

**FROM ZERO TO HOLY WAR:  
THE INTERNATIONAL COMMUNITY'S FAILURE  
TO CONFRONT THE RUSSIAN ORTHODOX  
CHURCH'S ESCALATING SUPPORT FOR WAR  
AGAINST UKRAINE**

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I. INTRODUCTION

**T**he Russian Orthodox Church—Moscow Patriarchate (“ROC”), the largest of the Eastern Orthodox churches, oversees millions of adherents and thousands of churches in Russia, the “near abroad”, and beyond. During two decades of Vladimir Putin’s rule, an unusual church-state relationship has evolved, whereby the ROC and the state’s constitutionally mandated secular government have sought to rekindle a relationship often framed as a resurgent tsarist *symphonia* between ruler and clergy. As an outgrowth of this burgeoning partnership, the ROC has become one of President Putin’s key levers of soft power, used to promote Russia’s temporal interests across the Church’s wide range of governmental and non-governmental international interlocutors.

Nowhere has this partnership been so starkly on display than with the onset of Russia’s “special military operation”, a derisible euphemism the Kremlin and its enablers have feebly deployed to mask an illegal aggression against Ukraine. As a non-state actor formally free and separate from government control, the ROC has elected to harness its global pulpit to unflinchingly back the regime, wielding its religious authority to echo state propaganda and

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justifications for this war. Taking its cue from the Kremlin, ROC hierarchs have used their platforms at home and abroad to frame the war as an existential conflict against all-corrupting Western values and as a battle destined to restore Russian greatness and secure Russia's—and the ROC's—professed territorial sphere of influence within the post-Soviet space. Beyond its endorsement of an illegal armed attack against another sovereign state and its validation of occupation and annexation of Ukrainian territory, the ROC's stalwart support has manifested in myriad ways, including a proclamation that death on the battlefield affords salvation that “washes away all sins,” and active participation in the removal of Ukrainian children from Russian-occupied territory and their “integration” into Russia proper.

What is certain from the emerging situation is that the ROC continues to play an outsized role in justifying the Kremlin's invasion of Ukraine through its rhetorical and practical efforts. What is less certain, however, is whether Ukraine's allies have deployed sufficient tools to confront the church's role and clearly signal that it cannot continue to serve as a Kremlin cheerleader without paying a price. The absence of certainty on this latter point is evidenced by the lamentably underwhelming use of sanctions on the ROC and its agents. Some states have sought to impose limited sanctions on the church, targeting its leader, Patriarch Kirill, while others have demurred. Ignoring the ROC's central function in this war—particularly in the context of mounting an effective and concerted response to its illegality—neglects the church's vital role in providing both spiritual and practical succor for the Kremlin. It also leaves unchecked the Kremlin's most ardent global supporter, in turn enabling the perpetuation of a legitimizing narrative across the ROC's robust international networks and among its faithful.

To better understand the ramifications that flow from this fractured response, the first part of this article offers a detailed accounting of the ROC's conduct to demonstrate both the pervasive and escalatory nature of the church's support for the Kremlin's war effort. Next, the article seeks to clarify the factors precluding Ukraine's international partners from mounting a concerted and effective response against the ROC. As this section posits, two justifications lie at the root of this critical failure: First, an unwillingness to act based on the ROC's status as a religious actor owed protection as a matter of freedom of religion; and second, the prioritization of targeting “bigger fish”, namely actors responsible for furnishing Russia with cash and materiel for its war effort. Unpacking these twin rationales further, the article concludes that both are misguided and can no longer operate to warrant the ROC's omission from decisive and unified action on the part of Ukraine's allies.

## II. THE KREMLIN'S CHURCH: CHARTING THE RUSSIAN ORTHODOX CHURCH'S UNSWERVING SUPPORT FOR WAR IN UKRAINE

### A. ROC Fidelity to Kremlin Policy in the 21st Century

Much has been written to help illuminate and understand Russia's 1,000-year history of church-state relations, a dynamic interaction that has ranged from unwavering cooperation during the tsarist era to violent state suppression and cooption of the church at the hands of communist rule, with various shades in between.<sup>1</sup> Across these historical experiences, it may be said that the ROC has stood in consistent service of the state and its civilizational identity and status, with the only question being whether that service was offered willingly or from under the government's boot.<sup>2</sup> During the Byzantine era's *symphonia*, the ROC embraced the opportunity to control ecclesiastical concerns "on equal footing" alongside tsarist rule over the temporal realm.<sup>3</sup> Years later, even as the gears of Soviet communism sought to grind down the ROC's stature and centrality,<sup>4</sup> Patriarch Sergey proclaimed the state's "joys and sorrows" were the same as the Church's.<sup>5</sup>

With the fall of communism, the ROC confronted an open if uncertain future, poised for a religious renewal free of government exploitation. At least initially, however, this rebuilding transpired

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1. See, e.g., JOHN ANDERSON, RELIGION, STATE, AND POLITICS IN THE SOVIET UNION AND SUCCESSOR STATES (1994); FELIX CORLEY, RELIGION IN THE SOVIET UNION: AN ARCHIVAL READER (1996); STEVEN MERRITT MINER, STALIN'S HOLY WAR: RELIGION, NATIONALISM, AND ALLIANCE POLITICS, 1941–1945 (2003); PAUL MOJZES, RELIGIOUS LIBERTY IN EASTERN EUROPE AND THE USSR: BEFORE AND AFTER THE GREAT TRANSFORMATION (1992); RELIGIOUS POLICY IN THE SOVIET UNION (Sabrina Petra Ramet ed., 1993); Laura Engelstein, *The Dream of Civil Society in Tsarist Russia: Law, State, and Religion*, in CIVIL SOCIETY BEFORE DEMOCRACY (Nancy Bermeo & Philip Nord eds., 2000); ZOE KNOX, RUSSIAN SOCIETY AND THE ORTHODOX CHURCH: RELIGION IN RUSSIA AFTER COMMUNISM (2004); and IRINA PAPKOVA, THE ORTHODOX CHURCH AND RUSSIAN POLITICS (2011).

2. Mikhail Antonov, *The Varieties of Symphonia and the State–Church Relations in Russia*, 9 OXFORD J. L. & RELIGION 552, 553–54 (2021).

3. Zoe Knox, *The Symphonic Ideal: The Moscow Patriarchate's Post-Soviet Leadership*, 55 EUR.-ASIA STUD. 575, 575 (2003). As Nicholas Gvodsev describes it, under *symphonia* "Church and state are not seen as separate institutions, but two types of authority—spiritual and secular—both charged with promoting the welfare of society." See Nikolas K. Gvosdev, *The New Emperors? Post-Soviet Presidents and Church-State Relations in Ukraine and Russia*, 3 SOPHIA INST. STUD. ORTHODOX THEOLOGY 171, 177 (2010).

4. According to James Billington, "there were at least 200,000 genuine Christian martyrs in the Soviet period: priests, deacons and others, lay people who can fairly be said to have died, not only from the irrationalities and violence of the Soviet system, but for their faith." See James H. Billington, *Orthodoxy and Democracy*, 49 J. CHURCH & STATE 19, 23 (2007).

5. John B. Dunlop, *The Russian Orthodox Church as an "Empire Saving" Institution*, in THE POLITICS OF RELIGION IN RUSSIA AND THE NEW STATES OF EURASIA 15, 19 (Michael Bourdeaux ed., 1995).

within a newly liberated society subject to competing ideas, including muscular Western proselytism targeting Russian souls emerging from a state-enforced atheistic hibernation.<sup>6</sup> Against this backdrop, the ROC again proved its political usefulness by extending a “high level of (diffuse) support” to the Yeltsin regime.<sup>7</sup> This support in turn facilitated increasingly emboldened efforts by the church to secure for itself a more prominent role as the pre-eminent “traditional” religion within Russia.<sup>8</sup> Within a decade, this positioning undergirded a renewed sense of entitlement for the church vis-à-vis government and society.<sup>9</sup> At the same time, the ROC rejected any criticism that warming relations with the state would endanger Russia’s constitutional secularism or result in a fusion of church and state.<sup>10</sup> Thus, on one hand Metropolitan Kirill (as he then was) justified the government’s obligation to privilege the ROC over other faiths, analogizing the church to the Bolshoi Ballet:

[I]t goes without saying that the creative contribution of the Bolshoi Theatre into the cultural life of Russia differs a priori from the contribution of a local house of culture, though the Bolshoi and this house of culture are equal as legal entities. . . *the state authorities have the right and moral duty to render assistance to those entities which determine the cultural level of the country.*<sup>11</sup>

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6. Robert C. Blitt, *How to Entrench a De Facto State Church in Russia: A Guide in Progress*, 2008 BYU L. REV. 707, 722–23 (2008) (describing the Moscow Patriarchate’s reaction to Western missionaries operating in Russia and the struggle to protect the “integrity” of the Russia’s cultural identity).

7. Vicki L. Hesli et al., *The Patriarch and the President: Religion and Political Choice in Russia*, 7 DEMOKRATIZSIYA 42, 49 (1999).

8. For example, consider the 1997 law on freedom of conscience and religious associations. SOBRANIE ZAKONODATEL’STVA ROSSIISKOI FEDERATSII [SZ RF] [Russian Federation Collection of Legislation] 1997, No. 39, Item 4465 (Federal Law No. 125–FZ) (Sept. 24, 1997) (recognizing “a special role of the Orthodox Church in the history of Russia [and] the formation and development of its spirituality and culture” and further acknowledging “respect for the Christianity, Islam, Buddhism, Judaism and other religions *constituting an integral part of the historical heritage of the peoples of Russia*”) (emphasis added).

9. Emily B. Baran, *Negotiating the Limits of Religious Pluralism in Post-Soviet Russia: The Anticult Movement in the Russian Orthodox Church, 1990–2004*, 65 RUSS. REV. 637, 639–42 (2006) (describing the resurgence of the ROC as a cultural mainstay, attracting Post-Soviet Russia politicians to publicly align with the church).

10. *Id.* at 638 (adopting democratic rhetoric and framing its demands in terms of protecting freedom of conscience against “totalitarian sects,” the ROC legitimized its actions as within a secular, democratic framework).

11. Metropolitan Kirill of Smolensk and Kaliningrad, *Principle of Religious Freedom Cannot Be Taken as Absolute*, Speech at the Enlarged Meeting of the Leading Officials of the Central Federal District, Kursk (July 21, 2004), in 47 EUROPAICA BULL., (Sep. 1, 2004), <http://orthodoxeurope.org/page/14/47.aspx#7> (emphasis added).

On the other hand, Kirill vociferously rejected allegations of church interference in public life: “We have not healed the wounds inflicted by terror and genocide against the [ROC], and we have just begun to rise from the knees. So what clericalization of society can be in question?!”<sup>12</sup>

Fresh from his 2009 enthronement, newly minted Patriarch Kirill had grown sufficiently comfortable to assert that the emerging dynamic between church and state, in “our world spoiled by sin,” was approaching as close as possible to the *symphonia* ideal: “Despite all the existing difficulties, the Church today retains, on the one hand, independence, and on the other—friendly relations with the state. And we should utilize this potential in the most varied spheres.”<sup>13</sup> A decade later, Kirill, at a celebration marking ten years at the ROC’s helm, expressed thanks to God and, turning to Vladimir Putin, “especially you, Vladimir Vladimirovich . . . for this dialogue between church and state . . . I would even dare say that church and state have such relations for the first time in all the history of Russia . . . Even in the times of the Russian empire, the church did not have an equal partner in the face of the government.”<sup>14</sup>

The rapprochement between church and state over the course of President Putin’s multi-decade rule was not an anomaly. More broadly, Putin’s larger effort to reshape Russian civil society “subordinate[d] all social organisations, including religious ones, to the goals set by the state.”<sup>15</sup> This exertion of control has resulted in “a consistent propaganda message reaching Russian citizens from the fully state-controlled media and representatives of social organisations, including the ROC.”<sup>16</sup> As such, Russia’s contemporary civil society sector often acts as “an extension of the state,” effectively serving as “agents of [state-determined] social policy, not the

12. Blitt, *supra* note 6, at 769–70.

13. Robert C. Blitt, *One New President, One New Patriarch, and a Generous Disregard for the Constitution: A Recipe for the Continuing Decline of Secular Russia*, 43 VAND. J. TRANSNAT’L L. 1337, 1367–68 (quoting Patriarch Kirill’s statements in an interview addressing the ROC’s first year post-enthronement of a new Primate of the Russian Orthodox Church); *Патриарх Московский и всея Руси Кирилл – “Известиям”: “Церковная жизнь должна быть служением”* [*Patriarch of Moscow and All Russia, Kirill to Izvestiya: “Church Life Should Be Service”*], IZVESTIYA (Russ.), (May 12, 2009).

14. Max Seddon, *Putin and the Patriarchs: How Geopolitics Tore Apart the Orthodox Church*, FIN. TIMES (Aug. 21, 2019), <https://www.ft.com/content/a41ed014-c38b-11e9-a8e9-296ca66511c9>.

15. Marcin Skladanowski & Cezary Smuniewski, *The Secularism of Putin’s Russia and Patriarch Kirill’s Church: The Russian Model of State–Church Relations and Its Social Reception*, 14 RELIGIONS 4 (2023).

16. *Id.*

influencers of it.”<sup>17</sup> This “servile society” is characterized by seemingly independent nongovernmental organizations (“NGOs”) whose actions “are exclusively or almost exclusively aimed at defending a governmental point of view.”<sup>18</sup> These “marionette” NGOs “have no leadership or constituency in society” and serve only “to legitimize, complement and support the state’s policy agenda and create the image of an autonomous and functioning civil society.”<sup>19</sup>

Bringing this expansive church-state partnership forward to today, the ROC is the “largest beneficiary of the state grant system that supports social, educational and charitable activities.”<sup>20</sup> There is virtually no policy area, foreign or domestic, where ROC input and support do not figure. Platformed on mutually endorsed “traditional” values, the *Russkiy Mir* (Russian World) agenda,<sup>21</sup> and the necessity of fortifying Russia’s civilizational and “spiritual security,”<sup>22</sup> the

17. Andrew Heiss, *NGOs and Authoritarianism*, in *ROUTLEDGE HANDBOOK OF NGOS AND INTERNATIONAL RELATIONS* 562 (Thomas Davies ed., 2019) (internal citations omitted).

18. Olivier de Frouville, *Domesticating Civil Society at the United Nations*, in *NGOS IN INTERNATIONAL LAW: EFFICIENCY IN FLEXIBILITY?* 72 (Pierre-Marie Dupuy & Luisa Vierucci eds., 2008). “An organization that can be considered *prima facie* servile is one that systematically adopts a laudatory view of its own government or which never criticizes it. An organization can be considered servile *prima facie* if it concentrates its interventions on a country, or on one of a government’s major issues regarding foreign affairs, and/or that limits itself to repeating a view held by a government on this given country and issue.” *Id.* at n.4.

19. Jo Crotty et al., *Post-Soviet Civil Society Development in the Russian Federation: The Impact of the NGO Law*, 66 *EUR.-ASIA STUDIES* 1253, 1255 (2014) (internal quotations and citations removed).

20. Skladanowski & Smuniewski, *supra* note 15, at 6.

21. John Lough et al., *Russian Influence Abroad: Non-state Actors and Propaganda*, CHATHAM HOUSE (2014), <https://www.chathamhouse.org/sites/default/files/field/document/20141024RussianInfluenceAbroad.pdf>. As an organizing notion, Russian World “refers to all Russians, united by a shared language and culture, and not only to those living within the political and geographical borders of the post-Soviet Russian Federation.” The concept is intended to translate “the ‘presence’ of Russians abroad into the ‘influence’ of Russia abroad.” Veera Laine and Iiris Saarelainen, *Spirituality as a Political Instrument: The Church, the Kremlin, and the Creation of the ‘Russian World’*, 7 (Finnish Inst. of Int’l Aff., Working Paper No. 98, 2017). Part of this effort is pursued by an eponymous government-funded foundation established in 2007, which reserves a board seat for the ROC and with which it also maintains a formalized cooperation agreement. Under the guise of promoting the Russian language, the Russkiy Mir Foundation busies itself “strengthening the spiritual unity of the Russian world” and operating as “a bulwark against the threat of globalization.” Robert C. Blitt, *Russia’s Orthodox Foreign Policy: The Growing Influence of the Russian Orthodox Church in Shaping Russia’s Policies Abroad*, 33 *U. PENN. J. INT’L L.*, 363, 387–389.

22. See *id.* at 377–78. The World Russian People’s Council (WRPC), a ROC-established NGO, defined spiritual security as

a set of cultural, religious, socio-psychological factors which enable a nation and a state to reproduce its own identity and to avoid a socio-psychological and cultural dependency upon external centres of influence . . . It is the capacity to defend independence from the impact of soft power, which in the 21st century became the main instrument of the expansion of powers aspiring to global hegemony.

Kremlin and ROC have blended for themselves a heady cocktail of Russian supremacy intended for domestic consumption and international export.<sup>23</sup> In both manifestations, this vision prioritizes a collective transnational identity premised on opposition to individual universal human rights norms and, more specifically, tearing down globalization and Western values as all-corrupting, degenerate and barbaric.<sup>24</sup>

This vision of cross-border Russian authority contesting Western influence also readily segues with the ROC's notion of Holy Rus. Although this theocratic concept is anchored in the 10th century birth of Russian Orthodoxy in Kyivan Rus, today it situates the ROC at the apex of religious authority both within Russia and beyond its national borders,<sup>25</sup> as a Third Rome that has inherited the mantle of Christendom previously forfeited by Rome and Byzantium.<sup>26</sup>

Looking back to four years before the 2022 invasion of Ukraine, the then looming prospect of an autocephalous Ukrainian national church is a telling example of how interwoven the secular and spiritual agendas of Russkiy Mir and Holy Rus have become. As events unfolded, the severity of the prospective blow revealed itself as reaching far beyond the walls of the ROC's Danilov Monastery headquarters. While the Patriarch bemoaned the diminishment of Holy Rus' extraterritorial projection of spiritual authority, President Putin convened his national security council to deliberate the decidedly temporal fallout to Russkiy Mir's extraterritorial influence

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For a deeper dive into the foreign policy-related implications of spiritual security, *see id.* at 386–410.

23. A recent report by the Center for Strategic & International Studies (CSIS) situates much of this dynamic under the umbrella term “strategic conservatism,” a policy that “overinflates the value of customs and tradition by prioritizing unquestioned respect for hierarchy (of a regime or religious supremacy) and collective interests over the rights and interests of the individual. Most importantly for the Kremlin, strategic conservatism is defined in opposition to Western ideals of pluralism and liberalism, and in defense of Russian actions and the Putin regime.” HEATHER A. CONLEY & DONATIENNE RUY, *THE KREMLIN PLAYBOOK 3: KEEPING THE FAITH* 5–6 (2022). Elsewhere, the ideological underpinnings of this pivot have been characterized as a “cultural” or “conservative” turn that prioritizes traditional Russian “spiritual-moral” values as “an important instrument for political agitation, reminiscent of a state ideology.” Laine & Saarelainen, *supra* note 21, at 5.

24. Robert C. Blitt, *Justifying Aggression: Russia's 2020 Constitutional Amendments and the Invasion of Ukraine*, 57 *VAND. J. TRANSNAT'L L.* 1, 68 (2024).

25. Dareg A. Zabarah, *Autocephaly: A Delayed Transition from Empire to National State?*, 33 *ACTA SLAVICA IAPONICA* 47, 55 (2013) (noting “The ROC currently sees itself as a multinational church with a wider territorial span than the current Russian Federation. Its canonical territory includes (with the exception of Georgia and Armenia) thirteen former Soviet Republics.”).

26. Laurence Jarvik, *Cultural Challenges to Democratization in Russia*, 50 *ORBIS* 167, 172–73 (2006).

project.<sup>27</sup> At the time, the Kremlin and ROC both blamed Western plotting for facilitating Ukraine's religious "schism."<sup>28</sup> But the parties likewise leaned heavily on ecclesiastical arguments to validate their position. President Putin branded Ukrainian autocephaly an attempt "to legalize the schismatic communities that exist in Ukraine . . . a major violation of Orthodox canons."<sup>29</sup> For his part, Foreign Minister Sergei Lavrov, also not a church scholar, dogmatically framed the Ecumenical Patriarchate's *tomos* (that is, ecclesiastical decree) for the new Ukrainian church as

absolutely illegitimate by . . . Russian Orthodox canons because the 1686 Constantinople verdict on the transfer of the Church under the aegis of the Moscow Patriarchate is irrevocable (it is fairly easy to read it). Therefore, mockery of history with a view to setting Russia and Ukraine against each other and preventing their friendship is a crime against compatriots.<sup>30</sup>

Already in 2008, Russia scholar and activist Michael Bourdeaux summarized Russia's emerging church-state relationship thusly, "[i]n recent times no bishop has criticized any aspect of Kremlin policy . . . [the situation resembles] a scene reminiscent of clergy who recanted their anti-Soviet activities in former days."<sup>31</sup> Arguably, some occasional differences have arisen as this otherwise lockstep modern relationship has materialized.<sup>32</sup> On balance, however, any exceptions have been rare, ultimately resulting in the ROC falling into

27. See Cyril Hovorun, *UkraineAlert: What Really Happened in Constantinople Last Week*, ATL. COUNCIL (Oct. 15, 2018), <https://www.atlanticcouncil.org/blogs/ukrainealert/what-really-happened-in-constantinople-last-week>; *What Does an Independent Orthodox Church Mean for Ukraine?* HARV. UKR. RSCH. INST. (Mar. 20, 2019), <https://huri.harvard.edu/news/what-does-independent-orthodox-church-mean-ukraine>.

28. Robert C. Blitt, *U.S. Interference in Ukraine's Autocephaly: An Ineffective, Unnecessary, and Unlikely Affair*, INT'L CTR. FOR L. & RELIGION STUD. (Jan. 9, 2020), <https://talkabout.iclrs.org/2020/01/09/u-s-interference-in-ukraines-autocephaly-an-ineffective-unnecessary-and-unlikely-affair>.

29. *Interviews to Serbian periodicals Politika and Večernje Novosti*, POLITIKA NEWSPAPER (Jan. 16, 2019) (Russ.), <http://en.kremlin.ru/events/president/news/59680>.

30. *Foreign Minister Sergey Lavrov's remarks and replies to questions in the Russian-Tajik Slavonic University, Dushanbe*, MINISTRY OF FOREIGN AFF. OF THE RUSS. FED'N (Feb. 5, 2019) (Russ.), [https://www.mid.ru/en/web/guest/meropriyatiya\\_s\\_uchastiem\\_ministra/-/asset\\_publisher/xK1BhB2bUjd3/content/id/3501226](https://www.mid.ru/en/web/guest/meropriyatiya_s_uchastiem_ministra/-/asset_publisher/xK1BhB2bUjd3/content/id/3501226).

31. Michael Bourdeaux, *President Putin and the Patriarchs*, TIMES (Jan. 11, 2008, 12:00 AM), <https://www.thetimes.co.uk/article/president-putin-and-the-patriarchs-86gsxgs8bg9>.

32. See generally *id.* (demonstrating that there are a few instances where clergy offered conflicting views).

line with the Kremlin's execution of state policy. Two examples from recent history are illustrative of this reality.

First, over five days of war in 2008, Russia invaded Abkhazia and South Ossetia, effectively occupying nearly 20% of Georgia's internationally recognized sovereign territory.<sup>33</sup> As Lauri Mälksoo has noted, "conditions for the clash between Georgia and Russia were prepared by Moscow which . . . actively supported separatists in South Ossetia and Abkhazia, distributed Russian passports to the local population, supported the local separatist forces with weapons, and thus also violated international law."<sup>34</sup> Following this takeover phase, Moscow extended formal recognition to the Republics of Abkhazia and South Ossetia, despite only a handful of other states following suit.<sup>35</sup> Alongside the stark international opposition to Kremlin manipulations, both territories continued to remain dominated by and dependent upon Moscow for their security and economic survival, so much so that a U.S. human rights commission took to describing the territories' reality as akin to "de facto annexation" rather than independence.<sup>36</sup>

Initially, it appeared that the ROC would side with the rest of the world in rejecting, or at least not embracing, Russia's takeover. At the time, the ROC—"allegedly in defiance of the Kremlin"—maintained the position that Abkhazia and South Ossetia remained part of the Georgian Patriarchate's canonical territory, and not open to Moscow's interference.<sup>37</sup> But within ten years, the Georgian Patriarch was pleading with Kirill to urge Moscow to forestall the "expansionist tendencies of Russian troops" and the ROC's "alleged intention . . . to send [Russian] priests to this region in order to minister."<sup>38</sup>

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33. HELSINKI COMMISSION REPORT, IN BRIEF: THE RUSSIAN OCCUPATION OF SOUTH OSSETIA AND ABKHAZIA, COMM'N. SEC. & COOP. EUROPE 1 (2018).

34. LAURI MÄLKSOO, RUSSIAN APPROACHES TO INTERNATIONAL LAW 179 (2015). For more on the Kremlin's practice of passportization, see Thomas Hoffmann & Archil Chochia, *The Institution of Citizenship and Practices of Passportization in Russia's European Neighbourhood Policies*, in RUSSIA AND THE EU: SPACES OF INTERACTION 223–33 (Thomas Hoffmann & Andrey Makarychev eds., 2019). Hoffmann and Chochia conclude Russia's extension of passports to residents "in Transnistria, Abkhazia or South Ossetia" violated international law because "these regions do not form a part of the Russian territory under international law [and thus any resident's] right is restricted by the sovereignty of Moldova and Georgia, respectively." *Id.* at 233.

35. U.N. SCOR, 5969th mtg. at 6–7, U.N. Doc. S/PV.5969 (Aug. 28, 2008); Peter Roudik, *Russian Federation: Legal Aspects of War in Georgia*, L. LIBR. CONGRESS, Sep. 2008, at 12.

36. COMM'N SEC. & COOP. EUROPE, *supra* note 33, at 3.

37. KADRI LIIK ET AL., DEFENDER OF THE FAITH? HOW UKRAINE'S ORTHODOX SPLIT THREATENS RUSSIA, EUR. COUNCIL ON FOREIGN RELATIONS 7 (MAY 2019).

38. *Tbilisi warns Moscow not to proceed to intrusion*, ORTHODOX TIMES (Nov. 18, 2019), <https://orthodoxtimes.com/tbilisi-warns-moscow-not-to-proceed-to-intrusion>.

This subsequent action along with other endeavors reflect the ROC's ultimate willingness to assist the Kremlin "in the Russification of these occupied territories through services and the transformation of churches," even though its initial stance signaled a more moderate approach respectful of the Georgian church's recognized canonical jurisdiction.<sup>39</sup> Ultimately, the fetters of canonical legitimacy within Abkhazia and South Ossetia have mattered less to the ROC than Kremlin assertions of Russia's own cross-border authority. Thus, Kirill has moved to "slowly inch out" the Georgian church "and impose [the ROC's] own influence, in furtherance of the Kremlin's objectives."<sup>40</sup> This is particularly evident on the political front, where the ROC has mirrored Kremlin language in "correspondence and meetings with separatist leaders" and remains in regular "communication with the so-called Abkhazian and South Ossetian presidents."<sup>41</sup>

Second, in 2014, Ukraine's Maidan protests—triggered by former president Viktor Yanukovich's decision to scrap a painstakingly negotiated EU-Ukraine Association Agreement<sup>42</sup>—devolved into a bloody conflict when snipers opened fire on law enforcement personnel and anti-government protestors occupying Maidan square.<sup>43</sup> The violence ultimately forced Yanukovich to flee to Russia.<sup>44</sup> The succeeding Ukrainian government signaled Russia

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39. THE KREMLIN PLAYBOOK 3, *supra* note 23, at 84.

40. *Id.* at 81.

41. *Id.* at 83. For a recent example of collaboration between the ROC and the South Ossetian government, see Alan Gagloev took part in the Easter service in the Church of the Nativity of the Blessed Virgin Mary, PRESIDENT OF THE REPUBLIC OF SOUTH OSSETIA, (Apr. 16, 2023), <https://presidentruo.org/alan-gagloev-prinyal-uchastie-v-pashalnom-bogoslužheni-i-v-hrame-rozhdestva-prisyatoj-bogorodiczy>.

42. *EU-Ukraine Deep and Comprehensive Free Trade Area*, EUR. COMM'N. DELEGATION EUR. UNION TO UKR., <https://trade.ec.europa.eu/access-to-markets/en/content/eu-ukraine-deep-and-comprehensive-free-trade-area>, (last visited Mar. 8, 2025). The parties ultimately signed the agreement in March 2014 following Yanukovich's ouster. See *EU-Ukraine Association Agreement*, "Quick Guide to the Association Agreement," EUR. UNION, [https://www.eeas.europa.eu/sites/default/files/071215\\_eu-ukraine\\_association\\_agreement.pdf](https://www.eeas.europa.eu/sites/default/files/071215_eu-ukraine_association_agreement.pdf), (last visited Mar. 8, 2025). Ian Traynor & Oksana Grytsenko, *Ukraine suspends talks on EU trade pact as Putin wins tug of war*, THE GUARDIAN (Nov. 21, 2013), <https://www.theguardian.com/world/2013/nov/21/ukraine-suspends-preparations-eu-trade-pact>; see also Elizabeth Piper, *Special Report: Why Ukraine spurned the EU and embraced Russia*, REUTERS (Dec. 19, 2013), <https://www.reuters.com/article/us-ukraine-russia-deal-special-report-idUSBRE9B10DZ20131219> (detailing the sudden shift in Ukraine's position regarding the EU deal).

43. Alex Padalka & Guest Writers, *Who were the Maidan snipers?*, WORLD (July 30, 2016), <https://theworld.org/stories/2014-03-14/who-were-maidan-snipers>; *Ukraine crisis: What we know about the Kiev snipers*, BBC NEWS (Apr. 3, 2014), <https://www.bbc.com/news/world-europe-26866069>.

44. Michael Ray, *Viktor Yanukovich*, BRITANNICA, (last updated Mar. 8, 2025), <https://www.britannica.com/event/2022-Russian-invasion-of-Ukraine>.

would no longer be able to dominate Ukraine via political proxy, prompting the Kremlin to brand it a band of “terrorists and bandits.”<sup>45</sup> Faced with Ukraine’s “Revolution of Dignity,” Moscow moved to foment armed insurgencies in Ukraine’s Donbas region and dispatched Russia soldiers<sup>46</sup> to Crimea under cover of “little green men.”<sup>47</sup> These actions resulted in a simmering conflict between Ukraine’s central government and the putative breakaway statelets of Luhansk and Donetsk, and led to Russia’s rapid absorption of Crimea, papered over by a legally dubious<sup>48</sup> March 2014 referendum in which 97% of voters supported joining Russia.<sup>49</sup>

Conventional wisdom at the time of Crimea’s annexation in March 2014 reasoned that the Kremlin’s illegal action<sup>50</sup> would cause difficulties for the ROC’s tenuous relations with Ukraine, particularly as it navigated the optics surrounding its proxy church, the ostensibly independent Ukrainian Orthodox Church-Moscow Patriarchate (“UOC-MP”).<sup>51</sup> Inevitably, Moscow’s efforts to

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45. Harriet Salem, *Who exactly is governing Ukraine?*, GUARDIAN (Mar. 4, 2014), <https://www.theguardian.com/world/2014/mar/04/who-governing-ukraine-olexander-turchynov>. In a similar vein, for Putin, “Nationalists, neo-Nazis, Russophobes and anti-Semites executed this coup. They continue to set the tone in Ukraine to this day.” *Address by President of the Russian Federation*, KREMLIN.RU (Mar. 18, 2014), <http://en.kremlin.ru/events/president/news/20603>.

46. *Putin admits Russian forces were deployed to Crimea*, REUTERS (Apr. 17, 2014), <https://www.reuters.com/article/markets/us/putin-admits-russian-forces-were-deployed-to-crimea-idUSL6N0N921H>.

