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RUSSIA: First known criminal investigation for opposing Ukraine war on explicitly religious grounds

By Victoria Arnold, Forum 18 (<https://www.forum18.org>)

Nina Belyayeva, a Protestant who is a Communist Party municipal deputy, has become the first known person in Russia to face criminal prosecution for opposing the war in Ukraine on explicitly religious grounds. During a meeting of Semiluk District Council in Voronezh Region she called Russia's invasion a war crime. She later wrote: "I realised that if I kept silent, I would not be able to respect myself. I wouldn't be a true Christian and human being." She fled Russia in early April.

Nina Belyayeva, a Protestant who is a Communist Party municipal deputy, has become the first known person in Russia to face criminal prosecution for opposing the war in Ukraine on explicitly religious grounds. In late April, Voronezh Region Investigative Committee named Belyayeva a suspect under the new Criminal Code Article 207.3 ("Public dissemination of knowingly false information about the use of the Armed Forces of the Russian Federation") for her remarks during a meeting of Semiluk District Council, in which she called Russia's invasion a war crime. By the time the case was opened, she had already fled Russia. The Investigative Committee noted that it was considering placing Belyayeva on a wanted list.

During the council meeting, Belyayeva had to raise her voice and repeat herself over the shouting of her fellow deputies: "A Christian is not someone who wears a cross, but someone who follows Christ, for whom the word of God – the authority of Christ – is much higher than the authority of the President .. for a Christian, first of all, the authority of Christ is higher than the opinion of the Patriarch, and if a person obscures Christ with somebody else, then they cannot be a Christian. Yes, that is my position" (see below).

When other deputies alleged that she had incited Russian troops in Ukraine to give themselves up, Belyayeva insisted that she had not called on anyone to surrender. She explained that she had only noted that this was "one way out for a Christian", and that every soldier makes the choice for himself: "There are lawful orders and there are unlawful orders" (see below).

Twenty out of 23 deputies then voted to request prosecutors to investigate Belyayeva. She was also removed from the council's ethics committee, and later expelled from the Communist Party fraction on the council (see below).

Belyayeva told Forum 18 on 29 April that she had expected criminal prosecution, as the video of her remarks in the council meeting – which she had filmed on her phone and uploaded to YouTube – had "gone all over the world" (see below).

"I realised that if I kept silent, I would not be able to respect myself. I wouldn't be a true Christian and human being", Belyayeva wrote in "The Moscow Times" on 8 April. "It was important for Christians to hear that the Patriarch, or the president — who is often shown by the media holding a candle in church — or that other people they respect might be mistaken" (see below).

"You have to ask yourself: What would Jesus Christ say? Ask yourself: Would you want to be 'liberated' like this? To have people come into your home with this kind of 'deliverance' and 'brotherly love'? If you wouldn't like it, then you need to treat another country the way you want to be treated — respect its sovereignty, respect its choice, and not even allow the possibility that someone could come and try to change the legitimately elected government, dictate changes in the Constitution, and destroy cities and people" (see below).

Investigators opened the case against Belyayeva under the new Criminal Code Article 207.3 ("Public dissemination of knowingly false information about the use of the Armed Forces of the Russian Federation"). Punishments range from a large fine to up to three years' imprisonment. Similar administrative offences also came into force on 4 March (see below).

"A Christian is not someone who wears a cross, but someone who follows Christ, for whom the word of God – the authority of Christ – is much higher than the authority of the President," Belyayeva told the council meeting on 22 March. She added that surrender is "a choice of every Christian .. one way for soldiers not to participate in actions that the leadership forces them to perform".

Forum 18 wrote to the Voronezh Region Investigative Committee asking whether the initiation of a criminal case violated Belyayeva's rights to freedom of speech and freedom of religion and belief, whether she would be detained if she returned to Russia, and whether she was yet on the wanted list. Forum 18 received no reply (see below).

