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RUSSIA: Administrative fines continue for Ukraine war protests

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

Yekaterinburg-based artist Ivan Lyubimov has been fined three times for "discrediting" Russia's armed forces for protesting against Russia's war in Ukraine with posters with religious themes. Police have also taken him to court twice for conducting an illegal demonstration and jailed him for 30 days. A Moscow court fined 72-year-old Catholic Galina Borisova for pinning a note to the Russian flag outside St Louis' Church. Another Moscow court acquitted district deputy Konstantin Yankauskas, saying that reposting Pope Francis' words on social media had not "discredited" the army.

Almost all administrative prosecutions for opposing Russia's invasion of Ukraine from a religious perspective have ended in convictions and fines, Forum 18 has found. Only one person has been acquitted, while another's case was closed because too much time had passed since the alleged offence. Similarly, appeals in higher courts are almost invariably unsuccessful.

Among prosecutions for opposing Russia's renewed war on Ukraine, Yekaterinburg-based artist Ivan Lyubimov has been convicted and fined three times for "discreditation" of Russia's armed forces for protesting with posters with religious themes. Police have also taken him to court twice on charges of conducting an illegal demonstration (see below).

Courts have handed Lyubimov four fines totalling nearly three months' average local wages, and in September he was given a 30-day short-term jail sentence for a non-religious protest against the "partial mobilisation" with a poster which read "Is everything going to plan?" (see below).

Two of Lyubimov's anti-war posters included Biblical quotations, while another included a quotation from the English Metaphysical poet John Donne's "No man is an island" in the shape of a bell, with the lines "any man's death diminishes me, because I am involved in mankind" underlined in red. The 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) on 21 June). In one of the cases, the judge claimed: "In his written explanations Lyubimov indicated that, in his opinion, in the current situation, the Russian Federation is the aggressor, and therefore is responsible for all the suffering of people in Ukraine" (see below).

On 25 August, a Moscow court fined 72-year-old Catholic parishioner Galina Borisova for "discreditation" of Russia's armed forces to punish her for pinning a piece of paper to the Russian flag outside the door of St Louis' Catholic Church. The paper read "No bellum" and "There is no place for the flag of an aggressor state beside the flag of the Holy See". The police identified her using facial recognition technology. Borisova is the first Russian Catholic known by Forum 18 to have been prosecuted for her religious opposition to the war in Ukraine (see below).

The Moscow authorities often use facial recognition technology, for example to identify anti-government demonstrators or men evading mobilisation (<https://www.hrw.org/news/2022/10/26/russia-uses-facial-recognition-hunt-down-draft-evaders>).

In contrast, on 1 September, a Moscow court acquitted Konstantin Yankauskas, an independent municipal district deputy, of "discrediting" the Russian Armed Forces by posting on social media (without comment) the text of an address by Pope Francis, including the remark: "In the name of God, I ask you: stop this massacre!" The judge noted that "it is impossible to conclude that the use of the Armed Forces of the Russian Federation has been discredited" by quoting the Pope's remarks (see below).

A court in Krasnodar Region closed the case against Russian Orthodox (Moscow Patriarchate) priest Maksim Nagibin – who gave an anti-war sermon at Easter – because the time for administrative prosecutions had run out (see below).

Despite the high likelihood of detention, administrative charges, and fines, and the danger of criminal prosecution (https://www.forum18.org/archive.php?article_id=2787) if found to have "discredited" the Armed Forces more than once in a year, small numbers of Russians continue to protest against the war on the basis of faith.

As of 21 October, independent Russian media outlet Mediazona recorded 4,777 prosecutions under the new Administrative Code Article 20.3.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") (https://www.forum18.org/archive.php?article_id=2737).

Of these, 24 are known by Forum 18 to have involved religious arguments, religious imagery, or quotations from the Bible or religious figures (https://www.forum18.org/archive.php?article_id=2787) – 19 people have received fines in first-instance courts, 1 person was acquitted, 1 case was closed because the statute of limitations had expired, and 3 cases are yet to be considered.

Police have also brought cases against protesters under various Parts of Administrative Code Article 20.2 (https://www.forum18.org/archive.php?article_id=2787) ("Violation of the established procedure for organising or holding a meeting, rally, demonstration, march or picket"). Forum 18 is aware of 3 prosecutions under Article 20.2, Part 5 for the expression of explicitly religious opposition to the war.

The police in various regions of Russia – who are responsible for taking alleged offenders to court under Administrative Code Article 20.3.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") (https://www.forum18.org/archive.php?article_id=2737) – 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.

