implement universal values. Proved that the situation needs attention of Ukrainian religious studies, international community. advocacy of religious freedom in the occupied territories, to use all diplomatic means to recognize the «politics» of «People's Republics» as discriminatory policies towards the religious organizations and consider their victims as those of religiously motivated terrorism.

Key words: religious terrorism, «Russian World», freedom of conscience and religious organizations, Ukrainian Orthodox Church, the «Donetsk People's Republic», «Luhansk People's Republic», Ukraine, occupied territories, Donetsk region.

ПРОБЛЕМЫ РЕАЛИЗАЦИИ СВОБОДЫ СОВЕСТИ И СВОБОДЫ РЕЛИГИЙ НА ОККУПИРОВАННЫХ ТЕРРИТОРИЯХ НА ВОСТОКЕ УКРАИНЫ

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Аннотация

В статье проанализированы проблемы реализации свободы совести и религиозных организаций на временно оккупированных территориях Донецкой области Украины во время вооруженного конфликта. Показано, что в результате реализации политики «Русского мира» на оккупированных территориях Донецкой области созданы неудовлетворительные условия для представителей различных конфессий, кроме Украинской Православной Церкви (Московского Патриархата) и ее верующих. Почти все религиозные конфессии подверглись преследованиям или понесли материальный ущерб в течение вооруженного конфликта. На оккупированных территориях нарушаются права и свободы, под вопросом – возможность реализации общих свобод, универсальных ценностей. Доказано, что ситуация требует внимания религиоведов и международного сообщества, осуществления профессионального мониторинга, экспертного анализа, адвокации религиозной свободы на оккупированных территориях, использования всех дипломатических средств для признания «политики народных республик» в отношении религиозных организаций политикой дискриминационной, а их жертв – жертвами религиозно мотивированного терроризма.

Ключевые слова: Религиозный терроризм, «Русский мир», свобода совести и религиозных организаций, Украинская Православная Церковь, «Донецкая Народная Республика», «Луганская Народная Республика», Украина, оккупированные территории, Донецкая область.

Formulation of the problem. The scale and magnitude of the attacks that the civilian population is subject to in the southeastern parts of Ukraine, is sufficient to qualify them as crimes against humanity as defined in international law. Since the conflict began, dozens of places of worship have been seized and are currently under the control of paramilitary groups. The increasing frequency of physical attacks have forced believers to flee or to practice their religion in secret. Abductions, torture and other ill treatment, indiscriminate shelling and persecution for expressing individual views are among the atrocities that currently take place in

the conflict zone. Analysis of these crimes has revealed the systemic and widespread character of persecution based on religious beliefs. Moreover, careful examination of many cases has shown that religion is one of the key motivations and justifications for criminal activity by the illegal paramilitary groups in the so-called Donetsk and Luhansk People's Republics [1].

The relevance of the topic is determined by the fact that human rights group's field teams have gathered numerous testimonies, evidence and proof of various crimes against humanity and war crimes that took place in eastern Ukraine during 2014-2017. The situation in the

Donbass is complicated because there is no legitimate government that could bear responsibility for human rights and fulfill international obligations in this area. Since the problem has gone beyond the local, it requires the attention not only of Ukrainian scientists, but also representatives of international organizations.

State of the research. This problem did not become the subject of many serious scientific studies. There are only isolated articles and individual studies of human rights defenders, politicians, historians or publicists. For example, Michael Cherenkov describes the religious situation in the occupied territories of the Do-



netsk region and sees in the actions of the occupiers the manifestations of religious extremism [2]. It is necessary to highlight the report prepared by Center for Civil Liberties and International Partnership for Human Rights in the framework of the Civic Solidarity Platform. This report outlines the major crimes committed on the grounds of religious discrimination and demonstrates how religion has been invoked within the rhetoric of persecution employed by illegal combatant groups [3].

The purpose of the article is to show the major crimes committed on the grounds of religious discrimination and demonstrate how religion has been invoked within the rhetoric of persecution employed by illegal combatant groups in the so-called Donetsk and Luhansk People's Republics.

