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RUSSIA: "Thou shalt not kill" leads to fines

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

A Moscow court fined Rostislav Charushin for his poster quoting three of the Bible's Ten Commandments which police said "clearly expresses a negative attitude towards the use of the Armed Forces". A Petrozavodsk court is due to hear a case on 20 March against yoga teacher Yekaterina Kukharskaya for putting stickers around the city bearing the Commandment "Thou shalt not kill". Buddhist former leader Telo Tulku Rinpoche – who left Russia in 2022 - became the first religious leader to be declared a "foreign agent" by the Justice Ministry.

Small numbers of Russians continue to express their opposition to Russia's invasion of Ukraine on grounds of faith or with the use of religious imagery and quotations – and continue to be detained and fined under Russia's wartime laws punishing "discrediting" the Armed Forces.

In Moscow, police decided that Rostislav Charushin's poster quoting three of the Bible's Ten Commandments – including "Thou shalt not kill" - "clearly expresses a negative attitude towards the use of the Armed Forces of the Russian Federation to protect the interests of the Russian Federation and its citizens". A court fined him twice on 9 March for both "discreditation" (Administrative Code Article 20.3.3) and violation of the Demonstrations Law (Administrative Code Article 20.2). The Judge ordered the poster to be destroyed (see below).

Forum 18 asked Moscow City Interior Ministry why police officers had detained Charushin for quoting the Bible and peacefully expressing his beliefs, and why such actions should be considered "discreditation" of the Armed Forces. Its press office refused to answer Forum 18's questions on grounds of personal data protection (see below).

In Kareliya in February, Yekaterina Kukharskaya put stickers around the regional capital, Petrozavodsk, bearing the Sixth Commandment – "Thou shalt not kill" – and various anti-war slogans. Police have charged her under Administrative Code Article 20.3.3 and she is due to appear in court on 20 March (see below).

Forum 18 wrote to the Interior Ministry of the Republic of Kareliya to ask why distributing stickers with religious and pacifist content should be considered "discreditation" of the Armed Forces. Forum 18 received no reply (see below).

A man in Vladivostok who was briefly taken to a psychiatric unit after protesting against the war with a poster of the Sixth Commandment was detained twice more in February. Police have issued him with a formal warning, but do not appear to have charged him (see below).

On 15 March, the Russian parliament passed a draft law which will increase maximum punishments under both Criminal Code Article 207.3 and Article 280.3; it will also broaden the grounds on which people may be prosecuted for these offences and under Administrative Code Article 20.3.3 (see below).

While many Russian religious leaders have supported the invasion of Ukraine – most notably, Russian Orthodox Patriarch Kirill and Pentecostal and Muslim leaders – a few have opposed it and have left the country (https://www.forum18.org/archive.php?article_id=2763) as a result. These include Moscow Chief Rabbi Pinchas Goldschmidt, Lutheran Archbishop Dietrich Brauer, and the Buddhist Supreme Lama of Kalmykiya, Telo Tulku Rinpoche. In January 2023, Rinpoche became the first religious leader to be declared a "foreign agent" by the Russian Justice Ministry (see below).

Roskomnadzor – the state media regulator – continues to block access to websites. These include sites linked to communities whose activities the regime has long banned – such as Jehovah's Witnesses and Muslims who read Said Nursi's works – as well as sites that criticise Russia's invasion of Ukraine. In January, Roskomnadzor blocked the Ukrainian Islamic news and information portal "Islam in Ukraine" (see below).

In July 2022, Roskomnadzor blocked the site of Nuntiare et Recreare, a Russian multi-faith group for LGBT believers – the first religious site known to have been blocked for its connection to the LGBT community (see below).

Roskomnadzor has not responded to Forum 18's questions as to why it has blocked access to these religious websites (see below).

Criminal trials continue

On 15 March, the trial of musician Anna Chagina began in Tomsk (https://www.forum18.org/archive.php?article_id=2819) under Criminal Code Article 280.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation in order to protect the interests of the Russian Federation and its citizens, [and] maintain international peace and security").

The prosecution accuses Chagina of repeatedly "discrediting" the Russian Armed Forces (https://www.forum18.org/archive.php?article_id=2814), firstly by displaying a poster at a protest reading "Blessed are the peacemakers", a quote from the Gospels, and latterly by posting anti-war materials on the VKontakte social media site. Her next hearing is due to take place on 11 April, according to the website of Tomsk's Soviet District Court.

