

15 July 2022

RUSSIA: Administrative prosecutions for opposing Ukraine war

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

Police in Yekaterinburg detained artist Ivan Lyubimov for quoting on his anti-war poster John Donne's text "No man is an island" and UN figures for civilian casualties in Ukraine. He awaits charges. Police in Kaluga charged Aleksandr Ivanov for an anti-war statement on his online Orthodox encyclopaedia on the war's first day. For fear of prosecution, the site has been forced to remove its news section, which had reported the destruction of churches in Ukraine and reposted foreign Orthodox leaders' anti-war pronouncements.

While many religious organisations in Russia still support the invasion of Ukraine, which Russia launched on 24 February, laypeople and clergy continue to protest from an explicitly religious perspective. Like many other Russians who every day voice their opposition to the war in public spaces and online, they are soon detained by police and frequently prosecuted and fined.

At least 13 people have been charged under the new Administrative Code Article 20.3.3 (https://www.forum18.org/archive.php?article_id=2737), which punishes the "discreditation" of the Russian Armed Forces, for protests involving Biblical quotations, religious imagery, or religious arguments. Twelve have so far received fines ranging from 30,000 to 40,000 Roubles, about one month's average wage (see below).

Those fined include two Moscow Patriarchate clergymen, Fr Ioann Burdin and Deacon Sergey Shcherbyuk, and Baptist preacher Sergey Stepanov (https://www.forum18.org/archive.php?article_id=2738).

Another Russian Orthodox priest, Fr Nikandr Pinchuk from Sverdlovsk Region, is facing criminal charges for repeat discreditation (https://www.forum18.org/archive.php?article_id=2757).

One man, Andrey Kryukov, displayed a placard on Moscow's Red Square on Orthodox Easter Sunday (24 April) which read "Christ is for peace". He has been fined under Administrative Code Article 20.2 ("Violation of the established procedure for organising or holding a meeting, rally, demonstration, procession or picket") (see below).

In Yekaterinburg in Sverdlovsk Region, police detained artist and activist Ivan Lyubimov for displaying a poster quoting John Donne's text "No man is an island" alongside the number of civilian deaths in Ukraine as given by the United Nations (UN). He is currently awaiting charges. Lyubimov had previously been fined for a poster quoting the Book of Genesis, and detained (although not charged) for one showing an image of the Virgin of the Seven Sorrows surrounded by names of destroyed Ukrainian towns (see below).

Sverdlovsk Region Interior Ministry has not responded to Forum 18's questions as to whether police had charged Lyubimov under Administrative Code Article 20.3.3 and why a quotation from John Donne and a UN figure for civilian deaths would be considered to be "discreditation" of the Russian Armed Forces (see below).

Police in Kaluga have charged Aleksandr Ivanov, the editor of an online Orthodox encyclopaedia, for making an anti-war statement on its website on only the first day of the war, before Administrative Code Article 20.3.3 (https://www.forum18.org/archive.php?article_id=2737) was adopted. Out of fear of further prosecution, the site has been forced to remove its news section, which had reported the destruction of churches in Ukraine and reposted anti-war pronouncements by foreign Orthodox leaders (see below).

Kaluga Region Interior Ministry has not responded to Forum 18's questions as to why a statement made before Administrative Code Article 20.3.3 entered legal force was considered grounds for prosecution, and why the expression of a position on events in Ukraine and war in general was deemed to "discredit" the Russian Armed Forces (see below).

Several religious organisations have apparently voluntarily endorsed the invasion, particularly the Russian Orthodox Church (Moscow Patriarchate) and its leader Patriarch Kirill. The government has used a range of tactics to pressure religious leaders into supporting Vladimir Putin's renewed invasion of Ukraine from 24 February. These tactics include warnings to senior and local religious leaders, and prosecuting and fining religious believers and clergy who publicly oppose the war

(https://www.forum18.org/archive.php?article_id=2763).

The Russian authorities also continue to block online access to information about the war in Ukraine. Among many blocked websites, several Christian and other religious websites providing such information have been partially or entirely blocked (https://www.forum18.org/archive.php?article_id=2763).

Targets of new punishments

New punishments for criticising Russia's actions in its war against Ukraine entered legal force as soon as President Vladimir Putin signed them into law on 4 March.

These are contained in the new Administrative Code Article 20.3.3 (https://www.forum18.org/archive.php?article_id=2737) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation"), which is used against apparently any form of anti-war statements either in public spaces or online, and the new Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2737) ("Public dissemination, under the guise of credible statements, of knowingly false information on the use of the Armed Forces of the Russian Federation").

If an individual commits an offence covered by Administrative Code Article 20.3.3 more than once within a year, they may be prosecuted under the new Criminal Code Article 280.3 (https://www.forum18.org/archive.php?article_id=2737).

