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RUSSIA: Second jail term for opposing Russia's war in Ukraine on religious grounds

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

On 31 August, a St Petersburg court jailed 55-year-old Fr Ioann Kurmoyarov for 3 years and banned him from posting on the internet for 2 years for distributing "false information about the Russian Armed Forces". His is the second known prison term for opposing Russia's war against Ukraine from a religious perspective. In March, a Moscow court jailed Mikhail Simonov for 7 years. Fr Ioann pleaded guilty, telling the court: "I undertake in the future not to touch upon the topic of the conduct of special military operations by our troops."

An Orthodox priest who condemned Russia's renewed invasion of Ukraine on his YouTube channel has received a 3-year prison sentence for distributing "false information about the Russian Armed Forces". The sentence – handed down by a St Petersburg court on 55-year-old Fr Ioann Kurmoyarov – is the second known jail term to punish an individual who opposed Russia's war from a religious perspective. In March, a Moscow court handed Mikhail Simonov a 7-year prison sentence.

In more than sixty videos posted on his "Orthodox Virtual Parish" channel, Fr Ioann argued that all Christians should oppose the invasion, accused Russian troops of committing crimes, and stated that the invaders would not go to heaven. It is unknown whether or not he or the prosecutor will appeal (see below).

"It so happens that I have experienced the SVO ["special military operation", the official term for Russia's invasion of Ukraine] as a personal tragedy, because on both sides of the conflict people of the same blood and the same faith are opposing each other, often parishioners of the same Orthodox Church", Fr Ioann wrote in an open letter on the Free Ioann Kurmoyarov Telegram channel on 31 May. "Like any normal person, and even more so as a Christian, I wanted to do everything in my power so that this conflict would end as soon as possible and peace would come" (see below).

The Investigative Committee arrested Fr Ioann in early June 2022 and charged him under the new Criminal Code Article 207.3, Part 2, Paragraphs G and D, introduced after the invasion to punish 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" (see below).

The maximum sentence he could have received is 10 years' imprisonment. Prosecutors sought a prison term of 7 years. The judge also banned Fr Ioann from posting material on the internet for two years after his release from prison (see below).

Forum 18 asked the St Petersburg Prosecutor's Office why expressing a Christian position on the war in Ukraine is considered to be "false information" about the Armed Forces, why prosecutors had requested such a long prison sentence, and whether they would challenge the court verdict. Forum 18 has received no reply (see below).

Prison authorities in St Petersburg – where he has been held since his June 2022 arrest – have denied his requests for a meeting with a priest and appropriate medical care (see below).

Fr Ioann has spent the duration of the investigation and his 11-month trial in detention at St. Petersburg's Kresty-2 prison, where he will remain until the verdict enters legal force. He has accused the detention centre staff of withholding proper medical care, and has said he is on a "prophylactic register" of detainees "prone to extremism and terrorism", despite the charges against him being unrelated to either extremism or terrorism under Russian law (see below).

Neither the prison service nor the St Petersburg Prosecutor's Office has responded to Forum 18's enquiries about Fr Ioann's inclusion in such a register or about his treatment in detention (see below).

Fr Ioann was formally deprived of his priestly status in the Moscow Patriarchate on 1 April 2022 after a period of conflict with Novosibirsk Diocese (where he served as a seminary lecturer from 2018 to 2020) over his public criticism of the Russian Orthodox Church's new Main Cathedral of the Armed Forces. He had already joined, in December 2021, a branch of the Russian Orthodox

Church Outside Russia (ROCOR) led by Odesa-based Metropolitan Agafangel (Pashkovsky), which did not enter communion with the Moscow Patriarchate with other parts of ROCOR in 2007 (see below).

On 8 September, political activist Dmitry Kuzmin protested in support of Fr Ioann outside Kazan Cathedral in St Petersburg, holding a placard reading "Freedom for Priest Ioann Kurmoyarov". Police detained him after about 25 minutes, local news outlet Bumaga reported. Kuzmin was released a few hours later, having been charged with violating the city's anti-Covid regulations, according to human rights group OVD-Info.