47. Carl Schreck, *From ‘Not Us’ To ‘Why Hide It?’: How Russia Denied Its Crimea Invasion, Then Admitted It*, RADIO FREE EUR./RADIO LIBERTY (Feb. 26, 2019), <https://www.rferl.org/a/from-not-us-to-why-hide-it-how-russia-denied-its-crimea-invasion-then-admitted-it/29791806.html>. Initially, “Russia embarked on a campaign of denials and obfuscations about [its] role” in the takeover of Crimea. *Id.*

48. John B. Bellinger III, *Why the Crimean Referendum Is Illegitimate*, COUNCIL ON FOREIGN REL. (Mar. 16, 2014), <https://www.cfr.org/interview/why-crimean-referendum-illegitimate>.

49. *Official results: 97 percent of Crimea voters back joining Russia*, CBS NEWS (Mar. 17, 2014), <https://www.cbsnews.com/news/official-results-97-of-crimea-voters-back-joining-russia>; see also Paul Roderick Gregory, *Putin’s ‘Human Rights Council’ Accidentally Posts Real Crimean Election Results*, FORBES (May 5, 2014), <https://www.forbes.com/sites/paulroderickgregory/2014/05/05/putins-human-rights-council-accidentally-posts-real-crimean-election-results-only-15-voted-for-annexation/?sh=62e9a2ddf172> (noting that “[n]o international observers were allowed” to monitor the vote, and that data accidentally posted to a Russian government website signaled far lower voter turnout and support for annexation).

50. G.A. Res. 68/262, UN Doc. A/RES/68/262, Mar. 27, 2014, ¶ 1 (“Call[ing] upon all States to desist and refrain from actions aimed at the partial or total disruption of the national unity and territorial integrity of Ukraine, including any attempts to modify Ukraine’s borders through the threat or use of force or other unlawful means.”).

51. Although the UOC-MP maintained a degree of autonomy from the ROC since 1990, it remained “legally and canonically” connected to the Moscow church. Vladimir Ryzhkov, *Russian Orthodox Church Facing Ukraine Split*, MOSCOW TIMES (June 15, 2015),

destabilize and dismantle Ukraine risked alienating Orthodox Ukrainians not only from a nationalist perspective but a spiritual one as well, thus triggering migration of the faithful away from the UOC-MP to the rival (and nationalist) Ukrainian Orthodox Church-Kiev Patriarchate (“UOC-KP”) and smaller Ukrainian Autocephalous Orthodox Church (“UAOC”).<sup>52</sup> By further fanning the desire for an autonomous Ukrainian church genuinely detached from the ROC’s controlling hand,<sup>53</sup> it appeared that the Kremlin’s actions cut against the ROC’s interests abroad, including its coveted status as the “largest Orthodox church in the world.”<sup>54</sup>

Against the backdrop of Russia’s conspicuous imperialist designs, Patriarch Kirill sought a veneer of neutrality to assuage concerns over the ROC’s position in Ukraine.<sup>55</sup> Some observers pointed to Kirill’s notable absence from the signing ceremony for Crimea’s annexation to the Russian Federation as evidence of the Patriarch endeavoring a “tricky balancing act” between state and church interests.<sup>56</sup> This high-profile event, celebrated at the Kremlin’s St. George Hall, brought together the “crème de la crème of the Russian political, military, and business worlds.”<sup>57</sup> As one account described it, Kirill’s absence demonstrated the ROC’s “extreme embarrassment . . . over the Ukrainian crisis, which

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<https://www.themoscowtimes.com/2015/06/15/russian-orthodox-church-facing-ukraine-split-a47389>.

52. In late 2018, a unification council brought about the dissolution of these latter churches to form the newly unified Orthodox Church of Ukraine (“OCU”) in advance of the Ecumenical Patriarch granting a *tomos* of autocephaly for the new church in January 2019. See Toma Istomina, *Unification Council elects head of Ukrainian Orthodox Church*, KYIV POST (Dec. 15, 2018), <https://www.kyivpost.com/post/9130>.

53. The yearning for and tensions surrounding the possibility of an independent Ukrainian national church predate the Ecumenical Patriarchate’s granting of the 2019 *tomos*. See Lydia S. Tonoyan & Daniel P. Payne, *The Visit of Patriarch Kirill to Ukraine in 2009 and its Significance in Ukraine’s Political and Religious Life*, 38 RELIGION, STATE & SOC’Y 253, 254 (2010) (noting that after Ukraine gained independence from the Soviet Union in 1991, some Orthodox and nationalist circles sought to build on prior attempts at an independent church to establish “an autocephalous Ukrainian local church in the new canonical territory within the borders of the recently formed state, complete with its own patriarchate independent from the Moscow Patriarchate.”).

54. In 2015, the UOC-MP represented nearly half of the ROC’s 30,000 parishes. Ryzhkov, *supra* note 51.

55. See Katarzyna Jarzynska, *Patriarch Kirill’s game over Ukraine*, 144 CTR. E. STUD. (Aug. 14, 2014), <https://www.osw.waw.pl/en/publikacje/osw-commentary/2014-08-14/patriarch-kirills-game-over-ukraine> (presenting a cautious take on the ROC’s embroilment in the overrunning and annexation of Crimea).

56. LIJK ET AL., *supra* note 37, at 7. Other observers assumed Kirill’s absence “was a tactical solution consulted with the Kremlin.” Jarzynska, *supra* note 55, at 5; see also *Agreement on the accession of the Republic of Crimea to the Russian Federation signed*, KREMLIN.RU (Mar. 18, 2014), <http://en.kremlin.ru/events/president/news/20604>.

57. LIJK ET AL., *supra* note 37, at 7.

threaten[ed] to upset even the structure of the same ecclesiastical institutions, and obliterate the enlargement projects pursued with great tenacity by Kirill himself in recent years.”<sup>58</sup> Nevertheless, dispatching only lower-level ROC functionaries to the event while still extending muted support for the separatists was not enough to insulate the church’s interests.<sup>59</sup> Further exacerbating the ROC’s entanglement in the annexation, other reporting observed that ROC priests had taken an active part in operations leading up to Russia’s annexation of Crimea, including coaxing the disarmament of Ukrainian troops<sup>60</sup> and “openly work[ing] to convince [Ukrainian] soldiers to become deserters and demoraliz[ing] the Ukrainian army with their sermons.”<sup>61</sup> Ultimately, this halfhearted attempt to put daylight between the Kremlin’s actions and the ROC predictably failed to prevent a further deepening of misgivings over the church’s ongoing support for events unfolding in Ukraine’s restive east.<sup>62</sup>

In the aftermath of Crimea’s annexation—and with prospects for Ukrainian autocephaly mounting—the ROC redoubled its efforts to assert control over Crimea and the Donbas region. Statements by ROC hierarchs openly claimed that the territory initially granted to the Metropolis of Kiev, which became a part of the ROC in 1686, “was not the same as that of the present Ukrainian Orthodox Church. It was much smaller. Donbas, the south of Ukraine, Odessa and many other areas were not its part.”<sup>63</sup> According to this rationale, these territories naturally fell under the ROC’s direct jurisdiction. This

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58. Vladimir Rozanskij, *Crimea annexation frightens Patriarch of Moscow*, ASIANEWS.IT (Mar. 21, 2014), <https://www.asianews.it/news-en/Crimea-annexation-frightens-Patriarch-of-Moscow-30619.html>.

59. See Ryzhkov, *supra* note 51.

60. See Liliya Yapparova, *Holy Men: How Russian Orthodox priests helped annex Crimea*, MEDUZA (Apr. 6, 2020, 8:20 AM), <https://meduza.io/en/feature/2020/04/06/russia-sholy-men>.

61. *Id.*

62. See Ryzhkov, *supra* note 51; Skladanowski & Smuniewski, *supra* note 15, at 6; See also Taras Kuzio, *Unholy War: UK sanctions Putin’s Patriarch for backing Ukraine invasion*, ATL. COUNCIL (June 17, 2022), <https://www.atlanticcouncil.org/blogs/ukrainealert/unholy-war-uk-sanctions-putins-patriarch-for-backing-ukraine-invasion> (concluding the ROC “provided ideological sustenance for Putin’s 2014 invasion of Crimea and backed subsequent efforts to destabilize and partition mainland Ukraine.”).

63. *Metropolitan Hilarion of Volokolamsk: Decision demanded by church canons was taken today*, RUSS. ORTHODOX CHURCH (Oct. 15, 2018), <https://mospat.ru/en/news/47055>; see *Metropolitan Hilarion: Patriarch Bartholomew has very clearly stated that there will be no legitimation of the schism*, RUSS. ORTHODOX CHURCH, <https://mospat.ru/en/news/47345> (last visited Mar. 7, 2025) (stating “it should not be forgotten that the Metropolitanate of Kiev at the moment when it joined the Moscow Patriarchate was much smaller territorially than the present Ukraine. There was no Odessa or Donetsk or Crimea in it. Accordingly, the present Ukrainian Orthodox Church of the Moscow Patriarchate is a completely different territory from the one that was incorporated at that time.”).

plain effort to legitimate Moscow's annexation and its succor for the Luhansk People's Republic and Donetsk People's Republic squarely placed the ROC in the Kremlin's camp and further undermined any pretense of UOC-MP independence from Moscow's control.<sup>64</sup>

Underscoring this dynamic, the ROC's influence over the UOC-MP served to facilitate and embed alignment between Crimea's local religious authorities and the Kremlin. Shortly after Russia's takeover, UOC-MP Metropolitan Lazarus of Simferopol and Crimea signed an "Agreement on Cooperation and Interaction" with the commander of Russia's Black Sea Fleet.<sup>65</sup> Subsequently, UOC-MP clergy from the Simferopol and Crimean Diocese participated in the consecration of various symbols of Russia's annexation, including a monument to Russian soldiers who participated in the occupation of Crimea in 2014<sup>66</sup> and a Russian S-400 anti-aircraft missile system deployed in Dzhankoi, Crimea.<sup>67</sup>

Following the Ecumenical Patriarch's 2018 decision to issue a *tomos* of autocephaly for the new Orthodox Church of Ukraine ("OCU"), the ROC's velvet gloves plainly came off. In October 2019, UOC-MP Metropolitan Lazarus chaired the constituent assembly of the Crimean Regional Branch of the World Russian People's Council ("WRPC"),<sup>68</sup> a ROC-controlled NGO dedicated to bolstering Russia's

64. One stark illustration of ROC submissiveness to the Kremlin that also encapsulates the church's inevitable embrace of the illegal annexation of Crimea bears recounting here. In 2020, the ROC reversed its plan to install an elaborate mosaic entitled "Bloodless joining of Crimea to Russia" in its new "Patriarchal Cathedral of the Resurrection of Christ," a "mega-church" in honor of Russia's armed forces being built at Patriot Park, "a sprawling military theme park and exhibition center" on the outskirts of Moscow. The mosaic depicted President Putin alongside "people celebrating the March 2014 event." But President Putin expressed reservations: "Some day grateful future generations will appreciate our achievements but it's too early to do this now." The ROC quickly relented, scrapping the mosaic because it was "the wish of the head of the country." Robert C. Blitt, *Agent of Russian Interests Abroad: Assessing the Moscow Patriarchate's Activity in the Balkans and Beyond*, 27 GONZ. J. INT'L L. 57, 116, n.293 (2024) (internal citations omitted).

65. Mykola Kikkas, *Expert assessment of the activities of the Ukrainian Orthodox Church in Crimea in the light of international law and legislation of Ukraine*, CULTURE (May 5, 2023), <https://culture.voicecrimea.com.ua/en/expert-assessment-of-the-activities-of-the-ukrainian-orthodox-church-in-crimea-in-the-light-of-international-law-and-legislation-of-ukraine>.

66. *Id.*

67. See *Российские ракеты в Крыму: православные священники освятили ЗПК С-400 (видео)* [Russian missiles in Crimea: Orthodox priests consecrate S-400 air defense missile system (video)], RADIO FREE EUR./RADIO LIBERTY (Nov. 30, 2018) (Russ.), <https://ru.krymr.com/a/video-rossiyskie-rakery-v-krymu/29629691.html>.

68. See *Crimean branch of VRNS*, WORLD RUSS. PEOPLE'S COUNCIL, [https://vrns.ru/regions/index.php?SECTION\\_ID=150](https://vrns.ru/regions/index.php?SECTION_ID=150) (last visited Mar. 7, 2025). Robert Horvath has described the WRPC as "a kind of public assembly created by a coterie of nationalist intellectuals under the aegis of the Moscow Patriarchate." Robert Horvath, *The Reinvention of 'Traditional Values': Nataliya Narochnitskaya and Russia's Assault on Universal*

international profile and advocating on its behalf.<sup>69</sup> Within three years, the ROC would officially peel all three dioceses in Crimea away from the UOC-MP's nominal control and place them under Moscow's direct control as part of a new Metropolitanate of Crimea.<sup>70</sup>

## B. The ROC and Russia's 2022 Invasion of Ukraine

### 1. Initial Engagement Around the Invasion

It did not take long for Patriarch Kirill to transition the ROC's position from a thin façade of distance and non-endorsement to a full-throated embrace of the Kremlin's all-out invasion of Ukraine. The Patriarch's first brief remarks following Russia's February 2022

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*Human Rights*, 68:5 EUR.-ASIA STUD. 868, 872 (July 26, 2016). The ROC harnessed the WRPC to similar effect in Donbas to cement its ties and positions in new territory annexed by Russia. There, Denis Pushilin acting head of the DPR, assumed the duties of co-chair of the Donetsk branch of the WRPC since its establishment in February 2023, alongside the deputy secretary of the DPR's United Russia party. The timing of this move mirrored the ROC's actions in Crimea—waiting for the Kremlin to assert control and then dutifully moving in—only this time at a much faster clip. See *Branch of VRNS in the Donetsk People's Republic*, WORLD RUSSIAN PEOPLE'S COUNCIL, [https://vrns.ru/regions/index.php?SECTION\\_ID=224](https://vrns.ru/regions/index.php?SECTION_ID=224) (last visited Mar. 7, 2025); see also *Signing of treaties on accession of Donetsk and Lugansk people's republics and Zaporozhye and Kherson regions to Russia*, KREMLIN.RU (Sep. 30, 2022, 4:00 PM), <http://en.kremlin.ru/events/president/news/69465> (stating Putin authorized annexation of Donetsk, Luhansk, Zaporizhzhia and Kherson at the end of September 2022).

69. During his tenure as a ROC metropolitan, Kirill “was one of the initiators” of the WRPC. He assumed leadership of the WRPC in 2009 after becoming Patriarch. See *Patriarch Kirill of Moscow and All Russia as chairman of the Moscow Patriarchate department for external church relations from 1989 to 2009*, RUSSIAN ORTHODOX CHURCH, <https://mospat.ru/en/patriarch> (last visited Mar. 7, 2025); see also *About WRPC*, WORLD RUSS. PEOPLE'S COUNCIL, <https://vrns.ru/o-vrns.php> (last visited Mar. 7, 2025) (describing the WRPC). Alicja Curanović has observed that although the WRPC is “not strictly a part of the ROC, its close connections . . . make it a de facto Church-run NGO.” Alicja Curanović, *Russia's Mission in the World*, 66:4 PROBS. OF POST-COMMUNISM 253, 256 (2018). Indeed, the WRPC is church-created and church-led, and its headquarters are “located on the grounds of the Danilov Monastery, headquarters of the Moscow Patriarchate and the official residence of the Russian Patriarch.” Blitt, *supra* note 21, at 395.

70. See Engjellushe Morina & Andrew Wilson, *Russia, Ukraine, and the Orthodox church: Where religion meets geopolitics and war*, EUR. COUNCIL ON FOREIGN RELS. (June 23, 2022), <https://ecfr.eu/article/russia-ukraine-and-the-orthodox-church-where-religion-meets-geopolitics-and-war>; see also *Симферопольская, Джанкойская и Феодосийская епархии приняты в подчинение Патриарха и Синода Русской Православной Церкви и вошли в состав учрежденной Крымской митрополии* [*The dioceses of Simferopol, Dzhankoy and Feodosia were accepted under the subordination of the Patriarch and the Synod of the Russian Orthodox Church and became part of the established Crimean Metropolia*], PATRIARCHIA.RU (June 7, 2022) (Russ.), <http://www.patriarchia.ru/db/text/5934581.html> (stating the official ROC announcement); *Crimean Dioceses Received Directly Into Russian Orthodox Church*, ORTHODOX CHRISTIAN (June 7, 2022), <https://orthochristian.com/146584.html>. The ROC's absorption of Crimea's dioceses reportedly occurred without objection from the UOC-MP's leadership. See Kikkas, *supra* note 65.

invasion leaned on euphemism to address the “events taking place.”<sup>71</sup> Neglecting to acknowledge anything akin to invasion or war, Kirill—without pointing fingers—merely called “on all parties to the conflict to do everything possible to avoid civilian casualties” and encouraged “prayer for the speedy restoration of peace.”<sup>72</sup>

Within weeks of this delicately crafted statement, however, the ROC’s approach transitioned decisively, painting a picture of the church in lockstep with the Kremlin and its justifications for war. For example, during a sermon on Forgiveness Sunday just two weeks following the invasion, Kirill picked up on the theme of defending Russia against corrupt Western values.<sup>73</sup> According to the Patriarch, the invasion was about nothing less than “which side of God humanity will be on.”<sup>74</sup> He applauded the people of the Donbas for rejecting the “loyalty test” imposed by the West for joining the “new world order . . . of false ‘freedom’ . . . . The test is very simple and at the same time terrible—it is the Gay Pride parade.”<sup>75</sup> To drive home the righteousness of the Kremlin’s cause, Kirill framed the struggle as an existential one: “If humanity accepts that sin is not a violation of God’s law, if humanity accepts that sin is a variation of human behavior, then human civilization will end there . . . we have entered into a struggle that is not physical, but metaphysical.”<sup>76</sup>

Away from the pulpit, the ROC quickly moved to reinforce the Patriarch’s messaging by bestowing gifts and prayers upon Russia’s military and its leaders. For example, Patriarch Kirill saluted the Director of Russia’s National Guard Viktor Zolotov with an icon intended to “inspire young soldiers” who choose “the path to defending the Fatherland.”<sup>77</sup> General Zolotov, welcoming the gesture, asserted the icon would “protect the Russian army and accelerate our victory” over “the Nazis . . . hiding behind the backs of

71. *Patriarch Kirill calls for prayer and to avoid civilian casualties*, ORTHODOX CHRISTIAN (Feb. 24, 2022), <https://orthochristian.com/144651.html>.

72. *Id.*

73. See Thomas Kika, *Russian Orthodox Church Leader Blames Invasion on Ukraine’s ‘Gay Pride’*, NEWSWEEK (Mar. 8, 2022), <https://www.newsweek.com/russian-orthodox-church-leader-blames-invasion-ukraines-gay-pride-1685636>.

74. *Id.*

75. Jack Jenkins, *How One Priest Turned Putin’s Invasion Into A Holy War*, ROLLING STONE (Mar. 19, 2022), <https://www.rollingstone.com/politics/politics-features/holy-w-whoziaistvo-i-pravo-ar-priest-putin-war-ukraine-1323914>.

76. *Патриаршая проповедь в Неделю сыропустную после Литургии в Храме Христа Спасителя* [*Patriarchal Sermon on Cheesefare Sunday after Liturgy in the Cathedral of Christ the Savior*], PATRIARCHIA.RU (Mar. 6, 2022, 1:31 PM) (Russ.), <http://www.patriarchia.ru/db/text/5906442.html>.

77. *В Неделю Торжества Православия Предстоятель Русской Церкви совершил Литургию в Храме Христа Спасителя*, RUSS. ORTHODOX CHURCH (Mar. 13, 2022), <https://www.patriarchia.ru/db/text/5908322.html>.

peaceful citizens.”<sup>78</sup> With similar haste, ROC officials embraced the Kremlin’s narrative of Nazis at the gates. On March 15, 2022, Aleksandr Shchipkov, the Deputy Chairman of the ROC’s Department of Media Relations, argued that Ukraine was the “brightest example” of “Nazism” and that Russia’s war was a battle against “the most inhuman ideology in history—Nazism.”<sup>79</sup>

A month later, Patriarch Kirill insisted that outside forces were stoking Nazism and Russophobia in Ukraine. In a sermon, he asked why evil external forces were operating “on Russian soil” and trying to “destroy it, to divide it, to incite brother against brother?”<sup>80</sup> Invoking the historical Russian term “Rus” in his remarks here, Kirill intended to communicate “an ecclesiastical and political claim to a territory that extends far beyond today’s Russia,” to include Ukraine.<sup>81</sup>

Outside of Russia, the ROC opted to harness its ecumenical and political connections to plead Russia’s case. The Vatican reported that Patriarch Kirill spent the bulk of a video call with Pope Francis

78. *The Support for Russia’s Aggressive and Genocidal War Against Ukraine by “Traditional Religious Organizations of the Russian Federation (the period from February 24, 2022, to February 2023)*, CULTURE (Mar. 21, 2023), <https://culture.voicecrimea.com.ua/en/the-support-for-russia-s-aggressive-and-genocidal-war-against-ukraine-by-traditional-religious-organizations-of-the-russian-federation-the-period-from-february-24-2022-to-february-2023>. These types of blessings for Russia’s military effort have continued unabated. See, e.g., *Svyashchennik osvyyatil vagonchik dlya voinov uchastvuyushchikh v spetsialnoy voennoy operatsii*, [Priest blesses trailer for soldiers participating in special military operation] VRNS.RU (Jan. 31, 2023) (Russ.), [https://vrns.ru/regions/svyashchennik-osvyyatil-vagonchik-dlya-voinov-uchastvuyushchikh-v-spetsialnoy-voennoy-operatsii/?sphrase\\_id=2475](https://vrns.ru/regions/svyashchennik-osvyyatil-vagonchik-dlya-voinov-uchastvuyushchikh-v-spetsialnoy-voennoy-operatsii/?sphrase_id=2475) (blessing a mobile shelter for Russian troops); *The Primate of the Russian Church visited the base of the Pacific Fleet submarine forces*, RUSS. ORTHODOX CHURCH (Sep. 16, 2023, 9:40 AM), <http://www.patriarchia.ru/db/text/6059617.html> (visiting the submarine base for Russia’s Pacific Fleet, distributing images of the saint and wonderworker Nicholas, offering a prayer and greetings from President Putin, and receiving a model nuclear submarine from Vice Admiral V.A. Dmitriev, commander of the Pacific Fleet submarine forces).

79. NEW LINES INST. & RAOUL WALLENBERG CTR. FOR HUM. RTS., AN INDEPENDENT LEGAL ANALYSIS OF THE RUSSIAN FEDERATION’S BREACHES OF THE GENOCIDE CONVENTION IN UKRAINE AND THE DUTY TO PREVENT, 17–18 (2022) (internal citations omitted).

80. Joachim Willems, *How the Russian Orthodox Church legitimises the war*, UNIV. OLDENBURG (Jan. 17, 2023), <https://uol.de/en/news/article/how-the-russian-orthodox-church-legitimises-the-war-7338>.

81. *Id.* For an earlier example of this rhetoric, see Jack Jenkins, *Ukraine Orthodox leader likens Putin to the Antichrist*, RELIGION NEWS SERV. (Feb. 28, 2022), <https://religionnews.com/2022/02/28/ukraine-orthodox-leader-likens-putin-to-the-antichrist> (noting Kirill’s plea that “the Lord preserve the Russian land . . . .When I say ‘Russian,’ I use the ancient expression from ‘A Tale of Bygone Years’ — ‘Wherefrom has the Russian land come,’ the land which now includes Russia and Ukraine and Belarus and other tribes and peoples.”); see also *His Holiness Patriarch Kirill calls on the faithful to pray for peace and unity of the Church*, PATRIARCHIA.RU (Feb. 27, 2022, 1:20 PM), <http://old.patriarchia.ru/en/db/text/5904398.html> (Russia encompasses territory “which now includes Russia and Ukraine and Belarus and other tribes and peoples.”).

in early March 2022 reading out “all the reasons that justify the Russian invasion.”<sup>82</sup> Around the same time, the Acting General Secretary of the World Council of Churches (“WCC”) wrote to Patriarch Kirill urging him to “[p]lease, raise up your voice and speak on behalf of the suffering brothers and sisters . . . so that the war can be stopped and the great suffering ended.”<sup>83</sup> Rather than agree to any intermediary role urging Russian authorities to end the war, Kirill—channeling Kremlin talking points—responded by deflecting Russian responsibility for the invasion and blaming the West: “It is my firm belief that [the conflict’s] initiators are not the peoples of Russia and Ukraine” but rather NATO member states that had “flood[ed] Ukraine with weapons and warfare instructors.”<sup>84</sup> From the Patriarch’s perspective, however, the provocation of arming and training Ukrainians paled in comparison to the West’s insidious propaganda: “the most terrible thing is not the weapons, but the attempt to ‘re-educate,’ to mentally remake Ukrainians and Russians living in Ukraine into enemies of Russia.”<sup>85</sup>

In other international forums, the ROC sought to repeat its view that Russia’s aggression—its violation of Ukraine’s sovereignty and its civilian killings—was a justifiable response to the West’s effort to weaken Russia. In a letter addressed to Kirill, the president of the Bishops’ Conferences of the European Union (“COMECE”) pointedly implored the Patriarch: “[P]lease, address an urgent appeal to Russian authorities to immediately stop the hostilities against the Ukrainian people.”<sup>86</sup> The ROC’s response, delivered by the Chairman

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82. Victoria Arnold, *RUSSIA: Opposition to war in Ukraine - official pressure and censorship*, FORUM 18 (May 13, 2022), [https://www.forum18.org/archive.php?article\\_id=2741](https://www.forum18.org/archive.php?article_id=2741).

83. Letter from Ioan Sauca, General Secretariat of the World Council of Churches, to His Holiness Patriarch Kirill (Mar. 2, 2022).

84. Rob Schenck, *The World Council of Churches Must Act with Courage and Expel Kirill, Russian Orthodox Church*, UNITED METHODIST INSIGHT (Mar. 29, 2022, 3:44 PM), <https://um-insight.net/perspectives/the-world-council-of-churches-must-act-with-courage-and-expe>.

85. Letter from His Holiness Patriarch Kirill, to General Secretariat of the World Council of Churches Ioan Sauca (Mar. 10, 2022). Kirill added that “the church schism created by Patriarch Bartholomew of Constantinople in 2018” was driven by the same effort to turn Ukrainians into enemies. A second letter sent to Kirill by the WCC’s Acting General Secretary on April 19, 2022, appealed to the Patriarch to “intervene and ask publicly for a ceasefire for at least few hours during the Resurrection service.” The letter went unanswered by the ROC. In the intervening time between the WCC’s two letters, the ROC declined participation in a WCC-organized ecumenical roundtable consultation on the situation in Ukraine, after initially accepting the invitation to do so. *WCC Convenes Roundtable on Ukraine, Calls for Diplomacy Instead of Threats, Dialogue Instead of Confrontation*, WORLD COUNCIL CHURCHES (Mar. 30, 2022), <https://www.oikoumene.org/news/wcc-convenes-roundtable-on-ukraine-calls-for-diplomacy-instead-of-threats-dialogue-instead-of-confrontation>.

86. Letter from Jean Claude, President of the Commission of the Bishops’ Conferences of the European Union, to His Holiness Patriarch Kirill (Mar. 8, 2022).

of its Department for External Church Relations (“DECR”) Metropolitan Hilarion, rejected the very premise of having the Patriarch make any such appeal: “It is completely obvious that the current conflict cannot be resolved through yet another public statement.”<sup>87</sup> Instead, Hilarion used the opportunity to assert that Patriarch Kirill “does much to restore peace and trust, in the Ukrainian land in particular,” and to suggest that COMECE direct its lobbying to “representatives of the European Union . . . to prevent further escalation of the current situation,” presumably by surrendering to Russia’s demands.<sup>88</sup> One UOC-MP priest summarized the unfolding dynamic thusly: “When the war started, I was waiting to hear from Patriarch Kirill of Moscow, the ‘father’ of our church. But first there was no reaction at all, and then there was worse.”<sup>89</sup>

As the war in Ukraine continued, the ROC doubled down on its position. During a meeting with a WCC delegation dispatched to Moscow, Kirill observed that “War cannot be holy. But when one has to defend himself and his life . . . things look different . . . We have so many examples in our Christian history.”<sup>90</sup> One month later, at the Seventh Congress of the Leaders of World and Traditional Religions in Kazakhstan, Kirill refused to mention the war altogether. Instead, he attacked Western efforts to pollute Russia’s narrative, playing up the Kremlin’s obsession with “falsification”:<sup>91</sup>

Today, people as never before are finding it difficult to make sense of the flow of information, to withstand the pressures of various ideologies, to keep a sober mind and peace of soul. We have become witnesses to the distortion of historical

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87. Letter from the Hilarion, Metropolitan of Volokolamsk, to Jean-Claude, President of the Commission of the Bishops’ Conferences of the European Union (Mar. 17, 2022).

88. *Id.* The ROC opted to leave pleas from other religious interlocutors unanswered. For example, following the invasion, the Conference of European Churches “openly urged Patriarch Kirill to raise his voice against [the] Ukraine war.” But the group received “no response.” Press Release No. 07/24, Conf. Euro. Churches, CEC-UCCRO Joint Statement Calls for Just and Lasting Peace in Ukraine, (Apr. 15, 2024); *CEC president urges Patriarch Kirill to raise his voice against Ukraine War*, CONF. EURO. CHURCHES (Mar. 4, 2022), <https://ceceurope.org/cec-president-urges-patriarch-kirill-to-raise-his-voice-against-ukraine-war>.

89. Aleem Maqbool, *I’m shocked by my church leaders in Moscow’ – priest in Ukraine*, BBC NEWS (Apr. 14, 2022), <https://www.bbc.com/news/world-europe-61109104>.

90. *Patriarch Kirill: “War cannot be holy, but...”*, ORTHODOX TIMES (Oct. 19, 2022), <https://orthodoxtimes.com/patriarch-kirill-war-cannot-be-holy-but>.

91. Loup Besmond de Senneville, *“May we never justify violence,” Pope tells religious leaders*, LA CROIX INT’L (Sep. 15, 2022, 1:48 PM), <https://international.la-croix.com/news/religion/may-we-never-justify-violence-pope-tells-religious-leaders/16600>.

facts and a hitherto unprecedented manipulation of mass consciousness.<sup>92</sup>

Similarly, at home, Patriarch Kirill continued to press the justness of Russia's invasion of Ukraine as an effort to preserve "holy united Rus" by infusing a decidedly religious overtone into the conflict.<sup>93</sup> At a Sunday sermon, Kirill declared, "if someone . . . dies while carrying out his military duty, then he is, without any doubt, doing a deed that is equal to sacrifice . . . . [This] sacrifice in the course of carrying out your military duty washes away all sins."<sup>94</sup> In tandem with this, the ROC hierarchy sought to purge dissent from within the church's rank and file, banishing priests who favored peace over victory while condoning state prosecutions of its priests and parishioners occurring under newly minted post-invasion criminal statutes prohibiting any discrediting of Russia's armed forces.<sup>95</sup> For

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92. Greetings from His Holiness Patriarch Kirill, to His Excellency Kasym-Zhomart Kemelevich Tokaev, President of the Republic of Kaz., and the VII Cong. of the Leaders of the World and Traditional Religions (Sep. 14–15, 2022).

93. *Russian Patriarch Kirill Says Dying In Ukraine 'Washes Away All Sins,'* RADIO FREE EUR./RADIO LIBERTY (Sep. 26, 2022), <https://www.rferl.org/a/russia-patriarch-kirill-dying-ukraine-sins/32052380.html>.

