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RUSSIA: Orthodox priest detained for opposing war "outraged by absurdity of accusations"

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

Fr Ioann Kurmoyarov posted videos outlining his religious opposition to Russia's war against Ukraine. Arrested on 7 June, he is in St Petersburg's Kresty prison awaiting trial for the new criminal offence of disseminating "knowingly false information" about the military. St Petersburg Investigative Committee has not responded to Forum 18's questions. "He is aware that he may be sentenced to a long term of imprisonment – up to 10 years – but he does not intend to deviate from his convictions," says his lawyer Leonid Krikun.

The Investigative Committee has opened a criminal case against a Russian Orthodox priest for his explicitly religious opposition to Russia's 2022 war against Ukraine. Fr Ioann Kurmoyarov had posted videos online criticising the war. Arrested on 7 June, he is currently in detention at St Petersburg's Kresty prison awaiting trial for the new criminal offence of disseminating "knowingly false information" about the Russian military (Criminal Code Article 207.3). Fr Ioann is "outraged by the absurdity of the accusations," his lawyer told Forum 18.

Fr Ioann Kurmoyarov is now 54. After conflict with his Moscow Patriarchate diocese, Fr Ioann in December 2019 joined the branch of the Russian Orthodox Church Outside Russia (ROCOR) which did not join other parts of ROCOR when they joined the Moscow Patriarchate in 2007. On 1 April 2022 he was deprived of his Moscow Patriarchate priestly status (see below).

Fr Ioann does not admit guilt, the lawyer Leonid Krikun added. "He is aware that he may be sentenced to a long term of imprisonment – up to 10 years – but he does not intend to deviate from his convictions. In the case of a guilty verdict with imprisonment, he plans to continue preaching in the prison camp" (see below).

St Petersburg Investigative Committee has not responded to Forum 18's questions including:

- why the expression of religious views on war in general and in Ukraine is considered distribution of false information about the Russian Armed Forces;
- why it was deemed necessary to put him in detention (see below).

The Investigative Committee has also opened a criminal case against a second Russian Orthodox priest, Fr Nikandr Pinchuk from Sverdlovsk Region, for his explicitly religious opposition to the war in Ukraine. He is under investigation under Criminal Code Article 280.3 (https://www.forum18.org/archive.php?article_id=2757), which punishes a repeat offence of "discrediting" the Armed Forces. Russia's invasion, he commented to Forum 18, is a "mortal sin".

Nina Belyayeva, a Baptist and Communist municipal deputy, became the first person known to face prosecution under Criminal Code Article 207.3 for opposing Russia's invasion on religious grounds (https://www.forum18.org/archive.php?article_id=2737). She has fled Russia. On 1 June, she announced that she had been added to the Interior Ministry's wanted list. Interior Ministry officials have also requested that Interpol issue a Red Notice against her, although this does not yet appear to have happened. The Investigative Committee has also twice charged Belyayeva under anti-terrorism legislation for calling for regime change in Russia (https://www.forum18.org/archive.php?article_id=2757).

Despite the official support for Russia's invasion shown by many religious leaders, most notably those in the Moscow Patriarchate, small numbers of clergy and laypeople in Russia continue to protest for explicitly religious reasons against the renewed war in Ukraine. In consequence they often face detention, prosecution, and the loss of their jobs (https://www.forum18.org/archive.php?article_id=2741).

Punishments, censorship

Prosecutions for "discrediting" the Russian Armed Forces (Administrative Code Article 20.3.3)

(https://www.forum18.org/archive.php?article_id=2737)) are continuing. Eleven people who used Biblical quotations or religious imagery in public protests against the war have received fines (https://www.forum18.org/archive.php?article_id=2758) under the new administrative offence of "discrediting" the Russian Armed Forces (Article 20.3.3). A twelfth was fined but the case was then closed. One more has recently been charged plus one awaiting charges.

At least 66 people have been charged or are under investigation under Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2737), human rights news agency OVD-Info reported on 24 June, with another 107 people facing other criminal charges for their opposition to the war. Almost 2,500 people have been charged under Administrative Code Article 20.3.3. OVD-Info added on 29 June that in the four months since Russia's latest invasion of Ukraine, only one day had passed without any detentions of people protesting against the war. As of 8 July, the total of those detained stands at 16,334.