"Discreditation" and "False information"

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 series of amendments to the Criminal Code came into legal force, increasing penalties for disseminating "false information" 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).

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 was 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, the penalty was raised 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 was raised from 3 years to 5 years (Part 2 remains unchanged).

Now two jailed, two fined on criminal charges for religious opposition to war

Fr Ioann Kurmoyarov is the second person to be sentenced to imprisonment for opposing Russia's war in Ukraine on religious grounds, and the fourth to be convicted on criminal charges:

– on 17 October 2022, Verkhoturys District Court (Sverdlovsk Region) fined Fr Nikandr Igoryevich Pinchuk (https://www.forum18.org/archive.php?article_id=2783) (of the same branch of ROCOR as Fr Ioann) 100,000 Roubles under Criminal Code Article 280.3 (https://www.forum18.org/archive.php?article_id=2737), Part 1 for posts on VKontakte. In the posts, he accused the Russian army of shelling Ukrainian cities, called it the "horde of the Antichrist", and praised the "perseverance" of the defenders of "the city of Mary, Mariupol";

– on 30 March 2023, Timiryazevsky District Court in Moscow handed 63-year-old Mikhail Yuryevich Simonov (https://www.forum18.org/archive.php?article_id=2822) a 7-year prison sentence under Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2737), Part 2 for two online comments about the war ("Killing children and women, on Channel One [television] we sing songs. We, Russia, have become godless [bezbozhniki]. Forgive us, Lord!"; and "Russian pilots are bombing children"). He appealed unsuccessfully on 25 July 2023. As of early September, he was in transit, at Investigation Prison No. 1 in Nizhny Novgorod, on his way to a labour camp;

– on 7 August 2023, Soviet District Court in Tomsk fined Anna Sergeyevna Chagina 100,000 Roubles under Criminal Code Article 280.3 (https://www.forum18.org/archive.php?article_id=2737), Part 1 for making anti-war posts on VKontakte after first being convicted for displaying a poster reading "Blessed are the peacemakers (Matthew 5:9)" at an anti-war protest. She lodged an appeal on 25 August, but Tomsk Regional Court has not yet listed any hearings.

Investigators have also opened three criminal cases against people who have left Russia:

– Nina Aleksandrovna Belyayeva (https://www.forum18.org/archive.php?article_id=2809), a Baptist and Communist municipal deputy from Voronezh (Criminal Code Article 207.3, Part 1);

– Fr Aleksandr Nikolayevich Dombrovsky (https://www.forum18.org/archive.php?article_id=2809), a Moscow Patriarchate priest from Bryansk Region who was told by local police that the FSB security service had opened a case against him (Article unknown);

– Yury Kirillovich Sipko (https://www.forum18.org/archive.php?article_id=2852), Baptist pastor and former head of the Russian Baptist Union (under investigation under Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2737), Part 2, Paragraph D), whose home in Moscow the Investigative Committee raided on 8 August 2023; they could not arrest him as he had already left the country, and they have now had him placed on the Interior Ministry's wanted list.

In addition, on 29 June 2023 a Vladivostok court jailed Pentecostal conscientious objector Andrey Kapatsyna for 2 years, 10 months for refusing to fight in Ukraine (https://www.forum18.org/archive.php?article_id=2848). He told commanders that "in accordance with his religious beliefs, he could not take up arms and use them against other people".

St Petersburg: Prison term for criticising war from Christian perspective

On 31 August 2023, after twenty hearings over nearly a year (https://www.forum18.org/archive.php?article_id=2780), St Petersburg's Kalinin District Court found Fr Ioann Kurmoyarov (born Dmitry Valeryevich Kurmoyarov, 8 January 1968) guilty of disseminating "false information" about the Russian Armed Forces in videos on his YouTube channel. The court sentenced him to 3 years' imprisonment in a general-regime labour camp.

