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RUSSIA: Opposition to war in Ukraine – administrative prosecutions, detentions

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

A St Petersburg court is due to hear the case on 25 November of Danara Erendzhenova, who held up a poster outside the city's Buddhist temple. "Militarism is very expensive – Dalai Lama XIV", it read, which police claim "discredits" Russia's armed forces. A Chita court fined Vitaly Goryachikh two weeks' average local wage for an anti-war poster which cited "I will fear no evil" from Psalm 23. They are among at least 26 known such prosecutions for opposing Russia's war against Ukraine on the basis of faith.

The Sixth Commandment, Psalm 23, and a statement by the Dalai Lama have been used in some of the thousands of protests against the war in Ukraine which have led to prosecution for "discrediting" the Russian Armed Forces in recent months.

Despite the support for Russia's invasion expressed by the leaderships of the Russian Orthodox Church (Moscow Patriarchate), the largest Pentecostal Union, the Central Spiritual Administration of Muslims of Russia and some other religious organisations, small numbers of laypeople and clergy continue to voice their opposition on the basis of their faith.

On 23 October, traffic police detained Danara Erendzhenova outside St Petersburg's historical Buddhist temple. She had been holding up a poster reading "Militarism is very expensive – Dalai Lama XIV". She described her action as "a gesture of desperation", using the words of their religious leader to try to make her many Buddhist acquaintances who support the war think again. St Petersburg's Primorsky District Court is due to hear her case on 25 November (see below).

A Chita court fined Vitaly Goryachikh about two weeks' average local wage on 18 August for protesting with a quotation from Psalm 23. On 28 July, police had detained him as he stood at the foot of the Lenin statue in Chita's Lenin Square, holding up a poster reading "I will fear no evil". "I read the Bible. It contains 10 commandments in black and white, one of which is 'Thou shalt not kill'," Goryachikh told Radio Liberty's Sibir.Realii (see below).

On 12 September, Moscow's Tver District Court handed Konstantin Fokin the maximum fine of nearly two weeks' average local wage. He had protested against Russia's war in Ukraine by holding up a poster reading "6. THOU SHALT NOT KILL" outside Lenin's Mausoleum on Red Square (see below).

There have been at least 26 prosecutions (mostly under Administrative Code Article 20.3.3) for protests using religious imagery, religious arguments, or quotations from the Bible or religious figures (https://www.forum18.org/archive.php?article_id=2758) (some people have been charged more than once). Of these, 21 have received fines of several weeks' average wage, ranging from 30,000 to 50,000 Roubles (most have received the former, which is the minimum possible). Judges are known to have closed two cases, while the remaining three are still to be considered in court.

The police in various regions of Russia – who are responsible for taking alleged offenders to court under Administrative Code Article 20.3.3 – have repeatedly failed to answer Forum 18's enquiries as to why the peaceful expression of religious views on the war in Ukraine is considered "discreditation" of the Armed Forces. Similarly, no court has yet answered this question (see below).

New offences

New penalties for criticising Russia's actions in its war against Ukraine (https://www.forum18.org/archive.php?article_id=2737) entered legal force as soon as President Vladimir Putin signed them into law on 4 March. Among other changes, there is a 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 statement 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.

As of 21 October, police had brought 4,777 prosecutions under Administrative Code Article 20.3.3, according to the OVD-Info human rights news agency (<https://data.ovdinfo.org/svodka-antivoenny-repressiy-vosem-mesyacev-voyny>), citing a figure from Mediazona.

Protesters – including those expressing views on the war based on their faith – may also face prosecution under various Parts of Administrative Code Article 20.2 ("Violation of the established procedure for organising or holding a meeting, rally, demonstration, march or picket").

Police and other investigative agencies also use other Criminal Code Articles against people protesting against the war – such as Article 213 ("Hooliganism"), Article 214 ("Vandalism"), and Article 318 ("Violence against the authorities") – but are not yet known to have done so to punish anyone protesting from a religious perspective.

Between 24 February and 24 October, OVD-Info recorded (<https://data.ovdinfo.org/svodka-antivoenny-repressiy-vosem-mesyacev-voyny>) 19,347 detentions of people protesting against the invasion of Ukraine and latterly against the "partial mobilisation" (announced on 21 September).

Criminal prosecutions for opposing Russia's war

As of 24 October, there had been 107 prosecutions under 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 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") and 27 prosecutions under Criminal Code Article 280.3 (https://www.forum18.org/archive.php?article_id=2737) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation in order to protect the interests of the Russian Federation and its citizens, [and] maintain international peace and security"), according to OVD-Info's figures.

Among these, are:

- Fr Ioann Kurmoyarov – next due to appear at Kalinin District Court in St Petersburg on 14 November (https://www.forum18.org/archive.php?article_id=2780);

- Nina Belyayeva – she spoke out against Russia's war during a meeting of her local council, and has now fled abroad (https://www.forum18.org/archive.php?article_id=2737);

- Fr Nikandr Pinchuk – a court in Sverdlovsk Region fined him about two months' average local wage on 17 October for a social media post (https://www.forum18.org/archive.php?article_id=2783).