Small numbers of clergy and laypeople in Russia continue to protest against the war in Ukraine from a religious standpoint, despite the Moscow Patriarchate's and some other religious organisations' official support for Russia's invasion. They continue to face detention, prosecution, and the loss of their jobs (https://www.forum18.org/archive.php?article_id=2738) in consequence.

On 10 March, a court fined Fr Ioann Burdin of the Moscow Patriarchate's Kostroma Diocese (https://www.forum18.org/archive.php?article_id=2725) one month's average local wages for online remarks and a Sunday sermon in church condemning Russia's invasion of Ukraine. A second Russian Orthodox priest is known to have received an administrative fine (https://www.forum18.org/archive.php?article_id=2738) for similarly "discrediting the armed forces" as a result of his opposition to the war. Others have stepped down after their views brought them into conflict with their dioceses.

Police have detained several people in Moscow and Nizhny Novgorod for publicly protesting against the war using Biblical quotations and religious imagery (https://www.forum18.org/archive.php?article_id=2738).

According to human rights news agency OVD-Info (<https://ovdinfo.org>), from 24 February (when Russia restarted its invasion of Ukraine) to 5 May more than 15,000 people had been detained (usually for a few hours or overnight) for participating in anti-war protests. These include large-scale demonstrations or individual actions such as wearing Ukrainian colours or displaying anti-war posters and placards (including those which have directly quoted from the Russian constitution or even President Putin's own speeches).

Thirty-nine people had been charged or placed under investigation under various parts of Criminal Code Article 207.3 by 28 April, according to OVD-Info. As of 5 May, also according to OVD-Info, from 24 February police had initiated at least 1,731 cases across Russia (https://www.forum18.org/archive.php?article_id=2725) and in illegally Russian-occupied (<https://www.nhc.no/en/qa-breaches-of-international-law-and-human-rights-issues-2>) Crimea (<https://www.forum18.org/archive.php?country=86>) under Administrative Code Article 20.3.3 for making anti-war statements either in public spaces or online.

"I consider what is happening a war crime"

On 22 March, Nina Belyayeva, a Protestant who is a Communist Party deputy on Semiluk District Council in Voronezh Region, stood up in a council meeting and denounced the war in Ukraine. Challenged by fellow deputies to explain comments she had made on social media, she confirmed that she believed that "murdering other people" and invading "the territory of another state, which has nothing to do with the goal of self-defence of one's own state" have "nothing in common with Christian beliefs". She added that "I consider that a Christian cannot act in such a way".

Before resuming her seat, Belyayeva stated: "I am against the decision that was made by the President of the Russian Federation, and I am against the actions that are being carried out today on the territory of the sovereign state of Ukraine. I consider what is happening a war crime."

Twenty out of 23 deputies then voted to request prosecutors to investigate Belyayeva. She was also removed from the council's ethics committee, and later expelled from the Communist Party fraction on the council.

On 29 April, Belyayeva announced on her Telegram channel that investigators had opened a case against her under Criminal Code Article 207.3, Part 1 (see below), the first such case in Voronezh Region. By this point, she had left Russia.

Belyayeva told Forum 18 on 29 April that she had expected criminal prosecution, as the video of her remarks in the council meeting – which she had filmed on her phone and uploaded to YouTube – had "gone all over the world".

"I realised that if I kept silent, I would not be able to respect myself. I wouldn't be a true Christian and human being", Belyayeva wrote in "The Moscow Times" on 8 April. "It was important for Christians to hear that the Patriarch, or the president — who is often shown by the media holding a candle in church — or that other people they respect might be mistaken."

"You have to ask yourself: What would Jesus Christ say? Ask yourself: Would you want to be 'liberated' like this? To have people come into your home with this kind of 'deliverance' and 'brotherly love'? If you wouldn't like it, then you need to treat another country the way you want to be treated — respect its sovereignty, respect its choice, and not even allow the possibility that someone could come and try to change the legitimately elected government, dictate changes in the Constitution, and destroy cities and people."