Judge Yekaterina Tyamina – the second judge to be assigned to the case – also ruled that Fr Ioann will be subject to a 2-year ban on "engaging in activities related to posting publications on the Internet telecommunications network", according to the Telegram channel of the St Petersburg Court System's Joint Press Service. Press spokesperson Darya Lebedeva told Forum 18 that the 2-year ban will start when Fr Ioann is freed from prison.

"It's hard for me to accept a situation in which Orthodox Christians are fighting on both sides of a conflict, and two parts of the same Church have different attitudes towards the [special military operation], Fr Ioann said in his final statement to the court on 30 August. "And in general, in my opinion, a Christian cannot look indifferently at the suffering of people, and especially children, regardless of what caused it."

Prosecutors had requested a 7-year prison term. The judge took into account Fr Ioann's guilty plea and expression of remorse, as well as the fact that he had once been prosecuted in Ukraine for displaying the St George's ribbon (seen as a symbol of support for Russia's armed forces and which is banned in Ukraine), in imposing a lower sentence, a supporter who has been following the case explained to Forum 18 on 31 August.

Fr Ioann has spent the duration of the investigation and trial in detention at St Petersburg's Kresty-2 prison – a total of 449 days between arrest and sentencing. If the court verdict comes into force, this time – plus the time before any appeal – will be subtracted from his sentence at a rate of one day in detention to a day and half in prison.

No written verdict is yet available, press spokesperson Darya Lebedeva told Forum 18 on 1 September, and it will not be published on the court website. She added that "What the prosecutor asks for [with regard to punishment] does not matter to the court. Their opinion has no significance for us". Lebedeva promised on 8 September to find out if the written decision has been issued.

It is as yet unknown whether either Fr Ioann or the prosecutor's office will decide to appeal against Judge Tyamina's decision.

Forum 18 wrote to the St Petersburg Prosecutor's Office on 1 September, asking why expressing a Christian position on the war in Ukraine is considered to be "false information" about the Armed Forces. It also asked why prosecutors had requested such a long prison sentence and whether they would challenge the court verdict. Forum 18 had received no reply by the middle of the working day of 8 September.

"Those who have unleashed aggression will not be in heaven"

The prosecution case against Fr Ioann was derived from videos he uploaded to his YouTube channel (https://www.forum18.org/archive.php?article_id=2780) – 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. A total of 62 uploads featured in the case materials, Sever Realii noted on 24 August 2023 (<https://www.severreal.org/a/zapret-v-sluzhenii-by-l-tolko-nachalom-ieromonah-ioann-kurmoyarov-iz-sizo/32552802.html>) (this is despite the fact that Fr Ioann made only 27 videos between the 24 February invasion and his arrest, Forum 18 notes).

Analysis by a Defence Ministry-appointed expert concluded that they contained "a negative assessment of the Russian military,

'propaganda statements that encourage opposition to the use of the Russian Armed Forces outside the country', and false information about the actions of Russian President Vladimir Putin", according to Sever Realii.

Although it remains unclear exactly which of the 210 videos on Fr Ioann's channel comprised the prosecution evidence (as the indictment and verdict are both as yet unavailable), it appears that the case centred on the one entitled "Who will be in heaven, and who in hell?", posted on 12 March 2022.

Investigators charged Fr Ioann 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 in "Who will be in heaven, and who in hell?" (https://www.forum18.org/archive.php?article_id=2819) 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". "I 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 published on the Free Ioann Kurmoyarov Telegram channel on 13 March 2023. "I have always treated Muslims with respect, and was therefore referring exclusively to the opinions of authoritative figures in the Islamic world."

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".

In court on 30 August, Fr Ioann argued that this view was in keeping with the Orthodox Church's principle of soteriological exclusivism (the idea that salvation will not apply to everyone), and noted that the prosecution's expert was "clearly not aware of the fact that the doctrine of universal salvation was condemned by the Orthodox Church at the Fifth Ecumenical Council as a heretical teaching".

(The bulk of the eight-and-a-half-minute video is 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 and opposing Nato expansion. In his comments, Fr Ioann also criticises Ukrainian actions in Donbas since 2014.)

