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RUSSIA: Religious freedom survey, March 2024

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Freedom of religion and belief, with interlinked freedoms of expression, association, assembly, and other fundamental freedoms remain seriously restricted in Russia. Forum 18's survey analysis ahead of the forthcoming presidential election documents freedom of religion or belief violations including: "extremism"-related criminal prosecutions and jailings of Jehovah's Witnesses and of Muslims who meet to study the works of Said Nursi; torture, and impunity for torture; prisoners of conscience deprived of Russian citizenship and deported after their sentence; and prosecuting, fining, and jailing Russians who protest against Russia's invasion of Ukraine from a religious perspective.

Russia's government seriously violates its freedom of religion and belief obligations, along with interlinked human rights such as the freedoms of expression, association, and assembly. A presidential election is due to take place on 15-17 March. Vladimir Putin has ruled Russia as either President or Prime Minister from 1999, and his rule has been marked by multiple serious human rights violations and the invasions of Georgia and Ukraine.

Serious freedom of religion or belief violations documented by Forum 18 within Russia's internationally recognised borders include but are not limited to:

- "extremism"-related criminal prosecutions and jailings of Jehovah's Witnesses and of Muslims who meet to study the works of the late Turkish theologian Said Nursi. Both groups have been outlawed as "extremist organisations", but adherents continue to meet without state permission in each other's homes to pray and sing together, study sacred texts, and to discuss shared beliefs;
- eight interlocking consequences related to "extremism" investigations and criminal convictions for exercising freedom of religion or belief;
- torture, and impunity for officials suspected of torture;
- prisoners of conscience deprived of Russian citizenship and deported from Russia after their sentence;
- a Federal Wanted List of over 95,000 individuals, including at least 42 individuals facing criminal charges to punish them for exercising freedom of religion or belief or for reporting on violations of this right;
- new specific Criminal Code and Administrative Code penalties punishing people who protest against Russia's renewed invasion of Ukraine for allegedly "discrediting" the Russian Armed Forces and "volunteer formations," and Criminal Code penalties for spreading alleged "false information" about the actions of the Armed Forces, "volunteer formations", and state bodies;
- prosecuting, fining, and jailing Russians who protest against the invasion from a religious or non-religious perspective;
- no legal or practical provision for alternative civilian service (ACS) during mobilisation, leading to conscientious objectors being sent to fight in Ukraine;
- closing the SOVA Center for Information and Analysis for holding events outside Moscow.

Context

A Russian presidential election is due to take place on 15-17 March 2024. Vladimir Putin has ruled Russia as either President or Prime Minister (between 2008 and 2012) from 1999. The last 2018 presidential election was not found to be free and fair (https://www.osce.org/files/f/documents/2/4/383577_0.pdf) by Organisation for Security and Co-operation in Europe (OSCE) election observers. Human rights defenders the Movement for Defence of Voters' Rights Golos (the only independent nationwide Russian election observation movement) continues to document violations of the human right to participate in free and fair elections (<https://golosinfo.org/en>), as does European human rights defenders Russian Election Monitor (<https://www.russian-election-monitor.org/>).

Russian human rights defenders such as OVD-Info (<https://en.ovdinfo.org/>) continue to document serious human rights violations, as do international human rights defenders such as Human Rights Watch (<https://www.hrw.org/europe/central-asia/russia>).

Among many human rights violations, torture has been repeatedly documented by Russian journalists working with the Latvia-based Meduza media project (<https://meduza.io/en>). Corruption is also widespread, as has been documented by the Organised Crime and Corruption Media Project (<https://www.occrp.org/russia?lang=en/>).

Under June 2022 amendments, Russia will not enforce any European Court of Human Rights (ECtHR) decision which came into force after 15 March 2022, and will pay outstanding compensation in earlier cases only in Roubles and not to bank accounts in countries deemed "unfriendly". "Russia hasn't been the best in enforcing ECtHR judgments domestically, far from it," a Jehovah's Witness lawyer told Forum 18, but added that positive judgments "generally slowed down the infringements". Moscow lawyer Sergey Okhotin described the amendments as "retroactively depriving Russian citizens of the right to international protection".

This survey documents the most serious (but not all) freedom of religion or belief violations within Russia's internationally-recognised borders.

Russian-occupied Ukrainian territory

The renewed 2022 Russian invasion of Ukraine was preceded by the 2014 invasion and illegal annexation of Ukraine's Crimean peninsula. In 2014, Russian-backed rebels also seized some eastern parts of Ukraine's Donbas. Since then, the Russian government has continued to commit serious freedom of religion or belief violations in Russian-occupied Ukrainian territory (<https://www.forum18.org/archive.php?country=17>).

These violations, along with violations of other human rights since Russia's 2014 invasion of Ukraine, have also been documented by the United Nations (UN) Human Rights Monitoring Mission in Ukraine (https://ukraine.un.org/en/resources/publications?f%5B0%5D=resources_agency%3A28#views-exposed-form-resources-embed) (HRMMU) among others.

"Extremism" charges, punishments

Before Russia's renewed 2022 invasion of Ukraine, the most serious freedom of religion or belief violations within Russia's internationally-recognised borders (<https://www.forum18.org/archive.php?country=10>) were "extremism"-related criminal prosecutions and jailings of Jehovah's Witnesses and of Muslims who meet to study the works of the late Turkish theologian Said Nursi (1877-1960).

The activities being prosecuted are similar, including meeting without state permission in homes to pray and sing together, study sacred texts, and to discuss shared beliefs.

Muslims who meet to study the writings of theologian Said Nursi may also be prosecuted under the Extremism Law for organising or participating in the activities of "Nurdzhular". Muslims in Russia deny any such formal organisation exists, but the Supreme Court banned it as "extremist" in 2008.

Jehovah's Witnesses have been liable to criminal prosecution since the 2017 Supreme Court ruling which liquidated their Administrative Centre (and its subsidiary structures) as an "extremist organisation" and outlawed their activities nationwide.

Texts by and about Nursi in Russian translation and multiple Jehovah's Witness publications are on the Justice Ministry's Federal List of Extremist Materials, alongside material which incites the violations of human rights. Any lower court can, without considering evidence, order any text to be added to the Federal List, which prohibits their production and distribution within Russia. The List's length, complexity, bibliographical shortcomings, and irregular updates make it very difficult or even impossible to check whether a particular item has been banned.

Possessing texts on the List makes individuals and religious communities liable to administrative prosecution (while the presence of banned literature can form part of evidence in a criminal case). Before the 2017 nationwide ban on Jehovah's Witness organisations, local Jehovah's Witness communities were administratively prosecuted for possession of items on the List – sometimes apparently planted by police during searches – and then banned as local organisations.

The removal of an item from the Federal List is rare and can be short-lived, and in recent years new texts have been added at an increasing rate.

