

26 February 2025

OCCUPIED UKRAINE: Orthodox priest illegally transferred to Russian labour camp

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Fr Kostiantyn Maksimov – who served a Ukrainian Orthodox parish in Tokmak in Russian-occupied Ukraine – arrived on 11 February at a strict regime labour camp in Russia's Saratov Region. Occupation forces seized him in May 2023. In November 2024 a closed hearing in absentia in Moscow rejected his appeal against his 14-year sentence on "espionage" charges. The Russian-installed Crimean Ombudsperson's Office refused to explain why Russian authorities illegally transfer prisoners from Russian-occupied parts of Ukraine – like Fr Kostiantyn and Jehovah's Witness prisoners of conscience - to prisons in Russia.

On 3 February, the prison authorities in Russian-occupied Crimea began the illegal transfer of 41-year-old Ukrainian Orthodox Church (UOC) priest Fr Kostiantyn Maksimov to a strict regime labour camp in Russia's Saratov Region. He arrived there on 11 February and was placed in quarantine for two weeks, which ended on 25 February. The camp is more than 1,000 kms (600 miles) by land from the Russian-occupied Ukrainian town of Tokmak in Zaporizhzhia Region, where he was serving his parish.

The duty officer at the labour camp in the village of Kamensky would not put Forum 18 through on 26 February to the Special Department, which keeps information on individual prisoners (see below).

Russian occupation forces seized Fr Kostiantyn in May 2023. He was held initially in Melitopol, before being transferred to Investigation Prison No. 2 in the Crimean capital Simferopol in February 2024. On 2 August 2024, the Russian-controlled Zaporizhzhia Regional Court – at a closed trial held at the Russian-controlled Crimean Supreme Court in Simferopol – jailed him for 14 years in a strict regime labour camp on charges of "espionage" (see below).

Prisoner of conscience Fr Kostiantyn lost his appeal against his 14-year jail term in absentia at a closed hearing on 14 November 2024 at the First Appeal Court in Moscow. "The punishment assigned to K.V. Maksimov is just," the decision – seen by Forum 18 - notes, "in connection with which the judicial panel does not see a basis for agreeing with the appeal's arguments for it to be softened or assigning a less strict punishment" (see below)

The only part of Fr Kostiantyn's sentence changed on appeal which affected his remaining term was the date the sentence was deemed to start. The panel of Appeal Court Judges, chaired by Pavel Melekhin, recognised the more than 8 months Fr Kostiantyn had spent in unacknowledged detention in Russian-occupied Ukraine from May 2023 before his officially-documented arrest in February 2024. This reduces his remaining prison term (see below).

Artyom Sharlay, the head of the Russian occupiers' Department for Work with Ethnic, Religious and Cossack Organisations of the Social and Political Communications Department of the Internal Policy Department of the Russian-controlled Zaporizhzhia Regional Administration, claimed to Forum 18 in October 2023 that Fr Kostiantyn had not wanted the Berdyansk Diocese of the Ukrainian Orthodox Church (UOC) to move to be an integral part of the Russian Orthodox Church. The Russian Orthodox Church took over the Diocese in May 2023 (see below).

Sharlay did not answer his phone each time Forum 18 called on 26 February 2025.

Many people handed jail terms in Russian-occupied Ukraine are illegally sent to serve sentences in Russia. The Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War covers the rights of civilians in territories occupied by another state (described as "protected persons"). Article 76 includes the provision: "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein" (see below).

Russian-controlled courts have jailed 13 Crimean Jehovah's Witnesses to punish them for exercising freedom of religion or belief. Eleven of them have been illegally transferred to Russian prisons (https://www.forum18.org/archive.php?article_id=2956). The other two - Sergey Zhigalov and Viktor Kudinov - are awaiting their appeals. They are likely to be transferred to Russian prisons if they lose their appeals.

Russia's Supreme Court banned all Jehovah's Witness activity as "extremist" in 2017 (https://www.forum18.org/archive.php?article_id=2897). Russia imposes the ban in Crimea and other parts of Ukraine it illegally occupies.

Similarly, many political prisoners from occupied Crimea – including Crimean Tatars – are routinely illegally transferred to prisons in Russia.

The official who answered the phone on 26 February at the Office in Simferopol of the Russian-installed Crimean Human Rights Ombudsperson Aleksandr Shtekhabart said he was not in the office. She refused to explain why the Russian authorities are illegally transferring prisoners from Crimea and other Russian-occupied parts of Ukraine – like Fr Kostiantyn and the Jehovah's Witness prisoners of conscience - to prisons in Russia. "Officials here won't give such information," she told Forum 18. She then put the phone down.

