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RUSSIA: "Would Jesus Christ have gone to kill in Ukraine?"

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

Eduard Charov criticised Russia's invasion of Ukraine on social media, asking "Would Jesus Christ have gone to kill in Ukraine?". The FSB alerted the Prosecutor's Office. A Sverdlovsk Region court fined him for "discrediting" the Armed Forces and "inciting hatred" towards state authorities. A Moscow court fined Mariya Kunchenko for an Orthodox Easter Sunday protest, while a Kareliya court fined Yekaterina Kukharskaya for putting up stickers bearing the Sixth Commandment ("Thou shalt not kill"). Police, prosecutors' offices, and courts did not respond to Forum 18's questions.

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 Sverdlovsk Region, Eduard Charov criticised the war and the "partial mobilisation" on social media, asking "Would Jesus Christ have gone to kill in Ukraine?". Krasnoufimsk District branch of the Federal Security Service (FSB) found his posts and alerted the Prosecutor's Office (see below).

A court fined Charov twice on 18 April for both "discreditation" of the Armed Forces (Administrative Code Article 20.3.3) and "incitement of hatred" towards the state authorities (Administrative Code Article 20.3.1). The fines amounted to one month's average local wage, though as a pensioner with a wife on a disability pension and residents to support in the shelter he runs, the fines will be a burden (see below).

On Orthodox Easter Sunday, Mariya Kunchenko protested against the war in central Moscow with a placard reading "Stop the war. Stop deceiving people. Freedom for political prisoners". She was fined for a second time (after an earlier punishment in Krasnodar Region) on 20 April under Article 20.3.3 (see below).

A court in Kareliya convicted Yekaterina Kukharskaya – who put stickers around Petrozavodsk bearing the Bible's Sixth Commandment ("Thou shalt not kill") and various anti-war slogans – under Article 20.3.3 and fined her just over a week's average local wage on 15 May (see below).

A court in Smolensk Region fined Moscow Patriarchate Orthodox church reader Pavel Kichula about three weeks' average local wage under Article 20.3.3 for reposting on his VKontakte page a "Handbook for Anti-War Disputes in the Family and the Workplace." FSB investigators detained him outside his church just before an evening service, questioned him about his "religious authority", and later told local media that he had "imposed his opinion on all participants of the religious group" (see below).

"They watched out for me on the Feast of the Annunciation and took me in right before the start of the evening service [on 6 April]. The questioning lasted until 8pm," Kichula told Forum 18. He commented that "I don't know how [the investigators] decided that I belong to a 'particular religious group' .. Apparently, in this way they wanted to mask my connection to the Russian Orthodox Church and make a noise in the media with the help of such terrible phrasing. After all, everyone is afraid of the unknown. In general, I don't know what logic they were guided by" (see below).

Police, prosecutors' offices, and courts in these and earlier cases have repeatedly failed to explain to Forum 18 why publicly objecting to the war in religious terms or on religious grounds, or otherwise peacefully expressing anti-war opinion, is considered grounds for prosecution for "discrediting the Armed Forces" (see below).

Pressuring religious leaders, blocking websites

Russia's government has used a range of tactics to pressure religious leaders (https://www.forum18.org/archive.php?article_id=2763) into supporting the renewed invasion of Ukraine from 24 February 2022. As well as prosecuting and fining religious believers and clergy who have publicly opposed the war, these tactics include warnings to senior and local religious leaders (https://www.forum18.org/archive.php?article_id=2741). It is unclear what effect this has had on religious believers who may have considered making a public protest against the war. Similar warnings and prosecutions have been

used against many Russians who express opposition to the war for any reason.

In January 2023, the Justice Ministry named Telo Tulku Rinpoche (Erdni-Basan Ombadykov), the Dalai Lama's representative in Russia, as a "foreign agent" because, as the Ministry put it, he "spoke out against the special military operation in Ukraine and openly spoke in support of Ukraine". Rinpoche had left the Russian Federation several months earlier. He was the first religious leader to be added to the "foreign agents" register (https://www.forum18.org/archive.php?article_id=2707).

The Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) has blocked access to a number of websites (https://www.forum18.org/archive.php?article_id=2817) that posted news of Russian destruction of places of worship in Ukraine, comments against Russia's war from a religious perspective or criticism of the Moscow Patriarchate leadership's support for the war, as well as blocking several Ukrainian religious websites. Roskomnadzor has also blocked the website of the DOXA student journal for publishing a "Handbook for Anti-War Disputes in the Family and the Workplace" (see below).