94. *Id.*

95. Convictions under Russia's criminal code to "prevent the discrediting of the armed forces of the Russian Federation" provide for penalties "up to 10 years in prison," with the "distribution of fake news about the Russian military that leads to 'serious consequences'" triggering sentences of up to 15 years. The legislation also bans "calls against the use of Russian troops to protect the interests of Russia" and "for discrediting such use," as well as "calls for sanctions against Russia." *Putin Signs 'Harsh' Law Allowing Long Prison Terms For 'False News' About Army,* RADIO FREE EUR./RADIO LIBERTY (Mar. 5, 2022), <https://www.rferl.org/a/russia-military-false-news/31737627.html>. The Kremlin has harnessed the framework not only to prosecute "fake news," but to outlaw all public action criticizing any exercise of power abroad by any of Russia's state bodies. *Russia Criminalizes Independent War Reporting, Anti-War Protests,* HUM. RTS. WATCH (Mar. 7, 2022, 7:00 AM), <https://www.hrw.org/news/2022/03/07/russia-criminalizes-independent-war-reporting-anti-war-protests>; *Amendments Adopted on Liability for Fakes About the Work of Russian Government Agencies Abroad,* STATE DUMA (Mar. 22, 2022, 2:49 PM), <http://duma.gov.ru/news/53773>. For a discussion of the judiciary's complicity in the legislative campaign to stifle internal criticism of Russia's war, see Blitt, *supra* note 24, at 15–17.

example, priests like Ioann Burdin,<sup>96</sup> Ioann Koval,<sup>97</sup> and Ioann Kurmoyarov<sup>98</sup> found themselves sanctioned by both church and state for daring to speak out against Russia's invasion.<sup>99</sup> As part of

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96. Father Ioann Burdin of the Resurrection Church in Russia's western Kostroma region was arrested and charged with discrediting Russia's armed forces after he delivered an anti-war sermon in early March 2022. Isabel van Brugen, *Russian Priest Arrested for Delivering Sermon Against Ukraine War*, NEWSWEEK (Mar. 7, 2022, 8:40 AM), <https://www.newsweek.com/russian-priest-arrested-delivering-sermon-anti-war-against-ukraine-1685436>. After being found guilty, a court ordered Burdin to pay a fine amounting to more than one month's salary. He subsequently requested approval to transfer to the Bulgarian Orthodox Church. Instead, Kirill banned Burdin from service until he offered a public apology for his actions. Kostya Manenkov, *Russian Orthodox Priests Face Persecution from State and Church for Supporting Peace in Ukraine*, ASSOCIATED PRESS (Aug. 12, 2023, 2:26 AM), <https://apnews.com/article/russia-orthodox-church-defrocked-priests-ukraine-war-21660b57105a95a04e6321fb8baffa9e>; see also *Putin vs. the Priest: A Big Story About a Small Sermon*, N.Y. TIMES (Dec. 7, 2022), <https://www.nytimes.com/2022/12/07/opinion/putin-russia-ukraine-church-sermon.html>. In a similar episode, the ROC defrocked Alexei Uminsky in February 2024 for refusing to recite Kirill's revised prayer for Russia's victory in Ukraine. Ksenia Luchenko, *The Anti-War Faction in the Russian Orthodox Church Has Yet to Find Its Voice*, CARNEGIE POLITIKA (Mar. 4, 2024), <https://carnegieendowment.org/russia-eurasia/politika/2024/02/the-anti-war-faction-in-the-russian-orthodox-church-has-yet-to-find-its-voice?lang=en> (defrocking is a punitive measure wielded by the church which reverts a priest to being a layman again).

97. At his Moscow church, Father Ioann Koval recited Kirill's revised "Prayer for the Restoration of Peace," but reinstated the original emphasis on the word "peace" rather than "victory." In response, the ROC defrocked Koval. He appealed to the Ecumenical Patriarchate which ruled in favor of restoring his rank and enabled him to serve in a church in Turkey. See Manenkov, *supra* note 96.

98. Russian authorities charged Father Ioann Kurmoyarov with spreading false information concerning the Russian military in June 2022. He was convicted in August 2023 and sentenced to a three-year prison term. *Russian Ex-Priest Who Criticized Ukraine Offensive Jailed*, MOSCOW TIMES (Aug. 31, 2023), <https://www.themoscowtimes.com/2023/08/31/russian-ex-priest-who-criticized-ukraine-offensive-jailed-a82318>. Before this incident, the ROC reportedly defrocked Kurmoyarov after he described the newly built Church of the Russian Armed Forces as a "pagan temple." Aleem Maqbool, *Russia-Ukraine War: Priest Detained for Criticising Putin*, BBC NEWS (July 16, 2022), <https://www.bbc.com/news/world-62151553>. The Patriarchal Cathedral of the Resurrection of Christ is discussed at greater length above. See Blitt, *supra* note 64.

99. According to one monitoring group, nearly thirty ROC priests inside Russia have been punished for opposing the war, in addition to six ROC priests in Lithuania, five from Belarus, and one from Kazakhstan. Luchenko, *supra* note 96; see also *Литания мира в Украине [Litany of Peace in Ukraine]*, Христиане против войны [CHRISTIANS AGAINST WAR] (Feb. 24, 2025) (Russ.), <https://shaltnotkill.info>. Out of over 40,000 ROC clergymen, approximately 300 priests have signed a public letter calling for peace in Ukraine. Manenkov, *supra* note 96; *Обращение Священнослужителей Русской Православной Церкви С Призывом К Примирению И Прекращению Войны [Appeal of the Clergy of the Russian Orthodox Church with a Call for Reconciliation and Ending the War]* (Russ.), GOOGLE FORMS, <https://docs.google.com/forms/d/1yOGuXjdFQ1A3BQaEEQr744cwDzmSQ1qePaaBi4z6q3w/viewform> (last visited Mar. 9, 2025). The letter itself "was criticized by liberal-leaning activists for being 'too soft' in its condemnation of the war, avoiding the use of words like 'aggression' and 'invasion.'" Cameron Manley, *Ostracized from Kremlin-Aligned Church, Russia's Anti-War Priests Offer 'Alternative Orthodoxy'*, MOSCOW TIMES (Nov. 3, 2023).

this far-reaching campaign, the ROC also sought to rebuke and reprimand renegade anti-war priests living outside of Russia.<sup>100</sup>

This public shaming and punishment, likened to “complete censorship,”<sup>101</sup> undoubtedly functions as a chilling cautionary tale for others who might oppose the ROC’s escalatory alignment to the Kremlin’s war policy.<sup>102</sup> Exacerbating this proximity—as well as the chilling effect on any views critical of the war—the ROC offered no pushback against the state’s draconian criminal sanctions activated to silence its priests, parishioners, and others. Moreover, it made no effort to dissuade its parishioners from denouncing priests who might stray from the ROC’s official war narrative.<sup>103</sup> In the church’s view, “[t]he clergy who turn themselves from priests into political agitators and persons participating in the political struggle, they, obviously, cease to fulfill their pastoral duty and are subject to canonical bans.”<sup>104</sup> It goes without saying, however, that manifestations of the ROC’s increasingly overt support for the war did not similarly translate to political agitation or struggle.<sup>105</sup> Indeed,

100. Consider the case of Andrei Kordochkin, a ROC priest in Madrid, Spain “denounced and reprimanded” by Patriarch Kirill for his anti-war views, including co-authoring the public letter appealing for an end to the war. *Breathing Under Water: Some Orthodox Priests In Russia Quietly Oppose The War Against Ukraine*, RADIO FREE EUR./RADIO LIBERTY (June 8, 2023), <https://www.rferl.org/a/russia-orthodox-priests-oppose-ukraine-war/32448751.html>. Since his suspension by the ROC, Kordochkin has come under jurisdiction of the Ecumenical Patriarchate. Pilar Bonet, *Russian Orthodox priests persecuted for opposing war*, EL PAIS (Mar. 14, 2024), <https://english.elpais.com/international/2024-03-14/russian-orthodox-priests-persecuted-for-opposing-war.html>.

101. Katarzyna Chawryło, *A Holy War: The Russian Orthodox Church Blesses the War Against the West*, 589 CTR. E. STUD. 4 (Apr. 12, 2024).

102. For additional coverage of the ROC’s efforts to curtail dissent, see Jean-François Colosimo, *Russia hunts down dissenting voices in the Orthodox Church*, LA CROIX INT’L (May 17, 2023), <https://international.la-croix.com/news/politics/russia-hunts-down-dissenting-voices-in-the-orthodox-church/17820>; *Breathing Under Water*, *supra* note 100. As one exception, in Amsterdam, a ROC-affiliated church ultimately abandoned the ROC and aligned itself with the Ecumenical Patriarchate: “the clergy unanimously announced that it is no longer possible for them to function within the Moscow Patriarchate and provide a spiritually safe environment for our faithful.” (emphasis added). This move came despite—or perhaps because—of an intimidating visit from a ROC archbishop, who arrived in a car from the Russian embassy, to inform priests that the ROC and the Russian Foreign Ministry were keeping an eye on their church. *Russian Orthodox Church in Amsterdam breaks with Moscow*, INDEP. CATH. NEWS (Mar. 13, 2022), <https://www.indcatholicnews.com/news/44258>; Vincent van Buuren, *Amsterdam’s Russian Parish Requests Transfer to Ecumenical Patriarchate*, ORTHODOXY IN DIALOGUE (Mar. 31, 2022), <https://orthodoxyindialogue.com/2022/03/12/amsterdams-russian-parish-requests-transfer-to-ecumenical-patriarchate-by-vincent-van-buuren>.

103. Almost all the priests defrocked or disciplined by the ROC found themselves first denounced by their parishioners. Luchenko, *supra* note 96.

104. Manenkov, *supra* note 96.

105. Following Russia’s invasion, the ROC disseminated a new version of its “Prayer for the Restoration of Peace.” This revision referenced enemies who had “take[n] up arms against

other priests, like Elizbar Orlov from Rostov, a city close to the border with Ukraine, remained free to go beyond the Patriarch in his political support of the war effort, claiming that the Russian army “was cleaning the world of a diabolic infection.”<sup>106</sup>

In September 2022, seven months into the war, President Putin offered a rambling address “invok[ing] Jesus, Satan, and transsexual bogeymen” to celebrate the annexation of four regions of occupied Ukraine.<sup>107</sup> The ceremony, held in a Kremlin ballroom, was attended by dozens of fawning government officials and VIPs. But unlike the 2014 ceremony for Crimea’s annexation, this time Patriarch Kirill resolved to be present.<sup>108</sup> Underscoring the Patriarch’s overt blessing of the Kremlin’s most recent land grab, the ROC also marked two milestones in the period leading up to one year of Russia’s “Special Military Operation” embodying its deepening connection to the war.<sup>109</sup> First, the church revived the position of protopresbyter of military and maritime clergy within its Department for Cooperation with the Armed Forces and Law Enforcement Agencies, a position which had been defunct for over 100 years.<sup>110</sup> Second, in March 2023, Kirill filled the position of deputy chairman and chief military priest of the clergy, intended to care specifically for Russian military and law enforcement personnel operating in the war zone.<sup>111</sup> The Holy Synod subsequently decided that this new position would further coordinate its activities with the ROC’s freshly minted “Interdepartmental Working Group for the Coordination of Assistance to the Dioceses of Donbass and adjacent territories in the conflict zone.”<sup>112</sup> The Department for Cooperation with the Armed

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Holy Rus” and asked God to “deny and foil” them. Following the Kremlin’s announcement of a partial mobilization several months later, the prayer was again modified to appeal to God to “arise . . . to help Your people and grant us victory through Your power.” This version of the prayer “has become a litmus test of the Russian Orthodox clergy’s reliability and personal loyalty to Kirill, its presumed author.” Luchenko, *supra* note 96.

106. *The new Russian cult of war*, ECONOMIST (Mar. 26, 2022), <https://www.economist.com/briefing/2022/03/26/the-new-russian-cult-of-war>. Similar examples abound. See Kikkas, *supra* note 65 (noting instances of ROC clergy claiming that the Russians fighting in Ukraine “save the whole world,” that the Russian military is “the personification of Christianity,” and that the war against Ukraine “deserves prayerful and spiritual support.”).

107. Andrew Rettman, *Putin declares holy war on Western ‘satanism,’* EU OBSERVER (Sep. 30, 2022), <https://euobserver.com/eu-and-the-world/ar42ee4dce>.

108. *Id.*

109. *Id.*

110. *Синодальный отдел по взаимодействию с Вооруженными силами и правоохранительными органами* [Synodal Department for Interaction with the Armed Forces and Law Enforcement Agencies], RUSS. ORTHODOX CHURCH, <http://www.patriarchia.ru/db/text/65957.html> (last visited Mar. 9, 2025).

111. *Id.*

112. *Id.*

Forces has boasted about collecting, blessing, and distributing aid directly to Russian troops fighting in Ukraine, including thermal imagers and combat first aid supplies.<sup>113</sup> The Department has also reportedly used its social media “to run a pro-war propaganda campaign, reporting on the situation on the front lines and the activities of priests there.”<sup>114</sup>

## 2. One Year into the War

As the war moved past its first-year anniversary, the ROC continued to reiterate Kremlin justifications for the invasion, stressing its religious legitimacy as a conflict against evil. This effort is evident across all church outlets.<sup>115</sup> In one telling interview, Archpriest Svyatoslav Churkanov, head of the Zheleznogorsk Diocese’s Department for Cooperation with the Armed Forces, made plain the ROC’s Manichean view: “There is a struggle between good and evil, and it is clearly visible where the lie is, and where the truth is, where God is, and where Satan is.”<sup>116</sup> Further, the ROC sought to validate the Kremlin’s violations of international law by endorsing Russia’s annexation of territory captured from Ukraine. For example, the ROC’s official newspaper labelled Luhansk as “liberated” territory.<sup>117</sup> At ROC headquarters, before an audience of children from the Donetsk and Luhansk regions, Patriarch Kirill described the unity of Donbas and Russia as a “sacred reality” with Donbas serving as “outpost of the Russian world.”<sup>118</sup> He went on assert “[i]t is wonderful that Russia stood up for the interests of Donbas and did

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113. *Архипастырь благословил отправку груза медикаментов и гуманитарной помощи на передовую* [The Archpastor blessed the shipment of medicines and humanitarian aid to the front line, *Bulletin of the Military Clergy*], КАPELLAN (Oct. 27, 2022) (Russ.), <https://kapellan-ru.translate.google.com/translate?sl=ru&tl=en&hl=en&pt=wapp&ik=1>

114. Chawrylo, *supra* note 101, at 3.

115. See generally *Чувствуешь страх — начинай молиться* [If you feel fear, start praying: Interview with Archpriest Svyatoslav Churkanov], CHURCH HERALD (Feb. 2, 2023) (Russ.), [http://www.e-vestnik.ru/interviews/interview\\_swjatoslaw\\_cyurkanow\\_swo\\_12657](http://www.e-vestnik.ru/interviews/interview_swjatoslaw_cyurkanow_swo_12657) (official publication of the Russian Orthodox Church).

116. *Id.*

117. Julia Karpushina, *В гостях к Патриарху* [Visiting the Patriarch], CHURCH HERALD (Sep. 8, 2022, 2:00 PM) (Russ.), [http://www.e-vestnik.ru/reports/v\\_gosti\\_kpatriarhu\\_deti\\_donbassa\\_12373](http://www.e-vestnik.ru/reports/v_gosti_kpatriarhu_deti_donbassa_12373).

118. *ROC Patriarch: Donbas as part of the Russian Federation is a sacred reality*, UNION ORTHODOX JOURNALISTS (Feb. 28, 2023), <https://spzh.eu/en/news/72129-roc-patriarch-donbas-as-part-of-the-russian-federation-is-a-sacred-reality>.

not allow the plans our opponents had,” and urged the children to continue the “heroic tradition” of defending their homeland.<sup>119</sup>

Organized by the Russian charitable foundation “Save Childhood,” this series of meetings with the Patriarch under the title “Children of Donbas visiting the Patriarch” has brought thousands of children from Donbas face to face with the Patriarch.<sup>120</sup> Beyond its seemingly innocuous facade, the meetings provide stark confirmation of the ROC’s internalization of the legitimacy of occupation and annexation of Ukrainian territory.<sup>121</sup> In Patriarch Kirill’s plea to one group of children from Donbas, he urges that they must:

understand . . . that the struggle that is now underway is a fair struggle, because it is related to the protection of historical heritage . . . . Donbas is not some third-party territory that has been annexed to Russia, it is historically Russian land . . . . We are one country, we are Russia, Donbas is an organic, inseparable part of Russia. And so that no one doubts that this is the case, it is important that you, young people, are the bearers of this worldview . . . . You should never say ‘Donbas and Russia.’ It is always necessary to say: Donbas is Russia.<sup>122</sup>

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119. *Id.*; Patriarch Kirill, *Донбасс — Это Россия [Donbass is Russia]*, PRAVOSLAVIE.RU (Mar. 1, 2023), <https://pravoslavie.ru/151243.html>. In Kirill’s view, these types of “visits to Moscow of children and youth of Donbas and Novorossiia will strengthen the unity of our people.” *Доклад Святейшего Патриарха Кирилла на Епархиальном собрании г. Москвы (20 декабря 2023 года) [Report of His Holiness Patriarch Kirill at the Diocesan Assembly of the city of Moscow (Dec. 20, 2023)]*, РУССКАЯ ПРАВОСЛАВНАЯ ЦЕРКОВЬ [RUSS. ORTHODOX CHURCH] (Dec. 20, 2023) (Russ.), <https://www.patriarchia.ru/db/text/6085672.html>.

120. *Другие Программы [Other Programs]*, SAVE CHILDHOOD, (Russ.), <https://spasayadetstvo.ru/programs/deti-donbassa-v-gostyakh-u-patriarkha> (last visited Mar. 15, 2025).

121. According to the “Save Childhood” website, “This project is being implemented with the blessing of Patriarch Kirill of Moscow and All Russia together with the Administration of the President of the Russian Federation and the Government of the DPR.” *Id.* The organization runs additional programs focused on engagement between the Donbas region and Russia, including state-funded programs like “Everyone is equal: adaptive sports for children with autism spectrum disorder in the Donetsk People’s Republic” (implemented with support of the President Putin’s Presidential Grants Fund) and “Children are our future: Children of Donbas” (implemented with the support of the Ministry of Sports of the Russian Federation in cooperation with the Ministry of Sports and Tourism of the DPR and regional governments). *Id.*; see also *Другие Новости [Other News]*, SAVE CHILDHOOD, <https://spasayadetstvo.ru/news/grant-na-realizatsiyu-proekta-v-dnr> (last visited Mar. 15, 2024); *Дети — наше будущее. Дети Донбасса [Children are our future. Children of Donbass]*, SAVE CHILDHOOD, <https://spasayadetstvo.ru/programs/deti-na-she-budushchee-deti-donbassa> (last visited Mar. 15, 2024).

122. *Donbass is Russia*, *supra* note 119.

The Council of Europe’s (“CoE”) Parliamentary Assembly (“PACE”) has taken note of this ROC activity, as part of Russia’s larger and more troubling interaction with children from Ukraine. In an April 2023 resolution, PACE condemned the “forcible transfers, unlawful deportations and ‘re-education’ of children” as “abhorrent in their aim of annihilating the children’s every link to and feature of their Ukrainian identity” and as evidencing “an intention to destroy Ukraine and the Ukrainian identity as well as the cultural and linguistic characteristics of its people.”<sup>123</sup> The explanatory memorandum underlying the resolution, prepared by the PACE Committee on Migration, Refugees and Displaced Persons, furnished specific evidence of forced transfers and re-education occurring through various channels that impliedly and expressly implicated the ROC.<sup>124</sup> These activities included sending thousands of Ukrainian children to Russian Artek (youth camps)—many of which boast close affiliations to the ROC and programs of religious instruction<sup>125</sup>—to inculcate “Russian language, culture, and prospects for a ‘bright future in Russia.’”<sup>126</sup> In addition, the Committee specifically observed that other re-education programs have also involved “guided tours to cultural and religious places (namely conversations with representatives of the Russian Orthodox Church), the so-called ‘places of glory,’ in particular on the territory of the Russian Federation . . . and military training.”<sup>127</sup>

The justification for much of this type of “frontline”<sup>128</sup> engagement flows out of the ROC’s larger claim to be a peacemaking institution committed to providing social services and humanitarian assistance. Notably, the ROC bills itself as “one of the largest organizers of assistance to victims and refugees.”<sup>129</sup> In the immediate context of the invasion of Ukraine, however, this mission has been harnessed to legitimize and entrench the Russian government’s

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123. Eur. Parl. Ass., *Resolution 2495 (2023): Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to temporarily occupied Ukrainian territories: create conditions for their safe return, stop these crimes and punish the perpetrator*, 13th Sess., Doc. No. 15748, ¶ 7.4 (Apr. 25, 2023).

124. *Id.*

125. Blitt, *supra* note 64, at 80.

126. Eur. Parl. Ass., *Doc 15748 Report: Deportations and forcible transfers of Ukrainian children and other civilians to Russian Federation or to Ukrainian territories temporarily occupied: create conditions for their safe return, stop these crimes and punish the perpetrators*, 13th Sess., Doc. No. 15748, ¶ 34 (Apr. 25, 2023).

127. *Id.* at ¶ 35.

128. *Итоговый документ XI Общецерковного съезда по социальному служению [Final document of the XI All-Church Congress on Social Service]*, РУССКАЯ ПРАВОСЛАВНАЯ ЦЕРКОВЬ [RUSS. ORTHODOX CHURCH] (Mar. 19, 2024) (Russ.), <https://www.patriarchia.ru/article/105476>.

129. *Id.*

actions, including the effort to build out and cement Russia's connections to Crimea and other parts of Ukraine through a variety of activities characterized as "humanitarian."<sup>130</sup> Patriarch Kirill's assertion of direct control over Ukrainian dioceses previously within the jurisdiction of the UOC-MP is but one example of this "humanitarian" mission.<sup>131</sup> By subjecting these dioceses to the ROC's "direct canonical and administrative subordination," Kirill officially extended his church's jurisdiction to conveniently align with territories occupied by Russia.<sup>132</sup> In a similar way, the ROC has used the WRPC to facilitate roundtable discussions that place the church's imprimatur on occupation and annexation and transcend any bona fide humanitarian mission.<sup>133</sup> These sessions typically engage ROC clergy in brainstorming sessions with government and civil society leaders about church life in regions newly annexed to Russia, how to restore the unity of Holy Rus, and the necessity of countering Western values as espoused by the Ukrainian government.<sup>134</sup>

More directly, church-sponsored activities in Ukraine's occupied territory, managed primarily through the ROC's Department for Church Charity, include coordinating assistance needs with government officials from DPR,<sup>135</sup> installing equipment in a 400-inmate Luhansk prison to enable a Moscow-based Orthodox radio station to broadcast directly to the inmates,<sup>136</sup> dispatching voluntary

130. See *Растет количество епархий, помогающих беженцам и пострадавшим мирным жителям. Информационная сводка о помощи беженцам (от 5 марта 2022 года)* [Dioceses Helping Refugees and Affected Civilians on the Rise – Refugee Aid Fact Sheet (from March 5, 2022)], РУССКАЯ ПРАВОСЛАВНАЯ ЦЕРКОВЬ [RUSS. ORTHODOX CHURCH] (Mar. 5, 2022), <https://www.patriarchia.ru/article/102997>.

131. *ROC Patriarch: Donbas as part of the Russian Federation is a sacred reality*, *supra* note 118.

132. *Report of His Holiness Patriarch Kirill*, *supra* note 119. Following the absorption of Crimea's dioceses, the dioceses of Luhansk, Donetsk and Gorlovka were brought under direct ROC control in mid-2023. U.S. Dep't of State, Office of Int'l Religious Freedom, *Ukr. 2023 Int'l Religious Freedom Rep.* (2023).

133. *Пути объединения Святой Руси обсудили в Луганске* [Ways to Unite Holy Russia Discussed in Lugansk], WORLD RUSS. PEOPLE'S COUNCIL (July 31, 2023) (Russ.), <https://vrns.ru/news/puti-obedineniya-svyatoy-rusi-obsudili-v-luganske>.

134. *Id.*

135. In one report from April 2022, the chairman of the ROC's Department for Church Charity met with "Acting Minister of Health of the DPR Alexander Oprishchenko and with Minister of Civil Defense of the DPR Alexei Kostrubitsky." *Председатель Синодального отдела по благотворительности посетил Белгородскую, Ростовскую, Донецкую и Горловскую епархию* [The Chairman of the Synodal Department for Charity visited the Belgorod, Rostov, Donetsk and Gorlovsk dioceses], РУССКАЯ ПРАВОСЛАВНАЯ ЦЕРКОВЬ [RUSS. ORTHODOX CHURCH] (Apr. 11, 2022) (Russ.), <https://www.patriarchia.ru/article/76499>.

136. *Радиоволны, которые меняют судьбы людей* [Radio waves that change people's destinies"], МИРОМ HELP (Dec. 12, 2023) (Russ.), <https://mirom.help/project/radio-vera-v-turmy>. Although the Mirom charity organization claims to help regardless of religion, its actual terms state it will not fund projects of other confessions and that the platform is open

teams of doctors from the ROC's Central Clinical Hospital "to work in hospitals of Novorossiia,"<sup>137</sup> sending volunteers from Moscow to Mariupol to repair residential private houses in the city,<sup>138</sup> and collecting and delivering assistance and more than 600 tons of humanitarian goods to "settlements near the line of contact."<sup>139</sup>

Patriarch Kirill has applauded the ROC's centralized effort to collect "charitable support [for] the residents of Donbass and Novorossiia, as well as the pastoral care of soldiers carrying out their military service on the front line," estimated at nearly one billion rubles within the first two years of war.<sup>140</sup> In his assessment, "these amounts do not include the very significant assistance that monasteries and parishes provide on their own!"<sup>141</sup> In mid 2023, to further coordinate and systemically develop "the provision of

only to Orthodox charitable organizations and projects from ROC dioceses, including those outside of Russia. *Частые вопросы: Какие проекты НЕ принимаются на платформе?* [Frequently Asked Questions: What projects are NOT accepted on the platform?], MIROM HELP, <https://mirom.help/help-rules/chastye-voprosy> (last visited Mar. 10, 2025) (Russ.). Other projects funded by Mirom in annexed/occupied Ukrainian territories include restoring churches and municipal services, and the provision of goods. See *Храм особого назначения* [Temple of special purpose], MIROM HELP, <https://mirom.help/project/hram> (last visited Mar. 10, 2025) (Russ.) (restoring an unspecified church "ten kilometers to the front line"); *Согреем и спасём выживших в Северодонецке* [Let's warm and save the survivors in Seerodonetsk], MIROM HELP, <https://mirom.help/project/teplo> (last visited Mar. 10, 2025) (Russ.) (providing household items for residents of the Donbas region); *Поможем сёлам Харьковской области* [Let's help the villages of Kharkiv region], MIROM HELP, <https://mirom.help/project/pomosch-selam-harkovskoy-oblasti> (last visited Mar. 10, 2025) (providing household items for villagers in Kharkiv region); «*Нам очень нужны семена!*» ["We really need seeds!"], MIROM HELP, <https://mirom.help/project/semena-selam-harkovskoy-oblasti> (last visited Mar. 10, 2025) (Russ.) (providing crop seeds for villagers in the Kharkiv region).

137. Доклад Святейшего Патриарха Кирилла на Архиерейском Совеещании 19 июля 2023 года [Report of His Holiness Patriarch Kirill at the Bishops' Conference on July 19, 2023], DEP'T FOR EXTERNAL CHURCH RELS. MOSCOW PATRIARCHATE (July 19, 2023) (Russ.), <https://mospat.ru/ru/news/90538>.

138. *Russian Church Sending Volunteers to Repair Homes in Mariupol*, ORTHODOX CHRISTIAN (Mar. 17, 2023), <https://orthochristian.com/152533.html>.

139. *35 смен православных добровольцев-ремонтников посетили Мариуполь с марта. Информационная сводка о помощи беженцам (от 31 октября 2023 года)* [35 Shifts of Orthodox Volunteer Repairmen Have Visited Mariupol Since March. Information Summary on Assistance to Refugees (from October 31, 2023)], RUSS. ORTHODOX CHURCH (Nov. 2, 2023), <https://www.patriarchia.ru/article/105041>. An updated report on ROC refugee assistance from July 2024 is also available. See *Церковный штаб помощи беженцам в Москве направил детей в оздоровительный лагерь. Информационная сводка о помощи беженцам (от 4 июля 2024 года)* [Church Headquarters for Aid to Refugees in Moscow Sent Children to a Health Camp. Information Summary on Assistance to Refugees (from July 4, 2024)], RUSS. ORTHODOX CHURCH (July 6, 2024, 11:25 AM), <http://www.patriarchia.ru/db/text/6142410.html>.

140. *Report of His Holiness Patriarch Kirill*, *supra* note 119.

141. *Id.*

humanitarian assistance to civilians, including Orthodox clergy on the territory of the Donetsk People's Republic, Lugansk People's Republic, Zaporozhya and Kherson regions," the ROC's Holy Synod approved a decision "to establish a permanent Patriarchal Humanitarian Mission in these territories."<sup>142</sup> Additionally, towards the end of 2023, the ROC entered into a cooperation agreement with the Kremlin's newly established "Defenders of the Fatherland Foundation," a state fund to support veterans of Russia's invasion and occupation of Ukraine.<sup>143</sup>

Individually and collectively, the ROC's actions serve to underwrite and supplement Kremlin policy, including the more specific "work of state organs responsible for managing the influx of refugees."<sup>144</sup> On this matter, the ROC had already opted to formalize a role for itself in the wake of 2014 Ukraine crisis when it established the Department for Church Charity.<sup>145</sup> A cooperation agreement between Russia's Ministry of Emergency Situations and the ROC, signed in July 2017, later provided "the church with information and free access to all [refugee] camps allowing the ROC to deliver aid and spiritual support to the refugees."<sup>146</sup>

The ROC's refugee assistance in the "conflict zone" is provided not only by dioceses, churches and monasteries, but also by myriad affiliated Orthodox organizations that also receive state funding.<sup>147</sup> It

142. Патриаршая гуманитарная миссия [Patriarchal Humanitarian Mission], PATRIARCHIA.RU, <http://www.patriarchia.ru/db/text/6053353.html> (last visited Mar. 9, 2025); Учреждена Патриаршая гуманитарная миссия на территории Донецкой и Луганской народных республик, Запорожской и Херсонской областей [The Patriarchal Humanitarian Mission was Established in the territory of the Donetsk and Luhansk People's Republics, Zaporizhzhia and Kherson Regions], RUSS. ORTHODOX CHURCH (Aug. 24, 2023, 6:54 PM), <http://www.patriarchia.ru/db/text/6052194.html>.

143. Святейший Патриарх Кирилл встретился с представителями фонда «Защитники Отечества» [His Holiness Patriarch Kirill Met with Representatives of the Defenders of the Fatherland Foundation], RUSS. ORTHODOX CHURCH (Sep. 26, 2023, 6:52 PM), <http://www.patriarchia.ru/db/text/6063046.html>; see Meeting with the Head of the "Defenders of the Fatherland" Foundation Anna Tsivileva, KREMLIN.RU (Apr. 2, 2024, 8:10 PM), <http://kremlin.ru/events/president/news/73775>.

144. Alicja Curanović, *The Russian Orthodox Church, Human Security, Migration and Refugees: Concepts, Strategies, and Actions*, in FORCED MIGRATION AND HUMAN SECURITY IN THE EASTERN ORTHODOX WORLD (Lucian N. Leustean ed., 1st ed., 2019).

145. *Id.*

146. *Id.*

147. Украинская Православная Церковь помогает эвакуировать людей из Мариуполя. Информационная сводка о помощи беженцам (от 17 марта 2022 года) [The Ukrainian Orthodox Church is helping to evacuate people from Mariupol. Information Summary on Assistance to Refugees (from March 17, 2022)], RUSS. ORTHODOX CHURCH (Mar. 17, 2022, 3:36 PM), <https://www.patriarchia.ru/article/103033>. These organizations include the ROC's "House for Mom," the "Union of Orthodox Women," "Mercy," the largest Orthodox relief service in Russia, "Nikeya," the largest Orthodox publishing house in Russia, and the Nikeya Center, an organization promoting "traditional Orthodox values in the context of Russian

is further backstopped by a new “Center for Family Arrangement and Church Care of Children” established in October 2022 and operated by the ROC’s Department for Church Charity to coordinate projects dealing with “the care of orphans and children in difficult life situations.”<sup>148</sup> Most damningly, these initiatives have also included facilitating the illegal “evacuation” and resettlement<sup>149</sup> of orphans and others from Donetsk, Luhansk, and elsewhere,<sup>150</sup> with

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culture,” whose partners include Russia’s Presidential Commissioner for Human Rights, the Presidential Grants Foundation, the Presidential Foundation for Cultural Initiatives, and the ROC’s Departments for Church Charity and for Media Relations. *See В Сергиево-Посадской епархии проходит сбор помощи беженцам и пострадавшим в зоне конфликта. Информационная сводка о помощи беженцам (от 9 июля 2024 года)* [The Sergiev Posad Diocese is Collecting Aid for Refugees and Victims of the Conflict Zone. Information Summary on Aid to Refugees (from July 9, 2024)], RUSS. ORTHODOX CHURCH (July 11, 2024, 11:39 AM), <https://www.patriarchia.ru/article/99935>.

