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RUSSIA: Archbishop fined for criticising Russia's war in Ukraine

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

A Krasnodar Region court found 87-year-old Archbishop Viktor Pivovarov guilty on 8 April of repeatedly "discrediting" the Russian Armed Forces. The judge fined him 8 months' local average pension. Archbishop Viktor has repeatedly condemned Russia's war against Ukraine as "aggressive" and "Satanic". Many parishioners of Holy Intercession Tikhonite Church in Slavyansk "have been scared away by recent events", says a church member. Archbishop Viktor is the fifth person criminally convicted for criticising Russia's war from a religious perspective. Many more have been punished administratively.

Eighty-seven-year-old Archbishop Viktor Pivovarov has become the fifth person to receive a criminal conviction for criticising Russia's war in Ukraine from a religious perspective. Slavyansk City Court in the southern Krasnodar Region found him guilty on 8 April of repeatedly "discrediting" the Russian Armed Forces, and fined him 150,000 Roubles, nearly eight times the local average monthly pension.

The court punished Archbishop Viktor under Criminal Code Article 280.3, Part 1 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") (see below).

According to Archbishop Viktor's church, most of the fine will be covered by money seized from its premises during an armed raid by investigative agencies in October 2023. During this raid, officers assaulted and arrested the Archbishop's assistant, Hieromonk Iona Sigida, later charging him with administrative offences (see below).

Archbishop Viktor has repeatedly condemned Russia's invasion of Ukraine and the conduct of the war as "aggressive", "Satanic", and "cursed both by God and by people", in his sermons and articles, and in a YouTube video by independent media outlet Novaya Gazeta Europe in May 2023. His first (administrative) conviction was in March 2023 for anti-war comments in a sermon (see below).

Investigators appear to have taken the Novaya Gazeta Europe interview as his second "offence", along with a blog post entitled "An answer to the question which concerns everyone today: what is this war?", published in October 2023 (see below).

Forum 18 asked Slavyansk City Court:

- why the expression of religious opinion on the war in Ukraine and war in general is considered discreditation of the Armed Forces;
- and in whose interests is the prosecution of an 87-year-old man for the peaceful exercise of his freedom of conscience, religion, and expression.

Forum 18 has received no reply (see below).

A raid on its church in October 2023 and investigative agencies' monitoring of its activities have left the parish community concerned. Sunday services are continuing, but "of course not as normal", a church member who has left Russia told Forum 18. "Many people have been scared away by recent events" (see below).

The Krasnodar Region branches of the FSB security service, Interior Ministry, and Investigative Committee and the Federal Investigative Committee, as well as to the National Guard have not responded to Forum 18's questions as to whether the men who Fr Iona said tortured him during the October 2023 armed raid on the church have been suspended from duty and placed under investigation pending criminal charges for torture, in line with Russia's obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see below).

Viktor Pivovarov was ordained a priest in the Russian Orthodox Church Outside Russia (ROCOR), which opened parishes inside Russia in the early 1990s. In 2006 he became an Archbishop in the Russian [Rossiyskaya] Orthodox Church (RosPTs), which was founded after a series of splits within ROCOR. He now leads a rival branch of RosPTs which he established in 2009 after a further split. It is not in communion with either other parts of ROCOR or the Moscow Patriarchate.

"Discreditation" and "False information"

On 4 March 2022, specific Criminal Code and Administrative Code penalties for "discrediting" the Russian Armed Forces (https://www.forum18.org/archive.php?article_id=2897) came into force, alongside Criminal Code penalties for spreading "false information" about the Armed Forces' actions. Some of the criminal penalties were increased on 28 March 2023 (https://www.forum18.org/archive.php?article_id=2897).

Krasnodar Region: 87-year-old priest convicted of "discreditation"

Russia's government has from the beginning of its February 2022 renewed invasion of Ukraine used a range of tactics to pressure religious leaders into supporting the war (https://www.forum18.org/archive.php?article_id=2897). 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 the war. Similar warnings and prosecutions have been used against many Russians who express opposition to the war for any reason.

