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RUSSIA: Two criminal trials to resume in April

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

The criminal trial of Tomsk musician Anna Chagina on charges of again "discrediting" the Armed Forces resumes on 11 April. She was fined in 2022 for a poster reading "Blessed are the peacemakers". "Many times after [the arrest for the poster], I inwardly turned to these words of Christ and realised that peacemaking begins with what is in a person's heart," Chagina says. In St Petersburg, Fr Ioann Kurmoyarov's trial resumes on 10 April. He says he has been denied medical attention in prison, including from a cardiologist. New penalties for "false information" and "discreditation", also applying these actions to criticism of mercenaries, are due to come into force on 28 March.

The criminal trial has begun in Tomsk of a musician and teacher who allegedly "discredited" the Russian Armed Forces more than once in a year. Anna Chagina appeared in court for the first time on 15 March – her next hearing is due to take place on 11 April. If convicted, she could spend up to three years in prison or have to pay a fine of up to 300,000 Roubles. The court extended the restrictions imposed on her - including a night-time curfew and a ban on using the internet - until 2 September. She has been fitted with an ankle bracelet to monitor her movements.

Chagina's first (administrative) conviction was for displaying a poster reading "Blessed are the peacemakers (Matthew 5:9)" at an anti-war protest in Tomsk in March 2022, just two days after the new offence of "discreditation" came into force (see below).

"Many times after [the arrest for the poster], I inwardly turned to these words of Christ and realised that peacemaking begins with what is in a person's heart," Chagina told Forum 18. "Happiness is when you become one who can reconcile those who are warring. One who has come to terms with oneself, with people, with Life. When you carry light and joy in yourself, which spread to other people" (see below).

Investigators subsequently accused Chagina of posting anti-war materials on social media and charged her under Criminal Code Article 280.3, Part 1 ("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"), when these actions take place more than once in a year (see below).

Although it remains unclear exactly which posts form the basis of the prosecution, they appear to include texts and videos by religious philosopher Nikolay Karpitsky, who has described wartime life in Ukraine and discussed the Russian invasion from a Christian perspective (see below).

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 after the City Court refused his latest appeal against his detention on 15 March. The next hearing in his 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 Kalinin District Court (see below).

"In the SIZO [pre-trial detention centre], they generally refuse me medical care," Fr Ioann told the court. "I have already written more than 15 applications to five doctors. My eyesight is deteriorating, my hearing is deteriorating, I have hypertension, my knee joint is damaged. I ask for a cardiologist, but they do nothing. I don't know if they [the SIZO administration] are doing this on purpose or not" (see below).

Forum 18 tried to find out from the administration of St Petersburg's Kresty-2 prison whether Fr Ioann has been refused necessary medical attention and, if so, whether the refusal was the decision of doctors or of the prison administration. However, telephones at the prison went unanswered on 20 March. The United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules) state that medical decisions must be made by doctors (see below).

Fr Aleksandr Dombrovsky, against whom the FSB security service appears to have opened a criminal case in January for his anti-war sermons, is to be deprived of his priestly status by his Diocese. Fr Aleksandr is now living outside Russia and has said that he has joined a different Orthodox jurisdiction (see below).

Bryansk Region FSB denied to Forum 18 that it had any information about the criminal case local police had told Fr Aleksandr had been launched against him (see below).

On 16 March, Leningrad Regional Court upheld the right of Protestant Pavel Mushumansky to avoid mobilisation into the army on grounds of his religious beliefs. He should now be permitted to leave his military base in Luga, where he has had to remain for nearly six months, refusing to wear uniform, carry out orders, or accept pay. The documents releasing him from his unit are still being prepared, his lawyer Aleksandr Peredruk told Forum 18 (see below).