The main material. The government of modern Russia implements the policy of the «Russian world» both inside the country and outside it very actively.

The main idea of the policy of the «Russian world» is that it would transform the multinational and multireligious Russia into Russia, which will be dominated by the Orthodox Slavs.

Representatives of human rights organizations and representatives of non-Orthodox religious confessions constantly criticize the laws passed by the State Duma of the Russian Federation recently.

Especially human rights defenders criticize the laws that regulate the rights to freedom of conscience, as well as the rights of religious organizations.

For example, most of all criticize the changes to the law of June 6, 2016, which is called «On Counteracting Terrorism» (Yarovaya-Ozerov's package) [4].

Therefore, many researchers drew attention to the fact that the politics of modern Russia resembles the policy of the Russian Empire.

Russia wants to restore the past power and constantly turns to the experience of the past years. It should be said that the experience of the past years is not always positive for inheritance.

Thus, during the reign of Emperors Nicholas First the main directions of state-church relations were formed.

These relations were built according to the formula «Orthodoxy – autocracy – nationality». This course was fixed legislatively and almost did not change until 1917.

All spheres of the life of society were subordinated to state power in the Russian Empire. This was the principle of absolutism. Religious denominations also were under strict the state control.

State-church relations were built on the basis of principles: the protection of Orthodoxy, the denial of human rights for religious self-determination; Legal hierarchy of confessions, inequality of rights for different Religious denominations.

The government interfered in the internal church activities of the confessions; Missionary activities were forbidden for all religious confessions, except for the Orthodox Church.

Thus, we can say that the Russian Federation, with the help of the ideology of the «Russian world», returns to the legislation of the Russian Empire and turns into a «prison for the people» and a «knot of contradictions».

Modern state-church relations in Russia differ from the laws of the Russian Empire in that in modern Russia there is as yet no ban on atheism, there is no ban on the choice of religion and the head of state is not yet the head of the church. We hope that this will not happen.

Ukraine saw the real face of the «Russian world», which turned out to be very harsh.

In 2014, the Russian Federation violated the borders of the Ukrainian state, annexed the Crimea.

Following the occupation of Crimea by the Russian army in March 2014, the Russian-backed paramilitary groups seized control of several cities in the Donetsk and Luhansk regions and proclaimed the territories as the Donetsk People's Republic (DPR) and the Luhansk People's Republic (LPR). The Ukrainian government responded by launching an Anti-terrorist Operation in the region, sending National Guard troops and volunteer battalions to liberate the territories. With Russian military, financial and political support, the pro-Russian paramilitary groups held their positions and this military conflict remains unresolved [5].

In the occupied territories of Donbass the Russian government supports illegal formations, which have been called «people's republics» «DPR» and «LPR» up to now.

Later, the military conflict between Ukraine and Russia was given an informal name «hybrid war».

The governments of illegal formations («DPR» and «LPR») are also guided by the ideology of the «Russian world» in internal politics. This policy of the «Russian world» has done a lot of harm to people in the Donbas.

The main staple of the «Russian world», and then the main actor of the «Russian Spring» was the Russian Orthodox Church.

The annexation of the Crimea was justified by the sacred significance of the ancient Chersonesos, and the war against Ukraine was defended by Orthodoxy [6].

Then appeared the «Orthodox army». It began to fight against «Uniates, schismatics and sectarians» for the «purity of the Orthodox faith».

The «armed forces» of the illegal formations «DPR» and «LPR» include units that call themselves religious organizations.

For example, the «Russian Orthodox Army», the Orthodox battalion «East», the Legion of St. Istvan, the battalion of the Blessed Virgin Mary Augustus «August». This allows us to say that the basis of the conflict is a large proportion of the religious component.

Moreover, careful examination of many cases has shown that religion is one of the key motivations and justifications for criminal activity by the illegal paramilitary groups in the so-called «Donetsk and Luhansk People's Republics» [7].