On 8 April 2024, Judge Aleksey Rodionov of Slavyansk City Court found Archbishop Viktor Ivanovich Pivovarov (born 8 February 1937) guilty of repeatedly "discrediting" the Russian Armed Forces under Criminal Code Article 280.3, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("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") for condemning Russia's invasion of Ukraine on religious grounds. The Judge handed him a fine of 150,000 Roubles, nearly eight times the local average monthly pension.

Archbishop Viktor does not intend to appeal, a church member who is now outside Russia told Forum 18. The sentence will therefore enter legal force 15 days after 8 April, when Slavyansk City Court issued the written verdict. Archbishop Viktor remains under travel restrictions and a good behaviour order during this time.

"The truth is that the Chekists will now take power", Archbishop Viktor said in a short video on his YouTube channel, filmed outside the court after his conviction. "I am waging war against Bolshevism. And I call on all nations to fight – not Ukrainians against Russians and Russians against Ukrainians, but all Christians should fight against the Bolsheviks. This will be our victory." (The Archbishop sees the current Russian government as successor to the Bolsheviks and as a conduit of Satanic forces.)

The basis for the criminal prosecution appears to be an October 2023 post on Archbishop Viktor's blog (<https://alsoaboutchrist.blogspot.com/2023/10/blog-post.html>), entitled "An answer to the question which concerns everyone today: what is this war?", as well as a video interview published by independent media outlet Novaya Gazeta Europe in May 2023, in which Archbishop Viktor called the war "cursed both by God and by people", and other articles and sermons.

"Special attention was also paid to his negative attitude towards V.V. Putin and his activities", the Archbishop's church noted on its website on 27 February, after the first court hearing.

Forum 18 wrote to Slavyansk City Court before the start of the working day of 9 April, asking:

- why the expression of religious opinion on the war in Ukraine and war in general is considered discreditation of the Armed Forces;
- and in whose interests is the prosecution of an 87-year-old man for the peaceful exercise of his freedom of conscience, religion, and expression.

Forum 18 had received no reply by the end of the working day in Krasnodar Region of 15 April.

Forum 18 has also repeatedly asked the Federal Investigative Committee why the expression of religious opinion on the war in Ukraine and war in general is considered discreditation of the Armed Forces, and (before the trial) what purpose the imprisonment of an 87-year-old man would serve. Forum 18 had received no reply by the end of the working day in Krasnodar Region of 15 April.

According to a statement on the Holy Intercession Tikhonite Church's website (<https://eshatologia.org/biblioteka/materiali/ugolovniy-sud>) on 8 April, most of the fine will be paid out of money seized from its premises in Slavyansk-na-Kubani during a raid by armed personnel, apparently from the National Guard (Rosgvardiya), in October 2023. Parishioners plan to raise the rest through donations.

Fines under Criminal Code Article 280.3, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") range from 100,000 to 300,000 Roubles; the offence also carries a possible prison term of up to 5 years. Prosecutors had requested a higher fine for Archbishop Viktor of 200,000 Roubles, a

church member told Forum 18 from outside Russia. According to the verdict, the judge took Archbishop Viktor's age into account as a mitigating factor in the case.

The average state pension in Krasnodar Region is 19,264 Roubles per month as of 1 January 2024. According to excerpts from the written verdict, posted on the church website, the Archbishop told investigators that he lives on money and goods donated by his parishioners.

Archbishop Viktor will have a criminal record (sudimost (https://www.forum18.org/archive.php?article_id=2897) – the state of being a convicted person) for one year after he pays the fine.

"What is this war?"

In March 2023, Slavyansk City Court handed Archbishop Viktor a 40,000-Rouble fine (https://www.forum18.org/archive.php?article_id=2822) – one month's average local wage or more than two months' average local pension – under Administrative Code Article 20.3.3, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") for an anti-war sermon he had given in church.

Subsequently, the Archbishop continued openly to oppose Russia's war in Ukraine in his articles, his sermons (many of which are available on his YouTube channel), and in a video made by independent Russian media outlet Novaya Gazeta Europe and published on 5 May 2023 (<https://novayagazeta.eu/articles/2023/05/05/ia-zhdu-chtoby-menia-ubili-ili-posadili>).