Voronezh Region Investigative Committee issued a statement on 29 April about the case against Belyayeva, although in accordance with usual practice did not name her. "During a meeting of a local representative body, [Belyayeva] publicly disseminated, under the

guise of credible information, knowingly false information about the use of the Armed Forces of the Russian Federation during the special military operation on the territory of Ukraine," it said in a statement on its website, "while expressing insults against Russian military personnel and condemning their actions. In addition, on her public page on a social network the suspect published a video of this event in the public domain for viewing by an unlimited number of people."

The Investigative Committee noted that it was considering placing Belyayeva on a wanted list, and that the criminal investigation was ongoing, in cooperation with the Voronezh FSB security service.

Forum 18 wrote to the Voronezh Region Investigative Committee before the start of the working day of 4 May, asking whether the initiation of a criminal case violated Belyayeva's rights to freedom of speech and freedom of religion and belief, whether she would be detained if she returned to Russia, and whether she was yet on the wanted list. Forum 18 received no reply by the end of the working day in Voronezh of 5 May.

"The authority of Christ is much higher than the authority of the President"

Belyayeva had no warning that her social media comments would be brought up in the council meeting, she said in an interview with Current Time on 27 March, as the matter was raised in the "Miscellaneous" part of the agenda (rather than, as is required by protocol, taken to the ethics committee). While a United Russia deputy outlined how a local resident had lodged a complaint about Belyayeva's posts on the Odnoklassniki social network and demanded an explanation, she had a minute or two to decide what to do.

"At that moment, I simply realised that I could not afford not to use this opportunity and not to talk about my position," Belyayeva told Current Time. "To speak so that everyone understands that such a position exists. At that moment, I just thought that someone should say this, that this position should be voiced!"

"When I started to speak, I prayed inside myself," Belyayeva, who is a Protestant, commented in an interview with the Republic online magazine on 3 May. "The Lord gave me peace, and I began to respond more calmly. Probably, only thanks to this inner calm was I able to say what I consider right and reasonable in that aggressive atmosphere."

In the video of the event, Belyayeva can be heard confirming the comments she had made on Odnoklassniki and the responses she had given there to other users' questions, having to raise her voice and repeat herself over the shouting of her fellow deputies: "A Christian is not someone who wears a cross, but someone who follows Christ, for whom the word of God – the authority of Christ – is much higher than the authority of the President .. for a Christian, first of all, the authority of Christ is higher than the opinion of the Patriarch, and if a person obscures Christ with somebody else, then they cannot be a Christian. Yes, that is my position."

When other deputies alleged that she had incited Russian troops in Ukraine to give themselves up, Belyayeva insisted that she had not called on anyone to surrender. She explained that she had only noted that this was "one way out for a Christian", and that every soldier makes the choice for himself: "There are lawful orders and there are unlawful orders."

"Naturally, I was worried because I was not ready for this situation," Belyayeva told Republic on 3 May, but "If I refused to answer the questions, it would look as if I were ready to hide my anti-war position, ready to put my head in the sand, that is, to some extent submit to those people who wanted to shut me up."

"Better to get a criminal record than to enter a fratricidal war"

After Russian troops invaded Ukraine, Nina Belyayeva made multiple critical posts on Telegram and Odnoklassniki. These included, on 11 March, a video by Fr Georgy Sukhoboky entitled "How Patriarch Kirill justifies the war", in which Sukhoboky gives advice on what to do if called up, which Belyayeva summarised as "In short, it's better to get a criminal record than to enter a fratricidal war".

On 15 March, Belyayeva posted an image of protester Anastasiya Parshkova with her placard (https://www.forum18.org/archive.php?article_id=2738) reading "6th Commandment. Thou shalt not kill". On 19 March, she posted a link to the Moskovsky Telegraf Telegram channel, which quoted Meduza's interview with Archimandrite Kirill (Govorun) of the Moscow Diocese, in which he calls Putin a "classic heretic" who "distorts Christian teachings".