As of 14 July, human rights news agency OVD-Info (<https://ovdinfo.org/>) has recorded 16,351 detentions (usually for a few hours or overnight) of people opposing the war in Ukraine, including of individuals protesting from a religious standpoint.

Almost 3,000 cases have been initiated under Administrative Code Article 20.3.3, Current Time reported on 7 July (<https://www.currenttime.tv/a/za-lyuboe-vyrazhenie-antivoennogo-mneniya-ili-lyubuyu-podderzhku-ukrainy-gosduma-zaschitila-vo-ennyh-ot-lyuboy-kritiki-novoy-statey-uk-/31931877.html>), citing figures from OVD-Info. Nearly 1,800 of these have so far resulted in convictions. "This Article is used for any expression of anti-war opinion or any support for Ukraine," OVD-Info lawyer Daria Korolenko told Current Time.

Since early March, people have been prosecuted for posters or social media posts quoting rap lyrics, the Russian Constitution, and even Putin's own speeches, as well as, in one instance, for using quotation marks around the phrase "special military operation".

According to OVD-Info (<https://ovd.news/news/2022/03/05/antivoennoe-delo-gid-ovd-info>), there have been seven cases so far under Criminal Code Article 280.3, including that of Fr Nikandr Pinchuk (https://www.forum18.org/archive.php?article_id=2757). The Net Freedoms Project (Seteviy Svobody) reported on 12 July that investigators had opened 70 cases under Criminal Code Article 207.3 (at least three more have been initiated since).

So far, this Criminal Code Article is known to have been used against two people for explicitly religious opposition to the war – Nina Belyayeva, a Baptist and Communist municipal deputy from Voronezh Region (who has now left Russia (https://www.forum18.org/archive.php?article_id=2737)) and Fr Ioann Kurmoyarov, a Russian Orthodox priest who has been in pre-trial detention since 7 June (https://www.forum18.org/archive.php?article_id=2756).

New Administrative Code 20.3.3 cases: Yekaterinburg

On 23 June in Yekaterinburg in Sverdlovsk Region, police detained local artist and activist Ivan Leonidovich Lyubimov for at least the fourth time for protesting against the war. Lyubimov held up a poster which quoted English Metaphysical poet John Donne's text "No man is an island" (part of Meditation 17, from Donne's "Devotions upon emergent occasions"). The text appeared in the shape of a bell, with the lines "any man's death diminishes me, because I am involved in mankind" underlined in red.

Lyubimov's poster also stated that "Since 24 February in Ukraine 10,308 civilians have been killed or wounded" (the figure as published by the United Nations Office of the High Commissioner for Human Rights (OHCHR) (<https://www.ohchr.org/en/news/2022/06/ukraine-civilian-casualty-update-21-june-2022>) on 21 June).

Officers later released Lyubimov with a summons to appear for the drawing up of a protocol under Administrative Code Article 20.3.3 (https://www.forum18.org/archive.php?article_id=2737) at a later date. No case yet appears to have been lodged, according to local court websites.

Forum 18 wrote to Sverdlovsk Region Interior Ministry on 13 July to ask whether police had charged Lyubimov under Administrative Code Article 20.3.3 and why a quotation from John Donne and a United Nations (UN) figure for civilian deaths would be considered to be "discreditation" of the Russian Armed Forces. Forum 18 received no response by the middle of the working day in Yekaterinburg of 15 July.

This would be Lyubimov's second prosecution under Administrative Code Article 20.3.3 if it goes to court. On 1 June, Lenin District

Court handed him a 40,000 Rouble fine for displaying a poster which read "Evil cannot win" and "Shame on war criminals! Put marauders, rapists, and child killers on trial!", and quoted Genesis 4:10: "The Lord said, 'What have you done? The voice of your brother's blood cries out to me from the ground!'"

According to the written decision, seen by Forum 18, the judge concluded that Lyubimov's poster "unequivocally discredits the actions of the Russian Armed Forces in the special operation and contains condemnatory statements". Lyubimov – whom police had detained with his poster in the city centre on 14 May – pleaded not guilty and stated that he had "simply wanted to draw attention with his poster to the observance of international law". His appeal is due to be heard at Sverdlovsk Regional Court on 4 August.

Before this case was heard, police had detained Lyubimov on 27 May for another poster displaying UN civilian casualty figures for Ukraine alongside an icon-like image of the Virgin of the Seven Sorrows, surrounded by the names of Ukrainian towns, including Mariupol and Bucha.