Pyotr Mylnikov from Transbaykal Region was the first person to be convicted under Criminal Code Article 207.3; he was fined 1 million Roubles on 31 May. On 8 July, Aleksey Gorinov, a municipal deputy who had asked for a minute's silence at a council meeting for "the victims of ongoing military aggression in Ukraine", became the first person to be sentenced to jail under Criminal Code Article 207.3. A court in Moscow handed him a seven-year prison term.

The Russian authorities also continue to block online access to information about the war in Ukraine, including a Belarusian news report on the destruction of Ukrainian religious buildings, and a Ukrainian Protestant pastor's appeal to fellow clergy in Russia speak out against the invasion (https://www.forum18.org/archive.php?article_id=2741). Christian website InVictory.org's accounts of deaths and kidnappings among Protestant church members in the Russian-occupied Ukrainian city of Mariupol (https://www.forum18.org/archive.php?article_id=2763) have also been blocked.

Portal Credo portal-credo.ru, a religious news website which was often critical of the Moscow Patriarchate, has gone offline of its own accord after receiving a warning from Roskomnadzor on 22 March. "It remains unclear how it is technically possible to bring the content of the Portal in line with the requirements of [the new law on disseminating 'false information']," editor Aleksandr Soldatov wrote on Facebook on 23 March. "Our civic position is that the Portal has no right – even by means of silence – to justify obvious crimes against humanity (https://www.forum18.org/archive.php?article_id=2763)". Fordham University's Orthodox Christian Studies Centre's website publicorthodoxy.org, which has published several articles critical of the Moscow Patriarchate's support for the war, has also been blocked.

Former priest in detention

Fr Ioann (born Dmitry Valeryevich Kurmoyarov, 8 January 1968), a priest and monk who was stripped of his clerical status in the Russian Orthodox Church on 1 April, has been ordered detained for two months in St Petersburg's Kresty Prison. He is awaiting trial on criminal charges of spreading "knowingly false information" about the Russian Armed Forces.

Investigative Committee officials arrested Fr Ioann on 7 June, seizing his cassock, two icons, and a cross (as well as his electronic devices) during the search of his home.

Fr Ioann criticised Russia's invasion of Ukraine from a Christian perspective in multiple videos on his YouTube channel – "The Orthodox Virtual Parish" – arguing that "those who have unleashed aggression will not be in heaven" and "if you are not disturbed by what is going on in Ukraine, this outrage, then .. you are not Christians".

Fr Ioann also cross-posted his videos to his Yandex Zen channel. Russia's media watchdog Roskomnadzor blocked this channel on 9 March at the request of the General Prosecutor's Office, apparently – according to Fr Ioann – because of the video entitled "Russians, let's stop the aggression against Ukraine!"

On 8 June, according to a statement on the St Petersburg Investigative Committee website, investigators charged Fr Ioann under Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2737), Part 2, Paragraph D. This 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 .. for reasons of political, ideological, racial, national or religious hatred or enmity, or for reasons of hatred or enmity against any social group".

"On various social networks on the [internet], through profiles administered by him, the man published videos containing deliberately false information about the use of the Armed Forces of the Russian Federation, in the public domain for free viewing," the Investigative Committee statement noted. "Currently, a complex of measures aimed at clarifying all the circumstances of the incident is being carried out."

The preliminary investigation has just begun, Fr Ioann's lawyer Leonid Krikun explained to Forum 18 on 20 June. He does not expect the case to reach court before the end of August.

Forum 18 sent a request for information via the St Petersburg Investigative Committee's website on 5 July, asking:

- why the expression of religious views on war in general and in Ukraine was considered distribution of false information about the Russian Armed Forces;
- why Fr Ioann had been charged specifically under Paragraph D of Criminal Code Article 207.3, Part 2;
- and why it was deemed necessary to put him in detention.

Forum 18 had received no reply by the afternoon of the working day in St Petersburg of 8 July.

Fr Ioann "outraged by the absurdity of the accusations"

Also on 8 June, according to the court website, Kalinin District Court granted investigators' request to have Fr Ioann detained until 6 August. He and his lawyers – Leonid Krikun and Tatyana Kolyadinskaya – are challenging the detention order at St Petersburg City Court, but no hearing date is yet known.