"Christianity is following Christ, imitating Him, evaluating each of your thoughts, words, and actions through the prism of 'What would Jesus Christ think, say, and do if he were in the situation I'm in now?'" , Belyayeva wrote on Telegram on 9 March.

"What does this mean for us today? This means that we first need to listen to God, and those who are trying to misinterpret him. Therefore, I have decided periodically to publish biblical texts on the channel. After reading them you can decide for yourself which of the clergy serves God and who bows to Satan". The quotations that followed included the story of Cain and Abel with the hashtags #grekhKaina [sin of Cain] and #bratoubiystvo [fratricide].

"I don't regret what I said"

"Many people thanked me for what I said about God, about why a Christian can't support this war," Belyayeva wrote in an opinion piece for "The Moscow Times" on 8 April. "This was really important for people to hear, especially because Patriarch Kirill had just spoken out in favour of this fratricidal war, even though the Kyiv Metropolitan Church is still part of the Moscow Patriarchate. So, it was very important for people to hear that the war is wrong from a Christian perspective.

"I can definitely say that I don't regret what I said. It's true that when I left Russia, my everyday life became less comfortable. At home I could afford more than I can now. But personal comfort can't be more valuable than the life of another human being. What can be more precious than the lives and health of people who are now dying in Ukraine, the women and children being raped by Russian soldiers?"

Belyayeva noted on Telegram that she has received 15-20 times more supportive messages than condemnatory ones. She technically remains a deputy on Semiluk District Council, but told Republic on 3 May that she will relinquish her mandate if the situation in Russia does not improve within a few weeks, as it is difficult to carry out duties from abroad.

New punishments for criticising Russia's actions in its war against Ukraine

Two new punishments for criticising Russia's actions in its war against Ukraine - Criminal Code Article 207.3 and Administrative Code Article 20.3.3 - entered legal force as soon as President Vladimir Putin signed them into law on 4 March. Other new legal amendments punish calling for sanctions against Russia (<https://www.hrw.org/news/2022/03/07/russia-criminalizes-independent-war-reporting-anti-war-protests>).

Criminal Code Article 207.3, Part 1 punishes "Public dissemination, under the guise of credible statements, of knowingly false information about the use of the Armed Forces of the Russian Federation in order to protect the interests of the Russian Federation and its citizens [and] maintain international peace and security, as well as about the exercise by state bodies of the Russian Federation of their powers outside the territory of the Russian Federation for those purposes".

Part 1 carries the following punishments:

- a fine of 700,000 to 1.5 million Roubles;
- or up to one year's correctional work;
- or up to three years' assigned work (https://www.forum18.org/archive.php?article_id=2681);
- or up to three years' imprisonment.

A fine of 1 million Roubles represented over 1 and half years' average wages in 2021 for those in work, or nearly 5 and half years' average state retirement pension.

Assigned work may be imposed instead of imprisonment, and may take the form of any job in any organisation, as determined by the correctional centre responsible for administering the sentence. It is paid, but deductions of 5-20 per cent may be transferred to the prison service.

Correctional work - a lesser category of punishment - involves payment to the state of 5-20 per cent of wages, either from one's own job or, if unemployed, from a job allocated by the local authority in cooperation with the prison service.

Criminal Code Article 207.3 Part 2 punishes the same actions, "a) by a person using their official position; b) by a group of persons; c) with the artificial creation of evidence for accusations; d) for selfish motives; or e) for reasons of political, ideological, racial, national or religious hatred or enmity, or for reasons of hatred or enmity against any social group".

Part 2 carries the following punishments:

- a fine of 3 million to 5 million Roubles;
- or up to five years' assigned work (https://www.forum18.org/archive.php?article_id=2681) "with deprivation of the right to hold certain positions or engage in certain activities for up to five years";
- or five to 10 years' imprisonment "with deprivation of the right to hold certain positions or engage in certain activities for up to five years".