New "discreditation" cases: St Petersburg

On 23 October, traffic police detained Danara Erdniyevna Erendzhenova outside the Gunzechoyney Datsan, St Petersburg's historical Buddhist temple. She had been holding up a poster reading "Militarism is very expensive – Dalai Lama XIV" (a quotation from the 14th Dalai Lama's essay, "The Reality of War", written in 2011).

Officers took Erendzhenova to a nearby police station, and charged her under Administrative Code Article 20.3.3, Part 1. The police wanted to detain her overnight, according to OVD-Info lawyer Sergey Podolsky, despite the fact that Article 20.3.3 does not provide for this. She was nevertheless released the same day.

Erendzhenova is the first Buddhist and the first non-Christian known by Forum 18 to have been prosecuted for expressing her opposition to Russia's war in Ukraine. In comments to independent media outlet SOTA, she described her action as "a gesture of desperation", using the words of their religious leader to try to make her many Buddhist acquaintances who support the war think again.

The response of Russian Buddhists to the invasion of Ukraine has been mixed. Buda Badmayev, who heads the Gunzechoyney Datsan, has expressed support for the "special military operation". He told the Regnum.ru news website on 18 March that "we support the leadership of the country in all endeavours".

In contrast, Telo Tulku Rinpoche (Erdni Ombadykov), the leader of the Buddhists of Kalmykiya, has condemned the war and left the country for Mongolia. "I think that the Ukrainian side, of course, is really right," he said in an interview on the Alchemy of the Soul (Alkhimiya Dushi) YouTube channel. "They are defending their country, their land, their truth, their constitution, their people."

St Petersburg's Primorsky District Court registered the case against Erendzhenova on 24 October. She is due to appear in court on 25 November, according to the court website.

Forum 18 sent an enquiry to the St Petersburg Interior Ministry before the start of the working day of 28 October, asking why Erendzhenova had been detained simply for quoting the Dalai Lama, and why this was considered "discreditation" of the Armed Forces. Forum 18 had received no reply by the end of the working day in St Petersburg of 1 November.

New "discreditation" cases: Chita

A Chita court fined Vitaly Yuryevich Goryachikh 30,000 Roubles (about two weeks' average local wage) on 18 August under Article 20.3.3, Part 1 for protesting with a quotation from Psalm 23. On 28 July, police had detained him as he stood at the foot of the Lenin statue in the city's Lenin Square, holding up a poster reading "I will fear no evil" [Ne uboyus Zla].

Goryachikh, who has regularly protested in Chita (Zabaykalsky Region) both before and after the invasion, used the Latin letter "Z" (which has become a symbol of the Russian forces invading Ukraine) in the Russian word for evil ("zlo").

Despite his lawyer's efforts to explain that the phrase "could not be discreditation", the judge at the city's Central District Court concluded that "Since there is a letter Z, then it is about the Russian army," Goryachikh told Radio Liberty's Sibir.Realii on the day of his hearing.

Goryachikh made an unsuccessful appeal at Zabaykalsky Regional Court on 12 September.

"I am a believer and this inscription was not chosen by chance," Goryachikh explained his poster to Sibir.Realii in an interview published on 19 August. "In the current situation, this phrase was especially close to my soul."

"With this phrase, I'm showing that I am not afraid and urging others not to be afraid. I understand that after I go out there, no one will drop their weapons, Putin will not shoot himself, but someone may lose their last doubts, and someone may think about their views. For me, every convinced vatnik [slang for an unquestioning, jingoistic nationalist] is a victory. And I have already managed to convince a few people."

Goryachikh managed to stand with his poster for two hours, and was detained only when police approached him for a second time. "For a long time, they did not know how to detain me, apparently they did not understand how to interpret the inscription in order to bring me in under the Article on discreditation."

"I read the Bible. It contains 10 commandments in black and white, one of which is 'Thou shalt not kill'," Goryachikh told Sibir.Realii. "And our Church brazenly justifies what is happening! I have personally seen how Russian priests give comments in the spirit of 'this is a civil war and our soldiers are defending the earth'. Who is protecting what and from whom? I don't understand what's going on in their heads, how can they be such hypocrites?! You preach one thing and immediately say: but this applies not to those, but only to these. Today, Orthodox priests have devalued the entire significance of righteousness. They have devalued faith."

Forum 18 sent an enquiry to the Zabaykalsky Region Interior Ministry before the start of the working day on 28 October, asking why police had detained Goryachikh for quoting Psalm 23 and why this was considered "discreditation" of the Armed Forces. Forum 18 received no reply by the end of the working day in Chita of 1 November.

"[The police] did not provide us with any reason for this decision," Goryachikh's lawyer, Marina Savvateyeva of the Civil Solidarity Movement, told Sibir.Realii on 19 August. "They make it clear that they received an order. What is happening now is according to the principle 'It is better to overdo it than not do it'."

Forum 18 put the same question to Chita's Central District Court before the start of the working day of 1 November. Forum 18 had received no reply by the end of the working day in Chita of 1 November.