Russian occupiers' pressure on religious communities

Russian occupation authorities have repeatedly tried to pressure priests (https://www.forum18.org/archive.php?article_id=2902) of both the Orthodox Church of Ukraine (OCU) and the Ukrainian Orthodox Church linked to the Moscow Patriarchate (UOC) to join new dioceses the Moscow Patriarchate Russian Orthodox Church has unilaterally established on occupied Ukrainian territory. Both OCU and UOC clergy have been disappeared after they have refused.

Unknown men from the Russian occupation forces seized 59-year-old Fr Stepan Podolchak of the Orthodox Church of Ukraine (OCU) on 13 February 2024 in the Ukrainian village of Kalanchak in the Russian-occupied part of Kherson Region. They took him away barefoot with a bag over his head, insisting he needed to come for questioning. His bruised body – possibly with a bullet-wound to the head - was found on the street in the village on 15 February 2024. Forum 18 asked Kalanchak's Russian police what action they will take following his killing. "For a long time this [community] hasn't existed here and won't," the duty officer replied (https://www.forum18.org/archive.php?article_id=2893). "Forget about it".

Russian occupation forces in Zaporizhzhia Region not only banned four religious communities (https://www.forum18.org/archive.php?article_id=2882) – the Greek Catholic Church and several Protestant Churches - in the occupied parts of the Region in December 2022, they also drove out the five Greek Catholic priests who were serving in the 10 or so parishes in and around Melitopol.

Occupation officials have also pressured and tortured Muslim clergy (https://www.forum18.org/archive.php?article_id=2902) and pressured mosque communities if they refuse to join Russian-controlled Islamic structures.

Occupation authorities have closed and seized many places of worship (<https://www.forum18.org/archive.php?country=17>) of communities they do not like.

It is illegal under international law for Russia to enforce its own laws on occupied Ukrainian territory, as Russia is required to leave Ukrainian law in force (<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-64/commentary/1958?activeTab=undefined>).

The Russian-occupied or partially-occupied regions of Ukraine which Russia illegally claimed to have annexed in 2022 (<https://news.un.org/en/story/2022/10/1129492>) – began imposing punishments under Russia's Criminal and Administrative Codes (https://www.forum18.org/archive.php?article_id=2808) in late 2022 in courts which Russia controls.

Many people handed jail terms in Russian-occupied Ukraine are illegally sent to serve sentences in Russia. The Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (<https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war>) covers the rights of civilians in territories occupied by another state (described as "protected persons"). Article 76 includes the provision: "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein."

UN: Victims fear publicising cases "could result in repercussions"

In a report on the human rights situation in Ukraine (including Russian-occupied territory) covering June to August 2024, published on 1 October 2024 (<https://www.ohchr.org/en/documents/country-reports/40th-periodic-report-human-rights-situation-ukraine-treatment-prisoners>), the United Nations Office of the High Commissioner for Human Rights (OHCHR) said it "continued to document cases of arbitrary detention, torture, including sexual violence, and enforced disappearance of civilians in the occupied territory".

"OHCHR also documented cases of arbitrary detention when the occupying authorities detained people for what appeared to be legitimate exercise of their freedom of expression or religion and belief," the report added. "In several of these cases, those affected shared information with OHCHR on a confidential basis, fearing that publication of details about their cases could result in

repercussions."

Closed hearing rejects Orthodox priest's "espionage" appeal

On 14 November 2024, a panel of Judges chaired by Pavel Melekhin at the First Appeal Court in Moscow heard the appeal by Ukrainian Orthodox Church (UOC) priest Fr Kostiantyn Vyacheslavovich Maksimov (born 16 March 1983). He lodged an appeal against his conviction and long jail sentence on "espionage" charges.

"This is a secret case and the appeal hearing will be closed," Judge Melekhin's assistant, Yekaterina Kiryanova, told Forum 18 from the court in October 2024 (https://www.forum18.org/archive.php?article_id=2936). She refused to say if Fr Kostiantyn would be brought to the court from prison in Russian-occupied Crimea. In the event the hearing took place in his absence.

At the closed hearing, Judge Melekhin and his colleagues left the conviction and 14-year strict regime jail term unchanged. "The punishment assigned to K.V. Maksimov is just," the decision – seen by Forum 18 - notes, "in connection with which the judicial panel does not see a basis for agreeing with the appeal's arguments for it to be softened or assigning a less strict punishment."

The decision ruled to exclude from the lower court verdict a reference to Fr Maksimov's alleged spying as taking place "in conditions of armed conflict and military action".

The only part of Fr Kostiantyn's sentence changed on appeal that affected the length of his remaining term was the date the sentence was deemed to start, according to the decision. The Judges recognised the more than 8 months Fr Kostiantyn had spent in unacknowledged detention in Russian-occupied Ukraine from 25 May 2023 before his officially-documented arrest on 1 February 2024. (Occupation forces actually detained him on 16 May 2023 (https://www.forum18.org/archive.php?article_id=2867).)