Between 24 February and 24 October, OVD-Info recorded 19,347 detentions of people protesting against the invasion of Ukraine and latterly against the "partial mobilisation" of men (announced on 21 September).

Criminal prosecutions for opposing Russia's war

Opposing Russia's war publicly can also lead to criminal prosecution. 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).

Yekaterinburg: Multiple "discreditation" fines

In Yekaterinburg, artist Ivan Leonidovich Lyubimov has regularly protested against Russia's invasion and its conduct in Ukraine, and has been convicted and fined three times under Administrative Code Article 20.3.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") (https://www.forum18.org/archive.php?article_id=2737) for anti-war posters with religious themes. Police have also taken Lyubimov to court twice 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"). The first time he was fined, and the second time he was given a 30-day short-term jail sentence for a non-religious protest.

On 1 June, the city's Lenin District Court fined Lyubimov 40,000 Roubles (https://www.forum18.org/archive.php?article_id=2758) (three weeks' average local wages) for displaying a poster (on 14 May in the city centre) which 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') and called for war criminals to be put on trial. He appealed unsuccessfully at Sverdlovsk Regional Court on 4 August.

(Police next detained Lyubimov on 27 May for a poster citing 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, but released him without charge (https://www.forum18.org/archive.php?article_id=2758)).

On 24 August, Judge Olga Chernykh of Verkh-Isetsy District Court twice found Lyubimov guilty under Administrative Code Article 20.3.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") (https://www.forum18.org/archive.php?article_id=2737) and handed him two fines of 45,000 Roubles (each nearly one month's average local wages) for separate protests.

In the first of these, on 23 June, Lyubimov stood at the rotunda in Yekaterinburg's Historical Square with a poster which quoted (in Russian) English Metaphysical poet John Donne's "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. The 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) on 21 June).

Lyubimov stated in court that his goal was not to "discredit" the Russian armed forces, but "to show the value of each individual life" and "to inform society about the ongoing humanitarian catastrophe since 24 February 2022, since in connection with the armed attack of the Russian Federation on Ukraine, the civilian population has involuntarily found itself at the epicentre of hostilities".

Judge Chernykh, however, disagreed that Lyubimov had not aimed to "discredit" the armed forces, "since from the presented poster follows the opposite. In his written explanations Lyubimov indicated that, in his opinion, in the current situation, the Russian Federation is the aggressor, and therefore is responsible for all the suffering of people in Ukraine".

In his next religiously themed protest, on 26 July (also in Historical Square), Lyubimov used another poster citing UN-OHCHR casualty figures (https://www.forum18.org/archive.php?article_id=2763) ("Since 24 February in Ukraine 12,272 civilians have become victims of the war"), and an image which, as he explained in court, was an adaptation of the icon subject "The vine grower" or "True vine" [Vinogradar / Loza istinnaya].

Lyubimov's image depicts the Virgin Mary cradling the body of Jesus after he had been taken down from the Cross. A vine grows out of the wound in Jesus' side, which "means resurrection, the triumph of life over death", as Lyubimov noted in court. Several of the vine's branches on the poster end in the names and coats of arms of the Ukrainian towns of Odessa, Bucha, Vinnytsia, Chasiv Yar, Kharkiv, and Mariupol.

Lyubimov stated in court that he believes that the civilian population of Ukraine has been "daily subjected to physical and moral suffering since 24 February 2022, being directly at the epicentre of hostilities". The six coats of arms draw attention to the worst civilian losses: "There is no one to mourn their fate or stand up for them, as was the case for Jesus during Pilate's trial."

"However, at the base [of the poster] is a quotation from Luke 20:38 ["Now he is God not of the dead, but of the living; for to him all of them are alive"] which still gives hope to all who suffer", Lyubimov concluded.

Judge Chernykh again disagreed with Lyubimov's argument that his purpose was not to "discredit" the armed forces, but "to convey to society the monstrous number of civilian casualties", according to "the desire and need of his conscience". She repeated her conclusion that "from the presented poster follows the opposite. In his written explanations Lyubimov indicated that, in his opinion, in the current situation, the Russian Federation is the aggressor, and therefore is responsible for all the suffering of people in Ukraine."

Lyubimov made unsuccessful appeals against these two convictions at Sverdlovsk Regional Court on 12 October (the "True Vine" poster) and 26 October (the John Donne poster).

Forum 18 wrote to Sverdlovsk Region Interior Ministry, Verkh-Isetsy District Court, and Lenin District Court before the start of the working day of 3 November, asking why United Nations casualty figures, a quotation from John Donne, Biblical quotations, and religious imagery were considered to be "discreditation" of the Russian Armed Forces.