ROCOR priest Fr Ioann Kurmoyarov – the only other person currently on trial on criminal charges for opposing the war in Ukraine from a religious perspective – remains in custody in St Petersburg's Kresty-2 prison (https://www.forum18.org/archive.php?article_id=2814). On 15 March, St Petersburg City Court refused his latest appeal (https://www.forum18.org/archive.php?article_id=2819) against his detention.

The next hearing in Fr Ioann's case – under Criminal Code Article 207.3 ("Public dissemination, under the guise of credible statements, of knowingly false information on the use of the Armed Forces of the Russian Federation") – is due to take place on 10 April at the city's Kalinin District Court.

"Fakes" and "discreditation"

Specific penalties for criticising Russia's actions in its war against Ukraine came into force on 4 March 2022. These include 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 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 individuals commit an offence covered by Administrative Code Article 20.3.3 more than once within a year, they may be prosecuted 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").

On 14 March, a draft law increasing punishments for repeatedly "discrediting" the Russian Armed Forces (Criminal Code Article 280.3) and for spreading "false information" about them (Criminal Code Article 207.3) passed its third reading in the State Duma. The Federation Council approved the draft law on 15 March and it was then sent to be signed into law by President Vladimir Putin.

The draft law also makes these Articles – and Administrative Code Article 20.3.3 – apply to criticism not only of the regular Armed Forces, but also of "volunteer formations, organisations and individuals who assist in the fulfilment of tasks assigned to the Armed Forces of the Russian Federation" (that is, private military outfits such as Wagner).

"Today, every soldier and officer, regardless of whether he is in the Armed Forces or the volunteers, must understand: lies and slander against him will be punished, and they are protected by law," Duma speaker Vyacheslav Volodin said in parliament on 14 March, according to a statement on the Duma's website.

Under Criminal Code Article 280.3, Part 1, the maximum prison sentence will be raised from 3 years to 5 years – under Part 2 (the same offence if resulting in "death by negligence", harm to health or property, or mass public disorder), from 5 years to 7 years.

Under Criminal Code Article 207.3, Part 1, the maximum prison sentence will be raised from 3 years to 5 years (Part 2 remains unchanged).

As of 23 February 2023, there had been 139 prosecutions under Criminal Code Article 207.3, and 49 prosecutions under Criminal Code Article 280.3, according to human rights group OVD-Info (<https://data.ovdinfo.org/svodka-antivoennyh-repressiy-god-polnomasshtabnogo-vtorzheniya-rossii-v-ukrainu>).

This is out of a total of 447 criminal prosecutions for anti-war activities. 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.

Also as of 23 February, police had initiated 6,003 cases under Administrative Code Article 20.3.3, according to Russian independent media outlet Mediazona.

Between 24 February 2022 and 23 February 2023, OVD-Info recorded 19,586 detentions of people protesting against the invasion of Ukraine and latterly against the "partial mobilisation" (announced on 21 September 2022).

Moscow: Fined for quoting the Commandments

On 9 March, Moscow's Tver District Court twice fined Rostislav Anatolyevich Charushin unknown amounts for protesting against the invasion of Ukraine with a placard displaying the Second, Sixth, and Eighth of the Bible's Ten Commandments: "Thou shalt not make unto thee any graven image! Thou shalt not kill! Thou shalt not steal! [Ne sotvori sebeye kumira! Ne ubiy! Ne ukradi!]"

Police detained Charushin on 27 February for holding up his poster near the Iverskaya Chapel at the Voskresenskiye Gates to Red Square. His friend Nikolay Novikov told human rights group OVD-Info that Charushin had been expressing his opposition to the war in Ukraine. Officers released Charushin from Kitay-Gorod police station after a few hours, having charged him under both Administrative Code Article 20.3.3 and Administrative Code Article 20.2 Part 5 ("Violation by a participant in a public event of the established procedure for holding a meeting, rally, demonstration, march or picket").

Judge Alesya Orekhova considered both cases one after the other on the morning of 9 March. According to her written decision in the Article 20.3.3 prosecution, seen by Forum 18, the police indictment argued that Charushin's poster "clearly expresses a negative attitude towards the use of the Armed Forces of the Russian Federation to protect the interests of the Russian Federation and its citizens [and] maintain international peace and security, and is in fact similar in content to publicly available information posted on the Internet and various social networks broadcasting a negative attitude towards the ongoing military operation". Judge Orekhova ordered the poster destroyed.