According to a written police decision of 18 June, shared on Telegram by Urals newspaper "Vecherniye Vedomosti", officers accepted Lyubimov's argument that his purpose was to emphasise that "every person's life is valuable" and was "exclusively humanistic", and released him without charge.

(Lyubimov was apparently first detained on 24 February for shouting anti-war slogans at a protest in Yekaterinburg's Lenin Square. He was fined 15,000 Roubles under Administrative Code Article 20.2, Part 5 on 22 April at Railway District Court and made an unsuccessful appeal on 29 June.)

New Administrative Code 20.3.3 cases: Kaluga

Aleksandr Yuryevich Ivanov, the administrator of drevo-info.ru, an open online Orthodox encyclopaedia, is due to appear at Kaluga District Court on 20 July, also on charges of "discrediting" the Russian armed forces.

On 25 February, he had made the following statement on the encyclopaedia's website, which remained pinned at the top of every page until 6 July: "On 24 February 2022, Russia, on a far-fetched pretext, launched a full-scale invasion of Ukraine. This is not a 'special operation', this is a war. The fighting is conducted by the regular armies of Russia and Ukraine. Since President Putin has declared popular support, and the Russian church hierarchy is cowardly and silent, or gets away with general phrases ('do everything possible to avoid civilian casualties'), the editors of the 'Drevo' encyclopedia consider it their duty to state the following.

"We are categorically against Russia's invasion of Ukraine. There is no war in which civilians would not suffer. War is always blood, destruction, death and many broken human destinies. The consequences of this madness, our shame will be worked through [razgrebat'] by our children and grandchildren for a long time to come.

"We demand that our authorities immediately stop hostilities and withdraw the army from the territory of Ukraine. It's never too late to stop the war. Freedom and peace to Ukraine!"

A visitor to the Drevo site later reported this to the police, Ivanov explained to Forum 18 on 4 July. Officers called him in "for a conversation" to confirm his authorship of the statement, which he did not deny. "I wrote it so that they would hear me," he told Forum 18. The police lodged a case under Administrative Code Article 20.3.3 (https://www.forum18.org/archive.php?article_id=2737) on 20 June.

Ivanov announced on drevo-info.ru on 1 July that "I do not consider myself guilty and do not regret anything", but that "a repeated accusation brings the threat of a criminal case and imprisonment", so he would therefore remove the anti-war statement and the encyclopaedia's news section.

"For 15 years we have tried to collect the most important religious news in a single news feed, tried to be objective, did not hush up problems, did not bypass sensitive topics," Ivanov explained on the website. "However, under the present conditions, reposting information that is 'incorrect' from the point of view of the authorities can have sad consequences for me, as the owner of the site, and I do not want and will not maintain a combed and slicked-down feed of 'correct' news. Therefore, I am forced to suspend the work of the news section temporarily, until better times."

Alongside a range of religion-related stories, the news section (which invariably called the war a war) had reported on the destruction of churches in Ukraine and on the declaration of autonomy by the Ukrainian Orthodox Church (Moscow Patriarchate) in May, and had reposted anti-war statements from Orthodox leaders outside Russia. It also appeared to take a negative stance on alleged "seizures" of churches by the Orthodox Church of Ukraine (which was recognised as autocephalous by the Ecumenical Patriarch of Constantinople in 2019).

On 6 July, after the first hearing at Kaluga District Court in his case, Ivanov commented on drevo-info.ru that "The case does not provide any evidence of guilt and does not indicate which statements are counted as discrediting the Armed Forces". He added that he had removed the anti-war statement because of the imminent adoption of the new Criminal Code Article 280.4 ("Public calls to

implement activities directed against the security of the state"), which carries up to five years' imprisonment for individuals and was signed into law by President Putin on 14 July.

"I do not have a clear understanding of the criteria that guide our law enforcement agencies in assessing the actions of protesters," Ivanov declared. "It seems to me that the agencies themselves do not have a clear understanding here. I don't want to run into a reclassification of the case as a criminal one."

Forum 18 wrote to Kaluga Region Interior Ministry on 13 July to ask why a statement made before Administrative Code Article 20.3.3 entered legal force was considered grounds for prosecution, and why the expression of a position on events in Ukraine and war in general was deemed to "discredit" the Russian Armed Forces. Forum 18 received no response by the middle of the working day in Kaluga of 15 July.

Punishments for earlier protests

A number of laypeople detained in earlier incidents (https://www.forum18.org/archive.php?article_id=2741) for their opposition to the war in religious terms have now received fines.