Increasing punishments for criticism of Armed Forces, including mercenaries

Specific penalties for criticising Russia's actions in its renewed 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 28 March 2023, a set of amendments to the Administrative and Criminal Codes entered legal force (https://www.forum18.org/archive.php?article_id=2822), widening the definitions of Administrative Code Article 20.3.3, Criminal Code Article 280.3, and Criminal Code Article 207.3. They now also cover 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).

As of 23 May 2023, there had been 164 prosecutions under Criminal Code Article 207.3, and 80 prosecutions under Criminal Code Article 280.3, according to human rights group OVD-Info (<https://data.ovdinfo.org/svodka-antivoennyh-repressiy-may#1>). This is out of a total of 584 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 May, police had initiated 6,839 cases under Administrative Code Article 20.3.3, according to Russian independent media outlet Mediazona.

Between 24 February 2022 and 21 May 2023, OVD-Info recorded (<https://data.ovdinfo.org/svodka-antivoennyh-repressiy-may#1>) 19,718 detentions of people protesting against the invasion of Ukraine and latterly against the "partial mobilisation" (announced on 21 September 2022).

The first prosecution 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") for criticising the war from a religious basis was of Fr Ioann Burdin of the Moscow Patriarchate's Kostroma Diocese. He was fined on 10 March 2022 (https://www.forum18.org/archive.php?article_id=2725) 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. In the sermon, he stressed the importance of the Bible's 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 (https://www.forum18.org/archive.php?article_id=2725).

Many further fines (https://www.forum18.org/archive.php?article_id=2817) for expressing opposition for religious reasons against Russia's invasion of Ukraine have followed.

Criminal trials continue

Two people are currently on criminal trial for opposing the war from a religious perspective, both Orthodox Christians. A third is awaiting appeal.

Musician and teacher Anna Chagina, from Tomsk in Siberia, has so far undergone seven hearings in her trial (https://www.forum18.org/archive.php?article_id=2819) 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") at Tomsk's Soviet District Court, most recently on 29 May. Her next hearing is due to take place on 14 June.

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.

"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 (https://www.forum18.org/archive.php?article_id=2819).

Chagina remains at home under specific restrictions, including a night-time curfew, and must wear an electronic tag.

Fr Ioann Kurmoyarov – who belongs to a branch of the Russian Orthodox Church Outside Russia which is not in communion with the Moscow Patriarchate – has been in custody at St Petersburg's Kresty-2 prison (https://www.forum18.org/archive.php?article_id=2756) since June 2022, charged 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") for posting anti-war videos on YouTube.

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".

There have so far been 11 hearings since Fr Ioann's trial began in September 2022 (https://www.forum18.org/archive.php?article_id=2814), but in April 2023, his case was passed to a new judge, who has started hearing the case again from scratch. Fr Ioann most recently appeared at Kalinin District Court on 29 May. On 25 April, the court extended his period of detention to 28 August. His next hearing is due on 13 June, according to the court website.

Mikhail Simonov, the first person to receive a prison sentence for his religiously motivated opposition to the war in Ukraine, lodged an appeal on 11 April 2023. Moscow City Court has not yet listed any hearings.

The capital's Timiryazevsky District Court found Simonov guilty 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") on 30 March and sentenced him to 7 years' imprisonment (https://www.forum18.org/archive.php?article_id=2822) for anti-war posts on social media, including one that said: "Killing children and women, on Channel One [television] we sing songs. We, Russia, have become godless [bezbozhniki]. Forgive us, Lord!". Simonov currently remains in detention at Moscow's Investigation Prison No. 5.

Sverdlovsk Region: "Would Jesus Christ have gone to kill in Ukraine?"

On 18 April at Krasnoufimsk District Court in the Urals, Eduard Aleksandrovich Charov received two fines – totalling 65,000 Roubles – for "discrediting" the Russian Armed Forces and "inciting hatred" against the state with his social media posts criticising the war in Ukraine and offering sanctuary to men avoiding mobilisation.

Charov (born 18 July 1971) is an independent Christian preacher who runs a shelter for poor and homeless people in the village of Savinovo.

The court verdicts, seen by Forum 18, state that he made multiple posts on his VKontakte page from May 2022 onwards, "attributing purposefully hostile, violent, discriminatory actions of the Armed Forces of the Russian Federation against civilians or socially significant objects [and] attributing the commission of war crimes to Russian military personnel on the territory of Ukraine".

Charov deleted the posts in question before his court appearance. After the "partial mobilisation" was announced in September 2022, Charov wrote "You churchmen/church people! Come to your senses! Understand! Think about it, would Jesus Christ have gone to kill in Ukraine????!" [punctuation original], according to the Christians Against War Telegram channel.