"Fr Ioann has not complained about conditions in detention, but he is outraged by the absurdity of the accusations, and all the more so because he has been deprived of liberty on these charges," Krikun told Forum 18. "He does not admit guilt. He is aware that he may be sentenced to a long term of imprisonment – up to 10 years – but he does not intend to deviate from his convictions. In the case of a guilty verdict with imprisonment, he plans to continue preaching in the prison camp."

After his arrest, Fr Ioann's whereabouts were uncertain for several days. Krikun had to visit a series of St Petersburg detention facilities – Investigation Prison No. 1 (Kresty), Investigation Prison No. 6 (Gorelovo), Kresty again, and the police temporary detention centre on Zakharyevskaya Street – in order to track down his client.

Fr Ioann's address in Investigation Prison:

196655 g. Sankt-Peterburg,

g. Kolpino,

ul. Kolpinskaya 9,

Sledstvenniy izolyator No. 1 UFSIN po g. Sankt-Peterburgu i Leningradskoy oblasti

Fr Ioann's condemnation of Russia's invasion of Ukraine

Investigators initiated the case against Fr Ioann because of his explicit condemnation of Russia's invasion of Ukraine, including on religious grounds, on his YouTube channel, "The Orthodox Virtual Parish". "How investigators became aware of [the videos], whether there was a 'conscious' citizen or whether monitoring was carried out, we will find out only after the end of the criminal investigation," lawyer Leonid Krikun commented to Forum 18.

Krikun noted that several videos are being investigated. Radio Free Europe's Sibir Realii reported on 12 June that friends and former colleagues of Fr Ioann believe it is a particular video entitled "Who will be in heaven, and who in hell?", posted on 12 March, which forms the basis of the prosecution.

Early in the video, Fr Ioann states: "'Blessed are the peacemakers' — 'the peacemakers', do you understand the problem? And those who have unleashed aggression will not be in heaven". He contrasts what he believes Orthodox Christians should think of the war with the Islamic concept of jihad (he appears to ascribe to all Muslims a literal interpretation of this), noting that the Mufti of Chechnya had supported the invasion of Ukraine and asking his audience to examine their own views.

The bulk of the eight-and-a-half-minute video is then taken up by Fr Ioann's assessment of some of Russia's arguments for invading Ukraine, including its claims to be defending the Donbas region of eastern Ukraine and opposing Nato expansion. In his comments, Fr Ioann also criticises Ukrainian actions in Donbas since 2014.

Addressing those who believe attacking Ukraine in Russia's 2022 war is justified, Fr Ioann says that they will go to hell: "You have yourselves chosen this hell.. For the whole world, you are aggressors who are attacking and destroying civilians of a neighbouring nation, which did not expect it, which does not want you, which should determine its own fate."

Expert analysis by academics from St Petersburg State University concluded that the video contained "deliberately false information" about the Russian army", Sibir Realii noted. "I hope the court will be able to conduct an analysis before the Last

Judgement and ascertain who has gone to hell and who has gone to heaven over the past 105 days", Deacon Andrey Kurayev remarked on his Telegram channel on 8 June. (Kurayev is a well-known critic of the Moscow Patriarchate who has himself been demoted from the rank of Archdeacon and threatened with defrocking over comments he made about a senior cleric who died of Covid in 2020.)

While acknowledging that his statements could sometimes seem "harsh", Fr Ioann insisted in court that they were "only evaluative, based on the Gospel", local St Petersburg news website 78.ru reported on 8 June.

"I am a Christian pacifist. In my videos, I insist that the main commandment is 'Thou shalt not kill'," Fr Ioann told the judge at his custody hearing at St Petersburg's Kalinin District Court. "There should be no war.. I did not blame Russia for everything. I talked about two sides where people are dying. The accusations are bogus. My position is that everyone should stop the war and everyone should sit down at the negotiating table."

"The most painful thing is that our army, the Russian army, is committing crimes"

Fr Ioann set up his "Orthodox Virtual Parish" (subtitled "For those who want to believe intelligently!") in June 2020 in response to his suspension from the Russian Orthodox Church after he criticised the Cathedral of the Armed Forces near Moscow.