148. *Help for Orphans*, SYNODAL DEP’T CHURCH CHARITY & SOC. SERVS., <https://www.diaconia.ru/pomoshh-semyam-vozpityvayushhim-detejsirot> (last visited Mar. 4, 2025).

149. The ROC highlighted its involvement in supporting displaced orphans in Russia as early as March 2022. *176 млн рублей поступило в Синодальный отдел для помощи беженцам и пострадавшим мирным жителям. Информационная сводка о помощи беженцам (от 31 марта 2022 года)* [176 Million Rubles Were Received by the Synodal Department to Help Refugees and Civilian Victims. Information Summary on Assistance to Refugees (from March 31, 2022)], PRAVOSLAVIE.RU (Mar. 31, 2022) (Russ.), <https://pravoslavie.ru/145500.html> (noting placements and the provision of “humanitarian aid,” food supplies, and field trips for orphans by various ROC institutions in Russia as well as support for children from Mariupol who were displaced across the international border to “the Voronezh diocese” in Russia).

150. *При участии Церкви передана помощь сиротам из детских домов Донбасса* [With the Participation of the Church, Aid Was Given to Orphans From Children’s Homes in Donbass], PATRIARCHIA.RU (Mar. 28, 2022, 7:11 PM) (Russ.), <http://www.patriarchia.ru/db/text/5912842.html> (noting “Orphans from orphanages of Donetsk and Luhansk regions, evacuated to the Voronezh and Rostov regions of Russia, received humanitarian assistance collected with the support of the Synodal Department for Church Charity.”); *see also Украинская Православная Церковь помогает эвакуировать людей из Мариуполя. Информационная сводка о помощи беженцам* [Ukrainian Orthodox Church Is Helping to Evacuate People from Mariupol. Information Brief on Refugee Assistance (March 17, 2022)], PATRIARCHIA.RU (Mar. 17, 2022) (Russ.) (acknowledging that “With the support of the Zaporozhye Diocese, it was possible to evacuate 22 buses with people from Mariupol to Zaporozhye. Four buses were with orphans.”); *В Шахтинской епархии беженцам раздали более 50 тонн гуманитарной помощи. Информационная сводка о помощи беженцам (от 5 апреля 2022 года)* [Over 50 Tons of Humanitarian Aid Distributed to Refugees in Shakhty Diocese. Information Summary on Aid to Refugees (from April 5, 2022)], RUSS. ORTHODOX CHURCH (Apr. 6, 2022, 12:24 PM), <https://www.patriarchia.ru/article/103102> (reporting ROC volunteers evacuated “Orphans from the Old Basani boarding school . . . to [Russian occupied] Bobrovitsa”); *see also* Tatsiana Harhalyk, *Are Ukrainian children being illegally brought to Belarus?*, DEUTSCHE WELLE (Apr. 29, 2023), <https://www.dw.com/en/are-ukrainian-children-being-illegally-brought-to-belarus/a-65456891> (noting allegations by Belarussian political opposition figures that “Children are also brought to Belarus by the Belarussian Orthodox Church,” an exarchate of the ROC that operates as the largest religious institution in Belarus).

“support[] by [Putin’s] Presidential Commissioner for Children’s Rights Maria Lvova-Belova.”<sup>151</sup>

This type of ROC activity underscores the church’s instrumental role in facilitating the larger flow of thousands of Ukrainian children from Ukraine to Belarus and Russia, as orchestrated by the Russian government.<sup>152</sup> Pointedly, this practice resulted in the International Criminal Court (“ICC”) issuing arrest warrants for President Putin and Lvova-Belova in March 2023.<sup>153</sup> Putin and Lvova-Belova stand accused of unlawful deportation of children and the unlawful transfer of children from occupied areas under articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute.<sup>154</sup> Given the ROC’s conduct in this area, it is difficult to ignore the church’s role in accelerating this alleged criminal enterprise. Making his personal assessment in March 2023, Ecumenical Patriarch Bartholomew bluntly concluded that the ROC and Kremlin “cooperated in the crime of aggression, and share the responsibility for the resulting crimes, like the shocking abduction of Ukrainian children.”<sup>155</sup>

Alongside the deepening of the ROC’s institutional and organizational commitment to the war effort, the church also doubled down on its explicit ideological support for the invasion. While the ROC has invoked and parroted the Kremlin’s myriad rationalizations, the Orthodox “schism” of 2018 has become an increasingly important justification as the war dragged on.<sup>156</sup> The

151. *Maria Lvova-Belova Continues to Work on Reuniting Children With Their Families*, OFF. INTERNET RES. PRESIDENT RUSS. (Feb. 14, 2025, 7:00 PM), <http://en.kremlin.ru/events/administration/76295>.

152. Vladyslav Havrylov, *The Role of the Russian Orthodox Church in the Forcible Deportation of Ukrainian Children*, GEO. UNIV. COLLABORATIVE ON GLOB. CHILD. ISSUES (Oct. 26, 2023), <https://globalchildren.georgetown.edu/responses/the-role-of-the-russian-orthodox-church-in-the-forcible-deportation-of-ukrainian-children>.

153. Press Release, Int’l Crim. Ct., Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova (Mar. 17, 2023) (on file with the ICC).

154. *Id.*; see Michael Wasiura, *Russia’s Child Abductions Part of Larger Campaign of Cultural Genocide*, NEWSWEEK (May 9, 2023, 9:23 AM), <https://www.newsweek.com/russias-child-abductions-part-larger-campaign-cultural-genocide-1799058> (Lvova-Belova and her husband, Pavel Kogelman, a ROC priest, have adopted at least one child from Mariupol, a city in southeast Ukraine that Russian forces captured in May 2022. In her assessment, “One of the boys was placed in my family, and I saw with my own eyes how . . . integration takes place . . . Now, none of [the children removed from Ukraine] want to go back. They say, ‘we’re very happy here in Russia.’ Maybe there was some negativity at the beginning, but their transformation has resulted in a love for Russia.”).

155. *Address by His All-Holiness Ecumenical Patriarch Bartholomew at the Seminar “Reaction of Churches and Religious Communities to War and Conflict,”* ECUMENICAL PATRIARCHATE (Mar. 22, 2023), <https://ec-patr.org/address-by-his-all-holiness-ecumenical-patriarch-bartholomew-at-the-seminar-reaction-of-churches-and-religious-communities-to-war-and-conflict-lit>.

156. See *supra* text accompanying notes 123–24.

Ecumenical Patriarchate's decision to grant a *tomos* of autocephaly to the newly minted Orthodox Church of Ukraine ("OCU") in early 2019 established a new religious entity independent of the ROC's influence and authority.<sup>157</sup> The move sent shockwaves through the Orthodox world, but particularly in Russia, where the Kremlin and ROC alike accused the Ecumenical Patriarch of being an agent of Western interests.<sup>158</sup> In response, the ROC promptly cut ties to the Constantinople church for its allegedly glaring violation of canon law.<sup>159</sup> But it also redoubled efforts to malign the Ukrainian government, by alleging a systematic pattern of human rights violations against UOC-MP clergy, property and parishioners.<sup>160</sup> This campaign aligned well with one of the Kremlin's justifications for war in 2022,<sup>161</sup> namely that the government of Ukraine was a serial violator of Russian compatriot rights, waging a genocidal campaign against Russian culture, history, language, and "canonical" Orthodoxy,<sup>162</sup> and even against "the entire Orthodox world."<sup>163</sup>

Kirill's framing of the Orthodox schism is rooted in events in Ukraine yet wholly detached from Russia's own conduct. Instead, the "war on Orthodoxy" functions as a convenient tool for deflecting Russia's responsibility for war.<sup>164</sup> It facilitates a narrative of Orthodoxy and Russia under a constant and sweeping threat from the West. Here, it is instructive to quote at length from Kirill's July 2023 remarks to the ROC Bishops' Conference to demonstrate the ideological weight attached to this struggle—and thus to the justness of Russia's war in Ukraine. Notably, this speech represents a strident rejection of earlier lip service the Patriarch delivered to a visiting WCC delegation, where he claimed that churches "must not add fuel

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157. Heather Coleman, *Orthodoxy and Autocephaly in Ukraine: Editor's Introduction*, 62 CAN. SLAVONIC PAPERS 1 (2020).

158. Vladimir Putin's Annual News Conference, KREMLIN (Dec. 20, 2018), <http://en.kremlin.ru/events/president/news/59455>.

159. Andrew Roth & Harriet Sherwood, *Russian Orthodox Church cuts ties with Constantinople*, GUARDIAN (Oct. 15, 2018), <https://www.theguardian.com/world/2018/oct/15/russian-orthodox-church-cuts-ties-with-constantinople>.

160. MINISTRY FOREIGN AFFS. RUSS. FED'N, ILLEGAL ACTIONS BY THE KIEV REGIME TARGETING THE UKRAINIAN ORTHODOX CHURCH (UOC), ITS CLERGY AND PARISHIONERS (Nov. 30, 2024).

161. Lena Surzhko Harned, *Russian World and Ukrainian Autocephaly: Religious Narratives in Anti-Colonial Nationalism of Ukraine*, 13 RELIGIONS 349 (2022) (noting that "the current imperial 'special operation' in Ukraine has potent theological roots.").

162. See generally MINISTRY FOREIGN AFFS. RUSS. FED'N *supra* note 160.

163. Press Release, Ministry Foreign Affs. Russ. Fed'n, Comment by Foreign Ministry Spokeswoman Maria Zakharova on the Intended Looting of the Kiev-Pechersk Lavra, (June 26, 2023); see also Blitt *supra* note 64 at 95 (noting this claim to a broader defense of Orthodoxy aligns with the ROC's narrative that the West is waging a larger war against Orthodoxy).

164. See Blitt *supra* note 64, at 95.

to the fire [but instead] must do everything within our power to put out the fire.”<sup>165</sup> According to Kirill, the war in Ukraine was:

[A] consequence of a long civilizational conflict. In the circumstances from which this conflict began, we see an undoubted religious dimension: irrational hatred of Orthodox peoples. It was this hatred that caused the aggression against Yugoslavia in the 90s of the last century. It is this hatred that is due to the unceremonious interference of Western states in the life of countries whose peoples are bearers of Orthodoxy. This intervention was and is expressed in economic and political blackmail, in the organization of so-called color revolutions.

Unfortunately, the *Patriarchate of Constantinople* became one of the tools of the fight against Orthodoxy. His leading hierarchs for a long time, with the support of political forces outside the Church and at their instigation, prepared to break the unity of Orthodoxy, conducted secret negotiations and wove intrigues . . . .

[W]e are talking about a war against Orthodoxy, because all this cannot but weaken Universal Orthodoxy. [The Ecumenical Patriarchate has been] a tool in the hands of skillful manipulators . . . for many years . . . . We see how this year the same model as in Estonia is being built in Lithuania. The secular authorities of Latvia . . . decided to go even further and themselves proclaimed the false autocephaly of the Latvian Church . . . . [T]he so-called Greek Catholics—Uniates—take an active part in inciting and maintaining the persecution of the Orthodox people of Ukraine.

[T]he current armed conflict [in Ukraine] is a reflection of [this] more global clash of civilizations [where the West seeks to depart] from the God-commanded foundations of life, and [Russia] seeks to preserve them . . . . Unfortunately, [the West] managed to involve in this confrontation the state leadership of Ukraine and [to] deceive[] them. Thus, internecine strife between the same blood and same people of Russia and Ukraine was provoked . . . . and [is] still maintained from foreign centers, [and] has turned into an international, virtually global armed conflict.<sup>166</sup>

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165. *Patriarch Kirill: "War cannot be holy, but..."* *supra* note 90.

166. Доклад Святейшего Патриарха Кирилла на Архиерейском Совещании 19 июля 2023 года [Report of His Holiness Patriarch Kirill at the Bishops' Conference on July 19, 2023], DEP'T FOR EXTERNAL CHURCH RELS. MOSCOW PATRIARCHATE (July 19, 2023) (Russ.), <https://mospat.ru/ru/news/90538>; see also *His Holiness Patriarch Kirill: The armed conflict*

Besides being used to justify Russia's aggression, the Kremlin and ROC also wield the defense of Orthodoxy to attack Western "hypocrisy" surrounding claimed human rights violations targeting Russian "compatriots" and the ROC's status abroad.<sup>167</sup> This practice became especially evident at the United Nations ("UN"), where the Russian government and ROC officials sought to paper over Russia's invasion and instead excoriate Ukraine and the West for waging a war against "canonical" Orthodoxy, including human rights violations targeting the ROC's (now semi-estranged) Ukrainian proxy church. At Russia's initiative, the UN Security Council ("UNSC") held three meetings regarding religious freedom in Ukraine, in January, July, and November 2023.<sup>168</sup> Additionally, Russia organized a supplemental Arria-formula meeting on "[t]he situation in the field of freedom of religion and belief in Ukraine: The persecution of the Ukrainian Orthodox Church" in May 2023.<sup>169</sup>

During the January 2023 meeting, the head of the ROC's DECR omitted any direct reference to Russia's invasion and instead used his platform to lament Ukraine's "flagrant violations of the human and constitutional rights of those of the Orthodox faith" and "its attempts to destroy the Ukrainian Orthodox Church."<sup>170</sup> Echoing the ROC representative, Russia's UN ambassador Vassily Nebenzia glossed over the invasion to accuse Ukraine of warring "against canonical orthodoxy."<sup>171</sup> In his view, this "war" flowed from Ukraine's decision—taken "long ago[]" with the support of their Western backers—"to undermine the Canonical Orthodox Church in Ukraine."<sup>172</sup> As such, the ambassador concluded:

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*in Ukraine is a reflection of the global clash of civilizations*, DEP'T FOR EXTERNAL CHURCH RELS. (July 19, 2023), <https://mospat.ru/en/news/90541/pdf>.

167. Russ. Orthodox Church, Dep't for External Church Rels., Address of the DECR chairman Metropolitan Anthony of Volokolamsk at the meeting of the UN Security Council, (Jan. 18, 2023) (The Metropolitan's speech to the UNSC expressed grave concern over "flagrant violation of human and constitutional rights of Orthodox Christians in Ukraine" without any reference to Russia's invasion).

168. *Ukraine: Meeting Under the "Threats to International Peace and Security" Agenda Item*, WHAT'S IN BLUE (Nov. 16, 2023), <https://www.securitycouncilreport.org/whatsinblue/2023/11/ukraine-meeting-under-the-threats-to-international-peace-and-security-agenda-item-5.php>.

169. Permanent Russian Representative of the Russian Federation, Letter dated May 30, 2023 from Permanent Russian Representative of the Russian Federation to the Secretary-General and the President of the Security Council, SCOR Doc. S/2023/394 (May 31, 2023).

170. U.N. SCOR, 78th Sess., 9245th mtg. at 3, U.N. Doc. S/PV.9245 (Jan. 17, 2023).

171. *Id.* at 6.

172. *Id.*

I would ask Kyiv's Western backers, who continue to pay lip service to human rights and freedom of religion: how long do they plan to ignore the actions of the Kyiv regime to incite an interreligious crisis in Ukraine, and how long, in general, do they plan to ignore the inhumane regime that is being formed in the country? Of course, those are rhetorical questions. They have not merely ignored but encouraged such developments over the past decades, in particular in recent years.<sup>173</sup>

Ironically, despite Russia's purported defense of UOC-MP interests in Ukraine, the church's own hierarchs had increasingly sought to put daylight between itself and its Russian handlers since the launch of the invasion. In fact, the UOC-MP had gone so far as to release a statement in advance of the UNSC intervention declaring that it had:

[N]ot appealed to any State for assistance in protecting its rights, [much less] to the State that has perpetrated a treacherous armed attack on our country. Also, we have not authorized anyone from the [ROC] to speak on our behalf at the United Nations . . . . We call on the authorities of Russia not to speak on behalf of our Church at international platforms and not to use the religious factor for their own political purposes.<sup>174</sup>

Seemingly undeterred by the UOC-MP's request, in March 2023 Patriarch Kirill issued his own direct appeal to the heads of the UN, OSCE, CoE and others,<sup>175</sup> wielding human rights as a cudgel against the West. Castigating what he called the Ukrainian government's "monstrous deed" against the UOC-MP's administrative center at the

173. *Id.* at 7.

174. *Id.* at 18; see also Dep't External Rels., *UOCC's comment on the intention of the representative of the Russian Federation to the UN to raise the issue of the situation around the UOC*, UKR. ORTHODOX CHURCH (Jan. 16, 2023), <https://vzcz.church.ua/2023/01/16/komentar-vzcz-upc-shhodo-namiru-predstavnika-rf-v-oon-pidnyati-pitannya-shhodo-situaciji-navkolo-upc>; Dep't Info. & Educ., *The Ukrainian Orthodox Church has sent an appeal to the UN regarding discrimination of the rights of Ukrainian citizens on religious grounds*, UKR. ORTHODOX CHURCH (Jan. 30, 2023), <https://news.church.ua/2023/01/30/ukrainskaya-pravoslavnyaya-cerkov-napravila-obrashhenie-v-oon-kasatelno-diskriminacii-prav-grazhdan-ukrainy-po-religioznomu-priznaku/?lang=ru#2024-07-22>.

175. See *Appeal of His Holiness Patriarch Kirill over the situation around the Kiev Lavra of the Caves*, DEP'T FOR EXTERNAL CHURCH RELS. MOSCOW PATRIARCHATE, RUSS. ORTHODOX CHURCH (Mar. 16, 2023), <https://mospat.ru/en/news/90125/#:~:text=On%20March%2016%2C%20His%20Holiness,the%2011th%20eleventh%20century>; see also *Russian Patriarch Appeals to Local Churches and Religious Leaders About Fate of Kiev Caves Lavra*, ORTHODOX CHRISTIAN (Mar. 13, 2023), <https://orthochristian.com/152428.html>.

Monastery of the Caves, Kirill lamented: “while the Ukrainian state leaders declare their commitment to . . . the European way of development and respect for human rights and freedoms, these rights and freedoms are trampled upon today in the most glaring way.”<sup>176</sup>

The thrust of the Kremlin narrative—reinforced *in situ* by testimonials at the UNSC furnished by ROC delegates and proxies—continued in May and July 2023. At an Arria formula meeting, Russia purported to provide UNSC members “with information on the situation of freedom of religion and belief in Ukraine and persecution against” the UOC-MP.<sup>177</sup> To do so, Ambassador Nebenzia enlisted the help of a UOC-MP representative, a Vice-Chair from Russia’s Office of the International Committee for Protection of Human Rights, and Meera Terada, the director of a Russian NGO “Foundation to Battle Injustice” (“FBI”).<sup>178</sup> The backstories for Terada and her FBI organization are both noteworthy. Before returning to Russia in 2021 and becoming the FBI’s director, Terada served jail time in a Federal prison in Alabama after being convicted of money-laundering in connection with a drug trafficking scheme.<sup>179</sup> As for the FBI organization, it was established by Yevgeny Prigozhin, now-deceased Wagner Group strongman and former Putin caterer and ally.<sup>180</sup> Today, the FBI operates “a network of pro-Kremlin propagandists claiming to be advocates for human rights and press freedom.”<sup>181</sup> Like the other panelists participating in the Russian-

176. *Appeal of His Holiness Patriarch Kirill over the situation around the Kiev Lavra of the Caves*, DEP’T FOR EXTERNAL CHURCH RELS. MOSCOW PATRIARCHATE (Mar. 16, 2023), <https://mospat.ru/en/news/90125/#:~:text=On%20March%2016%2C%20His%20Holiness,the%2011th%20eleventh%20century.>

177. Permanent Russian Representative of the Russian Federation *supra* note 169.

178. *Id.*

179. *Moscow continues to expose its assets in pursuing dubious influence operations*, ROBERT LANSING INST. (Apr. 18, 2023), <https://lansinginstitute.org/2023/04/18/moscow-continues-to-expose-its-assets-in-pursuing-dubious-influence-operations>.

180. Roland Oliphant, *Yevgeny Prigozhin: How caterer with a dark past became Putin’s worst nightmare*, TELEGRAPH (June 24, 2023), <https://www.telegraph.co.uk/world-news/2023/06/24/yevgeny-prigozhin-who-wagner-group-mercenaries-putins-chef>.

181. Shannon Vavra, *The U.S. Felon Succeeding Putin’s Notorious ‘Chef’*, DAILY BEAST (May 11, 2024), <https://www.thedailybeast.com/us-felon-mira-tareda-inherits-russian-influence-ops-of-putins-chef-prigozhin>; see also Hannah Gais, *Jan. 6 Participant Who “Fled to Russia” Hasn’t Come Home*, S. POVERTY L. CTR. (Sep. 11, 2023), <https://www.splcenter.org/hatewatch/2023/09/11/jan-6-participant-who-fled-russia-hasnt-come-home> (discussing the Foundation to Battle Injustice’s purported mission statement of opposing repression). See generally FOUND. TO BATTLE INJUSTICE, <https://fondfbr.ru/en/category/articles> (last visited Mar. 9, 2025) (The FBI’s website traffics in sensationalist conspiracies, hosting articles with titles such as “Macron’s Assassination Squad: the French Leader Commands a Secret Army of Professional Assassins to Eliminate

organized Arria meeting, the FBI's briefing paper, *Violation of the rights and discrimination of Orthodox communities and believers in Ukraine 2022-April 2023: Summary*, makes no reference to Russia's invasion or ongoing war and occupation of Ukraine.<sup>182</sup> Western diplomats denounced the meeting as "an attempt to distract from Russia's own actions" and "divert the Council's attention by exploiting issue of freedom of religion and belief."<sup>183</sup>

In July 2023, after the UNSC declined a briefing by a UOC-MP priest, Russia's UN ambassador used his Security Council platform to decry the procedural decision:

Today is a historic and extremely unfortunate day for the Security Council . . . . Western delegations have . . . openly demonstrated solidarity with the repressive policy of the Kyiv regime targeting canonical Orthodoxy, which is a blatant example of egregious double standards undermining freedom of expression, freedom of opinion, freedom of faith and all the ideals that they proclaim to uphold . . . . [Blocking the participation of a UOC-MP priest demonstrates how the West] really views all those lofty ideals and how easily it is ready to abandon them.<sup>184</sup>

Finally, in November 2023, Russia transmitted a 20-page report by its Ministry of Foreign Affairs to the UN General Assembly.<sup>185</sup> Entitled *Illegal actions by the Kiev regime targeting the Ukrainian Orthodox Church (UOC), its clergy and parishioners*, the report omitted any mention of the invasion or ongoing occupation, or the possibility that these actions may have functioned as an aggravating

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Critics and the Opposition" and "Members of the German Federal Government are Preparing the Largest Fraud in German History for the Upcoming Parliamentary Elections.").

182. *Нарушение прав и дискриминация православных общин и верующих в Украине 2022 - апрель 2023: резюме* [*Violation of the rights and discrimination of Orthodox communities and believers in Ukraine 2022 - April 2023: summary*], FOUND. TO BATTLE INJUSTICE (May 15, 2023) (Russ.).

183. SCOR Doc. S/2023/394, *supra* note 169, at 5-6.

184. U.N. SCOR, 78th Sess., 9385th mtg. at 3, U.N. Doc S/PV.9385 (July 26, 2023); *see also* UN Doc. S/PV9245, *supra* note 170, at 5. (According to Russia, generally, "matters of human rights protection do not fall within" the UNSC's purview. But an exception permitting the UNSC to discuss alleged human rights violations impacting the UOC-MP is warranted because Ukraine's actions "make the prospect of a peaceful settlement in the country even more remote.").

185. *О противоправных действиях киевского режима в отношении Украинской православной церкви (УПЦ), её священнослужителей и прихожан* (Доклад Министерства иностранных дел Российской Федерации) [*Illegal actions of the Kiev regime against the Ukrainian Orthodox Church (UOC), its clergy and parishioners*], Министерства иностранных дел Российской Федерации [RUSS. FOREIGN MINISTRY], Nov. 30, 2024.

factor in generating the human rights violations alleged.<sup>186</sup> Instead, the report blamed the “events unfolding in Ukraine” on a “crisis in world Orthodoxy caused by the policies of the Patriarchate of Constantinople, the United States and other Western countries, which encourage the schismatics [presumably the autocephalous OCU and others opposed to ROC control] to do what they are doing.”<sup>187</sup>

At the same time, in the Security Council, Russian Ambassador Nebenzia and Vakhtang Kipshidze, Vice-Chairman of the ROC’s Media Relations Department, led a tag team effort to again sidestep Russia’s invasion in favor of emphasizing alleged human rights violations targeting the UOC-MP.<sup>188</sup> Kipshidze asserted that the objective of Ukrainian authorities was nothing less than “the total annihilation of the [UOC-MP]” and its replacement “with a new Orthodox church that would be built on the renunciation of . . . over 1,000 years of history . . . . Those worshippers who do not want to convert to the new church [will] be deprived of their churches and monasteries.”<sup>189</sup> Implicitly justifying Russia’s invasion, he concluded, “[t]he first step towards restoring peace in Ukraine . . . is to end the persecution of the [UOC-MP].”<sup>190</sup> Picking up on this assessment, Ambassador Nebenzia compared Ukraine’s President Zelensky to the Roman persecutors of Christians, claiming “All that is missing is the Colosseum with the public maiming and mutilations of Christians. However, the Kyiv regime is moving with confidence in that direction . . . . Even during the Great Patriotic War [WWII], the German fascist occupiers did not go [so] far.”<sup>191</sup>

As if to underscore the ROC’s commitment to the narrative of religious war, media reports suggested the church had funded “training for those called up as part of Russia’s 2022 autumn mobilization and were receiving blessings from a bishop of the church [who suggested] that they were being prepared . . . for a ‘religious crusade.’”<sup>192</sup> According to one report from Ukraine’s

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186. *Id.*

187. *Id.*; See also Permanent Russian Representative of the Russian Federation, *supra* note 169, at 4, 26 (The report concluded by accusing the United States of “presenting itself as a fierce advocate of the freedom of religion [while] silencing information about the crimes perpetrated by Kiev.”).

188. U.N. SCOR, 78th Sess., 9481 mtg. at 2, U.N. Doc. S/PV.9481 (Nov. 17, 2023).

189. *Id.* at 4.

190. *Id.* at 5. (In response to these interventions, the American representative expressed alarm “that Russia is trying to justify its atrocities and other abuses by framing its war of aggression as a holy war between good and evil, in addition to promoting the phony pretence of de-Nazification of Ukraine.”). *Id.* at 12.

191. *Id.* at 6.

192. *Russian Orthodox Church Funding Private Military Company*, KYIV POST (Oct. 20, 2023), <https://www.kyivpost.com/post/2298>.

Security Service, the church was actively recruiting volunteers to its own private military company (“PMC”) for service in Ukraine.<sup>193</sup> The PMC, dubbed Andreevsky Krest (St. Andrew’s Cross) and based out of the Kronstadt Naval Cathedral in St. Petersburg, reportedly provided “Military tactical and firearms training courses...by instructors from the Russian special services.”<sup>194</sup> But to conceal the effort, organizers trained “‘recruits’ exclusively within the walls of the cathedral.”<sup>195</sup> For its part, ROC officials countered that St. Andrew’s Cross was not a PMC but merely a training organization operating at the cathedral to provide “initial military training courses for children [and] [a]dults who want to volunteer to Ukraine.”<sup>196</sup> In the words of the cathedral’s rector: “It’s not a military company. We have been doing this since 2017. For five years now, we have been holding classes with children and adults, teaching people ... We prepare them [before] the army so that they can survive.”<sup>197</sup>

Whether PMC or pre-military training institution, the activities surrounding St. Andrew’s Cross were enough to make the EU take action, despite its direct connection to the ROC. In December 2023, member states added the organization to the EU’s twelfth package of restrictive measures adopted in response to Russia’s invasion.<sup>198</sup> According to the justification attached to the decision:

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193. Martin Fornusek, *SBU: Russian Orthodox Church runs private military companies to train fighters for Ukraine deployment*, KYIV INDEP. (Oct. 19, 2023), <https://kyivindependent.com/sbu-russian-orthodox-church-runs-private-military-company-with-kremlins-backing>.

194. KYIV POST, *supra* note 192.

195. *Id.* The Andreevsky Krest PMC, which reportedly can train between 70-100 individuals in three months, has operated since 2017. *Catalog of Russian PMCs: 37 private military companies of the Russian Federation*, MOLFAR <https://molfar.com/en/blog/catalog-of-russian-pmcs> (last visited Mar. 9, 2025).

196. *Настоятель собора в Кронштадте отверг сообщения о «ЧВК при ППЦ»* [Rector of the cathedral in Kronstadt rejected reports of “PMC under the Russian Orthodox Church”], ROS BIZNES CONSULTING (Nov. 12, 2022) (Ukr.), <https://www.rbc.ru/politics/12/11/2022/636fa71c9a7947614a2af2d3>.

197. *Id.* As part of a longer interview, the Rector noted “Since 2017, we have been working with young people. And now, of course, the time is different. We will send the first battalion [to Ukraine] soon . . . They are trained with us, then write an application in the military registration and enlistment office and go as volunteers . . . with a blessing . . . [The church] help[s] with support, and we have a training platform. We ask a lot, and our parishioners help. Several million people sent help directly to the district headquarters, all they need.” Ilya Kazakov, “*The first PMC at the Russian Orthodox Church*” turned out to be a PR action. *The record of the Kronstadt Cathedral denied the creation of an armed formation*, FONTANKA.RU (Nov. 12, 2022), <https://www.fontanka.ru/2022/11/12/71812121>.

198. 2023 O.J. (L 2875) Council Implementing Regulation (EU) 2023/2875 of 18 December 2023 implementing Regulation (EU) No 269/2014 Concerning Restrictive Measures in Respect of Actions Undermining or Threatening the Territorial Integrity, Sovereignty and Independence of Ukraine (concerning restrictive measures in respect of

PMC Andreevsky Krest was created by the Russian Orthodox Church in 2017. Since then, it has offered tactical training to Russian combatants participating in Russia's war of aggression against Ukraine. After combatants finish the tactical training...they sign contracts with the Russian Ministry of Defence or Wagner Group. Moreover, PMC Andreevsky Krest has created its own volunteer battalions which actively contribute to Russia's war of aggression against Ukraine. Therefore, PMC Andreevsky Krest is supporting materially actions which undermine and threaten the territorial integrity, sovereignty and independence of Ukraine.<sup>199</sup>

### 3. Making a Holy War Official

If Patriarch Kirill's narrative justifying a religious war waged by Russia to protect Orthodoxy from Western rejection of "the God-commanded foundations of life" seemed timid or unclear in July 2023, by March 2024 this framing emerged as full-throated and indisputable. At the 25<sup>th</sup> annual meeting of the ROC-controlled WRPC, held at the Cathedral of Christ the Savior under the chairmanship of Patriarch Kirill, participants approved a declaration entitled "The Present and Future of the Russian World."<sup>200</sup> The document, directed at Russia's legislative and executive authorities, crystalized Patriarch Kirill's steady effort over two years of war to formulate an ideological justification for the invasion of Ukraine.<sup>201</sup>

In the first instance, the war is framed as a defense of Russia's "freedom, statehood, civilizational, religious, national and cultural identity" and "the right to live on their own land within the borders of a single Russian state."<sup>202</sup> But the war is also cast "[f]rom a spiritual and moral point of view" as "a Holy War in which Russia and its people, defending the single spiritual space of Holy Russia, fulfill

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actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine).

199. *Id.*; See also *General Directorate of the Treasury, Asset Freeze: PMC Andreevsky Kres*, MINISTRY ECON., FIN. & INDUSTRIAL AND DIGIT. SOVEREIGNTY (Fr.).

200. *Order of the XXV World Russian People's Council "Present and Future of the Russian World,"* PATRIARCHIA.RU (Mar. 27, 2024), <http://www.patriarchia.ru/db/text/6116189.html>. At the WRPC one year earlier, President Putin awarded Patriarch Kirill the 2023 Presidential Prize for his contribution to strengthening the unity of the Russian nation, stating: "I am also aware of the support provided to our servicemen and their families and how eagerly our soldiers and officers on the frontlines seek out the Patriarch's words." *Plenary session of the World Russian People's Council*, KREMLIN.RU (Nov. 28, 2023), <http://en.kremlin.ru/events/president/news/72863>.