Typically, the first those targeted know of an "extremism" case against them is early morning or late night raids on their homes by large numbers of armed and masked officers from agencies such as the Federal Security Service (FSB), the Investigative Committee, the National Guard, and possibly other agencies – including in one instance the Investigative Department of the Russian Navy's

Northern Fleet. Officials search homes and confiscate electronic devices and personal items such as bank cards, money, religious literature, and photographs. Such searches can take many hours.

Investigators then take some people away for questioning and possible detention. The raids take place after those targeted have been under FSB or police surveillance for some months, using methods such as covert recordings of meetings and conversations, CCTV cameras, and monitoring of social media accounts.

Most of those prosecuted are placed on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", even before any trial takes place (see 'Interlocking consequences' section below).

"Organising" or "participating in" banned "extremist" organisations

After being kept under FSB security service or police surveillance for some months, Muslims who meet to study the works of Said Nursi and Jehovah's Witnesses tend to be prosecuted under Criminal Code Article 282.2 for "organising" (Part 1), or "participating in" (Part 2), "the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity". The majority of convictions have been under this Article.

Possible punishments are:

Part 1 ("organising")

– six to 10 years' imprisonment and compulsory restrictions on freedom for one to two years after release, plus a compulsory ban on holding certain positions and/or carrying out certain activities for up to 10 years (see 'Interlocking consequences' section below);

- or a 400,000 to 800,000 Rouble fine;

Part 2 ("participating")

– two to six years' imprisonment, plus a possible ban on holding certain positions and/or carrying out certain activities for up to five years, and compulsory restrictions on freedom for up to one year after release (see 'Interlocking consequences' section below);

- or a 300,000 to 600,000 Rouble fine;

- or one to four years' assigned work and compulsory restrictions on freedom for up to one year, plus a possible ban on holding certain positions and/or carrying out certain activities for up to three years (see 'Interlocking consequences' section below).

Prosecutors have also brought charges against several Jehovah's Witnesses under Criminal Code Article 282.3, Part 1 ("Financing extremist activity"), apparently for continuing to collect donations for activities from other Jehovah's Witnesses. Possible punishments are:

- three to eight years' imprisonment;

- or a 300,000 to 700,000 Rouble fine;

- or one to four years' assigned work, plus a possible ban on holding certain positions and/or carrying out certain activities for up to three years (see 'Interlocking consequences' section below).

Prosecutors have also brought charges against Jehovah's Witnesses and Muslims under Criminal Code Article 282.2, Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation"). Possible punishments are:

- four to eight years' imprisonment;

- or a 300,000 to 700,000 Rouble fine;

- or two to five years' assigned work, plus a possible ban on holding certain positions and/or carrying out certain activities for up to three years (see 'Interlocking consequences' section below).

A fine of 300,000 Roubles represented in early 2024 about 4 months' wages for those in formal work at the average rate of pay across Russia. Levels of pay vary widely, however, from region to region. Such a fine represents about 15 months' pension for those on the average level of pension.

All the above prison terms may also be suspended. This means that the convicted person does not have to serve the time in prison

unless they are found guilty of another crime or repeated administrative offence. This includes offences unrelated to the activity which led to their original conviction. Judges can also impose a range of restrictions on freedom both during the probationary periods of suspended sentences, and for certain periods after a person's release from imprisonment.

Suspended sentences are the most common form of punishment handed down to Jehovah's Witnesses found guilty of "organising" or "participating" in allegedly "extremist" activity such as continuing to meet for worship.

Between the Supreme Court's 2017 ban on the Jehovah's Witnesses and 13 March 2024, investigators had opened criminal cases against 762 individuals in 73 of Russia's 83 federal subjects. First-instance courts had convicted 466 people and ultimately acquitted none. A total of 128 Jehovah's Witnesses are on trial as of mid-March 2024 in first-instance courts, while another 147 remain under investigation or awaiting court appearances. Investigators and prosecutors have dropped the criminal charges against only 21 people (three of whom are dead).

Thirteen Jehovah's Witnesses have died during or after being investigated – two while on trial, two shortly after charges against them were dropped, the rest before their cases reached court. They included a 90-year-old woman who was the oldest person ever to be added to the Rosfinmonitoring "List of Terrorists and Extremists". (The oldest person on the List as of mid-March 2024 is also a Jehovah's Witness, who will turn 90 this year.)

Of those convicted, 147 have received prison terms ranging from one to eight years in length, while 247 have received suspended sentences and 60 fines. Five people have been sentenced to terms of assigned work (prinuditelniye raboty) (see the interlocking consequences below). One man was found guilty posthumously but the court issued no sentence. The sentences of six convicted people remain unclear.

Interlocking consequences related to "extremism" investigations and criminal convictions

There are eight interlocking consequences related to "extremism" investigations and criminal convictions for exercising freedom of religion or belief:

- a) during investigation and even if no trial takes place, inclusion on the Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists (https://www.forum18.org/archive.php?article_id=2687)", which blocks their bank accounts, and causes problems in finding formal employment, obtaining insurance, buying and selling property, and a range of other financial activities.
- b) if convicted, the prison sentence itself, or possible fines which must be paid within 30 days of the fine entering legal force;
- c) for suspended sentences, a probationary period (https://www.forum18.org/archive.php?article_id=2681) during which any other conviction would send the defendant to prison;
- d) for those not given prison or suspended sentences, or fines, a possible period of assigned work (https://www.forum18.org/archive.php?article_id=2681). This may take the form of a paid job in any organisation, as determined by the correctional centre administering the sentence. Deductions from pay of 5 to 20 per cent may be transferred to the prison service. The assigned work depends on availability and the convicted person has no right to refuse. Officials check on convicted persons' locations at least once a day;
- e) a possible period of restrictions on freedom (https://www.forum18.org/archive.php?article_id=2681). This normally includes a curfew between particular hours, a ban on visiting certain places, a ban on leaving one's home town, a ban on attendance at or participating in particular events, a ban on changing one's place of residence, work, or study without the probation authorities' permission, and an obligation to register with probation authorities one to four times per month;
- f) Sudimost (https://www.forum18.org/archive.php?article_id=2681), or the state of having an active criminal record (https://www.forum18.org/archive.php?article_id=2681). Individuals may face a harsher sentence if prosecuted and convicted again during this period. Individuals are also barred from holding jobs in sectors such as the aviation industry, education, finance, the police and similar agencies, the civil service, and from standing for election. Although there is no legal bar on employment in other sectors, many people find it hard to secure formal work after criminal convictions. Sudimost expires at the end of the probationary period for those who have received suspended sentences. For those who have received fines, sudimost expires one year after the fine is paid. The length of sudimost for those given prison terms depends on the category of crime of which they have been convicted – for serious offences such as those under Criminal Code Article 282.2 ("Organisation of" or "participating in" the activity of a banned "extremist" organisation), sudimost lasts for eight years;
- g) for those given prison sentences, administrative supervision (https://www.forum18.org/archive.php?article_id=2681) for the entirety of their period of sudimost. Administrative supervision consists of a set of restrictions on movements and activities, and a requirement to register regularly with the police;

h) and for those convicted under Criminal Code Article 282.2 ("Organisation of" or "participating in" the activity of a banned "extremist" organisation), either compulsory or discretionary bans on holding particular positions or undertaking particular activities (https://www.forum18.org/archive.php?article_id=2681). These include: leading, participating in, or holding positions of responsibility in religious or public organisations. This would ban an individual from any participating in any registered religious organisation – even a religious community with no connection to their conviction. Individuals can also be banned from other activities, such as speaking publicly and publishing in the media and on the internet.