Charushin himself stated in court that he had been "expressing his opinion on the date of Nemtsov's death and in relation to his activities". (Opposition politician Boris Nemtsov was shot dead on Moskvoetsky Bridge at the opposite end of Red Square on 27 February 2015.) The judge nevertheless disregarded this argument.

According to the Article 20.2, Part 5 written decision, also seen by Forum 18, Charushin's protest took place "on territory immediately adjacent to the residence of the President of the Russian Federation". Under the 2004 Demonstrations Law, this is expressly forbidden – the court also therefore found Charushin guilty of violating the procedure for holding a public event. This carries a fine of 10,000 to 20,000 Roubles.

Forum 18 asked Moscow City Interior Ministry why police officers had detained Charushin for quoting the Bible and peacefully expressing his beliefs, and why such actions should be considered "discreditation" of the Armed Forces. Its press office responded on 14 March, refusing to answer Forum 18's questions on grounds of personal data protection.

Kareliya: Protester "opposes all wars on principle"

In late February, Yekaterina Viktorovna Kukharskaya put anti-war stickers in public places around the city of Petrozavodsk in north-western Russia. These said: "No to war [Net voyny]", "Thou shalt not kill [Ne ubiy]", and "Killing people is wrong [Nelzya ubivat lyudey]".

Police charged Kukharskaya under Administrative Code Article 20.3.3, Part 1 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation"). Petrozavodsk City Court registered the case on 1 March, according to the court website. She is due to appear in court on 20 March.

According to the administrative indictment, cited by the local news Telegram channel From Karelia With Freedom on 2 March, Kukharskaya said during questioning that she "opposes all wars on principle, and as a yoga teacher adheres to the philosophy of non-violence". She added that she had had no intention of "discrediting" anyone.

Forum 18 wrote to the Interior Ministry of the Republic of Kareliya on 13 March to ask why distributing stickers with religious and pacifist content should be considered "discreditation" of the Armed Forces. Forum 18 had received no reply by the end of the working day in Kareliya of 16 March.

Vladivostok: Protester detained twice more

Police in the Far Eastern city of Vladivostok detained a local resident on 8 February for a poster quoting the Bible's Sixth Commandment. They detained the man on two subsequent occasions for similar protests, but he does not yet appear to have been prosecuted.

The man (named only as Aleksey by human rights group OVD-Info) protested alone on 8 and 15 February using a placard reading

"Thou shalt not kill [Ne ubivay]. The Bible. Deuteronomy 5:17", on the city's Central Square near Transfiguration Cathedral.

On the first occasion, after his arrest, officers of the Interior Ministry's Centre for Countering Extremism called in a "psychiatric brigade", who took him to a psychiatric clinic (https://www.forum18.org/archive.php?article_id=2809).

On the second occasion, police took him in for questioning but released him with a formal warning [predosterezhenie] about possible administrative prosecution for violating the Demonstrations Law, "discrediting" the army, "promoting symbols of a banned organisation", and incitement of hatred, according to human rights group OVD-Info. It is unclear which banned organisation could be meant here.

Aleksey told OVD-Info that the reason for this second detention was that he had said "God is against the special military operation [Bog protiv SVO]" during his single-person picket. At the police station, officers questioned him and said they would send a report to the Centre for Countering Extremism.

Aleksey appears to have been detained for a third time in Vladivostok's Central Square on 24 February (the first anniversary of Russia's invasion of Ukraine), on this occasion with a placard reading "Do not fight because you will not succeed". (The quotation appears to be derived from the Bible's 2 Chronicles 13:12 "Do not fight against the Lord, the God of your ancestors, because you will not succeed".) Police again released him after questioning.

No case under Administrative Code Article 20.3.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") or any other Article yet appears to have been opened against him, according to Vladivostok court records.

First religious leader declared a "foreign agent"

On 27 January 2023, the Justice Ministry named Telo Tulku Rinpoche (Erdni-Basan Ombadykov), the Dalai Lama's representative in Russia, as a "foreign agent" – the first religious leader to be added to the "foreign agents" register (https://www.forum18.org/archive.php?article_id=2707). The following day, Rinpoche – who had left the country some months earlier – stood down from his position as president (Supreme Lama) of the Association of Buddhists of Kalmykiya.