Many of the channel's other posts express similar critical views of the invasion. In a video posted on 24 March 2022, entitled "Is all power from God? Is Putin's power from God?", Fr Ioann says: "The most painful thing is that our army, the Russian army, is committing crimes. That's the trouble – that my beloved country is behaving absolutely not in a Christian, not in a human way, [but] in fact is doing the same thing that Nazi Germany did in the 1930s and 1940s."

In a video of 5 April 2022, pinned at the top of the channel's homepage, Fr Ioann comments: "In the Russian Orthodox Church it seems to me that a demonic spirituality dominates, because the majority of Russian Orthodox priests and bishops support this war. Of course I'm shocked by this. On the one hand I'm glad I left [the Church] right on the eve of war .. but I don't understand how they can be in this state when in principle they should be professing the Gospel of Christ. There it says 'Blessed are the peacemakers', 'Those who live by the sword shall perish by the sword'."

At trial, Fr Ioann pleaded guilty, but denied having had any "selfish motives" or "reasons of hatred or enmity" for his actions, and argued that "The prosecution, in my opinion, did not take into consideration that, after all, I am a priest, a monk and a theologian, and treated me as a political figure", failing to acknowledge his "religious motivation".

"Being a deeply religious person, an Orthodox monk, priest, [and] teacher, I was deeply shocked by news of the beginning of the special military operation in Ukraine", Fr Ioann told the court during the final presentation of arguments [preniya] on 30 August. "I was especially traumatised by the thought that people of the Orthodox faith were participating and suffering on both sides of this conflict".

"Being in a difficult psychological state, deeply experiencing the internal conflict between the two parts of the Russian Orthodox Church, and also painfully experiencing the tragedy of people who found themselves in the zone of the Special Military Operation, not being an expert in political and military issues, it was difficult for me to assess the current situation", Fr Ioann added.

"One of the main Christian commandments is 'Blessed are the peacemakers' [Matthew 5:9] which is pronounced every day in every Orthodox church at every divine liturgy", Fr Ioann continued. "It was this evangelical teaching that I tried to convey to the viewers of my channels and visitors to the VKontakte page."

Investigation and trial

Investigative Committee officials arrested Fr Ioann on 7 June 2022 (https://www.forum18.org/archive.php?article_id=2756), seizing his cassock, two icons, and a pectoral cross (as well as his electronic devices) during the search of his home in St Petersburg.

On 8 June 2022, according to a statement on the St Petersburg Investigative Committee website, investigators charged Fr Ioann under Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2737), Part 2, specifically, as it later became known, under Paragraphs G and D. After his arrest, Fr Ioann's whereabouts were uncertain for several days, and his then-lawyer Leonid Krikun had to visit a series of St Petersburg detention facilities in order to track down his client.

Fr Ioann's trial began on 20 September 2022. He made eleven appearances at St Petersburg's Kalinin District Court before Judge Yulia Olshevskaya, before his case was transferred in April 2023 to a new judge, Yekaterina Tyamina, who examined the case again from scratch over another nine hearings.

Kurmoyarov's first lawyer, Leonid Krikun, refused to continue representing him after his first recognition of guilt in October 2022, believing that he was "incriminating himself". (Krikun, who has defended a number of political activists, later left Russia, the SOTA Project Telegram channel reported on 4 January 2023.)

In late May 2023, Kurmoyarov's second lawyer Luisa Magomedova also left the case at his request, as they had disagreed over his defence. He was subsequently represented by court-appointed lawyer Tatyana Stanovaya.

"The criminal case has not affected me as a person in any way", Fr Ioann told Sever Realii in an interview published on 24 August 2023 (<https://www.severreal.org/a/zapret-v-sluzhenii-byl-tolko-nachalom-ieromonah-ioann-kurmoyarov-iz-sizo/32552802.html>). "But it has allowed me to see the other side of life, allowed me to understand why Christ preferred communication with tax collectors and sinners to communication with the powerful of this world."

In his final speeches to the court, Fr Ioann asked the judge to consider several mitigating factors, including his lack of previous convictions, his responsibility for his elderly mother, and the absence of any "socially dangerous consequences" of his actions, "which is confirmed by the absence of victims in the indictment".