Trials for "organising" or "participating in" banned "extremist" organisations

In October 2021, the Supreme Court directed judges to ascertain a defendant's "specific actions" in relation to continuing a banned organisation, noting that actions "consisting solely of the exercise of their right to freedom of conscience and freedom of religion .. do not in themselves constitute a crime .. if they do not contain signs of extremism".

This guidance appears to have had virtually no effect on the conviction rate for Jehovah's Witnesses charged with "organising" or "participating in" the activities of a banned "extremist organisation". Courts have now overturned all eight acquittals of Jehovah's Witnesses found not guilty of "extremism" offences after the 2017 ban on their activity. All the acquittals were at least partly based on amended Supreme Court guidance.

All eight previously acquitted individuals have since been re-tried and seven were found guilty (a court in Sverdlovsk Region freed one woman from criminal responsibility because the statute of limitations for minors had expired – Darya Dulova was under 18 when her alleged offences took place). Two men received prison term upon re-trial – one of them, Dmitry Barmakin from Vladivostok, was sentenced to 8 years' imprisonment, the joint-longest term known to have been imposed on a Jehovah's Witness – while the other five received suspended sentences.

Similarly, the Supreme Court guidance appears to have had no effect on the conviction rate for Muslims who read the works of theologian Said Nursi, who often face similar "extremism"-related charges. The guidance has, however, resulted in the early release from prison of one Muslim prosecuted for studying Nursi's works.

Courts have almost exclusively handed down convictions in criminal cases against both Jehovah's Witnesses and Muslims who meet to read Nursi's works, and more appeals have been unsuccessful than successful. Prosecutors persist in challenging every decision that higher courts may make in favour of defendants.

"It is necessary to understand that every region and even every court in Russia has its own practice," Jehovah's Witness lawyers told Forum 18 on 14 September 2022. "Everyone is guilty, but the punishment is different everywhere." The defence "of course" refers to the Supreme Court guidance in every case, Jehovah's Witness lawyers told Forum 18 on 13 June 2023, but "the judges ignore it completely".

"The Supreme Court made a clear indication to all judges when it overturned two of our acquittals in the case of Zolotova et al. in Yelizovo [Kamchatka Region] and the case of Pryanikov et al. in Karpinsk," the lawyers added. In both these cases, prosecutors appealed to the Supreme Court after the defendants were acquitted based on the Supreme Court guidance. The Supreme Court then ignored its own guidance and sent the cases back to lower courts for re-examination.

Retired bookkeeper Vera Zolotova (born 20 October 1946) and teachers Snezhana Bazhenova and Konstantin Bazhenov were arrested by the Investigative Committee after searches of their homes in the town of Yelizovo in Kamchatka Region on 19 August 2018. On 25 September 2020 all three received two-year suspended sentences, with three-year probationary periods and six months of restrictions on freedom. They were eventually acquitted on 18 January 2022 by appeal judges at Kamchatka Regional Court. Prosecutors appealed to the Supreme Court, which returned the cases for re-examination in April 2022. In January 2023, all three Jehovah's Witnesses had their punishments upheld by Kamchatka Regional Court – the same court which had acquitted all three in January 2022.

Forum 18 asked Kamchatka Regional Court on 9 June 2023 why it had found Zolotova and the Bazhenovs guilty in January 2023 when it had acquitted them in January 2022, why collective prayer and Bible reading were considered crimes, particularly in light of the Supreme Court's amended guidance, and who had been harmed by the defendants' actions. Zhanna Pchelina, head of the Department for Codification and Harmonisation of Judicial Practice, refused on 14 June to answer Forum 18's questions. Other courts in such cases have also not answered Forum 18's questions.

There are much smaller numbers of Muslims who meet to read Nursi's works, and so smaller numbers of prosecutions. In one of the two trials in 2023 which have ended in jail sentences, on 13 March, after a nine-month trial in Naberezhnyye Chelny (Tatarstan), Khunar Agayev and Aydar Sageyev were jailed for 2 years and 6 months for meeting other Muslims to read Nursi's works. They were both charged with "organising the activities of a banned extremist organisation." Amrakh Akhmedov, charged with "participating", received a suspended sentence of 1 year and 6 months with 2 years' probation. All had been detained since being arrested in November 2021.

Agayev testified in court that he had read Nursi's books "to understand the Koran [and] strengthen his faith" and considers himself an "ordinary Muslim". When others were interested, he explained Nursi's works to them and translated for those who did not understand Turkish. The judge also ordered a number of books by and about Said Nursi, seized from the men during the investigation, to be destroyed as they were all "used as the means of commission of a crime".

The Tatarstan Investigative Committee, the Federal Investigative Committee in Moscow, and Tatarstan Prosecutor's Office have all not answered Forum 18's questions about why the men were considered dangerous, who had been harmed by their actions, and why jail sentences were sought.

The largest trial since 2018 of Muslims who met to study the works of Turkish theologian Said Nursi ended in Moscow on 27 June 2023. After nearly 30 hearings from August 2022, Judge Yuliya Frolova jailed all 6 defendants for terms ranging from 2 years and 7 months up to 6 years and 7 months. All six defendants were also given varying terms of post-prison punishments, including four-year bans on "participating in or leadership of public religious organisations", and restrictions on freedom (cannot change address or leave place of residence without informing probation authorities, 10pm to 6am curfew unless going out necessary for work).

These are the harshest punishments handed down to Muslims who met to study Nursi's works since Ilgar Aliyev was sentenced to eight years' imprisonment in 2018.

In their indictment, investigators noted how the men read aloud from Nursi's books in each other's homes, discussed their meaning, prayed, and drank tea together. The judge should have taken into account 2021 amendments to the Supreme Court's 2011 decree governing the application of the Extremism Law. A lawyer in the Moscow case commented to Forum 18 that the judge had "interpreted [the guidance] in her own way".