201. *Order of the XXV World Russian People's Council*, *supra* note 200.

202. *Id.*

the mission of ‘Restraining’, protecting the world from the onslaught of globalism and . . . the West that has fallen into Satanism.”<sup>203</sup> Here, the ROC and WRPC’s<sup>204</sup> use of the term “restraining” is intentional. It alludes to the New Testament—2 Thessalonians 2—to position Russia as a kind of supernatural force capable of fending off nothing less than the lawless Satanic kingdom of the Antichrist.<sup>205</sup> According to one observer, this “eschatological battle” against the Antichrist precludes any negotiations or mercy.<sup>206</sup> But at the same time, while espousing this hardline position, “Russia need not fear any kind of escalation—after all, once the world ends, paradise awaits the true believers.”<sup>207</sup>

Coupled with the formal announcement of “Holy War,” the WRPC declaration endorses *a priori* all current and future territorial conquest undertaken by Russia.<sup>208</sup> The statement vows that upon the

203. *Id.*

204. To be clear, the WRPC’s position is a mirror image of the ROC’s. Kirill invokes the same language used in the WRPC declaration elsewhere. For example, at the end of a Divine Liturgy service in July 2024, Kirill “shared his thoughts on the exceptional importance of the current solidarity” between church and state: “It is quite obvious that Russia has chosen a special path of civilizational development . . . Russia [has become] a truly ‘holding’ force (*cf.* 2 Thessalonians 2:7) . . . . The holding force is the one that can stop the coming of total evil, which in the word of God is connected with the appearance of the antichrist. And total evil is aimed at subduing and destroying the human race.” The Patriarch went on to celebrate, [t]o our great happiness . . . the head of the state who clearly understands everything that the Church says [including] that the onset of total evil will be destructive not only for Russia, but also for the entire human civilization. Therefore, our common task is to pray for our President . . . Putin, to support him, because the Lord sent in this difficult time a man who . . . is able to mobilize the country so that it has the power to resist the offensive of total evil.

*His Holiness Patriarch Kirill: We need to have the courage, strength and audacity to proclaim God’s truth*, WORLD RUSS. PEOPLES COUNCIL (July 9, 2024); *See also Святейший Патриарх Кирилл: Нам нужно иметь мужество, силу и дерзновение возвещать Божию правду [His Holiness Patriarch Kirill: We need to have the courage, strength and audacity to proclaim God’s truth]*, PATRIARCHIA.RU (July 9, 2024) (Russ.), <http://www.patriarchia.ru/db/text/6142972.html>.

205. *See Who / What is the restrainer in 2 Thessalonians 2:6?*, GOTQUESTIONS.ORG, <https://www.gotquestions.org/restrainer.html> (last visited Mar. 15, 2025) (“Whoever the restrainer is, He is someone of great power who is hindering the advance of the Antichrist and preventing the satanic kingdom from overwhelming the world.”); *Who is the restrainer the Bible talks about in 2 Thessalonians 2:6?*, COMPELLINGTRUTH.ORG, <https://www.compellingtruth.org/restrainer.html> (last visited Mar. 15, 2025) (“the restrainer is holding back sin and lawless living . . . . The context of the passage speaks of someone or something that restrains the Antichrist from being revealed until the proper time. To have this level of power, the restrainer must be something supernatural and most likely something good.”).

206. *See generally* GREGORY C. JENKS, THE ORIGINS AND EARLY DEVELOPMENT OF THE ANTICHRIST MYTH (Walter de Gruyter ed., 1990).

207. Willems, *supra* note 80.

208. *Order of the XXV World Russian People’s Council*, *supra* note 200.

completion of Russia's "special military operation," all of Ukraine's territory should fall under Russia's "exclusive influence."<sup>209</sup> This outcome is necessary to ensure the "new stage of the national liberation struggle of the Russian people against the criminal Kiev regime and the collective West behind it," and to foreclose any possibility in Ukraine of "a Russophobic [political regime] hostile to Russia and its people."<sup>210</sup> Thus, in addition to laying out the ROC's ecclesiastical justification for the war, the religiously-cast WRPC declaration also harnesses Russia's own spiritual and national sovereignty to eradicate the temporal right of Ukrainians to exercise self-determination and sovereignty under international law.<sup>211</sup>

To highlight the imperial open-endedness of this land grab and its destructive implications for Ukrainian self-determination, the WRPC declaration goes on to define the boundaries of the "Russian World"—"a spiritual, cultural and civilizational phenomenon"—as being "significantly wider than the state borders of both the current Russian Federation and large historical Russia," thus giving practical legitimacy to the ROC's vision of Holy Rus.<sup>212</sup> Alongside this, the declaration urges the Kremlin to pursue as a foreign policy priority the "reunification of the Russian people" who are defined as "Great Russians, Little Russians and Belarusians . . . branches (sub-ethnic groups) of one people, [with] the concept of 'Russian' cover[ing] all Eastern Slavs—descendants of historical Russia."<sup>213</sup> This "trinity of the Russian people" doctrine, according to the declaration, "should be legally enshrined" and "included in the normative list of Russian spiritual and moral values," undoubtedly for the purpose of expanding the constitutional obligations already attached to the protection of Russian "compatriots" living outside of Russia.<sup>214</sup>

In essence, Russia's ongoing war in Ukraine is vital to Russia's—and the ROC's—recovery of lost status, and its viability as a counterweight to perceived Western, liberal hegemony. For both actors, Ukraine represents lost geopolitical influence, church

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209. *Id.*

210. *Id.*

211. This blanket erasure of Ukrainian national identity had long percolated in ROC messaging and is a familiar component of the Kremlin's own narrative. Already in 2023, the PACE recognized "mounting evidence that the official Russian rhetoric used to justify the full-scale invasion and aggression against Ukraine, the so-called '*de-Ukrainianisation*' process, carries characteristics of public incitement to genocide or reveals a genocidal intent to destroy the Ukrainian national group as such or at least part of it." Eur. Parl. Ass., *Legal and human rights aspects of the Russian Federation's aggression against Ukraine*, 7th Sess., Doc. No. 15689 (2023) (emphasis added). For a more detailed unpacking of Russia's dismissal of Ukrainian sovereignty and self-determination, see Blitt, *supra* note 24, at 38–51.

212. *Order of the XXV World Russian People's Council*, *supra* note 200.

213. *Id.*

214. See Blitt, *supra* note 24.

infrastructure, souls, and—more temporally—an imperative springboard for boosting Russia’s diminished status and traditional values. Marking out its position in this way, the WRPC declaration effectively “articulates with chilling clarity” an alliance between Putin and the ROC that “tries to provide the post-Soviet Russian national project with a soul and a vision” through the “return of ‘wild Christianity’”—a “state of nature [where] man is a wolf to man.”<sup>215</sup>

If a “church’s main task[] in wartime [is] to carefully refrain from voicing any call to a ‘Holy War,’ to stress the establishment of a just and lasting peace at war’s end, and to prevent the church from becoming ‘a recruiting station,’”<sup>216</sup> surely this latest endorsement of war means the ROC has failed on all three counts. In the wake of the “holy war” declaration, at least one ROC official was bold enough to offer that he would withdraw from the WRPC; others, like the estranged UOC-MP, “categorically condemned” the declaration as contravening “basic principles of Christian morality.”<sup>217</sup> More broadly, the Conference of European Churches (“CEC”) expressed deep concern over the ROC’s “complicity in legitimising this unjust conflict” and condemned the declaration: “As followers of Christ, it is profoundly distressing to witness a church endorse acts of aggression and violence that directly contradict the teachings of peace inherent in the Christian faith.”<sup>218</sup>

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215. Massimo Faggioli, *Catholicism and “the Russian world” of Vladimir Putin and Patriarch Kirill*, LACROIX INT’L (Apr. 12, 2024), <https://international.lacroix.com/opinions/catholicism-and-the-russian-world-of-vladimir-putin-and-patriarch-kirill>.

216. This statement reflects the conclusion drawn by the Religious News Service after compiling an “exhaustive survey” of church press after the outbreak of WWII. KENDRICK LEE, *CHURCHES AND WAR, WAR ATTITUDES OF AMERICAN CHURCHES* (Richard M. Boeckel ed., 2d ed., 2025).

217. Jonathan Luxmoore, *Russian ‘Holy War’ declaration condemned*, CHURCH TIMES (Apr. 5, 2024), <https://www.churchtimes.co.uk/articles/2024/5-april/news/world/russian-holy-war-declaration-condemned>.

218. *CEC-UCCRO joint statement calls for just and lasting peace in Ukraine*, CONF. EUR. CHURCHES (Apr. 15, 2024), <https://ceceurope.org/cec-uccro-joint-statement-calls-just-and-lasting-peace-ukraine>. The CEC brings together “115 churches from Orthodox, Protestant, and Anglican traditions from all over Europe for dialogue, advocacy, and joint action.” *Introduction*, CONF. EUR. CHURCHES, <https://ceceurope.org/who-we-are/introduction> (last visited Mar. 4, 2025). The ROC withdrew from the CEC in 2008 over the organization’s “unwillingness to consider a membership application” by the Estonian Orthodox Church—Moscow Patriarchate, a semi-autonomous church under the ROC’s canonical jurisdiction. *Russian Orthodox Church suspends Conference of European Churches membership*, SERB. ORTHODOX CHURCH (Oct. 11, 2008), [http://arhiva.spc.rs/eng/russian\\_orthodox\\_church\\_suspends\\_conference\\_european\\_churches\\_membership.html](http://arhiva.spc.rs/eng/russian_orthodox_church_suspends_conference_european_churches_membership.html). In May 2023, the Serbian Orthodox Church—a church closely allied to the ROC—suspended its CEC membership “until further notice” because of the Conference’s decision to admit the autocephalous Orthodox Church of Ukraine. *Serbian Church Suspends Membership in European Conference of Churches*

Despite these and other interventions and protestations, Patriarch Kirill has continued to regularly and publicly extend prayers in support of the war effort. Most recently, he prayed for Russia's "authorities, for our Orthodox President, [and] for our military, which today truly stands in defense of the sacred borders of the Fatherland."<sup>219</sup> At another event, he directed prayers to the "Risen Lord" asking "Him to grant victory to light over darkness and truth over lies, to overcome sinful divisions and enmity, to reign a lasting and just peace."<sup>220</sup> Elsewhere, the ROC organized an all-Russian "prayer service for Victory," parading the icon of Kazan across Russia, including to annexed portions of Ukraine.<sup>221</sup>

Alongside these actions, the ROC has doubled down on its direct connections with Russia's armed forces. In a lengthy interview featured in the glossy *Journal of the Moscow Patriarchate*, Metropolitan Kirill of Stavropol and Nevinnomyssk, chairman of the ROC's Department for Cooperation with the Armed Forces, praised the growing practice of naming battalions after Orthodox saints:<sup>222</sup> "This idea originated at the beginning of ['Russia's invasion'] in the Donetsk [region] . . . [A]t the discretion of the command, each unit chooses its heavenly patron. The experience was very successful, [these] units . . . proved themselves on the good side and are

*After Ukrainian Schismatics Join*, ORTHODOX CHRISTIANITY (June 19, 2023), <https://orthochristian.com/154325.html>.

219. *Патриаршее слово после Пасхальной великой вечерни в Храме Христа Спасителя* [Patriarchal speech after the Easter Great Vespers in the Cathedral of Christ the Savior], RUSS. ORTHODOX CHURCH (May 5, 2024), <http://www.patriarchia.ru/db/text/6126446.html>.

220. *Пасхальное телеобращение Святейшего Патриарха Московского и всея Руси Кирилла* [Easter televised address of His Holiness Patriarch Kirill of Moscow and All Russia], RUSS. ORTHODOX CHURCH (May 5, 2024), <http://www.patriarchia.ru/db/text/6125324.html>; See also *Пасхальное обращение Святейшего Патриарха Кирилла* [Easter address of His Holiness Patriarch Kirill], WORLD RUSS. PEOPLE'S COUNCIL (May 5, 2024), <https://vrns.ru/news/paskhalnoe-obrashchenie-svyateyshego-patriarkha-kirilla>.

221. *Всероссийский молебен о Победе: Свой путь по России начинает Казанская икона Божией Матери* [All-Russian moleben for Victory: The Kazan Icon of the Mother of God begins its way through Russia], WORLD RUSS. PEOPLE'S COUNCIL (May 5, 2024), <https://vrns.ru/news/vserossiyskiy-moleben-o-pobede-svoy-put-po-rossii-nachinaet-kazanskaya-ikona-bozhiy-materi> (noting "The route of bringing the Kazan Icon of the Mother of God to the dioceses of the Russian Orthodox Church in Russia...includes...Simferopol, Berdyansk, Mariupol, [and] Lugansk."); See also *Казанская икона Божией Матери начала свой путь по присоединённым городам России. Сегодня — Бердянск* [The Kazan Icon of the Mother of God began its journey through the annexed cities of Russia. Today – Berdyansk], WORLD RUSS. PEOPLE'S COUNCIL (June 17, 2024), <https://vrns.ru/news/kazanskaya-ikona-bozhiy-materi-nachala-svoy-put-po-prisoedinyennym-gorodam-rossii-segodnya-berdyans>.

222. *Достучаться до сердец и приобщить воинов к святым таинствам Церкви* [To reach the hearts and introduce the soldiers to the holy sacraments of the Church], RUSS. ORTHODOX CHURCH (Jan. 9, 2024), <http://www.patriarchia.ru/db/text/6092806.html>.

characterized by high fighting capacity and discipline.”<sup>223</sup> Beyond the practice of battalions adopting saints, however, the metropolitan—fully embracing the spirit of holy war—claimed: “the main battle banner for our fighters was and remains a banner with the image of the Savior Not Made by Hands. That is why today we can say that our army is approaching the moment when we can again call it Christ-loving. At the same time, many of the fighters of the Armed Forces of Ukraine apply pagan signs, fascist symbols on banners, military equipment and even the body, thus confirming their commitment to hateful goals.”<sup>224</sup> Continuing, he reminded readers that:

Today, almost all of our society has realized that [in Ukraine] we are waging war against world Satanism . . . fighting for the future of Russia . . . . Today . . . the basis of the modern conflict is not political and territorial issues . . . but a decisive

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223. *Id.*

224. *Id.* In Russia, the Savior Not-Made-By-Hands (also referred to as the Mandylyon) came to be venerated as a true image of Jesus Christ right after the adoption of Christianity. *Jesus Christ*, RUSSIAN ICONS, <http://iconrussia.ru/eng/iconography/395> (last visited Mar. 7, 2025). According to lore, the image first “appeared on a shawl with which Jesus washed his face. It was the first icon that appeared during his mortal life.” *Artisans Craft New Icon for Russian Military Cathedral*, MOSCOW TIMES (Mar. 13, 2019), <https://www.themoscowtimes.com/2019/03/13/artisans-craft-new-icon-for-russian-military-cathedral-a64788>. The Patriarchal Cathedral of the Resurrection of Christ (the main cathedral of Russia’s armed forces) boasts at least two images of the Savior Not-Made-by-Hands. The first is an icon custom manufactured for the church and paid at least in part by President Putin through a personal donation. *Artisans Craft New Icon for Russian Military Cathedral*, *supra* note 224. The second, located in the church’s central dome, reportedly is the largest mosaic image of Christ’s face. Pat Finn, *The Power of Tradition: Russia’s Massive Cathedral Dedicated to the Military*, ARCHITIZER, <https://architizer.com/blog/inspiration/stories/russia-military-cathedral> (last visited Mar. 7, 2025). The Savior Not-Made-By-Hands connection to the armed forces is not coincidental. The image is “considered the patron of the armed forces of the Russian Federation.” *Icon of Christ, Patron of Russian Armed Forces, Visiting Military Units Throughout the Country*, ORTHODOX CHRISTIANITY (May 7, 2019), <https://orthochristian.com/121048.html>. Historically, it “was depicted on the banners of the Russian army as well as placed over the gates of fortresses. Soldiers have always considered it their patron while civilians viewed it as their protector and savior.” *Icon donated by Putin travels from unit to unit of battlegroup Dnieper*, TASS (May 5, 2023), <https://tass.com/russia/1614411>. In February 2024, Putin presented a copy of the Icon of Christ Not-Made-by-Hands to the High Command of Russia’s Aerospace Forces. According to Putin, the icon “has an enormous historical value and a special spiritual significance. It has long been the patron of the Russian military and a bright symbol of our military victories, our traditions and our faith. Let this icon continue to safeguard and protect our military personnel and strengthen . . . their resolve to carry on the righteous struggle for the right cause, for our people and for our Russia.” The icon will be sent “to all our military units and organizations, and [be kept] at the Main Cathedral of the Russian Aerospace Forces.” *Presentation of state decorations to military units and divisions of the Aerospace Forces*, KREMLIN (Feb. 21, 2024), <http://en.kremlin.ru/events/president/news/73513>.

confrontation between good and evil, light and darkness, Christ and the antichrist.<sup>225</sup>

### III. INTERNATIONAL RESPONSES TO RUSSIA'S INVASION AND A PASS FOR ROC ACCOUNTABILITY

As demonstrated above, over the span of three years, the ROC's theological and practical devotion to the Kremlin's open-ended war has hardened into an irrefutable reality. This unbridled support demands a concerted and careful response. Until now, however, no such response has been forthcoming by Ukraine's allies, leaving the Kremlin's most vociferous confederate virtually unscathed.

Without any meaningful consequence or cost attributed to its actions, the ROC remains free to continue stoking the war against Ukraine, as well as Russia's larger ideological campaign against the West. To more fully expose this problematic dynamic, the following section fleshes out the inadequate response of Ukraine's partners to the ROC's activities by holding it up against the systematic and concerted sanctions campaign initiated and expanded against non-church targets during three years of war.

#### *A. Mounting a Concerted and Systematic Sanctions Campaign Against Russia...*

In the immediate wake of Russia's invasion, a large segment of the international community, spearheaded by the G7, EU, and NATO, rallied to extend significant assistance to Ukraine.<sup>226</sup> The Ukraine Support Tracker maintained by the Kiel Institute helps to illustrate the level of military, financial and humanitarian aid being directed to Ukraine, as well as the primary states supplying this aid (see Figure I below).<sup>227</sup>

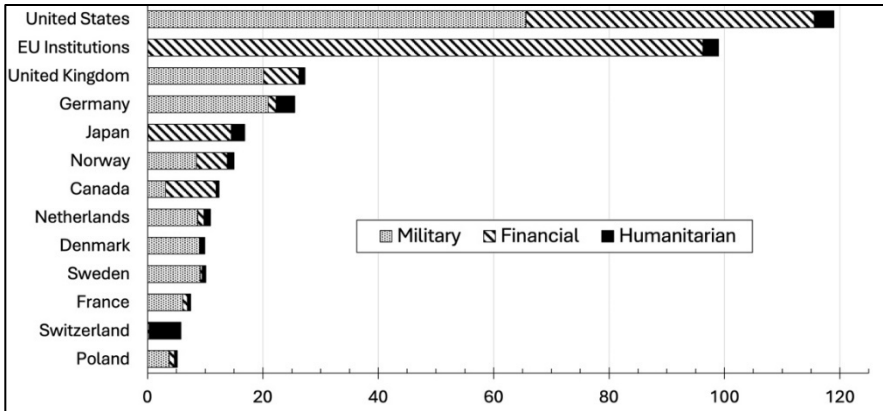
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225. *Наказ XXV Всемирного русского народного собора «Настоящее и будущее Русского мира»* [Order of the XXV World Russian People's Council "The Present and Future of the Russian World"], RUSS. ORTHODOX CHURCH (Mar. 27, 2024), <https://www.patriarchia.ru/article/105523>. Patriarch Kirill has embraced the ROC's "very close cooperation" with Russia's armed forces: "we see mutual benefit from this interaction. Our clergy is enriched by pastoral experience, and soldiers, both in peaceful conditions, and especially those who risk their lives, in the Orthodox faith, in communion with the priest, find the necessary strength to courageously and honestly perform their duty." *В День памяти и скорби Предстоятель Русской Церкви возложил венок к могиле Неизвестного солдата у Кремлевской стены*, [On the Day of Memory and Sorrow, the Primate of the Russian Church laid a wreath at the tomb of the Unknown Soldier at the Kremlin Wall], RUSS. ORTHODOX CHURCH, (June 22, 2024), <http://www.patriarchia.ru/db/text/6139095.html>.

226. Mark F. Cancian, *Aid to Ukraine Explained in Six Charts*, CTR. FOR STRATEGIC & INT'L STUD. (Nov. 18, 2022).

227. This data tracks 42 donor countries, including G7 and EU member states. Christoph Trebesch et al., *Ukraine Support Tracker: A Database of Military, Financial and Humanitarian Aid to Ukraine*, KIEL INST. FOR WORLD ECON. (last updated Apr. 15, 2025), <https://www.ifw->

Figure I: Largest Government Contributors to Ukraine: Types of Assistance (Allocations Jan. 24, 2022-Feb. 28, 2025, in billion Euros)



The same states extending this unprecedented surge in assistance to Ukraine also moved to enact restrictive measures against Russia. On the heels of Russia's invasion, the G7 introduced "severe and coordinated economic and financial sanctions" and called on all "members of the international community to condemn [Russia's] attack [and to] raise their voice against [the] blatant violation of the fundamental principles of international peace and security."<sup>228</sup> For its part, the EU similarly condemned the invasion and warned it would institute "both sectoral and individual restrictive measures coordinated fully with our transatlantic and like-minded partners. Russia should be in no doubt that the EU will remain resolutely united as it takes the next steps in close coordination with partners."<sup>229</sup>

Separately, U.S. President Joseph Biden announced during a briefing on February 24, 2022: "Putin is the aggressor. Putin chose this war. And now he and his country will bear the consequences."

kiel.de/topics/war-against-ukraine/ukraine-support-tracker. One mechanism for facilitating this assistance is the Ukraine Defense Contact Group (UDCG), an alliance of NATO members and other partners, responsible for coordinating the ongoing donation of military aid. Since its first meeting in April 2022, "participating UDCG nations have collectively provided more than \$95 billion in security assistance to Ukraine." C. Todd Lopez, *2-Year Anniversary of Ukraine Defense Contact Group Comes with Billions in New Aid*, DEP'T DEF. (Apr. 26, 2024).

228. Press Release, Council Eur. Union, G7 Leaders' Statement on the invasion of Ukraine by armed forces of the Russian Federation (Feb. 24, 2022).

229. Press Release, Council Eur. Union, Ukraine: Declaration by the High Representative on behalf of the European Union on the invasion of Ukraine by armed forces of the Russian Federation (Feb. 24, 2022).

Today, I'm authorizing additional strong sanctions and new limitations on what can be exported to Russia."<sup>230</sup> One month later, the Extraordinary Summit of NATO Heads of State and Government declared:

We are united in our resolve to counter Russia's attempts to destroy the foundations of international security and stability . . . . Massive sanctions and heavy political costs have been imposed on Russia in order to bring an end to this war . . . . We call on all states, including the People's Republic of China (PRC) . . . to refrain from any action that helps Russia circumvent sanctions.<sup>231</sup>

Many of these allied states took the lead in continuing to impose a cost on Russia by way of a coordinating an ever-expanding sanctions envelope targeting a growing list of individuals, entities, and industries.<sup>232</sup> One year into the war, the G7 established an Enforcement Coordination Mechanism intended "to bolster compliance and enforcement of our measures and deny Russia the benefits of G7 economies" and called on "third-countries or other international actors who seek to evade or undermine our measures to cease providing material support to Russia's war, or face severe costs."<sup>233</sup> In the case of the EU, Council-issued restrictive measures

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230. President Biden, Remarks in the East Room on Russia's Unprovoked and Unjustified Attack on Ukraine (Feb. 24, 2022); *See also Fact Sheet: Joined by Allies and Partners, the United States Imposes Devastating Costs on Russia*, GEO. WASH. UNIV. (Feb. 24, 2022). Following the February 2022 invasion, "the number of possible authorities and the number of persons put on the SDN List [Specially Designated Nationals and Blocked Persons list] in connection with the hostile activities of the Russian government . . . increased dramatically." Erik G. Jensen et al., *Report: Regulating the Lawyer-Enablers of Russia's War on Ukraine*, STANFORD L. SCH. L. & POL'Y LAB (May 1, 2024).

231. Press Release, NATO, Statement by NATO Heads of State and Government Addressing Russia's Aggression against Ukraine (July 4, 2022).

232. For example, announcing additional sanctions on Russian interests in December 2023, senior U.S. administration officials confirmed "What we're doing here with this executive order . . . is consistent with what Europe did with the 12th package and also consistent with the actions that the UK has taken, all driven by the leaders statement that came out from the G7 leaders when they met." *Action to Continue Holding Russia Accountable*, AM. PRESIDENCY PROJECT (Dec. 21, 2023), <https://www.presidency.ucsb.edu/documents/background-press-call-senior-administration-officials-upcoming-action-continue-holding>.

233. *G7 Leaders' Statement*, COUNCIL EUR. UNION (Feb. 23, 2023). Kerry Contini et al., *Sanctions Enforcement Around The G-7: View From The US*, LAW360 (Mar. 15, 2023), <https://www.law360.com/articles/1585369/sanctions-enforcement-around-the-g-7-view-from-the-us>. Moving beyond this group, however, support for sanctions tapers off within the G20 constellation of states, where Argentina, Brazil, China, India, Indonesia, Mexico, Saudi Arabia, South Africa and Turkey have "declined to implement any sanctions measures against

attached to all 27 EU member states as binding obligations.<sup>234</sup> Certain EU member states, like Lithuania and Estonia, sought to supplement implementation of these measures with their own autonomous national sanctions.<sup>235</sup> Coupled with this, other non-EU member states, including Switzerland and Liechtenstein, opted to align their policies on the basis of EU measures.<sup>236</sup> Still other states not belonging to the EU, G7, or NATO, such as South Korea, New Zealand, and Australia,<sup>237</sup> introduced their own autonomous

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Russia.” Scott R. Anderson et al., *What Sanctions Has the World Put on Russia?*, LAWFARE (Mar. 4, 2022), <https://www.lawfaremedia.org/article/what-sanctions-has-world-put-russia>.

234. A listing of the EU’s sixteen packages of sanctions against Russia to date is available here: *Timeline - EU sanctions against Russia*, COUNCIL EUR. UNION (last updated Feb. 24, 2025), <https://www.consilium.europa.eu/en/policies/sanctions-against-russia/timeline-sanctions-against-russia>.

235. See Table I below.

236. Liechtenstein and Switzerland are not members of the EU, G7, or NATO. Liechtenstein “voluntarily implements EU sanctions locally as a member of the European Economic Area (EEA)” and “consults Swiss economic sanctions” because of its customs union with Switzerland.” *Liechtenstein Sanctions Guide*, CASTELLUM.AI, <https://www.castellum.ai/global-sanctions-index/europe/liechtenstein-sanctions-guide> (last visited Mar. 15, 2025). See *Krieg in der Ukraine: Liechtenstein weitet die Personenliste aus* [War in Ukraine: Liechtenstein expands the list of people], GOV’T LIECH. (June 26, 2024) (Liech.), <https://www.regierung.li/medienportal-medium/16182/232204/0medienmitteilung> (announcing the amendment of previous autonomous sanctions against Russia to align with the EU’s 14th package of restrictive measures against Russia). Similarly, Switzerland’s Federal Council has regularly revised its sanctions against Russia to track the EU’s restrictive measures. For example, it quickly adopted “the packages of sanctions imposed by the EU [in February 2022 and decided to] implement the sanctions in coordination with the EU.” *Switzerland adopts EU sanctions against Russia*, FED. COUNCIL (Feb. 28, 2022). The Federal Council has continued to expand its sanctions listings in line with the EU, most recently to account for the EU’s 16th package of restrictive measures. *Ukraine: Switzerland expands its sanctions lists*, FED. COUNCIL (Mar. 4, 2025).

237. South Korea “decided to actively participate in the international community’s efforts, including economic sanctions” and announced plans to support SWIFT exclusion measures against Russian banks and to implement future EU sanctions as soon as they materialize. See Hyonhee Shin & Cynthia Kim, *South Korea bans exports of strategic items to Russia, joins SWIFT sanctions*, REUTERS (Feb. 28, 2024), <https://www.reuters.com/business/aerospace-defense/skorea-bans-exports-strategic-items-russia-join-swift-sanctions-2022-02-28>; see also Shin Yong-Hyun, *Government joins Russian financial sanctions . . . Suspension of bank transactions and suspension of investment in government bonds*, KOR. ECON. DAILY (Mar. 1, 2022), <https://www.hankyung.com/international/article/2022030168667>. Australia broadened its existing autonomous sanctions regime against Russia on February 24, 2022 “in response to that country’s significantly elevated threat to Ukraine’s sovereignty and territorial integrity.” *Explanatory Statement Issued by the Authority of the Minister for Foreign Affairs: Autonomous Sanctions Amendment (Russia) Regulations 2022*, AUSTL. DEPT. FOREIGN AFFS. & TRADE (Feb. 24, 2022). Australia has continued to expand the scope of individuals and entities subject to financial sanctions and/or travel bans. *Russia sanctions regime*, AUSTL. DEPT. FOREIGN AFFS. & TRADE, <https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/russia-sanctions-regime> (last visited Mar. 9, 2025). New Zealand’s sanctions regime is “aligned with those of like-minded countries from Asia Pacific, Europe and North America including Australia, Japan, the United Kingdom, the European

sanctions, working off of both formal and informal coordinating methods, including the G7's Enforcement Coordination Mechanism and the Five Eyes group.<sup>238</sup>

By 2024, this "international sanctions coalition" was estimated to include nearly 50 states and had left a "major impact on the Russian economy," constraining its "military and financial capabilities . . . substantially reduc[ing] Russian export markets and revenues" and leaving the Kremlin unable to retrieve "roughly \$300 billion in central bank reserves."<sup>239</sup> More granularly, these sanctions directly impacted over 1,500 Russian individuals, "including officials and people related to Putin, Russia's leading oligarchs . . . executives, military leaders, propagandists, and affiliated individuals," with the U.S. imposing sanctions "on more than 2,600 Russian companies and institutions [and] the EU on more than 3,700."<sup>240</sup>

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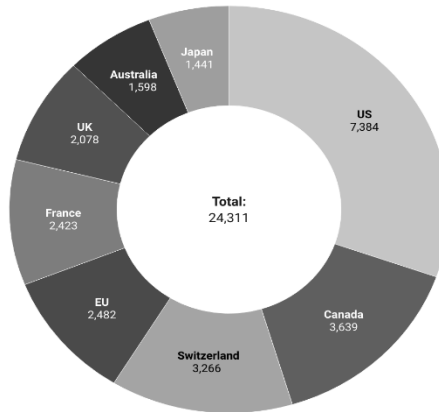
Union, the United States and Canada." It is platformed on the *Russia Sanctions Act*, passed in the wake of Russia's 2022 invasion. See *Russia Sanctions*, N.Z. FOREIGN AFFS. & TRADE, <https://www.mfat.govt.nz/en/countries-and-regions/europe/ukraine/russian-invasion-of-ukraine/sanctions>, and *Russia Sanctions Act 2022*, Public Act 2022, No. 6, Mar. 11, 2022.

238. In June 2023, the Five Eyes partners formalized export control enforcement cooperation "to expand each country's capacity to take action to prevent and deter evasion of export controls, including by restricting Russia's access to technologies that fuel its unlawful invasion of Ukraine." *Five Eyes Partners Agree to Formalize Cooperation on Export Control Enforcement*, U.S. BUREAU INDUS. & SEC. (June 28, 2023). The Five Eyes agreement is intended to facilitate intelligence sharing among its partners, Australia, Canada, New Zealand, the United Kingdom, and the United States. Cameron Colquhoun et al., *Five Eyes at 70: Where to from Here?*, RAND (Apr. 21, 2017), <https://www.rand.org/pubs/commentary/2017/04/five-eyes-at-70-where-to-from-here.html>.

239. INT'L WORKING GRP. ON RUSS. SANCTIONS, ACTION PLAN 3.0: STRENGTHENING SANCTIONS AGAINST THE RUSSIAN FEDERATION, WORKING GROUP PAPER #19 at 5 (May 15, 2024).