Previously, researchers talked about the high level of freedom of religions and tolerance in Ukraine as a whole.

But after 2014, reports began to appear about a number of violations of religious freedom in Ukraine, but especially in the occupied territories.

All religious denominations, except for the Ukrainian Orthodox Church (MP), were threatened with destruction in the occupied territories, survived kidnapping, torture, murder, destruction or seizure of religious buildings.

The recorded violations of «conscience freedom» and «freedom of religious organizations» made the creation of conditions for the protection of rights and freedoms, the protection of universal values, compliance with existing international law impossible in the territories that are under control the «DPR» and «LPR».

This situation regarding the need for professional monitoring, expert analysis, advocacy of religious freedom in the occu-



pied territories, to use all diplomatic means to recognize the «politics» of «People's Republics» as discriminatory policies towards the religious organisations.

Special working groups, representatives of international organizations recorded numerous facts of violations of rights, war crimes with the outbreak of hostilities in the Donbas.

They hope to attract the attention of international stakeholders to these grave crimes so that a common strategy can be implemented to put a stop to them.

And this concerns not only the destruction of churches, prayer houses, but also the death of believers during the shelling. The requisitions of religious buildings, the growth of religious intolerance, and persecution for the expression of their views, religious beliefs also exist.

Undoubtedly, the violation of religious rights, persecution of people and groups on religious grounds is expected in the occupied territories, since these violations are the result of the policy of the «Russian world».

This policy is reflected in laws and documents of the «DPR» and «LPR».

It should be noted that the normative documents of the «DPR» were edited for three consecutive years and today reflect the declarative right to freedom of conscience.

Thus, the Constitution of the «Donetsk People's Republic» recognizes ideological and political diversity, multi-party system (article 9). Religious organizations are separated from the state and have equal rights before the law. It is noted that one religion or ideology cannot be established as state or mandatory.

Article 13 guarantees the equality of human and civil rights and freedoms regardless of sex, race, nationality, language, origin, property and official status, place of residence, attitude to religion, beliefs, membership in public associations, and other circumstances. Any form of restriction of the rights of citizens on grounds of social, racial, national, linguistic or religious affiliation is prohibited. Article 21 guarantees freedom of conscience, freedom of religion, including the right to profess individually or in association with others any religion or not to profess any, freely choose, have and disseminate religious and other beliefs and act in accordance with them. Article 22 prohibits propaganda or agitation, incite-

ment to social, racial, national or religious hatred and hatred, propaganda of social, racial, national, religious or linguistic advantages.

«Violation of the rights, freedoms and legitimate interests of a person and citizen, depending on his sex, race, nationality, language, origin, property and official status, place of residence, attitude to religion, beliefs, membership in public associations or any social groups, Committed by a person using his official position, - are classified as discrimination and provides for criminal liability» [8].

In the Criminal Code of «DPR» there are also articles that prohibit the incitement of hatred or enmity, humiliation of human dignity.

«Violation of the rights, freedoms and legitimate interests of a person and citizen, depending on his sex, race, nationality, language, origin, property and official status, place of residence, attitude to religion, beliefs, membership in public associations or any social groups, Committed by a person using his official position, - are classified as discrimination and provides for criminal liability» [9].

The law «On Freedom of Religion and Religious Organizations», adopted by «DPR» on June 24, 2016 [10], which already emphasizes and affirms the «special role of Orthodoxy in the formation and development of spirituality, morality and culture», as well acknowledged Christianity, Islam, Judaism and other religions; sectarianism, religious hatred, enmity religious hatred, enmity are prohibited». The law calls for combating these phenomena. «The law also prohibits the creation of sects and the dissemination of sectarianism, the propagation of religious superiority, the holding of public events, the placement of texts and images that offend the religious feelings of a person. It is noted that the right of a person and citizen to freedom of religion can be restricted by law only to the extent necessary to protect the foundations of the constitutional order, morality, health, rights and legitimate interests of a person and citizen, ensure the country's defense and state security».