Forum 18 asked Moscow's Kuzminsky District Court why the Judge had found the six men guilty in light of the amended Supreme Court guidance, whom these activities had harmed and why the men were considered dangerous. Galina Gonchar, chair of Kuzminsky District Court, replied without addressing Forum 18's questions on 10 July 2023, but stated that "When passing sentence, the court examines all the factual circumstances of a case, as a result of which a proper assessment of all the facts will be given".

In December 2023, the same court began hearing the case of two more Muslims who read Nursi's works. By mid-March 2024, 45-year-old Zurab Dzhabrailov and 53-year-old Dzheykhun Rustamov had made four court appearances. The two have been held at Moscow's Butyrka prison since August 2023. Investigative Committee and FSB security service documents seen by Forum 18 reveal the investigation – which has involved covert surveillance - has been ongoing since 2017.

Why are defendants dangerous enough to be given long prison sentences?

Investigators and prosecutors tend not to specify any "victims" in such criminal cases, despite considering defendants dangerous enough to seek long prison sentences. Several of the defendants raise this point themselves.

"The courts are called to fight crime, but I still do not understand what my crime is," Jehovah's Witness Yelena Nikulina told Lenin District Court in Saransk on 15 August 2022. "There are no victims in our case, but there are still injured parties – and they are in front of you, in the dock!" Her husband Georgy Nikulin noted in his final speech: "It turns out that I am on trial not because I committed some real crime and am therefore dangerous to society. I am subject to criminal prosecution only because I am a Christian, a Jehovah's Witness."

Both the Nikulins were on 25 August 2022 sentenced to 4 years and 2 months' imprisonment, with 1 year and 2 months' restrictions on freedom. They were both added to Rosfinmonitoring List on 11 April 2019, after they (along with other Jehovah's Witnesses sentenced in the same trial) were detained during raids on nine homes in Saransk on 6 February 2019. Along with other defendants Nikulin was kept in custody for 147 days, and was not officially charged until 2021.

Forum 18 has repeatedly asked the Prosecutor's Offices which lodge criminal cases and the courts which consider them why defendants are convicted in light of the Supreme Court's amended guidance, in what way they could be considered dangerous, and why prosecutors seek such long sentences. No officials have addressed these questions in their responses, instead stating that they are unable to answer such enquiries or directing Forum 18 to statements on court websites.

In the Nikulins' case above, Lenin District Court's press release of 12 September 2022 stated that "In imposing punishment on the convicts, the court took into account the nature and degree of social danger of the crimes committed, the character of the perpetrators, [and] mitigating circumstances, as well as the impact of the punishment on their correction, and came to the conclusion that achieving the aim of punishment is possible only by isolating the convicts from society".

Torture

The United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

(<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>) defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Under the Convention, Russia is obliged both to arrest any person suspected on good grounds of having committed torture "or take other legal measures to ensure his [sic] presence", and also to try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature".

Torture nevertheless remains common, and the perpetrators are rarely punished. The UN Committee Against Torture's (CAT) Concluding Observations (CAT/C/RUS/CO/6 (<https://undocs.org/en/CAT/C/RUS/CO/6>)) on Russia, released in August 2018, stated: "The Committee is deeply concerned at numerous reliable reports of the practice of torture and ill-treatment in the State party, including as a means to extract confessions, and at many recent reports documenting cases of torture. .. The Committee is also concerned at reports that allegations of torture rarely resulted in criminal prosecutions and that, even when prosecuted, the perpetrators were charged with simple assault or abuse of authority". The CAT also urged Russia "to combat impunity in torture and ill-treatment cases".

Freedom of religion cases involving torture have included the torture of seven Jehovah's Witnesses in Surgut in February 2019 for refusing to give information on fellow-believers and their meetings. Instead of being arrested and investigated, in April 2019 two of the Investigative Committee officials implicated in the torture of the Jehovah's Witnesses were given awards, ostensibly for their work in 2018. Vladimir Yermolayev won "best local department head", and Sergei Bogodyorov took second place in the "best investigator" competition. No individual or institution is known to have been punished for torture.

Deportation, deprivation of citizenship

Four prisoners of conscience convicted for exercising their freedom of religion or belief are known to have been deprived of Russian citizenship and deported from Russia after completing their prison sentences. In the most recent known case, despite living half his life in Russia and marrying a Russian citizen, 46-year-old Jehovah's Witness Rustam Seidkuliyeu was deported to his native Turkmenistan in September 2023 after completing his two-and-half-year jail term for exercising freedom of religion or belief.

Officials did not explain to Forum 18 why Seidkuliyeu's Russian citizenship had been annulled in 2022, given his long residence in Russia, that there were no victims in his criminal case, and that his family had had to leave Turkmenistan in 2000 because of their exercise of freedom of religion or belief.

Like the earlier cases, officials annulled Seidkuliyeu's citizenship on the basis of Article 22 of the Citizenship Law, under which conviction for particular criminal offences is taken as equivalent to the provision of false information in a citizenship application.

Federal and International Wanted Lists

As of the beginning of February 2024, Russia's Interior Ministry had included in its Federal Wanted List at least 42 individuals facing criminal charges to punish them for exercising freedom of religion or belief or for reporting on violations of this right. Eleven of these individuals had been included on Russia's list even though they were sought by the authorities of Belarus, Kazakhstan, Tajikistan or Uzbekistan. Three opponents of Russia's war against Ukraine on religious grounds are also included, as are four Jehovah's Witnesses from Russian-occupied Crimea.

Other individuals on the Federal Wanted List include political opponents of the regimes in Russia, Belarus, Kazakhstan, Tajikistan, and Uzbekistan. Russia's Federal Wanted List is maintained by the Interior Ministry. On 13 February 2024, independent Russian media outlet Mediazona published the full list of 95,994 individuals on the database in early February.

If any of these individuals wanted in Russia are caught in Russia, arrive in Russia or are caught in states that are friendly to Russia (such as Belarus, Kazakhstan, Tajikistan or Uzbekistan), they risk immediate arrest as investigators complete any criminal case. If any are wanted by Belarus, Kazakhstan, Tajikistan or Uzbekistan and are found in Russia, they risk arrest and immediate transfer to that country.

The Interior Ministry has not answered Forum 18's questions on why the Federal Wanted List included Russian citizens who had peacefully exercised their right to freedom of religion or belief, as well as citizens of Belarus, Tajikistan, and Uzbekistan who had exercised the same right.

Russia is known to have illegally asked Interpol to distribute Red Notices to try to have other countries arrest and transfer at least some of these individuals, the most recent such known case being in 2020. Yuliya Burenina of the National Central Bureau (NCB) for Interpol of Russia's Interior Ministry in Moscow refused to explain to Forum 18 in March 2023 why Russia has sought Red

Notices for individuals wanted for exercising their freedom of religion or belief.