"For my part, I want to ask forgiveness of all those whom I may have offended with my emotional statements about the progress of the SVO", he concluded. "During the investigation, I realised that in Russia the words of an Orthodox clergyman have special weight, and therefore you need to be very careful with your statements, try to act not under the pressure of emotions, but to be guided by the principle of 'do no harm'. I undertake in the future not to touch upon the topic of the conduct of special military operations by our troops."

Fr Ioann asked the court to choose a punishment "not related to detention or restriction of freedom".

Denied medical treatment or visits from a priest

On 28 June 2023, in one of several unsuccessful applications to be released from detention and placed under lesser restrictions, Kurmoyarov accused the Kresty-2 prison of "numerous gross violations of my legal rights and freedoms .. which harm my mental and physical health", including delays to letters and constantly being moved between cells.

Fr Ioann stated that staff had ignored 25 requests he had made for medical assistance, including for treatment by specialists (he has been diagnosed with hypertension and a Baker's cyst). After he complained to the prosecutor's office, he received some medical care, but "not in full". He also noted that the emergency call button in his cell did not work.

Although, according to supporters, Fr Ioann has not been prevented from praying or deprived of religious literature, he claimed that detention centre staff have not allowed him to have religious items in his cell such as his cassock and pectoral cross (despite the fact that detention centre regulations do permit detainees the use of religious objects intended for wearing on the body).

Fr Ioann also stated that he had not been allowed to see an Orthodox priest "despite the fact that I and the previous lawyer filed a petition to the court, [and] this was upheld".

Fr Ioann also noted that, upon arrival at Kresty-2, staff registered him "as a person prone to extremism and terrorism", which they explained by telling him that the charges against him were "on the list of [Criminal Code] articles of an extremist nature".

The text of Article 207.3 does not mention extremism or terrorism, and it is not among the Articles which give grounds for inclusion in the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists" (https://www.forum18.org/archive.php?article_id=2687). It is, however, in the same "Crimes against public security" chapter of the Criminal Code as terrorism offences.

Forum 18 wrote to the St Petersburg and Leningrad Region branch of the Federal Prison Service on 1 September 2023, asking why

Fr Ioann had been included on such a register, whether this would affect his treatment in detention or in the prison colony (should his sentence enter legal force), and why he had been denied medical treatment and visits from a priest. Forum 18 had received no reply by the middle of the working day of 8 September.

Expelled from Moscow Patriarchate priesthood

Until his administrative prosecution in Ukraine in 2018 for displaying the St George's ribbon (the case was dropped because the statute of limitations had expired), Fr Ioann served as a priest in the Ukrainian Orthodox Church (Moscow Patriarchate) in Ukraine's Vinnytsia Region (https://www.forum18.org/archive.php?article_id=2756). He then moved to Russia to take up a seminary teaching position in Novosibirsk.

In summer 2020, Fr Ioann criticised the Russian Orthodox Church's new Main Cathedral of the Armed Forces, near Moscow, for its inclusion of frescoes depicting NKVD officers and Soviet soldiers (on the grounds that the majority of the latter would have been Communists). This triggered a year and a half of conflict with Novosibirsk Diocese, culminating in Metropolitan Nikodim (Chibisov) of Novosibirsk stripping Fr Ioann of his priestly status (https://www.forum18.org/archive.php?article_id=2756) in January 2022.

In December 2021, Fr Ioann joined a branch of the Russian Orthodox Church Outside Russia (ROCOR) (https://www.forum18.org/archive.php?article_id=2756) led by Odesa-based Metropolitan Agafangel (Pashkovsky), which did not enter communion with the Moscow Patriarchate with other parts of ROCOR in 2007.

Fr Ioann set up his "Orthodox Virtual Parish" YouTube channel in June 2020 in response to his suspension from Novosibirsk Diocese. Before Russia's invasion of Ukraine, he posted numerous videos which criticised the Moscow Patriarchate and the Russian government, alongside others on more general theological and liturgical 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. (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 then 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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