Declaring the right to freedom of conscience, the leadership of the «DPR» demonstrates the total violation of religious rights and freedoms, makes unbearable conditions for believers who do not belong to the Ukrainian Orthodox Church (MP).

So, on May 27, 2014, the governor of the Roman Catholic parish of Donbass, the vicar bishop of the Kharkov-Zaporozhye diocese, Jan Sobylo, reported to Radio Vatican that the activity of separatists in the Donetsk region worsens the situation with freedom of religion with every day more and more [11].

Already at the first stage of the armed conflict in the Donetsk region, the media and INTERNET reported that many church buildings of all denominations were destroyed by artillery shelling.

So, the Cathedral of the Ukrainian Greek-Catholic Church of the Protection of the Holy Virgin, the Akhat-Jami Cathedral Mosque in Donetsk, the houses of churches of Evangelical Christian Baptists The World of the Gospel, the Evangelical Christians Baptist Churches in Ilovaisk, the Revival Church in Pervomaysk, the Church of Christ Savior in Lisichansk, the Annunciation Church in Gorlovka, the Church of St. John of Kronstadt in Kirov, the Church of St. John of Kronstadt, the Holy Iveron Temple in Donetsk of the Ukrainian Orthodox Church (MP) were damage from artillery and mines Sweeping bombardments for August - September 2014 [12; 13].

Press secretary of the Donetsk diocese of the Ukrainian Orthodox Church (MP), a archpriest G. Gulyaev reported that 72 Orthodox churches were damage in the Donbass in 2014 [14].

Militants of the «DPR» seized the religious buildings of the non-Orthodox religious denominations, thereby violating their rights.

House of prayer of The Church of Jesus Christ of Latter-day Saints [10], the building of the Christian church «The Word of Life», the Church of Evangelical Christians Baptists «Bethany» in Donetsk [15], the building of the Church of Evangelical Christians Baptists «The House of Prayer for All Nations» in Antratsit, the building of the Church «Renewal» of the Union of Free Evangelical Christian Baptist in Krasny Luch of Lugansk region, the building and property of the Church of Seventh-day Adventists in Gorlovka were captured by militants in the territory of «DPR» and «LPR» during 2014 – 2016 [16; 17].

Soon the victims of militants became representatives of Christian denominations who did not belong to the Ukrainian Orthodox Church (MP). This suggests



that there are gross violations of human rights to life in the territory of the «DPR» and «LPR» and is a manifestation of discrimination.

The militants attributed these persecutions to the fact that «uniates», «schismatics» and «satanists» did not belong on Orthodox land».

During the war, according to incomplete media reports, two sons of pastor A. Pavenko and two deacons of the religious community of the Christian Faith of Evangelical the Transfiguration Church in Sloviansk were executed. Among the detained clergy and congregation members of the Church of Kind News were the heads of the Evangelical association Church of God, Bishop O. Demidovych and G. Lysenko. There are S. Litovchenko, a pastor of the Seventh-day Adventist Church, V. Yakubenko and A. Khomchenko, the Protestant pastors, S. Kociak, a local pastor from the Assembly of God Church, M. Kalinichenko, a pastor of the Evangelical Church The Word of Life, P. Lisko, a pastor of the Evangelical the Church of the Victors with his wife, V. Vonsovich and P. Vitek (Poland), the Roman Catholic priests, T. (Sergey) Kulbaka, a priest Ukrainian Greek Catholic Church, Yu. Ivanov, an archpriest and a priest of the Ukrainian Orthodox Church (KP), Saikov, pastor's assistant of the Church of Kind News with his son Daniil, were kidnapped or arrested, or captured [18; 19].

Ukraine's religious landscape is generally characterized as diverse with many religious believers and a high level of religious tolerance. The State Committee for National and Religious Affairs affirms that the Ukrainian religious network is made up of 55 denominations.

It should be noted that the religious map of the Donetsk region changed significantly during the conflict, although it was characterized by a variety of religious organizations, the absence of religious conflicts and a high level of tolerance.