Interpol on 15 February 2024 told Forum 18: "Since the Interpol General Secretariat implemented heightened supervision and monitoring measures in relation to Russia in March 2022 all outgoing Notices, Diffusions and messages from NCB Moscow are first reviewed for compliance by the General Secretariat before being shared with any member country."

February 2022 renewed invasion of Ukraine

After Russia's renewed February 2022 invasion of Ukraine, Vladimir Putin signed into law new specific Criminal Code and Administrative Code penalties for allegedly "discrediting" and spreading alleged "false information" about Russia's actions in its renewed invasion of Ukraine. These entered into force on 4 March 2022. Other new legal amendments punish calling for sanctions against Russia. Some of the Criminal Code penalties were increased on 28 March 2023.

Also on 28 March 2023, the Administrative and Criminal Code definitions were widened 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). On 25 December 2023, further amendments widened the definitions to include criticism of new volunteer units of the National Guard (Rosgvardiya). These units have recruited former Wagner mercenaries.

These Administrative and Criminal Code articles are:

Administrative Code Article 20.3.3, Part 1 punishes "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, including public calls to prevent the use of the Armed Forces of the Russian Federation for these purposes, or [actions aimed at] discrediting the execution by state bodies of the Russian Federation of their powers outside the territory of the Russian Federation for the specified purposes, as well as discrediting the provision of assistance by volunteer formations, organisations or individuals in the performance of tasks assigned to the Armed Forces of the Russian Federation or the troops of the National Guard of the Russian Federation".

- Part 1 carries these possible fines:

- for individuals – 30,000 to 50,000 Roubles;

- for people in official positions – 100,000 to 200,000 Roubles;

- for legal entities – 300,000 to 500,000 Roubles.

A fine of 50,000 Roubles represented approximately three weeks' average wages in early 2024 for those in work, or more than two months' average state retirement pension. The equivalents vary from region to region.

Administrative Code Article 20.3.3, Part 2 covers the same actions, if they are: "accompanied by calls to hold unauthorised public events, or create a threat of harm to the life and/or health of citizens [or] property, a threat of mass disruption of public order and (or) public safety, or a threat of interfering with or stopping the functioning of objects of life support, transport or social infrastructure, credit organisations, energy facilities, industry or communications."

- Part 2 carries possible fines:

- for individuals – 50,000 to 100,000 Roubles;

- for people in official positions – 200,000 to 300,000 Roubles;

- for legal entities – 500,000 to 1 million Roubles.

A fine of 50,000 Roubles represented approximately three weeks' average wages in early 2024 for those in work, or more than two months' average state retirement pension. The equivalents vary from region to region.

A fine of 1 million Roubles represented approximately 13 months' average wages in early 2024 for those in work, or around 4 years' average state retirement pension. The equivalents vary from region to region.

Administrative Code Article 20.3.3 is used against apparently any form of anti-war statement either in public spaces or online.

If individuals commit an offence covered by Administrative Code Article 20.3.3 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") more than once in a year, they may be prosecuted under Criminal Code Article 280.3.3,

they may be prosecuted 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").

Administrative Code Article 20.3.3, Part 1 carries these possible punishments:

- a fine of 100,000 to 300,000 Roubles;
 - or up to three years' assigned work;
 - or 4 to 6 months' detention in an "arrest house" (arestny dom);
 - or up to 5 years' imprisonment, followed by up to 5 years' deprivation of the right to hold certain positions or engage in certain activities.
- Part 2 punishes the same actions, if "resulting in death by negligence and/or causing harm to the health of citizens, [or] property, [or causing] mass violations of public order and/or public safety, or interfering with or stopping the functioning of life support, transport or social infrastructure, credit organisations, energy facilities, industry or communications."

The punishments are:

- a fine of 300,000 to 1 million Roubles;
- or up to 7 years' imprisonment, followed by up to 7 years' deprivation of the right to hold certain positions or engage in certain activities.

A fine of 1 million Roubles represented approximately 13 months' average wages in early 2024 for those in work, or around 4 years' average state retirement pension. The equivalents vary from region to region.

Criminal Code Article 207.3, Part 1 punishes "Public dissemination, under the guise of credible statements, of knowingly false information about the use of the Armed Forces of the Russian Federation in order to protect the interests of the Russian Federation and its citizens [and] maintain international peace and security, or about the exercise by state bodies of the Russian Federation of their powers outside the territory of the Russian Federation for those purposes, as well as [knowingly false information] on the provision of assistance by volunteer formations, organisations or individuals in the performance of tasks assigned to the Armed Forces of the Russian Federation or the troops of the National Guard of the Russian Federation".

- Part 1 carries the following punishments:

- a fine of 700,000 to 1.5 million Roubles;
- or up to 1 year's correctional work;
- or up to 5 years' assigned work;
- or up to 5 years' imprisonment.

A fine of 1 million Roubles represented approximately 13 months' average wages in early 2024 for those in work, or around 4 years' average state retirement pension. The equivalents vary from region to region.

Assigned work (https://www.forum18.org/archive.php?article_id=2681) may be imposed instead of imprisonment, and may take the form of any job in any organisation, as determined by the correctional centre responsible for administering the sentence. It is paid, but deductions of 5-20 per cent may be transferred to the prison service.

Correctional work (https://www.forum18.org/archive.php?article_id=2681) - a lesser category of punishment - involves payment to the state of 5-20 per cent of wages, either from one's own job or, if unemployed, from a job allocated by the local authority in cooperation with the prison service.

Criminal Code Article 207.3, Part 2 punishes the same actions, "a) by a person using their official position; b) "by a group of persons, a group of persons by prior conspiracy or an organised group"; v) with the artificial creation of evidence for accusations; g) for selfish motives; or d) for reasons of political, ideological, racial, national or religious hatred or enmity, or for reasons of hatred or enmity against any social group".

- Part 2 carries the following punishments:

- a fine of 3 million to 5 million Roubles;

- or up to 5 years' assigned work "with deprivation of the right to hold certain positions or engage in certain activities (https://www.forum18.org/archive.php?article_id=2681) for up to 5 years";

- or 5 to 10 years' imprisonment "with deprivation of the right to hold certain positions or engage in certain activities for up to 5 years".

Criminal Code Article 207.3, Part 3 punishes the same actions if they have "grave consequences", and carries the following punishment:

- 10 to 15 years' imprisonment "with deprivation of the right to hold certain positions or engage in certain activities for up to 5 years".

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, including public calls to prevent the use of the Armed Forces of the Russian Federation for these purposes, or equally, aimed at discrediting the exercise by state bodies of the Russian Federation of their powers outside the territory of the Russian Federation for these purposes").