New "discreditation" cases: Moscow

On 12 September, Moscow's Tver District Court handed Konstantin Petrovich Fokin the maximum fine of 50,000 Roubles (nearly two weeks' average local wage) under Article 20.3.3, Part 1.

Fokin had protested against Russia's war in Ukraine by holding up a poster reading "6. THOU SHALT NOT KILL" outside Lenin's Mausoleum on Red Square. He managed to sit on the pavement there for two minutes before police detained him – "a record for Red Square", as he commented to the SOTAvision Telegram channel the same day. He appears to have since left Russia, according to court documents seen by Forum 18.

The court decision, seen by Forum 18, describes Fokin's actions as "visual agitation aimed at creating a negative attitude among an

indefinite circle of people towards the special military operation conducted by the Armed Forces of the Russian Federation in Ukraine". His appeal at Moscow City Court on 28 October was unsuccessful.

"It is difficult to say at what point biblical quotations became a violation of the legislation of the Russian Federation – however, detention for texts from the Bible can definitely be regarded as an insult to the feelings of believers," the Vo Svete Christian news website commented on 13 September.

Judge Denis Ivanov refused to question the arresting officer or to explain why quoting the 6th Commandment "discredited" the Armed Forces, the independent RusNews media outlet noted on its Facebook page on 12 September.

Forum 18 sent an enquiry to Tver District Court before the start of the working day of 1 November, asking why Fokin's action was deemed to have "discredited" the Armed Forces and why the police officer involved had not been called upon to testify. Forum 18 also asked the Moscow City Interior Ministry why police had detained Fokin for quoting the 6th Commandment. Forum 18 had received no reply from either institution by the end of the working day in Moscow of 1 November.

For the same Red Square protest, carried out on 5 September, police also charged Fokin under Administrative Code Article 20.2, Part 5 ("Violation by a participant of a public event of the established procedure for holding a meeting, rally, demonstration, procession or picket"), because it took place "on territory directly adjacent to the residence of the President of the Russian Federation", according to the court decision (this is explicitly forbidden under the 2004 Demonstrations Law). Tver District Court fined Fokin 10,000 Roubles on 21 October. He has not yet appealed.

Fokin also protested using the 6th Commandment on 1 September near the Eternal Flame in the Alexander Gardens, beside the Kremlin wall. For this, Tver District Court issued a fine of an unknown amount under Article 20.2, Part 5 on 3 October. Moscow City Court registered Fokin's appeal on 25 October.

Police detained a French journalist, Mariya Semyonova, at the same time, but released her without charge.

Most recently, Fokin held up a poster saying "Stop killing!" [Ne ubyvati!] in Moscow's Pushkin Square on 17 September. For this, Tver District Court handed him another unknown fine on 22 September under Article 20.3.3, Part 1. His appeal at Moscow City Court on 28 October was also unsuccessful.

Fokin, a business and technology consultant, has frequently been involved in campaigning on environmental issues and support for jailed opposition leader Aleksey Navalny, and had faced prosecution on several occasions before Russia's invasion of Ukraine. He appears to have left Russia for the United Kingdom in October, according to Tver District Court's decision of 21 October. It is unclear whether he has left Russia permanently.

Other new "discreditation" cases

- Ivanovo

Ilya Vladimirovich Suslov – police detained him on 30 September for holding up poster in the city centre reading "6th Commandment. Thou shalt not kill??" He then added the crossed out word "Mogilizatsiya", a play on the Russian words for "mobilisation" (mobilizatsiya) and "grave" (mogila). Police charged him under Article 20.3.3, Part 1; due to appear at Lenin District Court on 8 November.

- Vladimir Region

Valery Anatolyevich Kuchayev – police detained him on 26 August for poster reading "Thou shalt not kill" and "No to war" and charged him under Article 20.3.3, Part 1; next hearing, after several adjournments, due to take place at Vyazniki City Court on 14 November.

- Moscow

Grigory Gennadyevich Sheyanov, Orthodox commentator and paediatrician – police detained him on 21 September for poster reading "...and beyond the altar innocent Christian blood is shed" (a quotation from sixteenth-century Metropolitan Philip of Moscow's appeal to Tsar Ivan the Terrible – Sheyanov used the Latin letter Z in the phrase "za altaryom"); Tver District Court handed him an unknown fine under Article 20.3.3, Part 1 on 30 September; he does not appear to have appealed.

Andrey Vyacheslavovich Kurayev, deacon and Orthodox commentator – Moscow's Nikulinsky District Court fined him 30,000 Roubles (one week's average local wage) under Article 20.3.3, Part 1 on 23 August for anti-war statements on his Livejournal blog, including a post entitled "This is after all a civil war", in which he stated that "Putin has lifted the taboo on the shedding of Russian blood by Russians. And Patriarch Kirill has deprived the state of its monopoly on violence"; appealed unsuccessfully on 5 October at Moscow City Court and deleted all blog posts dating from 23 February to 1 August "to make it difficult for future informers to do

their noble work". (Kurayev was prosecuted on the basis of a denunciation from a Sergey Nikolayevich Chichin, according to a police document he shared on his blog). (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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