New penalties for "false information" and "discreditation", criticism of mercenary units banned

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 18 March 2023, President Vladimir Putin signed into law a series of amendments increasing penalties for disseminating "false information" (https://www.forum18.org/archive.php?article_id=2817) about and repeatedly "discrediting" the Russian Armed Forces (Criminal Code Articles 207.3 and 280.3). The amendments also widen the definition of these offences (and of Administrative Code Article 20.3.3) to include criticism 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 mercenary units such as Wagner).

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"), 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 (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"), Part 1, the maximum prison sentence will be raised from 3 years to 5 years (Part 2 remains unchanged).

The amendments are due to come into force on 28 March, 10 days after their official publication on 18 March.

Tomsk: Anna Chagina's trial to resume 11 April

On 15 March, Anna Sergeevna Chagina (born 29 November 1979) made her first appearance at Soviet District Court in the Siberian city of Tomsk on charges of repeatedly "discrediting" the Russian Armed Forces. Judge Roman Zaynulin refused the defence request to lift the restrictions under which she has been living for the last three and half months. He adjourned the trial until 11 April.

Tomsk Region Investigative Committee opened a case in November 2022 (https://www.forum18.org/archive.php?article_id=2814) against Chagina – a violinist, viola player, and music teacher – 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"), when these actions take place more than once in a year. They accused her of posting anti-war materials on her page on the VKontakte social network.

Chagina noted to Forum 18 through friends on 11 March that the criminal case is based on her own texts and comments on VKontakte, as well as commentary from the Telegram channel of the Orthodox philosopher Nikolay Karpitsky: "I don't agree with all the wording in Nikolay's texts, but I published some of his thoughts on my VK page without cuts."

Originally from Tomsk, where he led the Tomsk Regional Anti-Fascist Committee, Karpitsky has lived in Slovyansk in Ukraine since 2014. Since Russia's invasion in February 2022, he has written regularly about wartime life in Slovyansk and has discussed the war from a Christian perspective in videos on his YouTube Channel, some of which Chagina also reposted.

(In 2011, Karpitsky acted as an expert witness for the defence (https://www.forum18.org/archive.php?article_id=1623) when prosecutors in Tomsk attempted to have "The Bhagavad-Gita As It Is" - a translation of and commentary on the ancient Sanskrit text by Swami Prabhupada, founder of the International Society for Krishna Consciousness – banned as extremist. Courts in Tomsk refused to uphold the prosecutors' suit (https://www.forum18.org/archive.php?article_id=1682).

Forum 18 wrote to Tomsk Region Investigative Committee to ask why expressing religion-based opposition to the war in Ukraine should be considered "discreditation" of the Russian Armed Forces, and on which specific social media posts the case against Chagina was based. "Taking into account the interests of the investigation, it is not possible to answer your request," it responded on 27 February (https://www.forum18.org/archive.php?article_id=2814).

A Tomsk court had already handed Chagina a fine of 45,000-Roubles (https://www.forum18.org/archive.php?article_id=2814) (about three weeks' average local wages) under 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. Her "offence" was to display a poster reading "Blessed are the peacemakers (Matthew 5:9)" at an anti-war protest in Tomsk in March 2022.

"Many times after [the arrest for the poster], I inwardly turned to these words of Christ and realised that peacemaking begins with what is in a person's heart," Chagina told Forum 18. "Happiness is when you become one who can reconcile those who are warring. One who has come to terms with oneself, with people, with Life. When you carry light and joy in yourself, which spread to other people."

Chagina: "War cannot destroy the ability to pray and think"

In comments to Forum 18, Chagina expressed her sadness at the attitude of some religious organisations to the war.

"From the moment the war began, I actively began to learn what other Christians think about the war, what is happening in different faiths. An unpleasant surprise was that hatred, division, pain and fear, like invisible enemies, come from everywhere. The thought that there are priests who bless people to kill is very hard, unbearably suffocating.

"It is terrible to see that a significant part of the Russian Orthodox Church is captured by idolatry towards the state and the ethnic group, although this did not begin on 24 February [2022], but, alas, has been going on for centuries. But it's even harder for me to understand that among Russian-speaking Protestants there are also those for whom earthly authorities turned out to be more important than the Gospel."