Criminal Code Article 207.3 Part 3 punishes the same actions if they have "grave consequences", and carries the following punishment: 10 to 15 years' imprisonment "with deprivation of the right to hold certain positions or engage in certain activities for

up to five years".

Administrative Code Article 20.3.3, Part 1 punishes "Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation in order to protect the interests of the Russian Federation and its citizens, [and] maintain international peace and security, including public calls to prevent the use of the Armed Forces of the Russian Federation for these purposes, or equally, aimed at discrediting the exercise by state bodies of the Russian Federation of their powers outside the territory of the Russian Federation for these purposes, if these actions do not contain signs of a criminal offence."

Part 1 carries these possible fines:

- for individuals – 30,000 to 50,000 Roubles;
- for people in official positions – 100,000 to 200,000 Roubles;
- for legal entities – 300,000 to 500,000 Roubles.

A fine of 50,000 Roubles represented nearly four weeks' average wages in 2021 for those in work, or nearly 13 weeks' average state retirement pension.

Administrative Code Article 20.3.3, Part 2 covers the same actions, if they are: "accompanied by calls to hold unauthorised public events, or create a threat of harm to the life and/or health of citizens [or] property, a threat of mass disruption of public order and (or) public safety, or a threat of interfering with or stopping the functioning of objects of life support, transport or social infrastructure, credit organisations, energy facilities, industry or communications."

Part 2 carries possible fines:

- for individuals – 50,000 to 100,000 Roubles;
- for people in official positions – 200,000 to 300,000 Roubles;
- for legal entities – 500,000 to 1 million Roubles.

A fine of 50,000 Roubles represented nearly four weeks' average wages in 2021 for those in work, or nearly 13 weeks' average state retirement pension.

A fine of 1 million Roubles represented over 1 and half years' average wages in 2021 for those in work, or nearly 5 and half years' average state retirement pension.

A repeated offence under any part of Administrative Code Article 20.3.3 within one year will lead to criminal prosecution under the new corresponding Criminal Code Article 280.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation in order to protect the interests of the Russian Federation and its citizens, [and] maintain international peace and security, including public calls to prevent the use of the Armed Forces of the Russian Federation for these purposes, or equally, aimed at discrediting the exercise by state bodies of the Russian Federation of their powers outside the territory of the Russian Federation for these purposes").

- Part 1 punishes individuals with either:

- a 100,000 to 300,000 Roubles fine;
- or up to three years' assigned work (https://www.forum18.org/archive.php?article_id=2681);
- or four to six months imprisonment;
- or up to three years' imprisonment plus deprivation of the right to hold particular positions or engage in particular activities for the same period.

- Part 2 punishes the same actions, "resulting in death by negligence and/or causing harm to the health of citizens, [or] property, [or causing] mass violations of public order and/or public safety, or interfering with or stopping the functioning of life support, transport or social infrastructure, credit organisations, energy facilities, industry or communications."

The punishments are:

- a 300,000 to 1 million Roubles fine;

- or up to five years' imprisonment plus deprivation of the right to hold particular positions or engage in particular activities for the same period.

A fine of 1 million Roubles represented over 1 and half years' average wages in 2021 for those in work, or nearly 5 and half years' average state retirement pension. (END)

Full reports on freedom of thought, conscience and belief in Russia
(<https://www.forum18.org/archive.php?query=&religion=all&country=10>)

For more background see Forum 18's survey of the general state of freedom of religion and belief in Russia
(https://www.forum18.org/archive.php?article_id=2246), as well as Forum 18's survey of the dramatic decline in this freedom related to Russia's Extremism Law (https://www.forum18.org/archive.php?article_id=2215)

A personal commentary by the Director of the SOVA Center for Information and Analysis (<https://www.sova-center.ru>), Alexander Verkhovsky, about the systemic problems of Russian "anti-extremism" laws
(https://www.forum18.org/archive.php?article_id=1468)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
(https://www.forum18.org/archive.php?article_id=1351)

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