240. *Id.* at 10.

Figure II: Sanctions Against Russia—By Top Contributing Jurisdiction (at January 2025, added since 2014)<sup>241</sup>



### *B. . . While Leaving the ROC's Deleterious Role Virtually Unaddressed*

Within this unprecedented maelstrom of sanctions imposed on Russia—and setting aside the stringent measures implemented by the government of Ukraine to address the ROC's liability for fueling the war<sup>242</sup>—what specific measures have states supporting Ukraine taken to acknowledge and respond to the ROC's problematic enabling role? A quick review demonstrates an inconsistent approach that signals a significant chasm among Ukraine's key partners. It is precisely this inconsistency that has hampered efforts to direct effective pressure on the ROC, its hierarchy, and its affiliated network of institutions and individuals.

Against the backdrop of the concerted effort to sanction Russia in response to its aggression, Patriarch Kirill's treatment confirms a

241. See *Total Russia Sanctions by Source (Since 2014)*, CASTELLUM.AI, <https://www.castellum.ai/russia-sanctions-dashboard> (current as of Mar. 22, 2025); see also *Visualization of sanctions*, KYIV SCH. ECON. INST. (last updated Nov. 28, 2022), <https://sanctions.kse.ua/en/visualization-of-sanctions>. Other states, including Taiwan and New Zealand, maintain autonomous sanctions against Russia. *Sanctions against Russia – a timeline*, S&P GLOB. (Nov. 6, 2024), <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/sanctions-against-russia-8211-a-timeline-69602559>.

242. Decree of the President of Ukraine No. 26/2023, *On the application of personal special economic and other restrictive measures (sanctions)* (Jan. 23, 2023) (imposing sanctions on 22 ROC hierarchs).

patchwork approach towards the ROC. The Atlantic Council's "Gaps in Western sanctions against Russia" database illustrates this disparity across the jurisdictions it monitors, identifying only three of seven governments having instituted sanctions against the Patriarch.<sup>243</sup>

Moving beyond the Atlantic Council's limited dataset, a total of only six states (excluding Ukraine) have imposed autonomous sanctions on Patriarch Kirill to date. These states are: Australia, Canada, the Czech Republic, Estonia, Lithuania, and the UK. Looking more closely at this grouping of states, further inconsistencies in approach become evident. As indicated by Table I below, timing the introduction of sanctions against Patriarch Kirill has varied widely, from June 2022 until May 2023. Some of the states taking action (Estonia and Lithuania) have limited their intervention to imposing an entry ban on Patriarch Kirill, while others have supplemented the travel ban with additional sanctions on assets and related financial services. Moreover, justifications for imposing sanctions on Kirill also appears to differ from state to state, with reasoning varying from promoting policies which destabilize Ukraine's sovereignty or independence, to supporting Russia's unjustified invasion, to performing a function of strategic significance to Russia, and to participating or contributing to the violation of human rights.

Table I: Sanctions Imposed on ROC Patriarch Kirill (ordered by date issued)

Country	Sanctions Imposed / Effective Date	Justification & Legal Basis
<b>United Kingdom</b>	Asset freeze, travel ban, and trust services sanctions. <sup>244</sup> <b>Jun. 16, 2022</b>	<ul style="list-style-type: none"> <li>● Kirill has made "multiple public statements in support of the Russian invasion of Ukraine."<sup>245</sup></li> <li>● Law enables designation of persons "responsible for, engaging in, providing support for, or promoting any policy or action which destabilises Ukraine or undermines or threatens the</li> </ul>

243. Atlantic Council, *Russia Sanctions Database: Gaps in Western sanctions against Russia* (last updated Nov. 8, 2024), <https://www.atlanticcouncil.org/blogs/econographics/russia-sanctions-database-november-2024/>.

244. *UK Sanctions List Publication, Unique ID: RUS1467*, FOREIGN COMMONWEALTH & DEV. OFF., <https://docs.fcdo.gov.uk/docs/UK-Sanctions-List.html> (last visited Mar. 9, 2025).

245. *Id.*

Country	Sanctions Imposed / Effective Date	Justification & Legal Basis
		territorial integrity, sovereignty or independence of Ukraine.” <sup>246</sup>
Lithuania	Entry ban in effect until June 2027. <sup>247</sup> <b>Jun. 23, 2022</b>	<ul style="list-style-type: none"> <li>● Kirill “a close associate of [President] Putin[;] is one of the most active supporters of the war against Ukraine[;] and has repeatedly spoken publicly and positively about Russia’s aggression....Kirill openly refers to the Ukrainian people...as ‘participants of the Nazi regime’ who should be deported or destroyed... Kirill blessed the Russian troops involved in the war against Ukraine and gave canonical justification for Russia’s war.”<sup>248</sup></li> <li>● Law enables entry ban “if there are serious grounds for believing that the foreigner has committed a serious or very serious crime against a person in a foreign country and as a result universally recognized human rights and freedoms have been violated...or that he instigated or otherwise participated in the</li> </ul>

246. Part II, Art. 6(3)(a), *Russia (Sanctions) (EU Exit) Regulations 2019 (No. 855)*.

247. Patriarch Kirill’s name (Vladimir Gundyayev) is logged in Lithuania’s Electronic Migration Service database, operated by the Interior Ministry. <https://www.migracija.lt/app/nam> (last visited Mar. 9, 2025).

248. Deividas Kubikis, *Lithuania puts travel ban on Moscow Patriarch Kirill*, LITH. RADIO & TELEVISION, (July 27, 2022), <https://www.lrt.lt/en/news-in-english/19/1747257/lithuania-puts-travel-ban-on-moscow-patriarch-kirill>. According to media reports, the ban entered into force on June 23, 2022, but occurred “without any public announcement until” a month later. *Id.*

Country	Sanctions Imposed / Effective Date	Justification & Legal Basis
		commission of such criminal acts... <sup>249</sup>
Canada	Asset freeze, prohibition on dealings, <sup>250</sup> and entry ban. <sup>251</sup> <b>Jul. 7, 2022</b>	<ul style="list-style-type: none"> <li>● Kirill is a “Russian disinformation agent[], who bear[s] responsibility for enabling and supporting Russia’s unprovoked and unjustified invasion.”<sup>252</sup></li> <li>● Kirill is “a person engaged in activities that directly or indirectly facilitate, support, provide funding for or contribute to a violation or attempted violation of the sovereignty or territorial integrity of Ukraine or that obstruct the work of international organizations in Ukraine.”<sup>253</sup></li> </ul>

249. Lietuvos Respublikos įstatymo “Dėl užsieniečių teisinės padėties” Nr. IX-2206 133 straipsnio pakeitimo įstatymas [*Law of the Republic of Lithuania “On the Legal Status of Foreigners” No. IX-2206 Law to amend Article 133*] (Document No.: XIII-742), Nov. 16, 2017, ¶ 4 (Lith.).

250. Specifically, “any person in Canada or any Canadian outside Canada” is prohibited from dealing in any property, making available any goods, or providing any financial or related service in connection with any person designated under the Special Economic Measures (Russia) Regulations. Special Economic Measures (Russia) Regulations, SOR/2014-58 (Can.) at § 3(a)-(e); *See also*, Special Economic Measures Act, S.C. 1992, c 17 at § 4(2)(a) (Can.).

251. “A foreign national is inadmissible [for entry to Canada] on grounds of sanctions if ... they are currently the subject of an order or regulation made under section 4 of the Special Economic Measures Act.” Immigration and Refugee Protection Act, S.C. 2001, c 27 at § 35.1(1)(b) (Can.).

252. *Sanctions—Russian Invasion of Ukraine, filtered to entries between July 7-8, 2022*, GOV’T CANADA, [https://www.international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/response\\_conflict-reponse\\_conflits/crisis-crises/ukraine-sanctions.aspx?lang=eng#dataset-filter1](https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/response_conflict-reponse_conflits/crisis-crises/ukraine-sanctions.aspx?lang=eng#dataset-filter1) (last visited Mar. 9, 2025); *See also* Regulations Amending the Special Economic Measures (Russia) Regulations, SOR/2022-172 (Can.) (adding Patriarch Kirill to Canada’s special economic measures).

253. Special Economic Measures (Russia) Regulations, *supra* note 250, at § 2(a). Under Schedule 1 (Part 1), entitled “Individuals—Grave Breach of International Peace and Security,” Patriarch Kirill is listed at #847 as “Vladimir Mikhailovich GUNDYAYEV.” Regulations Amending the Special Economic Measures (Russia) Regulations, SOR/2022-172 (Can.).

Country	Sanctions Imposed / Effective Date	Justification & Legal Basis
		<ul style="list-style-type: none"> <li>• Law enables autonomous sanctions against designated persons in circumstances involving a grave breach of international peace and security, gross and systematic human rights violations, or acts of significant corruption.<sup>254</sup></li> </ul>
<b>Australia</b>	Asset freeze and ban on “travelling to, entering or remaining in Australia.” <sup>255</sup> <b>Feb. 23, 2023</b>	<ul style="list-style-type: none"> <li>• Kirill “has been, engaging in an activity or performing a function that is of economic or strategic significance to Russia.”<sup>256</sup></li> <li>• Law enables autonomous sanctions and their enforcement, including to “address matters that are of international concern in relation to one or more particular foreign countries.”<sup>257</sup></li> </ul>
<b>Czech Republic</b>	Prohibition on: trade and services; money transfers; transport; various contacts and contracts; and provision of public funds. <sup>258</sup>	<ul style="list-style-type: none"> <li>• Kirill “is a longtime ally of Vladimir Putin, and his actions actively support Russian aggression in Ukraine. In particular, he uses his prominent position . . . to provide a religious justification . . . for Russian aggression through his sermons and public appearances. He considers the territory of Ukraine</li> </ul>

254. Special Economic Measures (Russia) Regulations, *supra* note 250, at § 3.1.

255. *Autonomous Sanctions Regulations 2011* (Cth) compilation no. 17, pts 1(3), 2(6), 3(14)-(15) (Austl.).

256. *Id.* at pt 2(6)(6A); Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Russia and Ukraine) List 2014, sch 2, pt 1, <https://www.legislation.gov.au/F2014L00745/latest/text> (last updated May 17, 2024) (Patriarch Kirill is listed as Vladimir Mikhailovich GUNDYAYEV at No. 254).

257. *Autonomous Sanctions Act 2011* (Cth) compilation no. 4, pt 1(3) (Austl.).

258. Usnesení č. 295: Návrh na zápis fyzické osoby na vnitrostátní sankční seznam podle zákona č. 1/2023, o omezujících opatřeních proti některým závažným jednáním

Country	Sanctions Imposed / Effective Date	Justification & Legal Basis
	Apr. 26, 2023	<p>to be a part of Russia from a historical and religious point of view [and claims] the aggression in Ukraine is a ‘struggle of metaphysical dimensions’ for the ‘spiritual purification of Ukraine’ and the ‘salvation of humanity’ . . . . Kirill . . . repeatedly blesses the Russian soldiers and . . . . blessed Vladimir Putin, who ‘bravely defends the true sovereignty of the country.’”<sup>259</sup></p> <ul style="list-style-type: none"> <li>● Law enables sanctions on activities that violate or threaten the territorial integrity, sovereignty and independence of Ukraine.<sup>260</sup></li> </ul>
Estonia	Prohibition on entry to Estonia in effect until May 2028. <sup>261</sup> May 18, 2023	<ul style="list-style-type: none"> <li>● Kirill “is one of the greatest adherents and proponents of Putin’s ideology . . . It was about time he was blacklisted. He has</li> </ul>

uplatňovaných v mezinárodních vztazích čj. D205/2023-UVCR [Resolution No. 295: Proposal to register a natural person on the national sanctions list pursuant to Act No. 1/2023, on restrictive measures against certain serious actions applied in international relations, file no. D205/2023-UVCR] (Czech.). Restrictive measures applicable to Patriarch Kirill are pursuant to § 4(2)(a)-(k) of Act No. 69/2006 on the International Sanctions Implementation Act. Zákon o provádění mezinárodních sankcí [International Sanctions Implementation Act] Zákon č. 69/2006 Sb. [Act No. 69/2006] § 4(2)(a)-(k) (Czech.).

259. Příloha č. 1 k usnesení č. 295 [Annex No. 1 to Resolution No. 295] (Czech.). Kirill was the first individual placed on the Czech Republic’s autonomous sanctions list. *Czechs put Russian Patriarch Kirill on sanctions list over Ukraine*, REUTERS (Apr. 26, 2023), <https://www.reuters.com/world/europe/czechs-put-russian-patriarch-kirill-sanctions-list-over-ukraine-2023-04-26>.

260. Annex No. 1 to Resolution No. 295, *supra* note 259. This prohibition is premised on EU Council Decision 2014/145/CFSP of 17 Mar. 2014. *Id.*

261. See EST. MINISTRY FOREIGN AFFS., *Vabariigi Valitsuse sanktsiooni subjektide m. . . . ramine* [Determination of Individuals Subject to Sanction of the Government of the

Country	Sanctions Imposed / Effective Date	Justification & Legal Basis
		justified and abetted the war against Ukraine.” <sup>262</sup> <ul style="list-style-type: none"> <li>● Law enables autonomous sanctions on designated persons, <i>inter alia</i>, to “to protect the security or interests of Estonia.”<sup>263</sup></li> </ul>

The most notable takeaway from the above table is the glaring absence of the United States and the European Union—the clear leaders in extending assistance to Ukraine and imposing sanctions on Russia—from the short list of states that have enacted sanctions against Patriarch Kirill. In the case of the EU, this is not for lack of means or general will. At the end of 2020, the EU adopted its Global Human Rights Sanctions Regime (“GHRSR”).<sup>264</sup> As part of the GHRSR, Council Decision (“CFSP”) 2020/1999 enables targeting all natural persons, including non-governmental, entities or bodies, for restrictive measures “to address serious human rights violations and abuses worldwide.”<sup>265</sup> The list of enumerated human rights violations provided under the legislation is sweeping; but the decision also includes a catchall provision enabling sanctions where there is “serious concern as regards the objectives of the [EU’s] common foreign and security policy objectives.”<sup>266</sup> These foundational EU objectives include: “democracy, the rule of law, the

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*Republic (Order No. 70)*] (June 9, 2023) (Est.) (on file with the author). Patriarch Kirill is designated at ¶ 1.18. *Id.*; See also *Vabariigi Valitsuse sanktsiooni kehtestamine inimõiguste j. . . rgimise tagamiseks [Regulation 48/2023: Sanction to Ensure Compliance with Human Rights]* (May 18, 2023) (Est.), <https://www.riigiteataja.ee/akt/120052023002>.

262. EST. MINISTRY FOREIGN AFFS., *Foreign Minister Tsahkna bans Patriarch Kirill from entering Estonia*, (June 9, 2023), <https://www.vm.ee/en/news/foreign-minister-tshakna-bans-patriarch-kirill-entering-estonia>.

263. See also *International Sanctions Act (ISA)*, §§ 3-4 (Feb. 20, 2019) (Est.), <https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/508072024005/consolide> (enabling international sanctions mandated by the UN and EU as well as autonomous Estonian sanctions).

264. This sanctions regime consists of two legal acts: Council Decision (CFSP) 2020/1999 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses, 2020 O.J. (L1 410/13) pp. 13–19 and Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses, 2020 O.J. (L1 410/1) pp. 1–12.

265. 2020 O.J. (L1 410/13) arts. 1(3) & 3.

266. 2020 O.J. (L1 410/13) art. 1(1)(d); See also 2020 O.J. (L1 410/1).

universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.”<sup>267</sup>

Further supplementing the scope of the GHRSR, the EU’s ability to impose restrictions on a target’s movement or assets is not necessarily limited to parties deemed immediately responsible for human rights violations. Instead, GHRSR-based sanctions can be applied to anyone who provides “financial, technical, or material support for, *or are otherwise involved . . . including by planning, directing, ordering, assisting, preparing, facilitating, or encouraging such acts*” or who or “are associated with” such parties.<sup>268</sup> This is same justification Estonia presented when it imposed a travel ban on Patriarch Kirill.<sup>269</sup>

Even before the breakthrough represented by the GHRSR, it is important to recall the EU’s Russia-specific restrictive measures, which dated back to 2014. This more narrowly focused legislation authorized the imposition of travel bans and asset freezes on “natural persons responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, and of natural persons associated with them.”<sup>270</sup> Notably, this rationale mirrored that offered by the UK government to justify its sanctions on Patriarch Kirill; and Czech authorities also expressly invoked this premise as justification for their own autonomous sanctions against the Patriarch.<sup>271</sup>

Despite these extraordinary legislative tools pre-dating Russia’s outright invasion of Ukraine, the EU has been unable to muster the unanimous support necessary to extend sanctions to Patriarch Kirill.<sup>272</sup> Following Russia’s 2022 invasion, Lithuania proposed

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267. Consolidated version of the Treaty on European Union, 2007 O.J. (C 326/01) art. 21.

268. 2020 O.J. (L 410/13) arts. 2(1)(b)-(c) & 3(1)(b)-(c) (emphasis added). Preambulary paragraph 5 of the decision drives home this potential by noting that “targeted restrictive measures will pursue common foreign and security policy objectives as set out in Article 21 TEU [Treaty on European Union], and they will contribute to Union action to consolidate and support democracy, the rule of law, human rights and the principles of international law . . .” *Id.*

269. *See supra*, note 265 and accompanying text.

270. Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, 2014 O.J. (L 78/16) arts. 1(1) & 2(1).

271. *Supra Table 1: Sanctions Imposed on ROC Patriarch Kirill.*

272. Although it did not bring about any actual effect, the EU Parliament did adopt a resolution condemning Patriarch Kirill “for providing theological cover for Russia’s war of aggression against Ukraine.” *European Parliament resolution of 7 April 2022 on the increasing repression in Russia, including the case of Alexei Navalny*, 2022/2622(RSP), [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0125\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0125_EN.html).

adding Patriarch Kirill to the list of individuals targeted for restrictive measures at the EU level.<sup>273</sup> By Spring 2022, the EU Commission included Kirill in a draft sixth sanctions package targeting Russia, based on his status as “one of the most prominent supporters of the Russian military aggression against Ukraine.”<sup>274</sup> As EU member states contemplated the draft measures, Hungary, led by Viktor Orbán, expressed opposition to the Commission’s proposed inclusion of an embargo targeting Russia’s oil industry. This disagreement effectively delayed adoption of the sanctions package by a month.<sup>275</sup> But even with this matter apparently resolved to Hungary’s satisfaction, Orbán then unexpectedly added a new demand that Kirill be removed from the list of individuals targeted for sanctioned, calling it an “issue of religious freedom.”<sup>276</sup>

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273. *Patriarch Kirill of Moscow banned from entering Lithuania*, BALTIC TIMES, (July 27, 2022), [https://www.baltictimes.com/patriarch\\_kirill\\_of\\_moscow\\_banned\\_from\\_entering\\_lithuania](https://www.baltictimes.com/patriarch_kirill_of_moscow_banned_from_entering_lithuania).

274. Jacopo Barigazzi & Camille Gijs, *EU targets head of the Russian church in new sanctions*, POLITICO (May 4, 2022), <https://www.politico.eu/article/eu-target-russia-church-patriarch-kirill-new-sanctions>.

275. Orbán wanted to avoid banning Russian oil deliveries by pipeline for fear of jeopardizing Hungary’s access and impacting its economy. “So, he simply refused to agree to the sanctions until other leaders gave in.” Leonie Lijewski & Jacopo Barigazzi, *Orbán wins again as furious EU envoys take church patriarch off Russian sanctions list*, POLITICO (June 2, 2022), <https://www.politico.eu/article/eu-envoys-approve-russia-sanctions-with-oil-ban-set-to-become-law>. The delay over the sixth package of sanctions represented a destabilizing blow to the EU’s unity in the face of Russia’s aggression. *Hungary stalls new EU sanctions on Russia: Diplomats*, AL JAZEERA (June 1, 2022), <https://www.aljazeera.com/news/2022/6/1/hungary-stalls-eu-sanctions-over-russian-patriarch-blacklisting>.

276. Barbara Moens et al., *Hungary throws new spanner into EU sanctions talks*, POLITICO (June 1, 2022), <https://www.politico.eu/article/hungary-throws-in-new-spanner-in-sanctions-discussions> (noting “[t]he Hungarian demand came as a surprise. EU diplomats had expected agreement to be reached on the package, which was presented by the European Commission on May 4.”). Hungary countered that “[its] position on the Patriarch had been known for long and no one in the Brussels summit stood up against it.” See Jorge Liboreiro et al., *Patriarch Kirill excluded from EU sanctions after Hungary’s objection*, EURONEWS (June 2, 2022), <https://www.euronews.com/my-europe/2022/06/02/patriarch-kirill-excluded-from-eu-sanctions-after-hungary-s-objection>. Previously, Patriarch Kirill saluted Orbán “as one of the few European politicians” to make “an outstanding effort to uphold Christian values,” and to “strengthen public morality and the institution of the traditional family.” *Hungary Objects to a Clause in EU Sanctions Package*, HUNG. TODAY (June 2, 2022), <https://hungarytoday.hu/hungary-objects-to-a-clause-in-eu-sanctions-package>. For a longer exploration of Orbán’s motivations, see Daniela Kalkandjieva, *Why Did Viktor Orban Block the EU’s Sanctions against Patriarch Kirill of Moscow?*, PUB. ORTHODOXY (June 14, 2022), <https://publicorthodoxy.org/2022/06/14/why-did-viktor-orban-block-the-eus-sanctions-against-patriarch-kirill-of-moscow/> (beyond shared “traditional values,” suggesting the partnership has historical roots tied back to a WWII-era “project for establishing an autocephalous Hungarian Orthodox Church.”).

Faced with another lengthy delay in ratifying the sixth package of sanctions, EU leaders opted to drop Kirill from the list.<sup>277</sup> Central and Eastern European EU members expressed their ire: “Hungary has lost the last sympathies of its former friends in Central and Eastern Europe with this unnecessary stunt.”<sup>278</sup> The view conveyed by Lithuania’s EU ambassador channeled this frustration: “Very disappointing and hardly acceptable that the agreement reached by European leaders was not fully respected by some. We will not retreat. I suggest to name [the next EU sanctions] package #KGB: Kirill, Gas & Banks.”<sup>279</sup> Despite this vocal pushback, however, Hungary has continued to maintain its position vis a vis the Patriarch: “Hungary has fundamentally removed Patriarch Kirill from the sanctions list, as the government believes that punishing church leaders is not in the interests of the world.”<sup>280</sup>

Turning to the United States, debate in Congress over whether to sanction Patriarch Kirill has been conspicuously lacking.<sup>281</sup> Immediately following the invasion, a bipartisan group of lawmakers introduced HR 6846, Corruption, Overthrowing Rule of Law, and Ruining Ukraine: Putin’s Trifecta Act (the CORRUPT Act).<sup>282</sup> Although the House passed the bill in September 2022, the measure never materialized for a vote in the Senate.<sup>283</sup> The bill sought to target for sanctions “key enablers of the Putin regime,” expressly naming Patriarch Kirill as one of those enablers, based on a list generated by Alexei Navalny’s Anti-Corruption Foundation.<sup>284</sup> According to the proposed law, the administration would be required to make a “determination, including a detailed justification, of whether any person listed . . . meets the criteria for the imposition

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277. *EU Drops Russian Patriarch From Sanctions Package To Gain Hungarian Acceptance*, RADIO FREE EUR./RADIO LIBERTY, (June 2, 2022), <https://www.rferl.org/a/patriarch-kirill-sanctions-eu-ukraine-hungary/31880523.html>.

278. Lijewski & Barigazzi, *supra* note 275.

279. *Id.*

280. *Hungary will not allow EU sanctions against Patriarch Kirill — government spokesman*, TASS (Feb. 9, 2023), <https://tass.com/world/1574181>.

281. Joseph Gedeon & Nahal Toosi, *The Pro-Putin Preacher the U.S. Won’t Touch*, POLITICO (June 22, 2022), <https://www.politico.com/news/2022/06/22/patriarch-kirill-putin-russia-ukraine-00041388>.

282. Corruption, Overthrowing Rule of Law, and Ruining Ukraine: Putin’s Trifecta Act, H.R. 6846, 117th Cong. (2021-2022).

283. *Id.* The Senate received the bill on September 21, 2022, and referred it to the Committee on Foreign Relations. *H.R.6846 - Corruption, Overthrowing Rule of Law, and Ruining Ukraine: Putin’s Trifecta Act*, CONGRESS.GOV, <https://www.congress.gov/bill/117th-congress/house-bill/6846> (last visited, Mar. 30, 2025).

284. Patriarch Kirill is listed as Vladimir Mikhailovich Gundyayev in the bill text. H.R. 6846 at § 2(b)(68); *See also Navalny’s Team Publishes Names of 200 ‘Warmongers’ It Says Should Be Sanctioned*, RADIO FREE EURO./RADIO LIBERTY (Aug. 30, 2022), <https://www.rferl.org/a/navalny-list-warmongers-sanctions-russia/32010780.html>.

of sanctions under provisions of law that authorize the imposition of sanctions relating to corruption or human rights violations.”<sup>285</sup> Adding to this intrigue, when asked if Patriarch Kirill was a possible target of U.S. sanctions or whether President Biden “ever talk[ed] about Patriarch Kirill,” the White House press secretary offered only this: “I would say no one is safe from our sanctions. We’re continuing to review options, but I don’t have any to preview today.”<sup>286</sup>

In June 2022, before HR 6846 passed in the House, a lengthy Politico article on the Patriarch’s absence from U.S. sanctions quoted an unnamed U.S. official as insisting: “All options on [the] table. We’re targeting higher value targets first.”<sup>287</sup> The article went on to suggest that Kirill’s designation “might be extra complicated because he’s a religious figure,” and targeting him would risk “undermin[ing] America’s promotion of free speech and religious freedom” and “unnecessarily anger[ing] millions of faithful Russian Orthodox worshippers.”<sup>288</sup> In support of these positions, Rep. Stephen Lynch (D-MA) claimed—contrary to the momentum in the House to sanction Kirill—he was “not quite sure there’s any active interest in sanctioning a religious leader at this point in the United States Congress.”<sup>289</sup> Reinforcing this view, one think tank fellow claimed Treasury Department officials were wary about any move against Kirill because they “don’t want to get into an argument over religious qualifications and moral authority.”<sup>290</sup> Coupled with this, the article reasoned there was a lack of precedent regarding the sanctioning of high-profile religious officials not directly tied to terrorist activity and that some individuals worried Kirill’s inclusion “could hit too close to home for Putin, leading him to perhaps escalate the fight.”<sup>291</sup>

In March 2023, the topic of sanctioning Patriarch Kirill came up again at a Washington D.C. hearing to address the religious freedom implications of Russia’s invasion of Ukraine.<sup>292</sup> During his opening remarks, Sen. Roger Wicker (R-MS), the Ranking Member of the Commission on Security and Cooperation in Europe, commented:

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285. H.R.6846 § 2(a).

286. Press Release, Jen Psaki Holds a press briefing at the White House on Russian sanctions (May 4, 2022).

287. See Gedeon & Toosi, *supra* note 281.

288. *Id.*

289. *Id.*

290. *Id.*

291. *Id.*

292. *Russia’s Invasion of Ukraine, Implications for Religious Freedom: Hearing Before the United States Commission on International Religious Freedom*, (Mar. 15, 2023) (Statement by Senator Roger Wicker).

President Putin has leveraged the religious nationalism of the Russian people for his own cause. He has framed the war in religious terms and set his own people against Ukraine. One of his most prominent propagandists is Patriarch Kirill. . . The Patriarch has urged Russians to side with the persecutor over the persecuted. No authentic theologian would endorse such flagrant violations of human rights. In fact, it is appropriate for the United States and European partners to consider whether Kirill himself should face sanctions.<sup>293</sup>

Despite this muscular statement, no congressional record suggests Senator Wicker has sponsored or cosponsored any past or current bill that expressly names Patriarch Kirill as the target of sanctions.<sup>294</sup> Thus, as it stands currently, the EU and the U.S.—the two most powerful sources for sanctions—have remained deafeningly silent regarding the absence of Patriarch Kirill from the now thousands of individuals targeted with sanctions for their support of Russia’s war effort.

#### IV. CONFRONTING EXCUSES THAT IMPEDE ROC ACCOUNTABILITY

Already in the early months of 2022, some observers expressed bafflement at Patriarch Kirill’s ability to evade sanctions.<sup>295</sup> Others demanded Kirill be prosecuted by the ICC.<sup>296</sup> Three years later, the slow pickup of sanctions—against Patriarch Kirill specifically and

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293. *Id.*

294. *Member Activity by Roger F. Wicker*, CONGRESS.GOV, <https://www.congress.gov/u/cbaBnLw0xdYVTeiQAVdiz> (last visited May 5, 2025). Some legislative efforts touch on sanctions but omit reference to Patriarch Kirill. For example, most recently, the *Sanctioning Russia Act of 2025*, co-sponsored by Sen. Wicker, calls for the United States to “impose sanctions and other measures with respect to the Russian Federation if the Government of the Russian Federation refuses to negotiate a peace agreement with Ukraine, violates any such agreement, or initiates another military invasion of Ukraine, and for other purposes,” including sanctions on any foreign person who has engaged in activities that “seek to overthrow, dismantle, or subvert the Government of Ukraine,” or who “is responsible for or complicit in, or has directly or indirectly engaged or attempted to engage in...for the benefit of...the Government of the Russian Federation...activities that undermine the peace, security, political stability, or territorial integrity of...an ally or partner of the United States.” *Sanctioning Russia Act of 2025*, S.1241, 119th Cong. (2025-2026) § 5(b)(2)(C) and (F).

295. Hanna Hopko, *Putin’s priest Patriarch Kirill must not be spared sanctions*, TIMES (Apr. 14, 2022), <https://www.thetimes.com/uk/politics/article/putins-priest-patriarch-kirill-must-not-be-spared-sanctions-df577mc0r>.

296. *Patriarch Kirill should be prosecuted by the International Criminal Court (ICC), according to a NGO report*, HUM. RTS. WITHOUT FRONTIERS (Apr. 21, 2022), <https://hrwf.eu/russia-patriarch-kirill-should-be-prosecuted-by-the-international-criminal-court-icc-according-to-a-ngo-report>.

the ROC more broadly—plainly signals acute disagreement over the appropriateness and legitimacy of targeting religious figures and organizations for views ostensibly couched in religious belief.<sup>297</sup> This disagreement is compounded by the claim that sanctions must focus on more urgent targets directly linked to funding and arming Russia’s war effort. The following section responds to these challenges by correcting the underlying misperceptions that religious actors are necessarily exempt from sanctions and that the ROC itself is not “significant” enough a target.

### *A. Thou Shalt Leave Religion Alone*

Voices opposed to sanctioning Patriarch Kirill have “rais[ed] concerns about the principle of targeting a leading religious figure”<sup>298</sup> and framed any effort to do so as “inappropriate on grounds of respect for religious freedom.”<sup>299</sup> Of course, the West—and even the UN—have had no issue in the past imposing sanctions on leading religious figures or at the risk of disparaging freedom of religion or belief. Longstanding UN sanctions have targeted individual religious leaders associated with the Taliban, ISIL (Da’esh) and Al-Qaida affiliates, and the Lord’s Resistance Army, among others.<sup>300</sup> Admittedly, these groups and individuals are the easy

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297. See Samuel Petrequin, *Russian Orthodox head escapes EU sanctions thanks to Orban*, ASSOCIATED PRESS (June 2, 2022, 1:32 PM), <https://apnews.com/article/russia-ukraine-patriarch-kirill-european-union-hungary-cea330ee156bfcd724383359459504f3>; Oleh Pavliuk, *Hungarian foreign minister “saved” Patriarch Kirill and Russia’s UN ambassador from EU sanctions*, UKRAINSKA PRAVDA (Dec. 16, 2024), <https://www.pravda.com.ua/eng/news/2024/12/16/7489357>.

298. Laurence Norman, *EU Considers Imposing Sanctions on Russian Orthodox Church Leader*, WALL ST. J. (May 5, 2022), <https://www.wsj.com/livecoverage/russia-ukraine-latest-news-2022-05-05/card/eu-considers-imposing-sanctions-on-russian-orthodox-church-leader-pCXpUyZnAHisc1cPhsnM>.