Despite her own opposition to Russia's invasion of Ukraine, "I did not remove from my [VKontakte] friends those who support the war", Chagina told Forum 18. "People can be mistaken, and they can repent of their mistakes. Now we can't communicate. But I believe that the veil will fall from many eyes, and I want to be open, waiting for this time to come."

Chagina also noted: "War divides us, draws a fiery line between us. War gives a global reason for despair, despondency and hatred, and instead of repentance, it offers to bury oneself forever in guilt. But war cannot destroy the ability to pray and think. I am very interested in what lies ahead for us: another tragedy of alienation or hope for a radical turn towards a renewed and profound communion among Christians, towards the unity of the Church?"

"For me, the Church is a single universal organism, the totality of all who hope for salvation in Christ. As the Apostle wrote, 'there will no longer be Jew nor Greek, slave nor free, man nor woman, but all will be one in Christ', all will be one in Love. I rejoice that through the darkness of our mistakes and falls, God, as before, walks with us, comes to us. It is difficult to take the first step towards Love, but this is our responsibility."

Religious opposition to the war

The first person to be charged for opposition to the war based on faith under the Criminal Code Chagina was charged with, 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"), was Fr Nikandr Pinchuk. He was fined in October 2022 (https://www.forum18.org/archive.php?article_id=2783) for a social media post condemning the "horde of the Antichrist" attacking Ukraine.

Three individuals have also faced prosecution under the February 2022 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") for opposition to the war based on their faith:

- ROCOR priest Fr Ioann Kurmoyarov is currently on trial in St Petersburg (see below);

- Moscow Patriarchate priest Fr Aleksandr Dombrovsky, who had repeatedly preached against the war in Ukraine in his sermons and who has left Russia (https://www.forum18.org/archive.php?article_id=2809);

- Nina Belyayeva, a Communist municipal deputy and Baptist, who based on her Christian faith called Russia's invasion a war crime (https://www.forum18.org/archive.php?article_id=2737) during a District Council meeting, and who has also left Russia.

There have also been prosecutions under 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 public or online protest, of individuals for opposing the war based on their religious beliefs (https://www.forum18.org/archive.php?article_id=2737). The first such prosecution was of Fr Ioann Burdin of the Moscow Patriarchate's Kostroma Diocese, who was on 10 March 2022 fined for posting an anti-war statement on the website of his parish in Karabanovo and for giving a Sunday sermon in church condemning Russia's invasion of Ukraine (https://www.forum18.org/archive.php?article_id=2725). In the sermon, he stressed the importance of the 6th commandment, "Thou shalt not kill". The court decision is "a ban not only on expressing one's opinion but also even on professing one's religious beliefs", Fr Ioann told Forum 18.

Tomsk: Chagina's court-imposed restrictions extended to 2 September

Anna Chagina has been under a court-ordered night-time curfew and bans on sending and receiving correspondence, using the internet, and attending large-scale public events since 1 December 2022, shortly after investigators searched her home. The Federal Penitentiary Service fitted her with an ankle bracelet that monitors her movements.

(Several Jehovah's Witnesses - including Maksim Khalturin in early 2019 (https://www.forum18.org/archive.php?article_id=2482) - have had ankle bracelets fitted to monitor their movements while they were under criminal investigation.)

At the 15 March 2023 hearing, Judge Zaynulin extended the restrictions on Chagina until 2 September.

"The prosecutor expressed ritual fears that 'the accused may commit a more serious crime of a similar nature', on the basis of which the restrictive measures should be left unchanged", Akt-Produkt, an independent St Petersburg-based record label with which Chagina has collaborated, commented on VKontakte on 16 March. "What kind of 'crime of a similar nature' could be committed [during the curfew] is not clear, and the investigation, which could somehow theoretically be interfered with, has been completed."