Charov had "urged men not to go their deaths" and stated openly that he would give shelter to those who had received call-up papers, the It's My City – Yekaterinburg news outlet noted on its VKontakte page on 22 April. Seven men stayed at the shelter for this purpose, the outlet added.

"For discrediting those who discredit themselves", as Charov himself put it on VKontakte on 20 April, Judge Yevgeniya Chetina handed him a fine of 45,000 Roubles under Administrative Code Article 20.3.3, Part 1 (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 a separate hearing, she also fined him 20,000 Roubles under Article 20.3.1 ("Incitement of hatred or enmity").

Together, the fines add up to more than 4 weeks' average wages for Sverdlovsk Region, though as a pensioner with a wife on a disability pension and residents to support in the shelter he runs, the fines will be a burden.

"If I am acquitted tomorrow, then I am a false priest and I need to reconsider my relationship with the Lord," Charov commented on his VKontakte page on 17 April. "If convicted, then I am faithful to Christ."

Friends and supporters have donated sufficient funds to pay the fine, Charov added on 20 April, "Although I do not approve of paying [it], because this money will be used by the state to kill people. But I think I will bring more benefit to the Fatherland at liberty than in captivity."

Charov nevertheless lodged appeals against both convictions at Sverdlovsk Regional Court. An appeal judge upheld his conviction and fine under Article 20.3.1 on 24 May; his appeal hearing in the Article 20.3.3 case is due to take place on 1 June.

According to the court verdicts, Charov has not previously been convicted of analogous offences. Both cases against him were initiated on 6 April by the Krasnoufimsk Inter-District Prosecutor's Office as a result of online monitoring by the Krasnoufimsk District branch of the FSB. This found that, over nearly a year, Charov had made posts which "contain a negative assessment of the actions of the Armed Forces of the Russian Federation [and] are aimed at discrediting – that is, denigrating [and] deliberately undermining the authority of – the Armed Forces of the Russian Federation, [and] distorting their goals and objectives", as well as "information aimed at inciting hatred and enmity against representatives of the state authorities of the Russian Federation".

Charov pleaded not guilty to both charges, acknowledging that he had made the posts, but insisting that they "in no way discredit the actions of the Armed Forces" and that he had not intended to incite hatred.

Defence lawyer Roman Kachanov pointed out in court that Russia's actions in Ukraine had been evaluated by the United Nations General Assembly, that Charov had the right to freedom of thought and expression, and that he had made "no calls for violent action". Despite this, Judge Chetina found Charov guilty on both counts.

Forum 18 asked Sverdlovsk Region Prosecutor's Office and Krasnoufimsk District Court why Charov's actions were considered to be "discreditation" of the Armed Forces, and why he had been accused of incitement of hatred when he had not called for violent action. Forum 18 had received no reply by the middle of the working day of 30 May.

Moscow: Easter protest

On the morning of Orthodox Easter Sunday – 16 April – Mariya Aleksandrovna Kunchenko went to stand on Bolshoy Moskvoretsky Bridge in central Moscow, near the spot where opposition politician Boris Nemtsov was shot dead in 2015. She was holding a placard reading "Stop the war. Stop deceiving people. Freedom for political prisoners".

"I've come from another city today, on the day of Holy Easter, to make my protest against the war and to support political prisoners", she told journalists from SOTA Project before her arrest. "Freedom to Yashin, freedom to Kara-Murza, freedom to Navalny and all political prisoners. I call on one and all not to be silent, not to run away, but to openly express your disagreement, and everyone in their own place, to fight for their Motherland. There's no other way for us."

"I think that fleeing the country now is the same as leaving your family during a difficult period and finding something better, easier. You need to understand that you're running away to a place where somebody else once made the effort and tried to create these [better] conditions."

"Jesus Christ said: 'For whoever would save his life [in Russian, *dusha* – soul] will lose it, and whoever loses his life for my sake will find it'" [Matthew 16:25].

Police soon detained Kunchenko and took her away to be charged 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"). Moscow's Tver District Court fined her an unknown amount on 20 April.

According to the written verdict, seen by Forum 18, Kunchenko did not attend court, and her request that the case be delayed and transferred to a court near her place of residence was denied on the grounds that she is not registered as resident anywhere.

The verdict states that Kunchenko displayed "a poster of thematic anti-war content, attracting the attention of an unlimited circle of people, as well as the media. The content of this visual agitation clearly expresses a negative attitude towards the use of the Armed Forces of the Russian Federation in protecting the interests of the Russian Federation and its citizens [and] maintaining international peace and security, and is in fact similar in content to publicly available information posted (published) on the Internet and various social networks broadcasting a negative attitude towards the ongoing military operation of the Armed Forces of the Russian Federation, containing, among other things, appeals and slogans."