So, at the beginning of 2014, according to the Donetsk regional administration, 1,781 religious organizations operated with the right of a legal entity in the territory of the Donetsk region [20].

Among them: 859 – the Orthodox churches (including 753 – the Ukrainian Orthodox Churches (MP). 83 – the Ukrainian Orthodox Churches (KP)), 47 – Catholic churches (33 – the Ukrainian Greek

Catholic Church, 14 – the Roman Catholic Church), 175 – the Church of Evangelical Christians – Baptists, 31 – the Evangelical Christians, 66 – the Church of the Christians of the Evangelical Faith, 22 – the God's Church Union in Ukraine, 12 – Center of the God's Church of the Christian Evangelical Faith in Ukraine, 197 – the Church of Full Gospel, 48 – the Seventh Day Adventist Church, 83 – the Jehovah's Witnesses, 64 – the Christ Church, 4 – the Church of Jesus of Latter Day Saints, 2 – the German Evangelical Lutheran Church, 1 – the Christian Presbyterian Independent Reformist, 17 – the Jewish communities, 35 – the Muslim communities, 6 – the Society of the International Society for Krishna Consciousness, 12 – Buddhists, Other religious organizations of orientations – 7, the Native Ukrainian National Faith (RUN faith) – 1, the Armenian Apostolic Church – 2, Others Independent religious communities – 14 [21].

The 26 religious missions were also officially registered, among which actively evangelistic and charitable activities were engaged in such missions as «The Ark» (the Evangelical Christians Baptists, Makeyevka), «The Road to the Heart» (the Evangelical Christians Baptists, Khartsyzsk), «The Ark» (the Evangelical Christians Baptists, Slavyansk), «The Possibility» (the Evangelical Christians Baptists, Mariupol), «The God's Assembly in Ukraine» (the Evangelical Christians Baptists, Donetsk), «Share Your Bread with a Hungry man» (the Church of the Full Gospel, Makeyevka), «City-Vault» (the Evangelical Christians Baptists, Donetsk), the mission «Blue Cross» (the Evangelical Christians Baptists, Makeyevka).

The priest Slyusarenko from Lugansk informs that, the Mormons (The Church of Jesus Christ of Latter-day Saints) disappeared from Novorossia today. The Ukrainian Greek Catholic Church stopped its work, so as some «psychocultures» and «pseudo-healers», which gathered in the village of Zeleny Gai near Lugansk [22]. Charismatics and Hare Krishnas are hiding, they stopped their legal activity completely. «Institute of Spiritual Development of Man» (East-Ukrainian National University named Vladimir Dal), which was headed by G. Shevchenko also was closed.

However, the clergy of the Orthodox Church are «excited» by the activation of «Pseudo-Orthodox movements and

sects», the description of miracles in the newspapers.

Thus, the priests note that the Believers actively use the icons of Ivan the Terrible, Grigory Rasputin, the youth of Vyacheslav Chebarkulsky, the noncanonical icon of the «Lugansk Mother of God». In addition, the movement for honoring the local ascetic of the twentieth century, the deacon, the elder Philip Gorbenko, became more active. In the newspaper Voin Svyatograd, the Ministry of Defense, the «LPR» publish articles on the «The message of the Virgin» [20].

Conclusion. Thus the situation in the occupied territories shows not just the abuse of human rights, the violations deny the possibility of universal freedoms and human rights as they are [23]. The situations has long gone beyond the local borders so it needs the attention of Ukrainian religious scholars and the international community as well. Being completely agreed with M. Cherenkov, Ph.D., professor of Ukrainian Catholic University regarding the need for professional monitoring, expert analysis, advocacy of religious freedom in the occupied territories, to use all diplomatic means to recognize the «politics» of «People's Republics» as discriminatory policies towards the religious organisations and consider their victims as those of religiously motivated terrorism [24].

The author hopes to attract the attention of the international community to these grave crimes so that a common strategy can be developed and implemented to put a stop to them.

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