As well as some general videos on theological and liturgical topics, many other videos criticise the Moscow Patriarchate and the Russian government, posted both before and after the invasion of Ukraine. These include "Putin and repressions in Russia: who is the real traitor to the Motherland?", "Demonstrations in Khabarovsk: can an Orthodox Christian disobey the authorities?" (Fr Ioann answers yes, but not to the extent of engaging in violence or overthrowing the government), "How the repressive system works in the ROC", "We show in documents how the Russian Orthodox Church and the FSB are doing the same thing!", "The Patriarch has blessed the aggression against Ukraine!".

The channel also reposted material from other channels, including Popular Politics, set up by associates of jailed opposition figure Aleksey Navalny.

Fr Ioann is also critical of the Orthodox Church of Ukraine, which was recognised as autocephalous by the Ecumenical Patriarch of Constantinople in 2019 ("A few words in defence of the ROC. Or why is it necessary to rebaptise Ukrainian schismatics?").

Since Russia's February 2022 invasion of Ukraine, Fr Ioann has regularly posted critical videos. These range from footage of Ukrainian protesters shouting "Russians, go home!" in the Russian-occupied Ukrainian city of Kherson, to monologues outlining why Orthodox Christians should oppose the war.

In "Why will Putin not win this war?" (26 February), Fr Ioann cites the Social Concept of the Russian Orthodox Church, which holds that if the state acts against Christian teachings, the Church has the right to call Christians to peaceful civil disobedience. He urges Orthodox Christians not to forget that "Blessed are the peacemakers" and not to desire "revenge" for the Donbas: "These events [in Ukraine] have shown us that Russians are unfortunately far from Christianity and from the Gospel, but we can hope that something will somehow change for the better. Different times will come, although of course, in the next 12-15 years, while Putin is in power there will be nothing good in this country, including in the Russian Orthodox Church."

In a video posted on 24 March entitled "Is all power from God? Is Putin's power from God?", Fr Ioann says: "The most painful thing is that our army, the Russian army, is committing crimes. That's the trouble – that my beloved country is behaving absolutely not in a Christian, not in a human way, [but] in fact is doing the same thing that Nazi Germany did in the 1930s and 1940s."

Pinned at the top of the channel is the video "On the spiritual essence of what is happening in Ukraine" (5 April). Fr Ioann notes that "many people" say that he should only be talking about "spiritual ailments, fasting, prayer, spiritual life", but that "Today my channel is purely an anti-war project, and yet I maintain that I'm already giving a spiritual assessment of what is happening around us, what is happening in Ukraine" and "war, human suffering, and any evil in our world" are religious concerns.

"If you have closed your eyes to people's suffering, you are not an Orthodox Christian.. If a person can walk past the suffering of others and pay no attention to it, then what kind of spirituality is it possible to speak of? .. We have Ukrainian family ties .. many people have relatives, dear ones, and friends [there], and are entwined with blood ties .. right beside Russia, people close to us are suffering. How is it at all possible to pass by? Every condemnation of this aggression, this war on Ukraine, is a spiritual matter. All Christians should do it on principle."

"In the Russian Orthodox Church it seems to me that a demonic spirituality dominates, because the majority of Russian Orthodox priests and bishops support this war. Of course I'm shocked by this. On the one hand I'm glad I left [the Church] right on the eve of war .. but I don't understand how they can be in this state when in principle they should be professing the Gospel of Christ. There it says 'Blessed are the peacemakers', 'Those who live by the sword shall perish by the sword'."

The video ends with a monologue from Ukrainian Protestant pastor Oleksandr Chmut who "sets out a clear Christian position on this

war", according to Fr Ioann. Fr Ioann notes that he disagrees with Protestant views "on many things, but in this situation I would sooner disagree with the Orthodox in their assessment of this war and agree with the Protestant pastor. If you watch this video and don't agree with this pastor, who is from Ukraine, then you are not a Christian."

Pastor Chmut argues that Christians should not believe themselves separate from politics and that they have a duty to stand up to evil. He notes that Russian Christians have not only remained silent about the war, but have even "justified Putin when he kills innocent children in Ukraine" (he compares this to King Herod's massacre of the innocents, and the subsequent silence of the spiritual leaders in Herod's Kingdom of Judea), and asks them to decide which side they are on, darkness or light.