- Part 1 punishes individuals with either:

- a 100,000 to 300,000 Roubles fine;

- or up to three years' assigned work (https://www.forum18.org/archive.php?article_id=2681);

- or 4 to 6 months' detention in an "arrest house" (arestny dom);

- or up to 5 years' imprisonment, followed by up to 5 years' deprivation of the right to hold certain positions or engage in certain activities (https://www.forum18.org/archive.php?article_id=2681).

- Part 2 punishes the same actions, "resulting in death by negligence and/or causing harm to the health of citizens, [or] property, [or causing] mass violations of public order and/or public safety, or interfering with or stopping the functioning of life support, transport or social infrastructure, credit organisations, energy facilities, industry or communications."

The punishments are:

- a 300,000 to 1 million Roubles fine;

- or up to 7 years' imprisonment, followed by up to 7 years' deprivation of the right to hold certain positions or engage in certain activities (https://www.forum18.org/archive.php?article_id=2681).

A fine of 1 million Roubles represented approximately 3 and a quarter years' average wages in 2023 for those in work, or around 2 and half years' average state retirement pension. The equivalents vary from region to region.

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"). These are not yet known to have been used against anyone protesting from a religious perspective.

Website censorship

Since Russia's renewed invasion of Ukraine, the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) had blocked access to over 3,000 websites for reasons of "military censorship", according to a 13 July 2022 report by digital rights organisation Roskomsvoboda. These include foreign media outlets such as Radio Free Europe, Russian independent media such as Meduza, and human rights defenders such as Human Rights Watch. Also blocked are foreign government sites, including that of Ukraine's State Service for Ethnic Policy and Freedom of Conscience.

Roskomnadzor has blocked Russian-language religious news websites, including Latvian-based news website Baznica.info, and foreign Protestant website InVictory.org. In September 2023 Roskomnadzor blocked access to the Russian-language shalnotkill.info website of the Christians Against War group. It had earlier blocked access to foreign websites such as Fordham University's Orthodox Christian Studies Centre's website publicorthodoxy.org which has critically covered Russian Orthodoxy and the war.

Roskomnadzor has also blocked access in Russia to the websites of a number of religious organisations in Ukraine, including the

Pressure and prosecutions against opponents of the war

Russia's government has used a range of tactics to pressure religious leaders into supporting the renewed invasion of Ukraine. These tactics include warnings to senior and local religious leaders, and prosecuting and fining religious believers and clergy who have publicly opposed the war. It is unclear what effect this has had on religious believers who may have considered making a public protest against Russia's war. Similar warnings and prosecutions have been used against many Russians who express opposition to the war for any reason.

In March, as Russia's war against Ukraine was intensifying, the FSB security service warned local religious leaders not to publicly oppose the war. In some cases lack of opposition is due to warnings to senior and local religious leaders, and prosecuting and fining religious believers and clergy who have publicly opposed the war. In one region, a Protestant pastor noted, at least three fellow pastors received such individual warnings. "Such warnings don't take place now," the pastor told Forum 18 on 15 July 2022. "Those [March warnings] were enough for everyone."

Two senior religious leaders – Lutheran Bishop Dietrich Brauer and Chief Rabbi of Moscow Pinchas Goldschmidt – both felt they had to leave Russia. They have stated that they and other religious leaders came under pressure not to discuss or condemn Russia's renewed war against Ukraine, Bishop Bauer stating that at the start of the war, Vladimir Putin's administration made "a clear demand" of religious leaders to speak out in favour of the invasion.

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" because he spoke against the war – the first religious leader to be added to the "foreign agents" register. The following day, Rinpoche – who had left the country 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," he commented.

Many Russian religious leaders, most prominently the Moscow Patriarchate hierarchy, support the renewed invasion without any apparent coercion being applied. These figures include Patriarch Kirill of the Moscow Patriarchate, Mufti Talgat Tadzhuiddin of the Central Spiritual Administration of Muslims of Russia, Old Believer Metropolitan Kornily, and Bishop Sergey Ryakhovsky of the Pentecostal Union.

Laypeople and clergy protesting against the war from an explicitly religious perspective

While many religious organisations in Russia support the invasion of Ukraine, small numbers of laypeople and clergy continue to protest from an explicitly religious perspective. Like thousands of other Russians who every day voice their opposition to the war in public spaces and online, they are soon detained by police and frequently prosecuted and fined. Many of the religious believers who have opposed the war have been Russian Orthodox, both of the Moscow Patriarchate and other branches.

They have included Russian Orthodox priest Fr Ioann Burdin of the Moscow Patriarchate's Kostroma Diocese, who was on 10 March 2022 fined one month's average local wages for online remarks and a Sunday sermon in church condemning Russia's invasion of Ukraine and stressing the importance of the commandment, "Thou shalt not kill". Similarly, Moscow Patriarchate Deacon Sergey Shcherbyuk in Samara was also fined about one month's average local wages for "discrediting the Russian armed forces" in conversations with parishioners and colleagues. One of them apparently reported him to the Interior Ministry. In October 2022, Russian Orthodox (ROCOR) priest Nikandr Pinchuk became the first person criminally convicted for opposing Russia's war in Ukraine on religious grounds. A court in the Urals fined him two months' average local wages for a social media post.

Other Russian Orthodox priests have resigned from their posts and in some cases left the country, after their opposition to the war brought them into conflict with their Moscow Patriarchate dioceses. These have included Moscow Patriarchate priest Aleksandr Dombrovsky, who left Russia in January 2023, thinking that he would be prosecuted for preaching about "how terrible is war and how important is peace".

Until late 2022, Fr Aleksandr was Rector of the Church of St Nicholas the Miracle-worker in the village of Muzhinovo in Bryansk Region. Fr Aleksandr described how, on 28 October 2022, Bishop Vladimir (Novikov) of Klinty and Trubchevsk Diocese (part of the Bryansk Metropolitanate) "reproached me for my dislike of Russia and asked me not to speak out on political topics in the future, because: 'The church is separate from the state'".

"However", Fr Aleksandr commented to Forum 18, "this 'separation' has not prevented Patriarch Kirill from blessing this war, passing off outright evil for patriotism." The diocesan authorities asked Fr Aleksandr to write an "explanation" and threatened to remove his rank of priest: "I really tried for a while not to preach anti-war sermons, but it still didn't help me."

In December 2022, the Bryansk Metropolitanate banned him from serving as a priest and made him supernumerary [pochislit za

shtat], ostensibly over "negligence" in relation to a fire which destroyed the church building. The Diocese also banned him from serving as a priest and made him "supernumerary" in mid-December, also citing his anti-war statements and – since there is nothing in canon law allowing the removal of priestly rank for criticising the secular authorities – his second marriage (which took place in 2003 but was later annulled).