"I wish that the people of Kalmykiya and all followers of Buddhism in these difficult times maintain courage, steadfastness, and adherence to the ideals of compassion, love and non-violence, on which is based the Teaching of the Buddha that we profess," Rinpoche said in a statement on 28 January on the website of the Central Khuruk of Kalmykiya. "In my thoughts, deeds, and prayers, I remain with the Kalmyk people and Buddhists of all Russia, to whose service I dedicated my life."

In a statement of 27 January explaining the latest additions to the register of foreign agents, the Justice Ministry said (<https://minjust.gov.ru/ru/events/49286/>) that "E.V. Ombadykov spoke out against the special military operation in Ukraine and openly spoke in support of Ukraine, and is a US citizen. He lives outside the Russian Federation."

By law, a religious organisation cannot be declared a foreign agent (https://www.forum18.org/archive.php?article_id=2707) ("a person/entity who has received support and/or is under foreign influence in other forms" and carries out particular activities). Clergy and laypeople – like other individuals – can be.

The definitions of "support", "foreign influence", and relevant activities are so broad that the Justice Ministry could interpret almost any interaction between an individual and a foreign or international organisation, a foreign government, or even a foreign citizen as grounds for inclusion in the register, should it wish to do so.

Rinpoche – who was born in the US city of Philadelphia to Kalmyk parents – trained as a monk in India and was appointed Supreme Lama of Kalmykiya in 1992. He currently lives in Mongolia. On 15 February 2023, the Dalai Lama confirmed Tendzin Choydak (Mutul Ovyanov) as Rinpoche's successor.

"I didn't want to spoil relations between the authorities and our Buddhists"

On 30 September 2022, when Telo Tulku Rinpoche was already in Mongolia, he gave an interview on the YouTube channel "Alchemy of the Soul" (<https://www.youtube.com/watch?v=CVSwea3hQOA>) in which he stated that "I think Ukraine is in the right here, because they are defending their country, their land, their Constitution, their people". He noted that he had not spoken out against the war at first because "I didn't want to spoil relations between the authorities and our Buddhists .. but nevertheless every morning I always prayed for everyone, Buddhists and non-Buddhists".

The response of Russian Buddhists to Russia's renewed invasion of Ukraine has been mixed. Head of the Buddhist Traditional Sangkha of Russia Vasily Ayusheyev said on Buryaad FM radio on 28 February 2022 that "We live in a single Russian state and protect the interests of our country, against which a dirty information war is being waged".

"This is a sacred duty. We Buddhists must defend our homeland," Ayusheyev added to Izvestiya on 30 September 2022, noting that

he was proud of the participation of fellow believers in the war.

Buda Badmayev, who heads the Gunzechoyney Datsan in St Petersburg, told the Regnum.ru news website on 18 March 2023 that "we support the leadership of the country in all endeavours".

On 23 October 2022, police detained Danara Erdniyevna Erendzhenova outside the Datsan (https://www.forum18.org/archive.php?article_id=2787) for displaying 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). On 1 December 2022, St Petersburg's Primorsky District Court fined her 30,000 Roubles (about 10 days' average local wages) under Administrative Code Article 20.3.3.

Telo Tulku Rinpoche, in his YouTube interview of 30 September 2022, commented that he believed the pro-war Buddhist leaders "have to say that to protect their people, the Buddhists in their republics. If they are real Buddhists, I don't think they support the war".

Moscow's former Chief Rabbi Pinchas Goldschmidt has also spoken of Russian government pressure on leaders of religious organisations. "Many religious leaders were pressured by the government to support the war," he said on 15 March 2023 during an online US Commission on International Religious Freedom hearing.

"We decided that we cannot do it or we will not do it," Rabbi Goldschmidt added, "and after I decided that being silent is also not enough, I decided to leave the country in order to officially take a position against the war and criticise the war, which is a catastrophe not only for Ukraine, but also for Russia and for the Jewish community of both countries."

Leaked Roskomnadzor list of potential "foreign agents"

The Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) – the state media regulator – has compiled reports over some years on individuals and organisations for their potential inclusion in the register of foreign agents (https://www.forum18.org/archive.php?article_id=2707). (The Justice Ministry makes the final decision on inclusion.)

In early February 2023, a large data leak from Roskomnadzor subsidiary GRChTs (Main Radio Frequency Centre) yielded a list of individuals and organisations on whom Roskomnadzor had compiled such reports between 2020 and 2022.