Kunchenko lodged an appeal against her conviction on 3 May, which was transferred to Moscow City Court on 17 May, according to the Moscow court system website. No hearing has yet been listed.

This is Kunchenko's second conviction under Administrative Code Article 20.3.3. On 12 April 2023, she was found guilty and received a fine at Seversk District Court in the southern Krasnodar Region for putting up anti-war and anti-mobilisation notices in three villages. Krasnodar Regional Court registered her appeal on 4 May and an appeal hearing is due to take place on 21 June.

Forum 18 asked the Interior Ministry's Moscow branch and Tver District Court why Mariya Kunchenko's peaceful expression of her views on the war were considered to be "discreditation" of the Armed Forces. Forum 18 had received no reply by the middle of the working day of 30 May.

Kareliya: "Thou shalt not kill"

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]".

On 15 May, in a closed hearing, Petrozavodsk City Court fined her 15,000 Roubles 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") Part 1, concluding that her actions "presented a public danger", Radio Free Europe's Sever.Realii noted on the day of sentencing. The fine is half the minimum punishment provided for under this Article, just over a week's average wage for Kareliya.

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 middle of the working day of 30 May.

"The text of the stickers that Yekaterina pasted up indicate her rejection of war - there is not a word about the special military operation. It is not clear to the defence why [the police], contrary to the position of the political leadership of the Russian Federation, recognise the special military operation as a war", Kukharskaya's lawyer commented to Sever.Realii on 15 May.

The From Karelia With Freedom Telegram channel opened a collection to pay Kukharskaya's fine, which reached its target within one day. She does not appear to have lodged an appeal.

Smolensk Region: Detained outside church

On 7 April, Vyazma District Court in the western Smolensk Region fined Pavel Dmitriyevich Kichula 40,000 Roubles under Administrative Code Article 20.3.3, Part 1 (https://www.forum18.org/archive.php?article_id=2737) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") for reposting on social media a guide to talking about the war in Ukraine. He did not appeal. His fine amounts to about three weeks' average wage in Smolensk Region.

Kichula is a reader (chets) at a Russian Orthodox (Moscow Patriarchate) church in Vyazma, and once headed the Vyazma Diocese's Youth Missionary Department.

The "Handbook for Anti-War Disputes in the Family and the Workplace" (https://web.archive.org/web/20220228135152/http://doxajournal.com/anti_war_handbook) was originally produced by the student journal DOXA in late February 2022, shortly after Russia launched its renewed invasion of Ukraine. It consists of suggestions for how to deal with 17 arguments about the war, ranging from "Aren't we saving Ukraine and Russia from neo-Nazis?" and "Ukraine is banning Russians from speaking Russian", to "It's useless to go out and protest. Everyone gets dispersed and taken away. It didn't work for the Belarusians." As a result, DOXA's website was blocked (<https://en.ovdinfo.org/no-to-war-en#3-2>) by Roskomnadzor (https://www.forum18.org/archive.php?article_id=2817) in February 2022.

Kichula posted the Handbook on his VKontakte profile on 10 March 2022, but was not arrested until April 2023 over a year later.

"They tried to find me several times – they'd never been able to get through to me on the phone," Kichula told Forum 18 on 21 May. "They watched out for me on the Feast of the Annunciation and took me in right before the start of the evening service [on 6 April]. The questioning lasted until 8pm."

Investigators asked Kichula directly about his participation in the Church, although he does not know "why or what they wanted". They disregarded his request to put off the court hearing until after the Feast of the Annunciation, one of the twelve Great Feasts of the Orthodox Church.

Local news website Readovka67.ru described the case on 14 April as involving a "resident of Lvov Region" [in Ukraine], who moved to Vyazma and "gained influential authority in a particular religious group". It quotes the regional FSB branch as saying that the man "publicly began to express disagreement with the actions of Russian troops in Ukraine", called Russian soldiers war criminals, and "imposed this opinion on all participants of the religious group".

"Without checking the facts mentioned in the article I posted on my wall, they decided that these were my words, and the linguistic analysis of these images [of the Handbook for Anti-War Disputes] seemed to prove my guilt," Kichula told Forum 18.

"With their obvious participation in my detention at the church .. as well as my explanations that I don't have 'religious authority' since I don't give sermons in church – I don't know how [the investigators] decided that I belong to a 'particular religious group'," Kichula commented to Forum 18. "Apparently, in this way they wanted to mask my connection to the Russian Orthodox Church and make a noise in the media with the help of such terrible phrasing. After all, everyone is afraid of the unknown. In general, I don't know what logic they were guided by." (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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