Akt-Produkt noted that the judge ignored this argument and the fact that, after Chagina had moved house, the Federal Penitentiary Service in her new district had given her "a faulty device which regularly records phantom 'violations' [of the curfew]".

St Petersburg: Fr Ioann Kurmoyarov denied medical care in prison

The trial of Fr Ioann Kurmoyarov (born Dmitry Valeryevich Kurmoyarov, 8 January 1968) on criminal charges of disseminating "false information" about the Russian Armed Forces continues at St Petersburg's Kalinin District Court (see below).

On 6 February, Judge Yuliya Olshevskaya extended Fr Ioann's period of detention at the Kresty-2 prison (where he has been held since June 2022 (https://www.forum18.org/archive.php?article_id=2756)) until 28 May 2023. In August 2022, Darya Lebedeva, head of the joint court system press service for St Petersburg, insisted to Forum 18 (https://www.forum18.org/archive.php?article_id=2763) that Fr Ioann had to be held in detention because: "if at liberty and not isolated from society, Kurmoyarov may continue his criminal activity, conceal himself from investigators and the court, destroy evidence and otherwise interfere with the criminal proceedings".

St Petersburg City Court refused Fr Ioann's appeal against this latest extension on 15 March 2023, despite his arguments that his health problems were getting worse in the prison. "In the SIZO [pre-trial detention centre], they generally refuse me medical care. I have already written more than 15 applications to five doctors. My eyesight is deteriorating, my hearing is deteriorating, I have hypertension, my knee joint is damaged," Fr Ioann said in court, Radio Free Europe's Sever.Realii reported on 15 March. "I ask for a cardiologist, but they do nothing. I don't know if they [the SIZO administration] are doing this on purpose or not."

Forum 18 tried to find out from the administration of Kresty-2 prison whether Fr Ioann has been refused necessary medical attention and, if so, whether the refusal was the decision of doctors or of the prison administration. However, telephones at the prison went unanswered on 20 March.

The United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)) state in Rule 27 that: "All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals." The Mandela Rules also state that medical decisions must be made by

doctors.

St Petersburg: Fr Ioann Kurmoyarov's trial to resume 10 April

Fr Ioann Kurmoyarov's trial at St Petersburg's Kalinin District Court (https://www.forum18.org/archive.php?article_id=2814) is due to resume on 10 April.

The prosecution case against Fr Ioann is derived from videos he uploaded to his YouTube channel – the "Orthodox Virtual Parish" – as well as anti-war posts on social media. In his videos, Fr Ioann repeatedly criticised the Russian government, the Moscow Patriarchate, and the war in Ukraine from a Christian perspective. It is still unclear exactly which videos form the basis of the accusation against him; in February, prosecutors requested that a further 57 videos be added to the case materials and subjected to "expert analysis".

Fr Ioann is on trial 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 on the use of the Armed Forces of the Russian Federation"), Part 2, Paragraphs G and D. These punish the public dissemination of "false information" about the Russian Armed Forces "for selfish motives" and "for reasons of political, ideological, racial, national or religious hatred or enmity, or for reasons of hatred or enmity towards any social group".

It appears that the latter accusation derives from Fr Ioann's pronouncement (https://www.forum18.org/archive.php?article_id=2809) in a video entitled "Who will be in heaven, and who in hell?" that "Whoever wants to take revenge on Kyiv and Ukraine, convert to Islam. There is blood feud in Islam. So, whoever wants to go to heaven, convert to Islam."

At the court hearing on 9 January 2023, the prosecution called as an expert witness Imam Fayzulla Karimov, who serves at a prayer room in St Petersburg. Karimov criticised Fr Ioann's statements as accusing Islam of aggression, independent Russian media outlet RusNews noted on its Telegram channel on 9 January.

Another expert (unnamed by RusNews) was absent from court, but submitted a statement to be read out by the prosecutor, claiming that a religion "cannot be adopted for political reasons, so Kurmoyarov insults both Muslims and Christians with his statements".