Muzhinovo's wooden church (and some other buildings in the village) burned down on 31 October 2022 after a power surge. In a public post on 6 January 2023 in the VKontakte group of another parish of which Fr Aleksandr was the rector – St Elijah in the village of Mirny - he noted that the fire service had found that the Muzhinovo church had caught fire because faults in its electrical wiring rendered it vulnerable to the power surge. He stated that all electrical work on the recently finished building had been organised by the churchwarden [starosta] – who, as he learned on 9 January, appears to have denounced him to the police and FSB for his anti-war sermons.

Fr Aleksandr explained to Forum 18, however, that the diocesan authorities had earlier reprimanded him for his "dislike of Russia" and "threatened to defrock" him because of his preaching against Russia's war in Ukraine. Late on 9 January 2023, local police "invited" Fr Aleksandr to the police station in nearby Kletnya, he told Forum 18 on 31 January, and informed him that the Bryansk Region branch of the Federal Security Service (FSB) had opened a criminal case against him.

The investigation was initiated on the basis of a statement from the churchwarden [starosta] of the Muzhinovo parish. She had apparently also provided investigators with "all my notes, correspondence, [and] voice messages, and even managed to record me in church on a dictaphone", Fr Aleksandr added. "Everything related to my anti-war position was recorded in a most thorough manner."

The police allowed him to leave after he wrote a statement. Faced with criminal prosecution, Fr Aleksandr decided to leave the country shortly afterwards, and is now "far from the Russian Federation," as he told Forum 18 on 9 February 2023.

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 ("Public dissemination, under the guise of credible statements, of knowingly false information on the use of the Armed Forces of the Russian Federation").

Forum 18 wrote to the Bryansk Region police and FSB about the case before the start of the working day of 8 February 2023, but no reply has yet been received.

Another of the Russians who have protested against the war is Nina Belyayeva, a Russian Protestant and Communist Party municipal deputy. She was the first known person to face criminal prosecution for opposing the war on explicitly religious grounds. During a 22 March 2022 Semiluk District Council meeting she called the invasion a war crime, asserting over the shouting of fellow deputies: "A Christian is not someone who wears a cross, but someone who follows Christ, for whom the word of God – the authority of Christ – is much higher than the authority of the President .. for a Christian, first of all, the authority of Christ is higher than the opinion of the Patriarch.." When accused of inciting Russian troops to surrender, Belyayeva explained that this was "one way out for a Christian," and that every soldier chooses for himself: "There are lawful orders and there are unlawful orders."

Twenty out of 23 deputies voted to ask prosecutors to investigate Belyayeva, she was expelled from the Communist Party, and a case was opened against her under the new Criminal Code Article 207.3 ("Public dissemination, under the guise of credible statements, of knowingly false information about the use of the Armed Forces of the Russian Federation"). She had by then fled Russia.

Similarly, Russian Orthodox musician and teacher Anna Chagina was on 7 August 2023 fined and handed a ban on posting on the internet for two years for her opposition to Russia's invasion of Ukraine. Chagina was accused of "discrediting" the Russian armed forces more than once in a year – firstly, by displaying a poster reading "Blessed are the peacemakers (Matthew 5:9)" at an anti-war protest, and secondly, by making anti-war posts on social media, including reposts of texts by religious philosopher Nikolay Karpitsky.

Judge Roman Zaynulin imposed the punishment "with the aim of restoring social justice and preventing [Chagina] from committing a new offence." Chagina was fined almost 6 weeks' average wages in Tomsk Region, and must abide by travel restrictions and a good behaviour order. Her mobile phone will remain confiscated as it was "used in the commission of the offence."

The first known prison term for opposing Russia's war against Ukraine from a religious perspective was imposed on 30 March 2023, when a Moscow court jailed 63-year-old Orthodox Christian Mikhail Simonov for 7 years for disseminating "false information" about the Russian armed forces on the basis of "political hatred". He had made two short social media posts condemning Russia's war against Ukraine, including: "We, Russia, have become godless. Forgive us, Lord!" The Investigative Committee and Prosecutor's Office did not answer Forum 18's questions about why they sought a long jail term for Simonov, who suffers from health problems

The second such jail term was on 31 August, when a St Petersburg court jailed former Moscow Patriarchate Orthodox 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". He had been in detention since June 2022 for posting videos opposing the war. Darya Lebedeva, head of the joint court system press service for St Petersburg, told Forum 18 that Fr Ioann must be held in detention as: "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."

Protests against the war continue

Opposition to the war on religious grounds – as well as on non-religious grounds - continues.

For example, the clergy of a non-Moscow Patriarchate Russian Orthodox Church in the southern Krasnodar Region have repeatedly spoken out against Russia's war in Ukraine. Hieromonk Iona Sigida of the Holy Intercession Tikhonite Church (who was tortured during a raid and jailed for 2 days in October 2023) told Forum 18 on 25 October 2023: "At least five searches took place simultaneously. One in the church, one at Archbishop Viktor [Pivovarov]'s place of registration, one at my place of registration, one at Fr Aleksandr's house church, and the fifth at the place of registration of Fr Aleksandr. All early in the morning." The raid on the church "scared many people", he said.

It remains unclear which agencies organised and carried out the raid. Neither the armed men nor the officers who interrogated Fr Iona identified themselves. The Krasnodar Region branches of the Investigative Committee, Federal Security Service (FSB), Interior Ministry, and National Guard have not replied to Forum 18's questions about the case.

Investigators have since brought a criminal case against 86-year-old Archbishop Viktor for repeat "discreditation" of the Armed Forces (he was initially fined 40,000 Roubles on 24 March 2023 under Administrative Code Article 20.3.3 Part 1). Archbishop Viktor "is concerned that his persecution could harm both those around him and those who are trying to help", a church member told Forum 18 on 5 January 2024, but is "generally in good spirits". The Archbishop made two appearances at Slavyansk City Court in February and March 2024; church members believe he will be sentenced on 8 April.

Sunday services have continued at the Holy Intercession Tikhonite Church, both after the armed raid and after the criminal case was opened against Archbishop Viktor. "Officers come to every service, openly film everything and all the parishioners; others, under the guise of random people or parishioners, also holding their phones, ask intrusive questions," a church member told Forum 18.

"This is probably a method of intimidation. Near the church there is a car on duty around the clock, which changes in shifts, and those sitting inside it monitor people coming and going. During a service, one unknown suspicious person introduced himself as Fr Iona's lawyer, and asked where he could find him. Officers are now also talking to parishioners, trying to persuade them to become informants through lies and intimidation, and there is some evidence that they have already succeeded in persuading someone to cooperate."