299. Petrequin, *supra* note 297.

300. This practice has applied to high and low-level religious officials. See, e.g., Press Release, Security Council, Security Council ISIL (Da’esh) and Al-Qaida Sanctions Committee Amends 29 Entries to Its Sanctions List, U.N. Press Release SC/15190 (Feb. 2, 2023) (listing Hamid Abdallah Ahmad al-Ali, a “terrorist facilitator and inciter who provided financial support and ideological justification for Al-Qaida-affiliated groups” and served as “a religious leader and financier for a Kuwait-based terrorist cell that plotted to attack United States and Kuwaiti targets in early 2005.”). As a larger sampling, UN sanctions have also targeted: Reuben Lavilla aka Sheik Omar, spiritual leader of the Rajah Solaimam Movement; Abubakar Shekau, aka Imam Darul Tauhid, Boko Haram’s spiritual leader; Sheikh Abdelmajid Al-Zindani, who provided support to Al-Qaida including through his “role as a highly influential Yemeni cleric;” Sheikh Hassan Dahir Aweys, spiritual leader of Somalia’s Islamic Courts Union (ICU); and Joseph Kony, founder and religious leader of the Lord’s Resistance Army (LRA). United Nations Security Council Consolidated List (generated Mar. 5, 2025), <https://main.un.org/securitycouncil/en/content/un-sc-consolidated-list>; See also *View UN Notices – Individuals*, INTERPOL, <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals> (last visited Mar. 5, 2025). Turki al-Bin’ali, “the self-

cases; they wield a religious message to justify overt acts of terrorism. And even if the effort to brand Russia a terrorist state has largely been symbolic to date,<sup>301</sup> these examples stand for the simple proposition that the international community can and has decisively rejected the premise that action based on religious belief is immune from state scrutiny or countermeasures.

Looking past the UNSC framework, the United States notably has imposed autonomous sanctions on the highest religious authority of the Islamic Republic of Iran.<sup>302</sup> While terrorism was invoked in this case, it served as but one reason justifying sanctions against Ayatollah Ali Khamenei and his entourage.<sup>303</sup> Indeed, other religious

proclaimed ‘Grand Mufti,’ or chief cleric, of ISIS” who “provided propaganda to incite murder and other atrocities, attempted to legitimize the creation of the ‘caliphate,’ and ‘recorded lectures attempting to justify . . . the slaughter of innocents” was also the target of UN sanctions. Following his death by U.S. coalition forces in 2017, he was delisted in January 2022. *Coalition forces killed Turki-al-Bin’ali*, U.S. CENT. COMMAND (June 21, 2017), <https://www.centcom.mil/MEDIA/NEWS-ARTICLES/News-Article-View/Article/1223664/coalition-forces-killed-turki-al-bin-ali> and Press Release, Security Council, Security Council ISIL (Da’esh) and Al-Qaida Sanctions Committee Removes 5 Entries from Its Sanctions List, U.N. Press Release SC/14758 (Jan. 4, 2022).

301. A designation to this effect would likely trigger even more severe sanctions and curtail Russia’s sovereign immunity in national courts. It would also render the ROC’s support for war a clear endorsement of the terrorism employed by the Kremlin. *See* S. Res. 141, 117th Cong., 2d Sess. (2022) (*inter alia*, finding “armed forces of the Russian Federation have committed numerous summary executions against innocent civilians and have attempted to cover their atrocities with mass graves across Ukraine.”); S. 4625, 118th Cong., 2d Sess. (2024); H.R. 3979, 118th Cong. (2023); *See also* Recognising the Russian Federation as a state sponsor of terrorism, EUR. PARL. DOC. P9\_TA(2022)0405 (2022/2896(RSP)) ¶ 4 (2022) (*inter alia*, calling for “an EU legal framework for the designation of states as sponsors of terrorism and [to] . . . consider adding the Russian Federation to such an EU list of state sponsors of terrorism.”). The national parliaments of at least four EU Member States and the CoE’s Parliamentary Assembly have also adopted non-binding resolutions declaring Russia to be a state sponsor of terrorism. *See* Beatrix Immenkamp & Gabija Leclerc, *Russia’s war on Ukraine: Designating a state as a sponsor of terrorism*, EUR. PARL. RSCH. SERV. DOC. PE 738.218 (Nov. 2022). The International Working Group on Russian Sanctions recommends designating Russia as a state sponsor of terrorism “to reinforce the legal and moral costs for countries that continue to trade with the aggressor.” It further notes that “countries identified as State Sponsors of Terrorism face harsher measures” than those imposed under the existing sanctions regime directed at Russia. INT’L WORKING GRP. ON RUSS. SANCTIONS, ACTION PLAN 3.0: STRENGTHENING SANCTIONS AGAINST THE RUSSIAN FEDERATION, WORKING GROUP PAPER #19 at 8 and 12 (May 15, 2024). Other parallel efforts have similarly proposed designating the ROC a terrorist organization. *See Minister to propose classing Moscow Patriarchate church as terror organization*, ERR NEWS (Apr. 12, 2024), <https://news.err.ee/1609311108/minister-to-propose-classing-moscow-patriarchate-church-as-terror-organization> (reporting on the Estonian Interior Minister’s proposal to declare the ROC a terrorist organization).

302. *See Sanctions List Search: Ali Hussein Khamenei*, OFF. OF FOREIGN ASSETS CONTROL (last updated Feb. 26, 2025, 10:02 AM), <https://sanctionssearch.ofac.treas.gov/Details.aspx?id=26945>; *See also* Exec. Order No. 13876, 84 Fed. Reg. 30573 (June 24, 2019).

303. In this case, the Ayatollah’s actions were found to “destabilize the Middle East, promote international terrorism, and advance Iran’s ballistic missile program, and Iran’s

and spiritual actors have been subject to U.S. and EU sanctions for a host of reasons unrelated to terrorism. These justifications have included: operating a drug trafficking cartel,<sup>304</sup> being accused of serious human rights abuse,<sup>305</sup> inspiring and shaping the worldview of a biker gang,<sup>306</sup> and associating “the West and Ukraine with godlessness and the devil.”<sup>307</sup> Related to these examples, the UK

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irresponsible and provocative actions in and over international waters, including the targeting of United States military assets and civilian vessels.” Exec. Order No. 13876, 84 Fed. Reg. 30573 (June 24, 2019).

304. See *Treasury Sanctions La Familia Michoacana Leadership*, U.S. DEP’T TREASURY (Feb. 25, 2010), <https://home.treasury.gov/news/press-releases/tg564>.

305. Apollo Quiboloy founded “The Kingdom of Jesus Christ, The Name Above Every Name (KOJC)” in 1985. See *Treasury Sanctions Over 40 Individuals and Entities Across Nine Countries Connected to Corruption and Human Rights Abuse*, U.S. DEP’T TREASURY (Dec. 9, 2022), <https://home.treasury.gov/news/press-releases/jy1155>. Quiboloy reportedly is the spiritual adviser of former Philippines President Rodrigo Duterte. See Xave Gregorio, *US sanctions Apollo Quiboloy over ‘serious human rights abuse,’* PHILSTAR GLOB. (Dec. 10, 2022, 10:32 AM), <https://www.philstar.com/headlines/2022/12/10/2229881/us-sanctions-apollo-quiboloy-over-serious-human-rights-abuse>.

306. Alexei Weitz is the “spiritual leader of the nationalist motorcycle club Nightwolves MC . . . responsible for linking the Nightwolves MC with the Russian Orthodox Church and shaping its leaders’ worldview.” Because of this activity, he “is a key figure of Russian state propaganda” responsible for “supporting and implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, as well as the stability and security in Ukraine.” Council Implementing Regulation (EU) 2022/1270 of 21 July 2022 implementing Regulation (EU), No. 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, 2022 O.J. (L 193) 133, 159 (Designation no. 1206). Weitz is also subject to an EU imposed travel ban. See EU, *The Consolidated List of Travel Bans*, EUR. COMM’N 1356 (last updated Feb. 25, 2025, 4:07 PM), <https://sanctionsmap.eu/#/main/travel/ban>.

307. Boris Korchevnikov is “a well-known Russian TV presenter on the state TV . . . and the general director of the ultraconservative TV channel ‘Spas,’ which belongs to the Russian Orthodox Church. . . . [H]e has a large audience on social networks, where he distributes official Russian propaganda. . . . Citizens’ support of the war of aggression is an important condition for the continuation of the war. Therefore, Boris Korchevnikov is responsible for, supporting or implementing actions or policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, or stability or security in Ukraine.” Council Implementing Regulation (EU) 2022/2476 of 16 December 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, 2022 O.J. (L 322I) 318, 396 (Designation no. 1388). Korchevnikov is also subject to an EU imposed travel ban. See *The Consolidated List of Travel Bans*, *supra* note 306, at 1458. Korchevnikov has traveled to occupied Ukraine, appearing with Spas TV and Savior Not-Made-By-Hands patches on his flak jacket. See *Оказался на грани жизни и смерти: раздавленный Корчевников молит о помощи* [*Found himself on the verge of life and death: crushed Korchevnikov begs for help*], ЭКСПРЕСС ГАЗЕТА [*Express Newspaper*] (Nov. 8, 2022) (Russ.), <https://www.eg.ru/showbusiness/2726192-okazalsya-na-grani-jizni-i-smerti-razdavlennyu-korchevnikov-molit-o-pomoshchi> and *Борис Корчевников привёз на СВО мощи Александра Невского, “отменённого” на Украине* [Boris Korchevnikov brought the relics of Alexander Nevsky, “canceled” in Ukraine, to the SVO], LIFE (Feb. 11, 2024) (Russ.),

government is exploring options to ban from entry any religious figure who is deemed to preach hate or extremism, as well as punishing UK-based organizations that attempt to sponsor such individuals by revoking their ability to submit visa sponsorship requests in the future.<sup>308</sup> Even without these potential measures, the UK's 2020 Global Human Rights Sanctions Regulations<sup>309</sup> and related instruments have already facilitated sanctions on various religious figures beyond Patriarch Kirill, including a Pakistani cleric for his role "in the forced conversions and marriages of girls and women from religious minorities."<sup>310</sup>

While seemingly measured and justifiable sanctions are imposed against religious actors by the West, it bears recalling here that other states that worry far less about preserving freedom of religion or belief—such as China and Russia—have not hesitated to impose unilateral sanctions on religious and spiritual leaders as part of their foreign policies. China has demanded that the Dalai Lama "thoroughly correct" his political positions before any contact with China's government can resume.<sup>311</sup> It has also banned commissioners from the U.S. Commission on International Religious freedom ("USCIRF"), including Johnnie Moore, an evangelical pastor, in retaliation for U.S. sanctions on Chinese officials.<sup>312</sup>

Beyond its own parallel targeting of USCIRF commissioners,<sup>313</sup> Russia has banned no fewer than three Chabad-Lubavitch rabbis "in

<https://life.ru/p/1639045>. YouTube blocked the Spas TV network in March 2022. See *YouTube Blocks Russian Orthodox Channel Spas*, ORTHODOX CHRISTIANITY (Mar. 17, 2022), <https://orthochristian.com/145209.html>.

308. See *Hate preachers to be blocked from entering the UK in fresh crackdown on extremism*, SKYNEWS (Mar. 3, 2024), <https://news.sky.com/story/hate-preachers-to-be-blocked-from-entering-uk-in-fresh-crackdown-on-extremism-13086061>; see also *Hate preachers and extremists banned from the UK*, GOV.UK (Apr. 30, 2024), <https://www.gov.uk/government/news/hate-preachers-and-extremists-banned-from-the-uk>.

309. See *The Global Human Rights Sanctions Regulations 2020*, No. 680 (UK).

310. Mian Abdul Haq, *UK Sanctions List Publication*, GOV.UK at unique ID: GHR0086 (generated Feb. 28, 2025), <https://www.gov.uk/government/publications/the-uk-sanctions-list>. UK sanctions also target Iran's "Morality Police" for violations of the right to freedom of expression "through their enforcement of mandatory dress codes for women." *Id.* at Unique ID: IRN0081.

311. *China says Dalai Lama must 'thoroughly correct' his political views*, REUTERS (June 20, 2024), <https://www.reuters.com/world/asia-pacific/china-says-dalai-lama-must-thoroughly-correct-his-political-views-2024-06-20>.

312. See Laura Kelly, *China sanctions US religious leader, former Trump appointee*, THE HILL (May 27, 2024, 9:47 AM), <https://thehill.com/policy/international/555696-china-sanctions-us-religious-leader-former-trump-appointee>.

313. Russia's "stop list" sanctions reflects an intentional yet bizarre admixture seemingly designed to stoke tensions in the United States. It includes the expected politicians, academics and policy experts critical of Russian policy. But also targets U.S. soldiers convicted of crimes tied to detainee abuse at Abu Ghraib prison during the U.S. occupation of Iraq; Michael Byrd, the U.S. Capitol police officer cleared of any criminal responsibility for shooting Ashley

possible retaliation for Chabad's decades-long effort to recover texts and artifacts that the Soviets took from the movement."<sup>314</sup> The Kremlin has also accused Canada of imposing "carpet" sanctions, "not only on Russian leaders, scientists, and prominent artists and athletes, but also ordinary citizens."<sup>315</sup> In response, Russia's Foreign Ministry appeared to gloat that its "stop list . . . included exclusively figures who incite enmity and provide help to Zelensky's criminal regime [and] provide [Prime Minister Justin] Trudeau's team with analytical and propaganda cover."<sup>316</sup> This claim to greater refinement, however, did not prevent Russia from imposing sanctions on one metropolitan, two bishops, and one priest from the Ukrainian Greek Catholic Church's Winnipeg metropolitan.<sup>317</sup> Nor did it prevent Peter Galadza, a Ukrainian Greco-Catholic priest and former dean of the Lviv Theological Academy in Ukraine, or Father

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Babbitt during the storming of the capitol building on January 6, 2021; attorneys responsible for prosecuting January 6 insurrectionists; and several late-night talk show hosts, among others. See *Граждане США, находящиеся под персональными санкциями, включая запрет на въезд в Российскую Федерацию* [U.S. citizens under personal sanctions, including a ban on entry into the Russian Federation], МИНИСТЕРСТВО ИНОСТРАННЫХ ДЕЛ РОССИЙСКОЙ ФЕДЕРАЦИИ [Ministry of Foreign Affairs of the Russian Federation] (Aug. 28, 2024), <https://www.mid.ru/ru/maps/us/1814243>. In contrast to Western practice, Russian sanctions forego any narrative summary explaining individual reasons for designation. See The Diplomatic Service of the European Union, *Statement by the Spokesperson on the Russian "stop list,"* EU EXTERNAL ACTION (May 30, 2015), [https://www.eeas.europa.eu/node/3344\\_en](https://www.eeas.europa.eu/node/3344_en) (observing that Russia shared a previously confidential initial list of 89 names of EU nationals it placed on a stop list in 2015, but failed to provide "any other information on legal basis, criteria and process" for the decision to add the names.).

314. Ron Kampeas, *Russia bans entry to numerous US Jews, including Chabad rabbis seeking return of Schneerson library*, JEWISH TEL. AGENCY (May 24, 2022, 2:21 PM), <https://www.jta.org/2022/05/24/united-states/russia-bans-entry-to-numerous-u-s-jews-including-chabad-rabbis-seeking-return-of-schneerson-library>. In August 2024, the D.C. Circuit Court of Appeals overturned a default judgment and order against Russia directing it to return Chabad's expropriated property. Ruling the district court erred in asserting jurisdiction under the Foreign Sovereign Immunities Act "expropriation exception" to state immunity, the appeals court vacated the order and remanded the case for further proceedings. See *Agudas Chasidei Chabad of United States v. Russian Federation*, 110 F.4th 242 (D.C. Cir. 2024).

315. *Foreign Ministry statement on imposing personal sanctions on Canadian citizens*, MINISTRY OF FOREIGN AFFS. OF THE RUSS. FED'N (July 1, 2024, 6:04 PM).

316. See *id.*

317. The four sanctioned religious leaders are: Metropolitan Lawrence Hutsuliak, Bishop David Motyuk, Bishop Brian Baida, and Father Ivan Nagachevsky, chancellor of the Ukrainian Catholic Eparchy of Saskatoon and military chaplain for the Canadian Armed Forces. *Canadian citizens under personal sanctions, including a ban on entry into the Russian Federation*, MINISTRY OF FOREIGN AFFS. OF THE RUSS. FED'N (July 1, 2024), <https://mid.ru/ru/maps/ca/1960388>.

Raymond J. de Souza, a Catholic priest for the Archdiocese of Kingston, Ontario from being designated.<sup>318</sup>

Taken together, these varied examples confirm that sanctions can be and are imposed without too much handwringing over whether a religious figure or the right to freedom of religion or belief is implicated. This reality is underscored by recalling the half dozen democratic states that have already sanctioned Patriarch Kirill.<sup>319</sup> It is also evidenced in the longstanding, if contrived, message previously communicated by governments when confronting religiously driven groups that use or endorse violence: “we are not at war with [religion]. We are at war with people who have perverted [religion].”<sup>320</sup>

Leaning into this adage while supporting dissenting voices from within the Russian Orthodox faith can help temper any trepidation over targeting religious leaders and help overcome the fear of potential fallout among adherents. Simply put, sanctions in this case are not about faith or belief per se, but the individuals who opt to pervert that faith and coopt its institutional structures in the name of fueling an illegal war. In this regard, to recoil from imposing sanctions because Patriarch Kirill and the ROC are ostensibly asserting their religious rights to faith-based activities *is to altogether ignore the substance, content and impact of their activity*. Neglecting such action also risks exposing the faith to potentially irrevocable damage wrought by political cooption.

Two important points that drive home the urgency and legitimacy of sanctions merit elaboration here. First, the ROC has been unflappable in its support for the Kremlin’s war effort, expressing little concern over Russia’s violations of international

318. See Very Rev. Dr. Peter Galadza, METROPOLITAN ANDREY SHEPTYTSKY INST. OF EASTERN CHRISTIAN STUD., <https://sheptytskyinstitute.ca/staff/peter-galadza>; *About Father de Souza*, <https://fatherdesouza.com/about>.

319. Notably, these states—Australia, Canada, Czech Republic, Estonia, Lithuania, and the United Kingdom—all obtained freedom rankings at the top range of the scale in Freedom House’s annual survey of global freedom. *Global Freedom Scores: Countries and Territories*, FREEDOM HOUSE, <https://freedomhouse.org/countries/freedom-world/scores?sort=desc&order=Total%20Score%20and%20Status> (last visited Mar. 4, 2025).

320. Barack Obama, President, Remarks by the President in Closing of the Summit on Countering Violent Extremism (Feb. 18, 2015). Before this, but in the same vein, President George W. Bush reminded Americans: “The face of terror is not the true faith of Islam. That’s not what Islam is all about. Islam is peace. These terrorists don’t represent peace. They represent evil and war. When we think of Islam we think of a faith that brings comfort to a billion people around the world.” George W. Bush, President, Remarks by the President at Islamic Center of Washington, D.C., (Sep. 17, 2001).

humanitarian law (“IHL”) and associated atrocity crimes.<sup>321</sup> Even the most glaring and egregious episodes of abuse—the targeted murder of civilians in Bucha for example—have failed to prompt the ROC to change course.<sup>322</sup> In another example, after Russian missiles targeted and destroyed the Transfiguration Cathedral in Odesa—a church Kirill himself consecrated in 2010—the ROC merely “reprinted a Defence Ministry statement on its main website, which blamed the damage on ‘illiterate actions’ by Ukrainian air defences.”<sup>323</sup> A week later, in response to a letter by the vicar of the Diocese of Odesa (described by Kirill as “harsh and utterly impertinent”), the Patriarch opted to again decline Russian responsibility or to seek forgiveness on behalf of Russia’s military for the damage.<sup>324</sup> Instead, Kirill fell back on Kremlin talking points, blaming the conflict on the “destruction of churches and the suffering of the peaceful populations [that] began nine years ago in Donbass.”<sup>325</sup>

Kirill also used the opportunity to reiterate Kremlin and ROC accusations of Western “satanism” and to double down on ROC intolerance of internal church dissent against the war.<sup>326</sup> To this end, the Patriarch vowed the ROC would remain in unity only with those “local Churches and Orthodox hierarchs *who had not worshiped the beast, nor his image* (Rev. 20:4).”<sup>327</sup> This assertion plainly sought to deny canonical legitimacy to any UOC-MP elements who dared to question the righteousness of Russia’s war. In the words of one observer, “the extent of the involvement of the [ROC] and its Patriarch in Russia’s wartime propaganda machinery has been more flagrant than even the most jaded observer might have predicted.”<sup>328</sup>

321. Natalia Dubtsova, *From pulpit to propaganda machine: tracing the Russian Orthodox Church’s rule in Putin’s war*, REUTERS INST. STUD. JOURNALISM (Feb. 6, 2024), <https://reutersinstitute.politics.ox.ac.uk/pulpit-propaganda-machine-tracing-russian-orthodox-churchs-role-putins-war>.

322. *Id.*

323. Jonathan Luxmoore, *Missile strike on Odesa Cathedral leads to angry recriminations*, CHURCH TIMES (July 25, 2023), <https://www.churchtimes.co.uk/articles/2023/28-july/news/world/missile-strike-on-odesa-cathedral-leads-to-angry-recriminations>. The Odesa Eparchy, part of the UOC-MP, branded Russia’s attack a “terrorist act.” Aleksander Palikot, *In the Second Summer of War, A Rash of Russian Attacks Unites Odesa In Anger*, RADIO FREE EURO./RADIO LIBERTY (July 28, 2023), <https://www.rferl.org/a/odesa-russia-attacks-cathedral-anger-ukraine-war/32524724.html>.

324. *Id.*

325. *His Holiness Patriarch Kirill’s Response to an Open Address of Archbishop Victor of Artsiz to His Holiness and Members of the Holy Synod of the Russian Orthodox Church*, RUSS. ORTHODOX CHURCH (Aug. 1, 2023).

326. Dubtsova, *supra* note 321.

327. *His Holiness*, *supra* note 325.

328. Dubtsova, *supra* note 321; See also Borys Gudziak, *Russian Orthodox leader Patriarch Kirill’s unholy war against Ukraine*, ATL. COUNCIL (Aug. 3, 2023), <https://www.atlanticcouncil.org/blogs/ukrainealert/russian-orthodox-leader-patriarch->

Second, religious leaders inhabit unique and influential positions. As Cismas and Heffes point out,

religious leaders are individuals who assume the role of interpreters of religion and in doing so they sometimes “speak” about IHL. In putting forward their interpretations, they draw on a “special” legitimacy which demands obedience from their followers and may influence the parties’ compliance—or lack thereof—with IHL.<sup>329</sup>

The influential position maintained by religious leaders like Patriarch Kirill therefore makes it incumbent upon them to take even greater care and concern in how they chose to—and are perceived to—navigate and engage with war. Judged against the position repeatedly staked out by Kirill, however, it is clear the Patriarch has chosen to wield the ROC’s “special legitimacy” to rebuff rather than uphold IHL and human rights norms.<sup>330</sup> Walking this reckless path—previously trodden by the likes of the Dutch Reformed Church in Apartheid South Africa,<sup>331</sup> the Catholic Church and other Christian denominations in Rwanda,<sup>332</sup> and ultranationalist Buddhist monks in

kirills-unholy-war-against-ukraine (observing “Patriarch Kirill has continued to defend the invasion despite mounting evidence of Russian war crimes committed in Ukraine. He has remained unmoved by the atrocities uncovered in liberated towns such as Bucha, or the seemingly endless accounts of mass killings, sexual violence, torture chambers, child abductions, and forced deportations throughout Russian-occupied Ukraine.”).

329. Ioana Cismas and Ezequiel Heffes, *Not the Usual Suspects: Religious Leaders as Influencers of International Humanitarian Law Compliance*, in 22 YEARBOOK OF INTERNATIONAL HUMANITARIAN LAW 8 (Gill, T.D. et al. eds., 2019).

330. *UN Commission has found an array of war crimes, violations of human rights and international humanitarian law have been committed in Ukraine*, OFFICE HIGH COMM’R FOR HUM. RTS. (Oct. 18, 2022), <https://www.ohchr.org/en/press-releases/2022/10/un-commission-has-found-array-war-crimes-violations-human-rights-and>.

331. See Susan Rennie Ritner, *The Dutch Reformed Church and Apartheid*, 2(4) J. CONTEMPORARY HIST. 17, 17 (1967) (unpacking the Dutch Reformed Church’s role in influencing “the more and more precise refinement of an ideology of apartheid, and . . . pressur[ing] successive governments to accept this ideology as the basis of race policy.”). Like the ROC, the Dutch Reformed Church also actively suppressed internal dissent as a means of driving support for the government’s unlawful policy. See also T. Dunbar Moodie, *Confessing Responsibility for the Evils of Apartheid: The Dutch Reformed Church in the 1980s*, 72(4) S. AFR. HIST. J. 627 (2020) (discussing how the Dutch Reformed Church’s position evolved from silencing clerics to inviting them back into the church).

332. Over a decade following the genocide, Rwanda’s Catholic Church announced an apology “for all the wrongs the church committed. We apologize on behalf of all Christians for all forms of wrongs we committed. We regret that church members violated [their] oath of allegiance to God’s commandments.” ASSOCIATED PRESS, *Rwanda genocide: Catholic church sorry for role of priests and nuns in killings*, GUARDIAN (Nov. 20, 2016), <https://www.theguardian.com/world/2016/nov/21/rwanda-genocide-catholic-church-sorry-for-role-of-priests-and-nuns-in-killings>. Reportedly, the statement was intended “to be read out in Catholic parishes across the country but . . . some churches did not oblige.” Ole

Myanmar<sup>333</sup>—signals that concrete consequences are both justified and necessary.

Supplementing the context discussed above, an assessment of international human rights law (“IHRL”) governing freedom of religion or belief similarly confirms the permissibility of limitations on freedom of religion when the appropriate justifications and rationales are in place. The UN Human Rights Committee (“HRC”) has emphasized that the right to manifest one’s religion under article 18(3) of the International Covenant on Civil and Political Rights (“ICCPR”) demands a strict interpretation: “restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant,

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Tangen, Jr., *Catholic Church in Rwanda apologizes for role in genocide*, DEUTSCHE WELLE (Nov. 21, 2016), <https://www.dw.com/en/catholic-church-in-rwanda-apologizes-for-role-in-genocide/a-36471020>. A year later, Pope Francis “conveyed his profound sadness, and that of the Holy See and of the Church, for the genocide against the Tutsi [and] implored anew God’s forgiveness for the sins and failings of the Church and its members, among whom priests, and religious men and women who succumbed to hatred and violence, betraying their own evangelical mission.” The Pope acknowledged these actions resulted in the Catholic Church’s disfigurement and expressed hope a “purification of memory” could promote “a future of peace [where] the dignity of the human person and the common good are put at the centre.” *Pope Francis holds audience with President of Rwanda*, VATICAN RADIO (Mar. 20, 2017), [http://www.archivioradiovaticana.va/storico/2017/03/20/pope\\_francis\\_holds\\_audience\\_with\\_president\\_of\\_rwanda/en-1299855](http://www.archivioradiovaticana.va/storico/2017/03/20/pope_francis_holds_audience_with_president_of_rwanda/en-1299855). The International Criminal Tribunal for Rwanda convicted clerics of various Christian denominations for genocide and crimes against humanity, including Athanase Seromba, a Roman-Catholic priest guilty of committing genocide and extermination as a crime against humanity, Emmanuel Rukundo, a well-known parish priest in Gitarama prefecture and a Rwandan Armed Forces military chaplain, guilty of genocide and murder and extermination as crimes against humanity and Elizaphan Ntakirutimana, a senior Pastor of the Seventh Day Adventist Church, guilty of aiding and abetting genocide and extermination as a crime against humanity. *Prosecutor v. Athanase Seromba*, Case No. ICTR-2001-66-A, Judgment, (Int’l Crim Trib. for Rwanda Mar. 12, 2008); *Emmanuel Rukundo v. Prosecutor*, Case No. ICTR-2001-70-A, Judgment (Int’l Crim Trib. for Rwanda Oct. 20, 2010); *Prosecutor v. Elizaphan Ntakirutimana and Gérard Ntakirutimana*, Cases Nos. ICTR-96-10-A & ICTR-96-17-A, Judgment (Int’l Crim Trib. for Rwanda Dec. 13, 2004).

333. See Simon-Skjoldt, Center for the Prevention of Genocide, *“They Want Us All to Go Away”: Early Warning Signs of Genocide in Burma*, U.S. HOLOCAUST MEM’L MUSEUM at 9 (May 2015) (observing “Violence against Rohingya has occurred against a backdrop of hate speech targeting Rohingya and other Muslims. Well-known and well-resourced Buddhist monks have used their influence to promulgate hateful rhetoric against Muslims . . . The hate speech against Rohingya is dangerous because of the high profile of the speakers [and] the lack of any effective government response countering the speech.”); Maung Zarni & Alice Cowley, *The Slow-Burning Genocide of Myanmar’s Rohingya*, 23 PAC. RIM L. & POL’Y J. 683, 715 (2014) (citing instances of hate speech by “leading anti-Muslim Buddhist monks . . . timed with erupting violence against the Rohingya”); and Jason Szep, *The War on the Rohingyas: Buddhist monks incite Muslim killings in Myanmar*, REUTERS: PULITZER PRIZE ENTRY, (Apr. 8, 2013) (reporting “Monks have played a central role in anti-Muslim unrest [in Myanmar and] continue to preach a fast-growing Buddhist nationalist movement known as ‘969’ that is fueling much of the trouble.”).

such as national security.”<sup>334</sup> Even as the HRC has espoused a muscular safeguarding of the right to manifest, the ICCPR still allows for limitations provided they “are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”<sup>335</sup> The Siracusa Principles on the Limitation and Derogation Provisions in the ICCPR (“Siracusa Principles”) suggest that limitations grounded on public safety protection must be directed “against danger to the safety of persons . . . or their physical integrity, or serious damage to their property.”<sup>336</sup> The Siracusa Principles also advise that when governments contemplate limits intended to protect fundamental rights, “especial weight should be afforded to rights not subject to limitations.”<sup>337</sup> Thus, when introducing limits on freedom of religion intended to protect the right to self-determination or the inherent right to life, these latter rights (which are not subject to limitations under the ICCPR) justifiably must be prioritized.<sup>338</sup>

In addition to limiting permissible justifications for restraining freedom of religion to those enumerated in ICCPR article 18, any government action premised on these enumerated justifications must also “remain within the realm of proportionality which, inter alia, requires a minimum level of interference” with the right. Coupled with this requirement, limitations cannot have the effect of restricting the *forum internum* dimension of freedom of religion or belief.<sup>339</sup>

With this baseline established, permissible limitations on freedom of religion may reasonably impact any aspect of religious manifestation, including in the contexts of “maintain[ing] communications with individuals and communities in matters of religion and belief at the national and international levels” and “establish[ing] and maintain[ing] religious, charitable or humanitarian institutions.”<sup>340</sup> In other words, governments can introduce measures intended to curtail institutional activities of religious organizations where those actions are found to undermine

334. U.N. Human Rights Committee, *General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18)*, ¶ 8 UN Doc. CCPR/C/21/Rev.1/Add.4 (July 30, 1993).

335. G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights at art. 18(3) (Mar. 23, 1976) [hereinafter ICCPR].

336. Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, ¶ 33 UN Doc. E/CN.4/1985/4 (Sep. 28, 1984).

337. *Id.* at ¶ 36.

338. ICCPR, *supra* note 335, at arts. 1(1) & 6(1).

339. GAOR, Rep. of Special Rapporteur, ¶ 48. U.N. Doc. A/68/290, at 13 (2013).

340. SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF, RAPPORTEUR’S DIGEST ON FREEDOM OF RELIGION OR BELIEF 62–63, 65 (2d ed., 2023).

public safety or the fundamental rights and freedoms of others, including the right to life and self-determination.