Fr Ioann's lawyer Luiza Magomedova suggested in comments to RusNews that Imam Karimov did not have sufficient grasp of the Russian language to make an informed judgement on what Fr Ioann said. The imam lives in Tajikistan and makes short visits to Russia, the SOTA Telegram channel noted on 9 January. Fr Ioann's attempt to discuss with the imam what he had said in his video was halted by the judge, SOTA added.

"I am a Christian, a pacifist, a priest, a monk and a theologian, and I always evaluate all events from these positions, from the positions of the Gospel. I will try to convey this idea in court, if, of course, they let me do it, and they don't shut my mouth, as is the case with the 'expert' – the imam, for whom Russian is a foreign language", Fr Ioann wrote in an open letter published by the Free Ioann Kurmoyarov Telegram Channel on 27 February.

Fr Ioann added: "If you don't manage to disclose your position in court, you will have to do it through the media. In any case, those who judge me should know that they are not judging a politician, but a Christian who suffers for his faith, for his evangelical ideals, which, by the way, are the basis of both the Orthodox faith and Russian civilisation."

"For my part, I also declare that I had no intention [of committing] and did not commit any acts aimed at offending Muslims and inciting inter-religious enmity," Fr Ioann wrote in an open letter to Imam Karimov, also published on the Free Ioann Kurmoyarov Telegram channel on 13 March. "I have always treated Muslims with respect, and therefore referred exclusively to the opinions of authoritative figures in the Islamic world."

Fr Ioann, who was stripped of his clerical status in the Moscow Patriarchate in April 2022, set up the "Orthodox Virtual Parish" YouTube channel in June 2020 in response to his suspension from Novosibirsk Diocese after he criticised the Cathedral of the Armed Forces (which had been completed that summer near Moscow). He then joined a branch of the Russian Orthodox Church Outside Russia (ROCOR) which did not enter into communion with the Moscow Patriarchate with other parts of ROCOR in 2007.

Before Russia's invasion of Ukraine, Fr Ioann posted numerous videos which criticised the Moscow Patriarchate and the Russian government, alongside others on more general religious themes. After the war began, the channel became "purely an anti-war project", as Fr Ioann put it in a video entitled "On the spiritual essence of what is happening in Ukraine" (5 April 2022), which remains pinned at the top of the channel's homepage.

Friends and former colleagues of Fr Ioann believe that it is the video entitled "Who will be in heaven, and who in hell?", posted on 12 March 2022, which forms the basis of the prosecution, Radio Free Europe's Sibir Realii noted on 12 June 2022.

Early in this video, Fr Ioann states: "Blessed are the peacemakers' — 'the peacemakers', do you understand the problem? And those

who have unleashed aggression will not be in heaven". He later addresses those who believe Russia's attacking Ukraine is justified: "You have yourselves chosen this hell. For the whole world, you are aggressors who are attacking and destroying civilians of a neighbouring nation, which did not expect it, which does not want you, which should determine its own fate."

Fr Ioann also contrasts what he believes Orthodox Christians should think of the war with the Islamic concept of jihad (he appears to ascribe to all Muslims a literal interpretation of this), noting that the Mufti of Chechnya has supported the invasion of Ukraine and asking his audience to examine their own views.

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

Bryansk Region: Anti-war Moscow Patriarchate priest to be defrocked

The Russian Orthodox Church's Klinty and Trubchevsk Diocese – part of Bryansk Metropolitanate – has begun the process of depriving Fr Aleksandr Dombrovsky of his status as a priest, Dombrovsky himself announced on his Facebook page (<https://www.facebook.com/aleksander.dabrowski.376>) on 22 February.

"For a year now in Russia, they have been fighting against priests who condemn the war. They are hauled in for interrogations, hounded and defrocked," Dombrovsky wrote. He noted that "many" priests have joined other Orthodox churches, and that he did the same after leaving Russia. "And this decision was correct. The clowns of Klinty diocese, not knowing how best to curry favour with the FSB, have decided to defrock me. Canonically, their idea is not only baseless but also ridiculous. Because you can't fire an employee from someone else's company. Good luck to you, gentlemen from the NKVD-MP! I am no longer yours."