In this video, Archbishop Viktor says that he told investigators (https://www.forum18.org/archive.php?article_id=2872) and the court in his administrative case that "If there are foreign tanks under our windows, that means we are at war with an enemy, but if our tanks are in a neighbouring country, and our soldiers are savagely torturing the people, waging an aggressive war, then such a war is cursed both by God and by people".

Archbishop Viktor's criminal prosecution also appears to be based on a blog post dated 12 October 2023 (<https://alsoaboutchrist.blogspot.com/2023/10/blog-post.html>) and entitled "An answer to the question which concerns everyone today: what is this war?".

This article, as Aleksandr Soldatov noted in Novaya Gazeta on 29 December 2023, is an "explanation of [Archbishop Viktor's] attitude towards wars, and in the spirit of traditional Orthodox exegesis .. links wars with the sinful corruption of human nature".

"In the most recent war [in Ukraine], it is not the enemy's weapons that are deliberately destroyed by the Satanists in order to stop the war, but the people themselves", the Archbishop writes, "the gene pool of the nation, who decided to leave the camp of Satan and join those free from him".

Archbishop Viktor concludes: "The holy war will end with the victory of the holy forces, and God's judgment will begin on all the worlds and those living in them. The worlds are already called 'new heavens and new earth', 'in which dwells righteousness (Revelation 21:1). And then God will be in everything'."

"To undermine in the eyes of others the dignity and authority of the Armed Forces"

In December 2023, investigators summoned Archbishop Viktor for questioning and informed him that they had opened a case against him (https://www.forum18.org/archive.php?article_id=2885) under Criminal Code Article 280.3, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation"). The investigators did not say for which agency they worked, but it now appears from the court verdict that it was the Slavyansk department of the Investigative Committee which both handled the criminal case and led the raid on the Holy Intercession Tikhonite Church in October 2023.

Slavyansk City Court registered the case on 22 January 2024, and three hearings took place on 27 February, 11 March, and 8 April 2024. "At the age of 87, it was difficult for Archbishop Viktor to be at the hearing because of his poor state of health", the church noted in its account of the first hearing, posted on its website on 27 February. "The atmosphere at the trial was difficult. Archbishop Viktor fundamentally refuses the protection of any lawyers, placing all his hope in God".

In court, Archbishop Viktor pleaded not guilty and refused to testify. The written verdict summarises statements he gave during questioning in December 2023, noting that he "considers the Ukrainian nation to be kin and the Russian nation to have inherited the Christian Orthodox faith precisely from them". He believes that the Russian government has "no right" to declare Ukrainians to be enemies or to have invaded Ukraine, and does not recognise the annexation of the Donetsk, Luhansk, Kherson, and Zaporizhzhia Regions, saying that "this decision was imposed and these territories were taken by force by the Russian Federation from the state of Ukraine". The "special military operation" is, for Archbishop Viktor, "lawless and aggressive" and a violation of Ukrainian sovereignty.

Judge Rodionov concluded that the Archbishop's aim in his "public actions" – the 12 October 2023 blog post, the Novaya Gazeta Europe interview, and his sermons and articles – had been "to undermine in the eyes of others the dignity and authority of the Armed Forces of the Russian Federation". In deciding to impose a fine, the judge took into account "the nature of the offence committed and its level of public danger, the character of the defendant, [and] the influence of the punishment on his correction", and noted Archbishop Viktor's "advanced age" as a mitigating factor (with no aggravating factors).

Parishioners "scared away by recent events"

After the raid on their church in Slavyansk-na-Kubani in October 2023, the parish community of the Holy Intercession Tikhonite Church became concerned that investigative agencies were monitoring its activities.

"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", the church member outside Russia told Forum 18 in January (https://www.forum18.org/archive.php?article_id=2885). "This is probably a method of intimidation." Now, they say, it is hard to tell if surveillance is still in place.

Sunday services are continuing to take place, but "of course not as normal", the church member told Forum 18 on 12 April. "Many people have been scared away by recent events."