Alongside permissible limitations, it is also important to observe that ICCPR article 20 obligates states to prohibit “[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”<sup>341</sup> Regarding this provision, the HRC has confirmed that the prohibition extends equally to advocacy couched in “manifestation of religion or belief.”<sup>342</sup> The 2012 Rabat Plan of Action endorses this obligation.<sup>343</sup> Speaking directly to the “special” legitimacy religious leaders hold over a given faith community, the Rabat Plan articulates three essential responsibilities these leaders owe their communities:

1. Refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination;
2. Speak out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech; and
3. Make clear that violence can never be tolerated as a response to incitement to hatred.<sup>344</sup>

Even if one opted to discount or contest the overwhelming evidence indicating that ROC messaging has legitimated violence and discrimination during the war, it is impossible to set aside the church’s egregious failure to live up to the Rabat Plan’s expectation that religious leaders speak out firmly and promptly against such instances of intolerance, discriminatory stereotyping and hate speech coming from the Kremlin and its multi-headed propaganda network.

Pivoting from the obligations owed by religious leaders, the Rabat Plan of Action also encompasses a six-part test intended to clarify the conditions required before a government can authorize restrictions on religious speech under ICCPR art. 20.<sup>345</sup> This test considers: (1) the social and political context; (2) status of the speaker; (3) intent to incite the audience against a target group; (4) content and form of the speech; (5) extent of its dissemination; and

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341. ICCPR, *supra* note 335, at art. 20. Notably, ICCPR art. 20(1) also does not envision limitations on the prohibition against propaganda for war.

342. *General Comment No. 22, supra* note 334, at ¶ 7.

343. *See generally*, GAOR, Rep. of U.N. High Comm’r for Hum. Rts. on the expert workshops on the prohibition of incitement to national, racial, or religious hatred, U.N. Doc. A/HRC/22/17/Add.4 (Appendix) (2013).

344. *Id.* at 12.

345. U.N. OHCHR, *One-pager on “incitement to hatred,”* [https://www.ohchr.org/sites/default/files/Rabat\\_threshold\\_test.pdf](https://www.ohchr.org/sites/default/files/Rabat_threshold_test.pdf).

(6) the likelihood of harm, including imminence.<sup>346</sup> Against this standard too, Patriarch Kirill and the ROC's conduct readily satisfies the threshold: ROC speech regularly attacks Ukraine's right to self-determination and the legitimacy of its religious choices amidst Russia's ongoing illegal invasion;<sup>347</sup> Patriarch Kirill is a high-profile leader benefitting from pride of place granted by the government of Russia and a church network with millions of adherents that spans the globe;<sup>348</sup> Kirill's consistent messaging rules out the possibility of incitement driven by negligence or recklessness;<sup>349</sup> the content of the speech is consistently direct and increasingly provocative;<sup>350</sup> moreover, it is widely disseminated across all ROC channels; and finally, the risk of ROC speech validating and perpetuating harm remains acute, particularly given the church's direct access to Russia's military.<sup>351</sup>

Coupled with the Rabat Plan of Action, the UN-sponsored Fez Process (2015-2016) sought to explore the specific role that religious leaders and actors play in preventing incitement to violence that could lead to atrocity crimes.<sup>352</sup> The final Fez Declaration reiterated the substance of the Rabat Plan but further committed religious leaders to “[p]ublicly denounce all instances of atrocity crimes and acts of violence, including those perpetrated in the name of religion and belief (whether one’s own or others’)” and to “[p]ublicly denounce the intentional destruction or damage to cultural heritage or property, including of a religious nature.”<sup>353</sup> The

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346. *Id.*

347. *See* Dubtsova, *supra* note 321.

348. *Id.*

349. *Id.*

350. *Id.*

351. *See generally*, *Russian Patriarch Kirill Says Dying in Ukraine ‘Washes Away All Sins,’* RADIO FREE EURO./RADIO LIBERTY (Sep. 26, 2022), <https://www.rferl.org/a/russia-patriarch-kirill-dying-ukraine-sins/32052380.html>; Brian Mefford, *Russian Orthodox Church declares “Holy War” against Ukraine and West*, ATL. COUNCIL, (Apr. 9, 2024), <https://www.atlanticcouncil.org/blogs/ukrainealert/russian-orthodox-church-declares-holy-war-against-ukraine-and-west>; Ksenia Luchenko, *Why the Russian Orthodox Church Supports the War in Ukraine*, CARNEGIE POLITIKA (Jan. 31, 2023) <https://carnegieendowment.org/russia-eurasia/politika/2023/01/why-the-russian-orthodox-church-supports-the-war-in-ukraine?lang=en>.

352. U.N. Office on Genocide Prevention and the Responsibility to Protect, *Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes*, Foreword. Although no ROC representative participated, the World Council of Churches supported the Fez Process, participated in consultations and served on the Advisory Committee. *Id.* at 4–5. More generally, a “total of 232 religious leaders and actors from 77 countries took part in the consultations.” *Id.* Atrocity crimes refer to three international crimes: genocide, crimes against humanity, and war crimes. *Id.* at 20.

353. *Id.* at 22.

events of Bucha and Odesa noted above are but two examples of the ROC falling short, or arguably acting contrary, to these undertakings.

Finally, the 2017 Beirut Declaration on Faith for Rights further builds upon the Rabat and Fez commitments. It focuses specifically on the human rights responsibilities of faith actors and expressly affirms that religious speech cannot be exempted from limitation under ICCPR art. 20: “Due to [a religious leader’s] position, context, content and extent of sermons, such statements . . . may be likely to meet the threshold of incitement to hatred.”<sup>354</sup> Under the “Faith for Rights” framework, religious leaders also proclaimed eighteen core values, including commitments to:

VII. Publicly denounce all instances of advocacy of hatred that incites to violence, discrimination or hostility, including those that lead to atrocity crimes. *We bear a direct responsibility to denounce such advocacy, particularly when it is conducted in the name of religion or belief, [and]*

IX. [R]efrain from, advocate against and jointly condemn any judgemental public determination by any actor who in the name of religion aims at disqualifying the religion or belief of another individual or community in a manner that would expose them to violence in the name of religion or deprivation of their human rights.<sup>355</sup>

By consistently denigrating Ukrainian national identity, sovereignty and the right to self-determination, and attempting to cast the aggression against Ukraine as a “holy war” mandated by religious belief, concluding that the ROC hierarchy has incited in contravention of limits required under ICCPR article 20 reflects no tremendous leap.<sup>356</sup> Yet, if more clarity was required, the 18 “Faith for Rights” commitments suggest additional bases for supporting a concerted response against the ROC for abusing the special legitimacy it derives as a religious actor.<sup>357</sup> Commitment III recognizes the need to “promote constructive engagement on the understanding of religious texts” and the *necessity to encourage “critical thinking and debate on religious matters . . . as a requirement for enlightened religious interpretations* in a globalized world.”<sup>358</sup> Alongside this, Commitment XI pledges “not to oppress critical voices and views on matters of religion or belief, however

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354. GAOR, Rep. of Special Rapporteur, U.N. Doc. A/HRC/40/58 (Annex I), at 22 (2019).

355. *Id.* at 23–25.

356. ICCPR, *supra* note 335 at art. 20.

357. GAOR, Rep. of Special Rapporteur, U.N. Doc. A/HRC/40/58 (Annex I) (2019).

358. *Id.* at Commitment 3 (emphasis added).

wrong or offensive they may be perceived, in the name of the ‘sanctity’ of the subject matter.”<sup>359</sup>

In this adjacent context, the ROC’s effort to erase internal church dissent and to support the Kremlin’s onerous crackdown on war opponents embodies a two-pronged assault on the right of internal dissidents within Russian Orthodoxy. Under IHRL norms, religious dissidents—like the ones imprisoned or defrocked in the wake of Russia’s invasion—enjoy a protected right “to come up with alternative views, provide new readings of religious sources and try to exercise influence on a community’s religious self-understanding.”<sup>360</sup> As part of this right, the Special Rapporteur on Freedom of Religion or Belief has observed that where “internal dissidents or proponents of new religious understandings face coercion from within their religious communities . . . the State is obliged to provide protection.”<sup>361</sup> The evidence at hand confirms that the Russian government has abdicated any pretense of this obligation. The government openly prosecutes clergy for their dissent using the coercive power of the state.<sup>362</sup> At the same time, it leaves the actions of ROC hierarchs unchecked, free to wield their own internal authority to achieve the same result.<sup>363</sup> To address this oppressive reality, sanctions directed at those responsible for quashing internal religious dissent represents an appropriate response. Although such action arguably limits the autonomy of the religious institution in question, because this autonomy “falls within the forum externum dimension of freedom of religion,” it can be lawfully restricted.<sup>364</sup> In the words of the special rapporteur, respect for the autonomy of religious institutions “can never supersede the responsibility . . . to prevent or prosecute threats or acts of coercion against persons (e.g., internal critics or dissidents).”<sup>365</sup>

One last point here serves to drive home the validity of removing religious freedom as the primary obstacle to imposing concerted and uniform sanctions against the ROC. Russia’s perspective would have the West believe that the imposition of sanctions on Patriarch Kirill “add[s] a religious dimension to the hornet’s nest of its current problems” and “expand[s] the dimensions of the conflict, shifting

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359. *Id.* at Commitment 11.

360. U.N. Secretary-General, *Interim report of the Special Rapporteur on freedom of religion or belief*, ¶ 60, U.N. Doc. A/68/290 (Aug. 7, 2013).

361. *Id.*

362. *See, e.g., The new Russian cult of War, supra* note 106.

363. *See, e.g., van Brugen, supra* note 96.

364. U.N. Secretary-General, *supra* note 360.

365. *Id.*

it from a purely secular arena into the realm of religious feelings.”<sup>366</sup> But this view utterly ignores the fact that the conflict long ago shifted into the religious “dimension” due to Patriarch Kirill’s—and the Kremlin’s—persistent effort to cast Russia’s aggression against Ukraine as a justified “holy war” pitting Russia’s unpolluted Orthodox civilization against the West’s debased godlessness.<sup>367</sup> By the same token, the ROC has rendered demonstrably false its claim to being unworthy of sanctions inasmuch as it represents “the last bridge, the means of communication” capable of restoring peace between the European community and Russia.<sup>368</sup> Through its own actions, the ROC has discarded this purported peacemaker role in favor of escalating the conflict, thus betraying conduct vastly more harmful than any targeted sanctions against the church might prove.

Ultimately, the decision to forgo sanctions against the ROC because of a concern for freedom of religion is unsupported by state practice and by IHRL norms. Accordingly, any unnecessarily deferential approach neglects applicable international law as well as any objective application of the relevant inquiry demanded by the various existing sanction regimes. In line with this reasoning, given the ROC’s indisputable contribution to the Kremlin’s war effort, a determination regarding sanctions should be made based on whether ROC-affiliated individuals and/or entities satisfy the applicable sanction regime standards; and whether the sanctions in question are sufficiently tailored to satisfy the relevant limits applicable to any interference with the right to freedom of religion.

### *B. Preoccupation with Blocking “Big Fish” and War Materiel*

A second justification invoked to forgo sanctioning the ROC flows from the faulty rationale that its leaders are not “worth going after . . . when there are other Russians who could make for better targets.”<sup>369</sup> Already dubious when voiced three years ago, today this position is indefensible in the face of the ROC’s spiraling rhetoric and central role in support of the war. In June 2022, the EU issued its sixth

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366. Ivan Timofeev, *British Sanctions Against Patriarch Kirill. Forgiveness and Humility in Response*, RUSSIAN INT’L AFF. COUNCIL (June 18, 2022), <https://russiancouncil.ru/en/analytics-and-comments/analytics/british-sanctions-against-patriarch-kirill-forgiveness-and-humility-in-response>.

367. See, e.g., *The new Russian cult of War*, *supra* note 106. (“Kirill has declared the current war a Godly affair and praised the role it will play in keeping Russia safe from the horrors of gay-pride marches.”).

368. CNA Staff, *UK Government Sanctions Head of Russian Orthodox Church*, ETERNAL WORLD TELEVISION NETWORK (June 16, 2022), <https://ewtn.co.uk/article-uk-government-sanctions-head-of-russian-orthodox-church>.

369. Gedeon & Toosi, *supra* note 281.

package of sanctions.<sup>370</sup> As noted above, this package initially envisioned including Patriarch Kirill.<sup>371</sup> Three years later, the EU has added no fewer than eight additional packages of sanctions against Russia, with over 2,200 individuals and entities now subject to restrictive measures.<sup>372</sup> The United States has mirrored this escalatory approach.<sup>373</sup> Individuals seemingly far less worth “going after” are readily designated now as sanctions-worthy, including Ivan Okhlobystin, a Russian actor who openly supports the Russian government’s pro-war propaganda narrative, and Oleh Valeriovych Morhun, the “so-called” mayor of Mariupol who is complicit in activities that undermine Ukraine’s territorial integrity on behalf of Russia.<sup>374</sup>

Acknowledging that most “big fish” have already been targeted makes Patriarch Kirill’s omission from any sanctions listing even more egregious.<sup>375</sup> This is particularly so considering that beyond working to shut down sources of armaments and funding, numerous entities and individuals constituting the Kremlin’s propaganda network—those state controlled actors who disseminate Kremlin justifications for war, including delegitimizing Ukrainian sovereignty and self-determination—have similarly been targeted.<sup>376</sup> Sanctions necessarily must target the sources of financial and materiel support linked to the war effort. But to achieve success, this effort must also confront the war’s ideological backers.

Here, however, an untenable gap between the U.S. and EU has become evident. Whereas the U.S. Treasury has sanctioned dozens of Russian controlled or directed influence agents, including television

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370. COUNCIL EUR. UNION, *supra* note 234.

371. Gedeon & Toosi, *supra* note 281.

372. COUNCIL OF THE EU, *Russia’s war of aggression against Ukraine: EU lists two individuals and four entities for circumventing EU sanctions and materially supporting the Russian government* (June 28, 2024), <https://www.consilium.europa.eu/en/press/press-releases/2024/06/28/russia-s-war-of-aggression-against-ukraine-eu-lists-two-individuals-and-four-entities-for-circumventing-eu-sanctions-and-materially-supporting-the-russian-government>.

373. See U.S. DEP’T OF STATE, *United States Imposes Additional Sanctions and Export Controls on Russia in Coordination with International Partners* (May 19, 2023), <https://www.state.gov/united-states-imposes-additional-sanctions-and-export-controls-on-russia>.

374. *Id.*; See also 2024 O.J. (L 24.6.2024) 2024/1746 (implementing Regulation (EU) No. 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine).

375. According to the International Working Group on Russian Sanctions, “sanctions imposed against Russia are among the most extensive measures ever employed since World War II.” INT’L WORKING GRP. ON RUSSIAN SANCTIONS, *supra* note 301, at 10.

376. See *id.*

stations and Internet-based media outlets,<sup>377</sup> it has acted less effectively to target seemingly arms-length propagandists outside of the Kremlin's "direct" control.<sup>378</sup> In contrast, the EU has worked to block more outlets of pro-war Russian influence, including Spas TV, a television channel coincidentally owned by the ROC.<sup>379</sup> The EU justified its decision to sanction Spas TV because it receives financial support from the Russian government, "spreads pro-Kremlin propaganda and disinformation on Russia's war of aggression," and therefore materially supports "actions which undermine and threaten the territorial integrity, sovereignty and independence of Ukraine."<sup>380</sup>

The absence of U.S. sanctions on Spas TV is troubling, particularly since the Treasury Department has recognized that the Kremlin also uses government-organized NGOs ("GONGOs") "to achieve its goals both inside and outside Russia."<sup>381</sup> Operating under this understanding, for example, Treasury has imposed sanctions on Natalya Valeryevna Burlinova and her Center for Support and Development of Public Initiative Creative Diplomacy. In this case, Treasury recognized that Burlinova and her NGO functioned as "a key part of the Kremlin's 'kleptocracy' network, as they lure in foreign actors and fund local partners and manipulate open societies to promote the Kremlin's views, stir divisions, and distract international communities from pressing issues."<sup>382</sup>

GONGOs in Russia are not a new phenomenon. In fact, under Putin's rule, little vestige remains of an authentically independent civil society. The governmental takeover of this sector has been described by Olivier de Frouville as reflecting a "servile society", where seemingly independent NGOs take positions and make statements that "are exclusively or almost exclusively aimed at

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377. U.S. DEPT. TREASURY, *U.S. Treasury Takes Sweeping Action Against Russia's War Efforts* (May 8, 2022), <https://home.treasury.gov/news/press-releases/jy0771> (targeting "three of Russia's most highly viewed state-owned television stations . . . for being owned or controlled by" the Russian government); U.S. DEPT. TREASURY, *Treasury Sanctions Russians Bankrolling Putin and Russia-Backed Influence Actors* (Mar. 3, 2022), <https://home.treasury.gov/news/press-releases/jy0628> (targeting Strategic Culture Foundation, InfoRos, NewsFront, and SouthFront "for propagating Russian intelligence services-directed content").

378. Willy Fautré, *EU/Russia TV channel of the Russian Orthodox Church under EU sanctions*, HUM RTS. WITHOUT FRONTIERS (Dec. 30, 2022), <https://hrwf.eu/eu-russia-tv-channel-of-the-russian-orthodox-church-under-eu-sanctions>.

379. *Id.*

380. 2023 O.J. (L2023/2875) 145.

381. U.S. DEPT. TREASURY, *Treasury Targets the Kremlin's Continued Malign Political Influence Operations in the U.S. and Globally* (July 29, 2022), <https://home.treasury.gov/news/press-releases/jy0899>.

382. *Id.*

defending a governmental point of view.”<sup>383</sup> A servile NGO operating in this type of “laudatory and imitative role” typically acts to “relay governmental views” and attributes “every virtue to their government.”<sup>384</sup> This facsimile of governmental views disseminated within a traditionally independent sector “can eventually lead to attacks on ‘enemy’ states.”<sup>385</sup> In Russia, the erasure of genuine civil society has left observers to conclude that domestic NGOs operating in the country reflect an extension of the state, acting as “agents of [state-determined] social policy, not the influencers of it.”<sup>386</sup> Operating as such, Russian NGOs—including those whose work purports to be international facing—can be and are used “to stabilize and reinforce [autocratic] political power at home.”<sup>387</sup> Underscoring this reality, in Russia today, only NGOs that align themselves “with the national interest” are eligible to receive funding and support.<sup>388</sup>

Religious organizations and their affiliated NGOs are no exception to this trend. As Elizabeth Clark has recognized, in Russia and elsewhere, attacks on liberalism have often resulted in the dominant religions becoming “co-opted by the state” and in turn functioning to “endorse those in power and echo political leaders’ self-serving statements.”<sup>389</sup> Consequently, “it is possible today to see a consistent propaganda message reaching Russian citizens from the fully state-controlled media and representatives of social organisations, including the ROC.”<sup>390</sup>

In contrast to this overarching assessment, Patriarch Kirill paints a picture of “harmony in secular and ecclesiastical relations, with full preservation of autonomy [and] non-interference.”<sup>391</sup>

383. Olivier de Frouville, *Chapter Two: Domesticating Civil Society at the United Nations*, in *NGOs in International Law* (Pierre-Marie Dupuy & Luisa Vierucci eds., 2008).

384. *Id.*

385. de Frouville, *supra* note 18, at 73. “Marionette” organization is another term used to describe an NGO whose function is to mirror or echo government positions. These organizations serve “to legitimise, complement and support the state’s policy agenda and create the image of an autonomous and functioning civil society.” Crotty et al., *supra* note 19 at 1255 (internal quotations and citations removed).

386. Crotty et al., *supra* note 19, at 1265.

387. Heiss, *supra* note 17, at 565 (internal citations omitted).

388. *Id.*

389. See Elizabeth A. Clark, *Liberalism in Decline: Legislative Trends Limiting Religious Freedom in Russia and Central Asia*, 22 *TRANSNAT’L L. & CONTEMP. PROBS.* 297, 310–11 (2013).

390. Skladanowski & Smuniewski, *supra* note 15, at 4. This tracks with the church-state relationship during the tsarist era leading up to the 1917 Revolution. During this period, the ROC functioned as “a tool for the implementation of state policy . . . The formula of . . . ‘Orthodoxy, autocracy, nationality’ . . . became the ideological basis of nineteenth-century Russian conservatism . . . and the inspiration for the russification of today’s Belarus and Ukraine, combined with the denial of their cultural and ethnic distinctiveness.” *Id.*

391. *Ministry of the Primate: grace-filled accomplishments and severe challenges*, *RUSS. ORTHODOX CHURCH* (Mar. 2, 2024), <http://www.patriarchia.ru/db/text/6107883.html>.

Baked into the ROC's self-described autonomy, however, is a plainly stated shared mission: "a common awareness of the importance of the interaction [between] the state [and] Church . . . to continue the truly independent course of the centers of world power, with which it courageously moves forward."<sup>392</sup> Thus, the ROC claims to retain autonomy while coincidentally clinging to the Kremlin's insistence on restoring Russia as a center of world power, despite the country's longstanding acute decline across a range of key economic and other indicators.<sup>393</sup>

In practice, the debate over whether the ROC is effectively government controlled or retains some degree of autonomy as a nonstate actor is beside the point. Like in Soviet times, both parties continue to benefit from the ambiguity surrounding the relationship: On one hand, the government "benefits from the impression given that the church is an autonomous institution within [Russian] society giving voluntary endorsement to aspects of [Russian] foreign policy."<sup>394</sup> On the other, the ROC secures its coincidental preferential status above all other religious comers and, in exchange for its fidelity, is invited to advocate in favor of traditional values and a larger role for Orthodoxy in the public sphere.<sup>395</sup> Even if the ROC is truly autonomous—whether as a religious nonstate actor drawing on a "special legitimacy regime,"<sup>396</sup> a religious international NGO ("RINGO") that presents itself "as a distinct group [emphasizing] ethics or values as well as a particular access to the grassroots level;"<sup>397</sup> or a transnational religious actor spreading its "influence by establishment and development of cross-border networks [and]

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392. *Id.*; See also LIK ET AL., *supra* note 37, at 6 (expanding on the perspective that the ROC is "not a mere tool of state policy" but "also has its own interests, agenda, traditions, and sensitivities that it wants to protect").

393. Anthony H. Cordesman, *Ranking the World's Major Powers: A Graphic Comparison of the United States, Russia, China, and Other Selected Countries*, CTR. FOR STRATEGIC & INT'L STUD., <https://www.csis.org/analysis/ranking-worlds-major-powers-graphic-comparison-united-states-russia-china-and-other> (working draft revised and expanded May 16, 2022). It could be argued here the ROC is no different than American Evangelical Protestants or al Qaida, attempting to disseminate "very different values and norms...which collectively impact on international order," and harnessing its transnational networks to effectuate this change. Jeffrey Hayes, *Transnational Religious Actors and International Order*, 17.2 PERSPECTIVES 43, 47 (2009).

394. Philip Walters, *The Russian Orthodox Church and the Soviet State*, 483 ANNALS AM. ACAD. POL. & SOC. SCI. 135, 139 (1986).

395. Susanna Mancini & Michael Rosenfeld, *Populism, Religion, and the Quest to Reframe Fundamental Rights*, 42 CARDOZO L. REV. 463, 528–35 (2021).

396. Ioana Cismas, *Religious Actors as an Analytical Category*, in RELIGIOUS ACTORS AND INTERNATIONAL LAW 54–55 (2014).

397. Karsten Lehmann, *Religiously Affiliated NGOs*, in ROUTLEDGE HANDBOOK OF NGOS AND INTERNATIONAL RELATIONS 397 (Thomas Davies ed., 2019) (internal citations omitted).

religious ‘soft power’<sup>398</sup>—the reality remains that its actions seek to impact international law. It exercises this function by operating as a global disseminator of Kremlin propaganda in support of Russia’s war of aggression, manipulating open societies, stirring divisions, and distracting international communities from the Kremlin’s illegal conduct.

The evolving discourse concerning the treatment of nonstate actors under international law reinforces the immateriality of whether the ROC is a state controlled or independent nonstate actor for establishing the legitimacy of countermeasures to correct or constrain its conduct. As traditionally understood, international law deemed nonstate actors as lacking formal recognition or capacity as “subjects” entitled to “carry international obligations based on status.”<sup>399</sup> In contrast, contemporary scholars have sought to move this framing away from a constrained “subject-object dichotomy” to more accurately account for the very real effects nonstate actors can have on international relations.<sup>400</sup> UNSC practice corroborates this emerging approach, inasmuch as it has long recognized the ability to attach international legal obligations to nonstate actors, including the imposition of targeted sanctions.<sup>401</sup> In this vein, the ROC plainly represents an organization with sufficient international legal personality to attract these attendant rights and obligations. This status is readily confirmed through the church’s capacity to interact with various international constituencies, including through diplomatic channels with government officials.<sup>402</sup> As such, it “cannot . . . shield [itself] from becoming liable towards other subjects of international law on account of its activities” that run afoul of IHL and IHRL norms.<sup>403</sup>

Refining this point further, the necessity of holding transnational nonstate actors accountable for their actions has gained similar momentum within the IHRL context.<sup>404</sup> The emergence of this specialized IHRL compliance web initially sought to engage

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398. Hayes, *supra* note 393, at 47.

399. Barbara K. Woodward, *Non-State Actor Responsibilities: Obligations, Monitoring and Compliance*, in *RESPONSIBILITIES OF THE NON-STATE ACTOR IN ARMED CONFLICT AND THE MARKET PLACE: THEORETICAL CONSIDERATIONS AND EMPIRICAL FINDINGS* 33–34 (Naomi Gal-Or et al. eds., 2015).

400. *Id.*

401. *Id.* at 47. These measures can occur even without a formal finding of “effective control” attribution to a particular state party.

402. Jerry G. Pankhurst, *The Global Pretensions of the Russian Orthodox Church*, *BYU L. INT’L CTR. FOR L. & RELIGIOUS STUD.* (2024).

403. Andrew Clapham, *HUMAN RIGHTS OBLIGATIONS OF NON-STATE ACTORS* 82–83 (2006).

404. Robert C. Blitt, *Beyond Ruggie’s Guiding Principles on Business and Human Rights: Charting an Embrasive Approach to Corporate Human Rights Compliance*, 48 *TEXAS INT’L L. J.* 33 (2012).

corporate actors; but it has since expanded to capture the conduct of nonprofit transnational actors, including even those espousing human rights missions. For example, the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct—intended to minimize adverse impacts on human rights and related fields—is now being wielded to impose costs on non-compliant human rights NGOs whose primary motive is not profit seeking.<sup>405</sup>

Further supporting these developments, a parallel recognition of the need to impose limits on the ability of NGOs operating amid hostilities to condone or ignore attendant war crimes and other violations of IHL appears to be emerging. Geneva Convention rules recognize that NGOs can be “afforded rights, protection and, in some cases, obligations under international humanitarian law if they take a role during armed conflicts.”<sup>406</sup> In this vein, Andrew Clapham has observed that where an NGO’s denunciation of human rights violations “is likely to result in danger or death for [an] agency’s workers in the region it can hardly be countenanced at [the] time.”<sup>407</sup> Nevertheless, where such an entity “becomes more involved with those committing human rights violations, the question of complicity becomes clearer, not only in the sense of placing the humanitarian organization in a moral dilemma . . . but also in a strict legal sense where activity or even mere presence assists or encourages the commission of international crimes.”<sup>408</sup> The same rationale must be applied to the ROC in the context of its ideological underwriting and practical support for the war across its individual agents, media outlets, NGOs, and international networks.

As the war in Ukraine enters its fourth year, the decision to pass over sanctioning the ROC in favor of prioritizing “better targets” has

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405. Domenico Carolei, *Accountability beyond Corporations: The Applicability of the OECD Guidelines for Multinational Enterprises to Non-profit Organisations*, 13 *NONPROFIT POL’Y F.* 31, 33–34 (2022); see also Domenico Carolei, *Survival International v World Wide Fund for Nature: Using the OECD Guidelines for Multinational Enterprises as a Means of Ensuring NGO Accountability*, 18 *HUM. RTS. L. REV.* 371, 375 (2018) (discussing the Swiss National Contact Point case brought by Survival International accusing WWF of being complicit in violence directed at the Baka people of southeast Cameroon).

406. Anna-Karin Lindblom, *Non-Governmental Organizations and Non-state Actors in International Law*, in *THE ASHGATE RESEARCH COMPANION TO NON-STATE ACTORS*, 152–53 (Bob Reinalda, ed.). For example, article 11 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War establishes that any organization facilitating protections for civilian persons “act with a sense of responsibility towards the Party to the conflict on which persons protected by the present Convention depend, and shall be required to furnish sufficient assurances that it is in a position to undertake the appropriate functions and to discharge them impartially.” Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, Art. 11.

407. Clapham, *supra* note 403, at 311.

408. *Id.* at 312.

lost its luster.<sup>409</sup> Today, “lesser” targets are increasingly covered by the expanding net of Western sanctions.<sup>410</sup> This coverage makes the ROC’s omission increasingly glaring, to the point where it represents a gaping—and unjustifiable—hole in the sanctions net. Regardless of whether the ROC is classified as a state-controlled GONGO or an independent and autonomous RINGO, the convergence around imposing obligations on both state and nonstate actors for actions undermining international law is unmistakable. This accountability-driven approach is increasingly open to scrutinizing corporate and nonprofit organizations alongside more conventionally considered international nonstate actors. More directly, this approach also aligns with the need for Ukraine’s partners to ensure that all actors are denied the ability to “encourage or contribute to human rights violations [and violations of humanitarian law, including the crime of aggression].”<sup>411</sup>

## V. CONCLUSION

This article has presented a comprehensive accounting of the ROC’s support for war since the onset of Russia’s invasion of Ukraine in early 2022. In this period, the ROC’s conduct has afforded ample examples of both spiritual and practical succor extended to the Kremlin in its bid to upend Ukrainian sovereignty and national identity. Faced with the ROC’s staunch endorsement of war, one might expect that the web of sanctions arrayed against Russia by the West would inevitably ensnare the church and its hierarchs. As this article has demonstrated, however, the glaring absence of any meaningful response against the ROC is rooted in two primary justifications that cannot be sustained.

The rationale that freedom of religion requires forgoing sanctions against the ROC is unfounded. This conclusion is premised on prior state practice and relevant international norms, coupled with the current willingness of a few brave states to act. Simply put, religious actors cannot be left immunized from consequences merely by virtue of hiding behind the veil of religion. Sanctions targeting the ROC must be framed and understood as being a valid response to individuals who elect to pervert faith and coopt institutional structures in the name of fueling an illegal war, rather than as about attacking a given faith per se. Coupled with this, while the need to

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409. Oleksandr Kozhukhar, *Ukraine sanctions 22 associated with Russian Orthodox Church*, REUTERS (Jan. 23, 2023), <https://www.reuters.com/world/europe/ukraine-sanctions-22-associated-with-russian-orthodox-church-2023-01-24>.

410. European Commission Press Release IP/25/585, EU Adopts 16th Sanctions package against Russia (Feb. 23, 2025).

411. Clapham, *supra* note 403, at 310.

singularly focus on actors directly sustaining Russia's war effort may have carried weight in the opening months of Russia's invasion, today, the ROC's omission from major sanctions lists is both glaring and unsupportable. Sanctions focusing exclusively on materiel at the expense of neglecting key outlets of ideological support are bound to be less effective.

Faced with this more informed reality, deferential approaches to the ROC and its leadership plainly demand urgent reassessment by Ukraine's partners. Continuing to ignore the ROC's central function in this war—particularly in the context of mounting an effective and concerted response to its illegality—ignores the church's vital role in providing both spiritual and practical succor for the Kremlin. It also leaves unchecked the Kremlin's most ardent global supporter, in turn enabling the perpetuation of a legitimizing narrative across the ROC's robust international networks and among its faithful.

In contrast, holding the ROC accountable to the norms of conduct already established under existing sanctions regimes can yield a rich and untapped source of additional sanctions targets, including decisively exposing the full range of church proxies used to foment the Kremlin's agenda. Concerted action on this front, in tandem with other measures including efforts to downgrade ROC standing at the UN and other international fora, will trigger long overdue practical and reputational ramifications for the church. These measures can serve to meaningfully rebuke the ROC for surrendering its moral capital in support of Russia's illegal war. This Article's findings must serve as a wakeup call for action against the ROC's wholesale endorsement of Kremlin criminality. Responding to the church's actions can no longer merely be an afterthought; it demands priority and consistency on the part of Ukraine's allies moving forward.