Fr Aleksandr, who had repeatedly preached against the invasion of Ukraine at his church in the Bryansk Region village of Muzhinovo, left Russia after police told him that the Federal Security Service (FSB) had opened a criminal case against him (https://www.forum18.org/archive.php?article_id=2809) on the basis of correspondence, voice messages, and recordings of sermons provided by the parish's churchwarden [starosta].

Fr Aleksandr had not been added to the Interior Ministry's wanted list as of 15 March.

It is unknown under which Article of the Criminal Code the FSB opened its case against Fr Aleksandr, but it is likely to be 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").

On 16 February, Bryansk Region FSB responded to Forum 18's questions about the case by denying it had any information.

Conscientious objector avoids mobilisation on religious grounds

On 16 March, Leningrad Regional Court upheld the right of Protestant Pavel Mushumansky to avoid mobilisation into the army on grounds of his religious beliefs (https://www.forum18.org/archive.php?article_id=2798). This means he should now be permitted to leave his military base in the town of Luga, where he has had to remain for nearly six months, refusing to wear uniform, carry out orders, or accept pay.

The documents releasing him from his unit are still being prepared, Mushumansky's lawyer Aleksandr Peredruk told Forum 18 on 20 March. It remains unknown whether or where he will now carry out alternative service.

Mushumansky had performed alternative civilian service (ACS) as a conscript between 2019 and 2021 (and therefore had no military experience and a documented conscientious objection to military service). He nevertheless received call-up papers in September 2022 as part of Russia's "partial mobilisation" of reserves to fight in Ukraine. He applied to carry out ACS again, but officials at the military recruitment office in his home town of Gatchina ignored this and sent him to a military unit anyway.

Mushumansky – whom his lawyer describes as a "deeply believing person" – lodged an administrative suit on 7 October 2022, asking that the court overturn and declare unlawful the decision to mobilise him, and oblige the district mobilisation commission to release him from military service. Gatchina City Court upheld his request on 30 November 2022 (https://www.forum18.org/archive.php?article_id=2798), but the military authorities challenged this, meaning that Mushumansky had to remain at his unit until the appeal.

Forum 18 sent enquiries in December 2022 (https://www.forum18.org/archive.php?article_id=2798) to the Defence Ministry's Information Department and the Western Military District, asking why military recruitment offices were denying requests for alternative civilian service when the Constitution guarantees this right to all citizens. Forum 18 also asked whether mobilised conscientious objectors would be allowed to serve in unarmed roles. Forum 18 had received no reply by the end of the working day of 20 March 2023.

No clear mechanism for alternative service for mobilised men

There is still no clear mechanism by which mobilised men can apply for alternative civilian service. Lawyers and human rights advocates agree that Russian federal legislation does not provide for ACS for reservists during mobilisation (only for conscripts during the regular twice-yearly conscription periods). They insist, however, that the Constitution guarantees the right to ACS in any case, and that men who object to fighting on religious or other conscientious grounds should therefore lodge applications for ACS and go to court when they are refused.

The gap in the law (https://www.forum18.org/archive.php?article_id=2798) has led to military recruitment offices turning down conscientious objectors' requests for alternative civilian service on the grounds that there is no provision for ACS during mobilisation and/or that ACS is only for conscripts, despite this being contrary to the Constitution.

The Defence Ministry announced on 29 October 2022 that mobilisation had been completed and the target figure of 300,000 recruits met. Although President Putin said on 9 December 2022 that there was "no need" for a second wave of mobilisation, he has not issued a decree cancelling the original announcement.

In March 2023, reports have come from a number of regions across Russia that recruitment offices are again beginning to issue call-up papers (<https://www.bbc.com/russian/features-64962962>). (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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