- Punishments in Moscow

– Yevgeny Biryukov (https://www.forum18.org/archive.php?article_id=2738), unknown fine under Administrative Code Article 20.3.3, Part 1, Khamovniki District Court, 22 April: police detained Biryukov on 17 April outside the Cathedral of Christ the Saviour for holding up a piece of A4 paper with the words "6. Thou shalt not kill"; according to Moscow court system records, he also appears to have been fined under Article 20.2, Part 5 on 16 June at Tver District Court, but it is unknown whether this is linked to the same incident;

– Sergey Melnikov (https://www.forum18.org/archive.php?article_id=2738), 30,000 Roubles under Administrative Code Article 20.3.3, Tushinsky District Court, 27 April, appeal due to be heard on 14 July at Moscow City Court: on 24 April in the grounds of the Church of the All-Merciful Saviour in Mitino, Melnikov displayed a placard reading "Enough war" ["Khvatit voyny"] beneath a picture of a church with the letters KhV (representing the Easter proclamation "Christ is risen"); police at first released him without charge, but later detained him at his home; according to the court decision, seen by Forum 18, Melnikov stated in court that he had only expressed his personal opinion, but the judge concluded that the phrase "Enough war" "discredits the decision to conduct a special military operation by the Armed Forces of the Russian Federation";

– Andrey Viktorovich Kryukov (https://www.forum18.org/archive.php?article_id=2738), 15,000 Roubles under Administrative Code Article 20.2, Part 5, Tver District Court, 4 May: police detained Kryukov on Orthodox Easter Sunday (24 April) for displaying a placard on Red Square which read "Christ is for peace"; he lodged an appeal at Moscow City Court on 12 May.

- Punishment in St Petersburg

– Nikita Andreyevich Rezyukov (https://www.forum18.org/archive.php?article_id=2741), 30,000 Roubles under Administrative Code Article 20.3.3, Part 1, Kuibyshev District Court, 17 May (case closed on appeal at St Petersburg City Court on 7 July because the time limit for prosecution had expired): police detained Rezyukov on 8 May outside the Kazan Cathedral for a placard reading "'Turn from evil and do good. Seek peace and pursue it', The Bible, Psalm 33:15 [as numbered in the Russian Synodal Translation] #NoToWar"; according to the district court verdict, seen by Forum 18, "the court notes that .. the Russian Federation is not in a state of war with Ukraine", and since Rezyukov held up his poster "in the evening, on the street in the centre of St Petersburg in the presence of a large crowd of people, while the Armed Forces are conducting a special military operation on the territory of Ukraine, the court views this not as an expression of his opinion, but as calling for obstruction of the use of the Armed Forces in order to protect the interests of the Russian Federation and its citizens [and] maintain international peace and security on the territory of Ukraine".

- Punishment in Khabarovsk

– Nikolay Aleksandrovich Kamenshchikov (Zodchy) (https://www.forum18.org/archive.php?article_id=2741), unknown fine, Central District Court, 11 May, appeal due on 28 July at Khabarovsk Regional Court: on 7 May, Kamenshchikov (Zodchy) made a speech in a city centre square ("[To] the many of you who are Orthodox and observe Christian holidays, why do you put above all else the principle of an eye for an eye and a tooth for a tooth, although Jesus Christ taught that it is necessary to love your neighbour and love your enemy? After all, Ukrainians are not our enemies. This enmity exists only in the heads of Russians"), holding a poster reading "Russian! Conquer the vatnik in yourself!" ("Vatnik" is slang for an unquestioning, jingoistic nationalist), after which he was detained by police; in the court verdict, quoted by lawyer Konstantin Bubon on Facebook on 20 May, the judge stated that "Discreditation is understood to be deliberate actions, aimed at undermining the authority [or] image [of], and trust in something, the diminishment of its dignity and authority", and concluded that Kamenshchikov (Zodchy)'s poster and speech "were aimed at the expression of his own and the formation among those around him of a negative attitude towards the special operation and actions of the Armed Forces of the Russian Federation on the territory of Ukraine. In this way, his deliberate actions constituted discreditation

of the use of the Armed Forces".

- Punishments in Vologda Region

– Valentina Vasilyevna Korsa and Avgustina Nikolayevna Sentyuleva, 30,000 Roubles each under Administrative Code Article 20.3.3, Part 1, Cherepovets City Court, 18 March, unsuccessful appeals at Vologda Regional Court on 23 May: the women used paint to write "Thou shalt not kill" [Ne ubiy], "Peace", "No to war" (in Russian), and "NO WAR" (in English) in the snow (a third woman also appears to have been fined for the same incident); the appeal verdicts, seen by Forum 18, concluded that "The meaning of the inscriptions .. in connection with events in Ukraine was correctly regarded by the court of first instance as discrediting the use of the Armed Forces of the Russian Federation, which are not participating in a war, but are conducting a special operation for the purpose of protecting the interests of the Russian Federation and its citizens, [and] maintaining international peace and security."

(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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