A prison term is reduced by one and a half days for every day spent in detention before the verdict enters into force - which in criminal cases takes place 15 days after conviction, 15 days after the detained defendant receives a copy of the verdict, or upon an unsuccessful appeal.

The decision notes that a cassational appeal can be lodged to the Criminal Division of the Supreme Court in Moscow within six months.

Fr Kostiantyn served as priest of the UOC's Church of the Assumption of the Blessed Virgin Mary in the city of Tokmak in Ukraine's Zaporizhzhia Region. He chose to remain there when Russian forces occupied the area in early 2022.

Russian occupation forces detained Fr Kostiantyn in the southern Ukrainian town of Chongar (https://www.forum18.org/archive.php?article_id=2867) when he attempted to cross the administrative boundary with the occupied Ukrainian territory of Crimea in May 2023.

On 2 August 2024, the Russian-controlled Zaporizhzhia Regional Court – at a closed trial held at the Russian-controlled Crimean Supreme Court in Simferopol – found Fr Kostiantyn guilty on charges of "espionage". Judge Aleksei Kozyrev sentenced him to 14 years' imprisonment (https://www.forum18.org/archive.php?article_id=2924) in a strict regime labour camp. The trial began on 6 June 2024, more than a year after Russian forces had arrested the priest.

Fr Kostiantyn was tried and convicted under Article 276 ("Espionage") of the Russian Criminal Code, which carries a jail term of 10 to 20 years. It is illegal under international law for Russia to enforce its own laws on occupied Ukrainian territory, as Russia is required to leave Ukrainian law in force (see above).

"I'm in such shock," Svetlana Maksimova, mother of Fr Kostiantyn, told Forum 18 from government-held Ukraine after the trial. "I had hoped for less."

During the investigation, the official who answered the phone at the Russian-controlled Zaporizhzhia Region Prosecutor's Office in Melitopol and the duty prosecutor at the Russian-controlled Crimean Prosecutor's Office in Simferopol – which had supported colleagues in Melitopol - refused to answer any of Forum 18's questions about Fr Kostiantyn's case.

Artyom Sharlay, the head of the Russian occupiers' Department for Work with Ethnic, Religious and Cossack Organisations of the Social and Political Communications Department of the Internal Policy Department of the Russian-controlled Zaporizhzhia Regional Administration, claimed to Forum 18 in October 2023 (https://www.forum18.org/archive.php?article_id=2867) that Fr Kostiantyn had not wanted the Berdyansk Diocese of the Ukrainian Orthodox Church (UOC) to move to be an integral part of the Russian Orthodox Church. The Russian Orthodox Church took over the Diocese in May 2023.

Sharlay did not answer his phone each time Forum 18 called on 26 February 2025.

Svetlana Maksimova insisted to Forum 18 that she hopes that her son will be included in a prisoner exchange between Russia and

Ukraine. She added that she has not seen Fr Kostiantyn since December 2021, two months before Russia's full-scale invasion of Ukraine.

Religious visits in Simferopol Investigation Prison

Fr Kostiantyn Maksimov was held in Investigation Prison No. 2 in the Crimean capital Simferopol between at least February 2024 (https://www.forum18.org/archive.php?article_id=2915) and February 2025.

Svetlana Maksimova said her son was being held in the Simferopol prison in a cell with three or four other prisoners. He was generally able to write to her and receive letters from her, though "sometimes they don't allow letters in". Prisoners were given half-an-hour of exercise out of their cells per day.

She said Fr Kostiantyn several times requested a visit from an Orthodox priest for confession and communion, which was granted. Although religious literature was taken from him when he was held in Melitopol, he was allowed a Bible while in the Simferopol prison.

"Before his transfer from the prison, a priest came to hear his confession and give him communion," Svetlana Maksimova told Forum 18.

Illegal transfer to Russian labour camp

On 3 February, the prison authorities in Russian-occupied Crimea began the illegal transfer of Fr Kostiantyn Maksimov to a strict regime labour camp in Russia's Saratov Region. He arrived there on 11 February and was placed in quarantine for two weeks, which ended on 25 February, his mother Svetlana Maksimova told Forum 18 the same day. The camp administration placed him in the 10th Detachment.

The duty officer at the labour camp in the village of Kamensky would not put Forum 18 through on 26 February to the Special Department, which keeps information on individual prisoners.

Fr Kostiantyn's address in labour camp:

412815 Saratovskaya oblast

Krasnoarmeysky raion

Pos. Kamensky

Ul. Zelenaya d. 20A

10-ii otryad

FKU Ispravitelnaya koloniya No. 23 UFSIN Rossii po Saratovskoi oblasti, Russian Federation

(END)

More reports on freedom of thought, conscience and belief in Occupied Ukraine (<https://www.forum18.org/archive.php?country=17>)

For background information, see Forum 18's Occupied Ukraine religious freedom survey (https://www.forum18.org/archive.php?article_id=2963)

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