"The Church doesn't like scandals"

Until 2018, Fr Ioann Kurmoyarov served in the Tulchyn-Bratslav Diocese of the Ukrainian Orthodox Church (Moscow Patriarchate) in Ukraine's Vinnytsia Region. That year, the Ukrainian security service brought administrative charges against him for using on his Facebook page an image of the St George's ribbon (banned since 2017 in Ukraine, where it is regarded as a symbol of Russian militarism). A judge closed the case because the time limit for prosecutions had passed before it reached court, but Fr Ioann left Ukraine for Russia, where he took a teaching position at Novosibirsk Orthodox Seminary.

In the summer of 2020, Fr Ioann criticised the Russian Orthodox Church's new Main Cathedral of the Armed Forces (<https://regard-est.com/14824-2>), near Moscow, for its inclusion of frescoes depicting NKVD officers and Soviet soldiers (on the grounds that the majority of the latter would have been Communists). In a Facebook post of 15 June 2020, he called the Cathedral "another example of how Orthodoxy is turning into banal paganism".

On 18 June 2020, Novosibirsk Diocese – which is headed by Metropolitan Nikodim (Chibisov) - banned Fr Ioann from serving as a priest for two months, "due to the non-conformity [of his behaviour] with the rank of cleric of the Russian Orthodox Church", according to Nikodim's decree. On 26 November 2020, Fr Ioann wrote on Facebook that Nikodim had insisted that the ban was "not at all caused by my statement regarding [the Armed Forces cathedral]", but had refused to give any other reason.

Although the Diocese lifted the ban after two months, the Metropolitan "immediately made it clear that I have to leave", Fr Ioann wrote on Facebook on 15 September 2020. He was made supernumerary [pochisli za shtat] with the right to transfer to another diocese within three months.

Fr Ioann later accused the Metropolitan of putting pressure on other bishops not to give him a position, and appealed to Novosibirsk Diocese's ecclesiastical tribunal to have the ban recognised as invalid and all negative comments retracted. On 1 December 2020, the Diocese issued a notice which stated that Fr Ioann was under investigation, but did not specify the reasons.

Fr Ioann also attempted to bring a case against Novosibirsk Diocese for wrongful dismissal at Nevsky District Court in St Petersburg (where he has lived since late 2020). The court ultimately refused to uphold the suit on 11 January 2022. St Petersburg City Court withdrew Fr Ioann's appeal from consideration on 15 June.

In a discussion with the independent analytical blog Black and White, published on 22 March 2021, Fr Ioann commented that he believed pressure from the secular authorities may have played a role in his conflict with Novosibirsk Diocese: "I do not think that the initiative here came from the [Seminary] rector or the Metropolitan. Because then they would just call me and say: 'Listen, remove this post'. And by the way, I would have removed it. The Church doesn't like scandals.. But here – no one asked me to remove anything. They didn't even wait for my explanation."

"In my opinion, today in Russia the Church acts in close tandem with the state. If the Church begins to persecute a person, then the state will join in, and vice versa."

In early 2021, Fr Ioann published an open letter to Russian Defence Minister Sergey Shoygu (on his Yandex blog – now deleted – and as a change.org petition), criticising the Cathedral of the Armed Forces and demanding the removal of its "Communist" frescoes. The Defence Ministry responded by saying that there was nothing offensive in the frescoes and that they had been agreed with the Church.

In November 2021, after receiving the Defence Ministry response, Fr Ioann wrote to the Investigative Committee, the Interior Ministry, the FSB security service, and the General Prosecutor's Office to request the opening of a criminal case under Criminal Code Article 148 ("offending the religious feelings of believers"), Article 214 ("vandalism"), and Article 282 ("incitement of hatred or enmity") against Minister Shoygu.

In December 2021, Fr Ioann joined the branch of the Russian Orthodox Church Outside Russia (ROCOR) which did not join other parts of ROCOR when they joined the Moscow Patriarchate in 2007. On 1 April 2022, he was formally deprived of his Moscow Patriarchate priestly status by Novosibirsk Metropolitan Nikodim. (END)

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

For background information, 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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