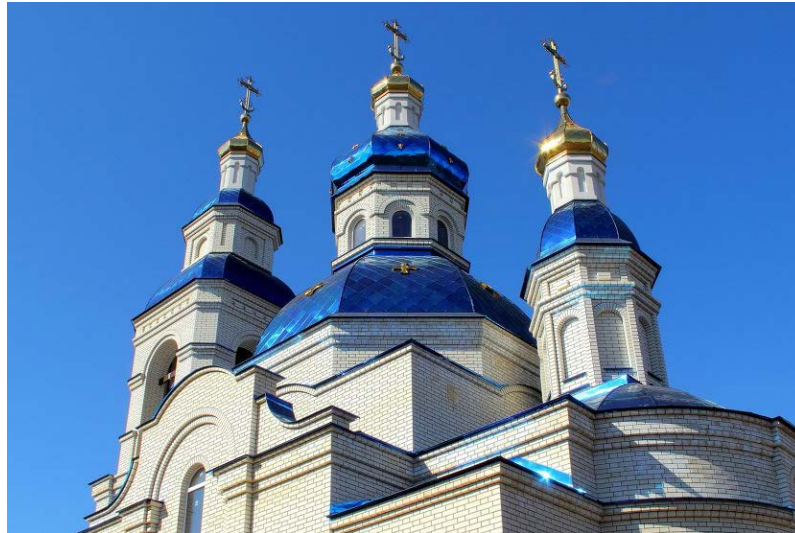


The struggle of the community of the Svyato-Sretensky Church in Konstantinovka (Donetsk region)



During 2014-2018, in connection with a number of political events in Ukraine, there was a wave of aggression against the religious communities of the Ukrainian Orthodox Church (UOC), which was the result of aggressive propaganda, defamation, and discrimination by the media.

UOC communities located on the territory of Western Ukraine (Rovno, Ternopol, Volyn regions) were subjected to mass attacks that aimed to seize religious buildings - churches - and transfer their denomination to the Kiev Patriarchate.

The appeals of the UOC communities to the state authorities of Ukraine did not lead to an effective result. More than 50 legal proceedings of varying levels were also initiated, but they did not lead to the restoration of the rights of the UOC communities, even if there were court decisions in their favor. The most resonant case was the seizure of the Church in the village of Pticha in the Rovno region; of the parish of St. George in Katerynovka and the church in the village of Kolosova in the Ternopol region. In addition to the Western regions of Ukraine, attempts to forcibly change the religious affiliation of churches were recorded in other regions too.

So, in 2015, the struggle of the community of the Svyato-Sretensky Parish of the diocese of Gorlovka of the Ukrainian Orthodox Church in the city of Konstantinovka, in the Donetsk region, for their rights in connection with the forcible seizure of the temple by the representatives of the Kiev Patriarchate is still ongoing.

The human rights platform "Uspishna Varta" is providing legal support to the case. According to human rights activists, the case of the Svyato-Sretensky Church violates the right of Orthodox parishioners to freedom of conscience and religion, which is enshrined in the Constitution of Ukraine.

The construction of the UOC Church in Konstantinovka has been ongoing since 2011. After the events of Euromaidan and the beginning of the ATO, it became known that the local businessman Yury Shapran, who previously contributed to the construction of the Church, initiated the transition of the community to the jurisdiction of the Kiev Patriarchate. Without the knowledge of the ruling Bishop and prior, having misled the Dean of the Iovo-Pochayev district of Konstantinovka Archpriest Vadim Ilchuk, Shapran changed the composition of the Parish Council (which he, according to the Charter of the UOC, had no right to do) by making his wife, his deputies, and close people members of it.

On October 14, 2015 several buses with representatives of paramilitary volunteer battalions onboard arrived at the Church on the Intercession of the Theotokos. They surrounded the Church and held a prayer with a priest from the Kiev Patriarchate.

In 2016, as a result of the decisions of the Parish Assembly from April 15 and July 10, 2016, the Ukrainian Orthodox Church lost control over the Parish and its Church. The governing body - the Parish Council - was replaced by the Kiev Patriarchate loyal to the Ukrainian Orthodox Church, and its canonical affiliation was changed.

From 2015 to 2018, the courts of the first and appellate instances confirmed the rights of the community of the Orthodox canonical Church to possess the Church, and on May 18 a hearing of the Supreme Court of Ukraine was supposed to take place, which would've put an end to this issue. But the judge Anna Vronskaya made the decision to postpone the final court session to May 21 of the current year. However, the same fate awaited this hearing. Due to the fact that the second party submitted a petition to the Grand chamber, the Collegium decided to postpone the meeting.

On June 19, the panel of judges of the Supreme Court, having overturned the decisions of the courts of previous instances, decided to refuse to satisfy the claims of the Gorlovka Diocese of the Ukrainian Orthodox Church. At the same time, the Supreme Court did not recognize the legality of the change of canonical affiliation. The refusal of the judge cited formal grounds. The court's decision stated that the interests of the person who filed the claim does not violate the appealed decision of the Parish Assembly.

The Gorlovka Diocese of the Ukrainian Orthodox Church has already filed a lawsuit on behalf of the person whose interests, in the opinion of the Supreme Court, have been violated - the diocesan Bishop. The court accepted the claim for consideration.

The lawyer and managing partner of "Prove Group" Yuri Zakharchenko, representing the position of the community in the courts, noted that after the victory of the Gorlovka diocese in the courts of all instances, it turned out that the litigation that lasted for more than two years following the last decision of the Supreme Court was meaningless.

At this stage, the case is at the preparatory court session stage, i.e., the dispute is not being considered in fact, the parties are only declaring their petitions – the requirement of evidence, etc. So far, two hearings have been held – 7 and 23 August, during which the parties exchanged positions on the merits of the case. The trial was postponed to October 10.

The lawyer also stressed that the ability of the community to protect their rights is not exhausted and, if necessary, the next step will be filing a lawsuit in the European Court of Human Rights.

The human rights platform "Uspishna Varta" recalls that the right to freedom of conscience and religion is enshrined in article 35 of the Constitution of Ukraine, the Law of Ukraine "On freedom of conscience and religious organization", as well as article 9 of the European Convention on Human Rights and Fundamental Freedoms and article 18 of the International Covenant on Civil and Political Rights.

More information can be found at the website <https://uspishna-varta.com>

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