Only Lenin District Court had responded by the end of the working day of 7 November. Judge Olga Savinova, chair of the court, did not answer Forum 18's question, but only confirmed the factual details of Lyubimov's conviction, fine, and unsuccessful appeal.

Police apparently first detained Lyubimov on 24 February for shouting anti-war slogans at a protest in Yekaterinburg's Lenin Square. On 22 April, the city's Railway District Court fined him 15,000 Roubles under Administrative Code Article 20.2, Part 5 ("Violation of the established procedure for organising or holding a meeting, rally, demonstration, march or picket") - he made an unsuccessful appeal on 29 June. On 22 September, he protested against the "partial mobilisation" with a poster which read "Is everything going to plan?" and was detained again by police.

On 23 September Verkh-Isetsy District Court found Lyubimov guilty under Administrative Code Article 20.2, Part 8, which punishes a repeat offence under Article 20.2, Parts 1-6.1 ("Violation of the established procedure for organising or holding a meeting, rally, demonstration, march or picket"). He was given a 30-day short-term jail sentence deemed to begin on the previous evening. Lyubimov appealed unsuccessfully at Sverdlovsk Regional Court on 29 September.

Moscow: First Catholic punished for anti-war protest?

On 25 August, Meshchansky District Court in Moscow fined 72-year-old Catholic parishioner Galina Borisova an unknown amount under Administrative Code Article 20.3.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian

Federation") (https://www.forum18.org/archive.php?article_id=2737), Part 1. She does not appear to have lodged an appeal, according to the Moscow court system website.

Borisova, who is an actor and a parishioner of the Catholic Church of St Louis in the capital, went to the church on 3 July and pinned a piece of paper to a Russian flag (https://www.forum18.org/archive.php?article_id=2763) outside the door. The paper read "No bellum" and "There is no place for the flag of an aggressor state beside the flag of the Holy See". A nun removed the paper after a few minutes, by which time about 50 people arriving for mass had already seen it, according to posts on the parish Facebook group.

Borisova's action was picked up on municipal CCTV and she was identified by facial recognition technology, she explained on 21 July in the Facebook group. The nun who removed the paper from the flag also commented in the Facebook group, noting that the police had "rummaged through the rubbish bin and found the torn-up note", and asked the priest to write an explanatory note as the incident had happened at his church.

Police came to Borisova's home on 20 July and took her to a police station, where they charged her with "discrediting" the Russian Armed Forces.

Forum 18 wrote to Meshchansky District Court and the Moscow city branch of the Interior Ministry before the start of the working day of 3 November, asking why they considered Borisova's action to be "discreditation" of the Russian Armed Forces. Forum 18 had received no reply by the end of the working day in Moscow of 7 November.

Borisova is the first Russian Catholic known by Forum 18 to have been prosecuted for her religious opposition to the war in Ukraine.

On 31 July, Borisova noted on her Facebook page that the church had removed the flag, calling this "a small victory, but a victory all the same".

"Discreditation" cases: More unsuccessful appeals

- Kaluga

Aleksandr Yuryevich Ivanov, who was found guilty under Administrative Code Article 20.3.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") (https://www.forum18.org/archive.php?article_id=2737), Part 1 for posting an anti-war statement on the homepage of the online Orthodox encyclopaedia he edits, appealed unsuccessfully at Kaluga Regional Court on 14 September. Kaluga District Court had fined him 45,000 Roubles (https://www.forum18.org/archive.php?article_id=2763) (nearly one month's average local wage) on 29 July.

The statement, which appeared at the top of every page of drevo-info.ru between 25 February and 6 July, asserted that Russia had invaded Ukraine "on a far-fetched pretext" and that "This is not a 'special operation', this is a war", and accused the Russian church hierarchy of being "cowardly and silent". It went on to demand an immediate ceasefire and withdrawal of Russian troops from Ukraine (https://www.forum18.org/archive.php?article_id=2758).

Forum 18 wrote to Kaluga Region Interior Ministry (https://www.forum18.org/archive.php?article_id=2763) on 13 July to ask why Ivanov's 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 end of the working day in Kaluga on 7 November.

As a result of Ivanov's prosecution, he was forced to shut down the site's news section, which had reported on the destruction of churches in Ukraine and on the declaration of autonomy by the Ukrainian Orthodox Church (Moscow Patriarchate) in May (among a range of religion-related stories), and had reposted anti-war statements from Orthodox leaders outside Russia.

In place of the anti-war statement, the encyclopaedia now has a header with a quotation from 1 John 3:15 ("Whoever hates his brother is a murderer, and you know that no murderer has eternal life abiding in him").