Conscientious objection to military service

No legal or practical provision exists for alternative civilian service (ACS) during mobilisation, despite the Constitution guaranteeing this right for every citizen. This has led to military recruitment offices refusing applications for ACS and sending conscientious objectors to military units. Moreover, a November 2022 legal amendment allows those already undertaking ACS in civilian institutions after being called up for regular conscript military service to be transferred to a non-combat role within the Armed Forces. The amendment effectively "abolishes ACS as a peaceful alternative to military service" during mobilisation, lawyer Valeriya Vetoshkina commented.

Conscientious objectors to military service face many other obstacles. In late September 2022, after Vladimir Putin issued his decree on "partial mobilisation", Criminal Code's Chapter 33 (Articles 331 to 352.1) on "Crimes against military service" was changed, adding new and harsher punishments for existing offences if committed "during a period of mobilisation or martial law, in wartime or in conditions of armed conflict or combat operations". These offences included desertion, opposing a superior, and going absent without leave. A new crime of "voluntary surrender" was also added.

Soldiers who directly refuse to be deployed to Ukraine, including on grounds of conscience, and who do not desert are prosecuted under Criminal Code Article 332's new Part 2.1, adopted on 24 September 2022. This punishes "Non-fulfilment by a subordinate of an order of a superior given in accordance with the established procedure, during a period of martial law, in wartime or in conditions of armed conflict or combat operations, as well as refusal to participate in military or combat operations" with 2 to 3 years' imprisonment. The first person to be charged under this new Article was Senior Lieutenant Dmitry Vasilets, who refused on grounds of his new Buddhist faith to return to Ukraine after five months on the frontlines. He converted to Buddhism when visiting a dead comrade's family in Buryatiya. "I realised that it makes no sense to kill people. It will not help, but only increase suffering [and] destruction, only aggravate the situation", Vasilets said in comments to independent Russian media outlet Novaya.media on 26 December 2022. "We must fight not with the enemy, but with the anger within ourselves .. I realised that there is light in every person, and I cannot afford to take the life of another person – this is a line, a red line that I cannot cross." On 29 June 2023 a Murmansk Region military court jailed him for 2 years and 2 months.

Similarly, Pentecostal Andrey Kapatsyna refused in September 2022 to fight in Ukraine, telling commanders that "in accordance with his religious beliefs, he could not take up arms and use them against other people". A Vladivostok court sentenced him to 2 years, 10 months' imprisonment under the new Criminal Code Article 332, Part 2.1.

Since Vladimir Putin announced his "partial mobilisation" in September 2022, regular contract troops have been unable to resign. A legal loophole means that mobilised men who request Alternative Civilian Service (ACS) are typically refused. Individuals who refuse outright to go to Ukraine can be criminally prosecuted and imprisoned for failing to obey orders. For example, in November 2023 military officials denied four young Baptist men in Siberia and the Far East the opportunity to carry out the ACS they had applied for because of their pacifist religious convictions.

Only one – Timofey Reznichenko from Primorye Region – has successfully challenged this refusal in court, thus gaining the right to have his application re-examined. Brothers Daniil and German Strelkov, from Khanty-Mansi Autonomous Region, failed in their attempts to have their refusals ruled unlawful in court and are now preparing to appeal.

"Faith forbids him to take up arms, kill, or take oaths," a witness in Daniil's case told the court. In German's case, his father testified that he "is a deeply religious person and will not take up arms or take an oath, as this is prohibited by [his] religion". Krasnoyarsk Region courts twice refused to uphold Zakhar Asmalovsky's lawsuit against the military authorities, meaning he will now be subject to conscription in the future.

No official has answered Forum 18's questions about why conscientious objectors to military service are prosecuted and denied the opportunity to do Alternative Civilian Service.

Other freedom of religion or belief violations

Among other freedom of religion or belief violations, individuals and religious organisations are prosecuted for unlawful "missionary activity," including ordinary worship meetings for fellow believers, and not showing their complete officially registered names on literature, online, and most frequently on buildings. These prosecutions are based on amendments to the Administrative Code and Religion Law introduced in July 2016 as part of the "Yarovaya" package of "anti-terrorism" laws.

There were in 2021 at least 71 prosecutions across Russia under Administrative Code Article 5.26, Part 4 ("Russians conducting missionary activity") and Part 5 ("Foreigners conducting missionary activity"), according to Forum 18's analysis of available court records. A shift towards more prosecutions for Muslim religious activities, first observed by Forum 18 in 2019, continued. There was a conviction rate (for those cases which reached a verdict) of 84.62 per cent. All those convicted received fines, though seven of these were later overturned on appeal.

Religious organisations also continue to face prosecution under Administrative Code Article 5.26, Part 3 ("Implementation of activities by a religious organisation without indicating its official full name, including the issuing or distribution, within the framework of missionary activity, of literature and printed, audio, and video material without a label bearing this name, or with an incomplete or deliberately false label").

Hostility to monitoring and analysis of human rights violations

On 27 April 2023, Moscow City Court approved Moscow's Justice Department's suit claiming that the Moscow-based SOVA Center for Information and Analysis should be closed down because it held events outside Moscow. SOVA monitored nationalism and xenophobia, the relationship between religion and society, and the formation and implementation of "anti-extremist" policy in Russia.

The order followed the pattern that led to the forced closure of the Memorial (<https://www.memo.ru/en-us/news/>) human rights organisation, with a media campaign, a complaint from the Veterans of Russia organisation, a demand from the General Prosecutor's Office, a Moscow Justice Department inspection and court suit. "Organisations like SOVA or Memorial conducting subversive activity in Russia must be liquidated and brought to criminal responsibility," Ildar Rezyapov, who lodged the Veterans of Russia complaint and was involved in the closure of Memorial, told Forum 18. No Russian official or court answered Forum 18's questions about the liquidation suit.

The suit – seen by Forum 18 – noted that representatives of the SOVA Center had taken part in 24 events outside Moscow between 2020 and 2022. These included the Human Dimension Conference of the Organisation for Security and Co-operation in Europe (OSCE) online in 2020 and in-person in 2022, as well as other OSCE events, and events in Russian cities, Kazakhstan, and Kyrgyzstan. On 17 August 2023, the First Appeal Court of General Jurisdiction refused SOVA's appeal and the order entered into legal force.

The SOVA Center has vowed to continue its work. "SOVA is not going to stop monitoring and analysing the situation in the field of religious freedom, regardless of the form in which our organisation will continue to exist," Olga Sibiryova of SOVA Center told Forum 18. "Sooner or later, this stage will also end, but the need for freedom of conscience and religion will not."

After SOVA's forcible liquidation, a group of its former staff are now a community of researchers under the name of SOVA Research Center (<https://www.sova-center.ru/en/about-us/>). (END)

More reports on freedom of thought, conscience and belief in Russia (<https://www.forum18.org/archive.php?country=10>)

Previous Forum 18 Russia religious freedom surveys (<https://www.forum18.org/analyses.php?region=10>)

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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