The list of names, published by the Russian investigative news website iStories (<https://istories.media/stories/2023/02/08/oko-gosudarevoi-tsenzuri/>) on 8 February, includes Aleksandr Verkhovsky, head of the Moscow-based SOVA Centre for Information and Analysis (<https://www.sova-center.ru/>) (on whom a report was compiled on 18 October 2022) and Orthodox commentator Deacon Andrey Kurayev (on whom a report was compiled on 16 June 2021).

The SOVA Centre monitors religion in Russian society, the misuse of Russia's Extremism Law, and ultra-nationalism and xenophobia in Russia. It was itself declared a foreign agent (https://www.forum18.org/archive.php?article_id=2707) on 30 December 2016.

Andrey 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. In August 2022, a Moscow court fined him 30,000 Roubles (https://www.forum18.org/archive.php?article_id=2787) under Administrative Code Article 20.3.3 for anti-war statements on his LiveJournal blog.

Blocked websites

The Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) has blocked access to many websites over some years. In 2014, it blocked the now defunct site www.nurru.com, which published works of the late Turkish Muslim theologian Said Nursi, including many which Russian courts have banned as "extremist" (https://www.forum18.org/archive.php?article_id=2215). It blocked the Jehovah's Witness website, www.jw.org, in 2015 (two years before the organisation itself was banned in Russia in 2017 (https://www.forum18.org/archive.php?article_id=2297)).

Since Russia's renewed invasion of Ukraine, Roskomnadzor has blocked access to over 10,000 websites, both Russian and foreign, for reasons of "military censorship", according to a report of 8 February 2023 (<https://roskomsvoboda.org/post/10000-military-cens/>) by digital rights organisation Roskomsvoboda. Such sites have generally described events in Ukraine as a "war", discussed Russian losses or alleged atrocities, or criticised the Russian government and armed forces.

These include: foreign media outlets (such as Radio Free Europe, the BBC, Deutsche Welle); Russian independent media (Meduza, Mediazona, Novaya Gazeta, People of Baykal) and mirror sites set up to get round earlier blocks; human rights organisations (Human Rights Watch, Moscow Helsinki Group); the sites and blogs of individual activists; and social networks such as Twitter and Facebook.

Roskomsvoboda notes that the largest proportion of such blocks have been made at the request of the General Prosecutor's Office, which is able to do this without recourse to the courts – but that no such requests have appeared on the register since 15 November 2022. Instead, Roskomnadzor has blocked more than 7,500 sites at the request of an "unspecified state agency" (more than 1,000 on the basis of military censorship).

(The Justice Ministry added Roskomsvoboda itself to the register of foreign agents on 23 December 2022.)

After Russia's invasion of Ukraine, Roskomnadzor blocked material (https://www.forum18.org/archive.php?article_id=2756) including: the website of the Religious Information Service of Ukraine (hosted by the Ukrainian Catholic University in Lviv), a Belarusian news report on the destruction of Ukrainian religious buildings, a Ukrainian Protestant pastor's appeal to fellow clergy in Russia speak out against the invasion, and 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.

On 7 July 2022, at the request of the General Prosecutor's Office, Roskomnadzor blocked a page on the Messianic Jewish internet portal www.ieshua.org – this contains an anti-war poem by a former head of Russia's Baptist Union, Yury Sipko, which includes the lines "Lord! Who are you for? / 'For the Ukrainians', the Lord answered without delay. / 'I am always for those who are humiliated, insulted [oskorbyayut] and killed'. / 'After all, I came to the humiliated and insulted'".

Despite the block ostensibly being placed only on this page, the whole website is currently inaccessible in Russia, according to GlobalCheck.

On 11 July 2022, Roskomnadzor blocked www.nuntiare.org, the site of Russian LGBT Ministry Nuntiare et Recreare. This is a multi-faith group for LGBT believers which holds meetings in St Petersburg, provides pastoral care, and collates LGBT-affirmative theological materials on its website. This block was requested by the Federal Agency for Youth Affairs (Rosmolodyozh). This is the first religious site known to have been blocked for its connection to the LGBT community.

On 20 January 2023, Roskomnadzor blocked the Ukrainian Islamic news and information portal "Islam in Ukraine" (www.islam.in.ua) at the request of an "unspecified state agency".

Forum 18 wrote to Roskomnadzor on 22 February to ask why it had blocked these materials and which state agency had requested the block on "Islam in Ukraine". Forum 18 had received no reply by the end of the working day in Moscow of 16 March. (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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