- Khabarovsk

On 28 July, Khabarovsk activist Nikolay Kamenshchikov (Zodchy) appealed unsuccessfully at Khabarovsk Regional Court against the fine of 30,000 Roubles (two weeks' average local wages) he received on 11 May (https://www.forum18.org/archive.php?article_id=2758).

Police had charged Kamenshchikov under Administrative Code Article 20.3.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") (https://www.forum18.org/archive.php?article_id=2737), Part 1 after he made an anti-war speech in the city's Lenin Square (https://www.forum18.org/archive.php?article_id=2741) on 7 May.

Footage of Kamenshchikov's protest, posted on the SOTAvision YouTube channel, shows him holding a poster which reads "Russian! Conquer the vatnik in yourself!" ("Vatnik" is slang for an unquestioning, jingoistic nationalist; he used a Latin letter V in reference to the pro-war "V" and "Z" symbols which have become popular signs of support for Russia's war in Ukraine.)

Addressing passers-by, Kamenshchikov says: "Those who ask, where have you been for the last eight years, I want to ask, where are you now? Why are you crying for the children of the Donbas and not for the children of Ukraine? .. [To] 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 - it was sown there by Putin. Ukrainians are our brothers in both the ethnic and the Christian sense - therefore, to those who write that I should go to the Donbas, you should go to Mariupol, Kharkiv, Bucha, and other towns and see for yourself what the so-called 'Russian World' has done there."

"Discreditation" case: Acquittal

- Moscow

On 1 September, Moscow's Zyuzino District Court acquitted Konstantin Stasisovich Yankauskas, an independent municipal deputy in the capital's Zyuzino District, of "discrediting" the Russian Armed Forces. Yankauskas had posted on his VKontakte page (without comment) the text of an address given by Pope Francis at the end of the Sunday Angelus at the Vatican on 13 March.

Although Yankauskas made the post on 14 March, police only charged him under Administrative Code Article 20.3.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") (https://www.forum18.org/archive.php?article_id=2737), Part 1 on 23 August. They claimed that the post "called for obstruction" of the use of Russian troops in Ukraine, according to the police protocol Yankauskas posted on his Facebook page on 23 August.

Judge Yekaterina Slyuzova concluded, however, that "from the literal meaning of the [address], it is impossible to conclude that the use of the Armed Forces of the Russian Federation has been discredited", the independent Spektr.press news website reported on 1 September.

The day he was charged, Yankauskas wrote on Facebook that the Pope's words were "So simple and understandable for any believer, even just for any person". "I don't really understand what to say in court", he added. "How can a prayer for peace and life discredit someone? This is some kind of absurdity and really an attempt to call white black."

In his 13 March address, the Pope noted that Mariupol bears the name of the Virgin Mary and that it had become "a city of martyrs in the terrible war ravaging Ukraine". He insisted that "this unacceptable armed aggression must be stopped before it turns cities into cemeteries".

"In the name of God, let the cries of those who suffer be heard and let the bombings and attacks cease! Let there be a real and decisive focus on negotiation, and let the humanitarian corridors be effective and safe. In the name of God, I ask you: stop this massacre!"

"Discreditation" case: Case closed

- Krasnodar Region

A court in Krasnodar Region in southern European Russia closed the case against Russian Orthodox (Moscow Patriarchate) priest Maksim Nagibin – who gave an anti-war sermon at Easter – because the time for administrative prosecutions had run out. Nagibin is the priest of the Church of the Archangel Michael in Nadyozhnaya stanitsa.

Police opened a case under Administrative Code Article 20.3.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") (https://www.forum18.org/archive.php?article_id=2737), Part 1 against Nagibin at end of August, when they learned of two videos on the Odnoklassniki social network which showed him preaching to his congregation the previous April.

"Perhaps I will become an outcast in the Russian Federation, and someone here will not agree with my words, but this is my conviction," Nagibin said in a video of the sermon on the Christians Against War Telegram channel on 25 April. "I do not impose this opinion on anyone, and God knows that until now I have not spoken these words from the pulpit. I consider the war against Ukraine a crime and a great shame, a shame that has made our country an outcast on the world stage."

Nagibin went on to note that Victory Day has turned into a paradox when people rejoice at new weapons rather than progress "in the spiritual sphere, education, medicine, and social security". He concluded his sermon with Easter greetings to both Russia and Ukraine.

Otradnaya District Court initially sent the case back on 1 September because officers had not indicated in their report who had posted the video or on what webpage. The police resubmitted the case on 29 September, but a judge halted proceedings on 20 October because the statute of limitations for administrative prosecutions had expired. (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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