"Most close parishioners know quite well the history of the Russian Church, as well as the True Orthodox Church and the Russian Orthodox Church Abroad, and such persecutions are not news, but knowing history and finding yourself in the middle of such history are two different things", the church member commented to Forum 18 in January (https://www.forum18.org/archive.php?article_id=2885).

In January, shortly after investigators initiated the criminal case against Archbishop Viktor, the parish was concerned that there could also be a threat to the church itself. This remains unclear: "For now, everything is uncertain, because as you understand, this does not depend on us", the church member outside Russia explained to Forum 18 on 8 April.

Forum 18 has repeatedly asked (https://www.forum18.org/archive.php?article_id=2885) the Federal Investigative Committee and the Krasnodar Region branches of the FSB security service and Interior Ministry why investigators had placed the church under surveillance, why they were threatening members of the community with prosecution, and whether any further administrative or criminal cases had been opened against anybody other than Archbishop Viktor. Forum 18 had received no reply by the end of the working day in Krasnodar Region of 15 April.

2023 armed raid on church

On 3 October 2023, 10 unidentified armed men raided Archbishop Viktor's Holy Intercession Tikhonite Church (https://www.forum18.org/archive.php?article_id=2872) in Slavyansk-na-Kubani. As well as searching the church's premises and seizing electronic devices, documents, and money, the men physically assaulted, tortured, and detained 32-year-old Hieromonk Iona Sigida, the Archbishop's assistant.

From the court verdict in the later criminal case against Archbishop Viktor, it appears that the Investigative Committee's Slavyansk Investigation Department directed the raid. In their account of the raid on the church website, Fr Iona and Archbishop Viktor describe the armed men as belonging to "SOBR" (Spetsialny Otryad Bystrogo Reagirovaniya), the Special Rapid Response Unit which has been part of the National Guard (Rosgvardiya) since 2016 and which frequently provides armed support for Investigative Committee operations.

Fr Iona was later charged with "disobeying a police officer" (Administrative Code Article 19.3, Part 1), for which he was given two days' short-term imprisonment (administrativny arrest). He was also charged under Administrative Code Article 20.3.3 (https://www.forum18.org/archive.php?article_id=2897) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation"), Part 1, for his article "The cult of war", which he had published on the church's website on 28 September 2023.

The men told Archbishop Viktor that he would face criminal prosecution for repeat "discreditation" of the Armed Forces, but did not assault or detain him.

On 20 November 2023, Slavyansk City Court fined Fr Iona 30,000 Roubles (https://www.forum18.org/archive.php?article_id=2885) (about three weeks' average local wage) under Administrative Code Article 20.3.3. He was not present in court and does not appear to have appealed.

Forum 18 has repeatedly sent enquiries (https://www.forum18.org/archive.php?article_id=2872) to the Krasnodar Region branches of the FSB security service, Interior Ministry, and Investigative Committee and the Federal Investigative Committee, as well as to the National Guard (to which Fr Iona believed the armed men belonged), asking:

- why armed force had been considered necessary in the raid on the church;

- and whether the officers Fr Iona says tortured him had been suspended from duty and placed under investigation pending criminal charges for torture, in line with Russia's obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (https://www.forum18.org/archive.php?article_id=2693), and if not, why not.

Forum 18 had received no reply by the end of the working day in Krasnodar Region of 15 April.

Fr Iona is currently "in hiding", a church member told Forum 18 on 4 January (https://www.forum18.org/archive.php?article_id=2885), noting that investigators "are trying very persistently to find him under the pretext of [having] a 'conversation'".

Fr Iona is not thought to be on the Interior Ministry's Federal Wanted List (https://www.forum18.org/archive.php?article_id=2897) of individuals.

Two imprisoned, three fined for opposing Russia's war in Ukraine on religious grounds

As well as many Administrative Code convictions for opposing Russia's renewed invasion of Ukraine on religious grounds (https://www.forum18.org/archive.php?article_id=2897), Russian courts have now convicted five people on Criminal Code charges for opposing the war. In addition to Archbishop Viktor Pivovarov, these criminal convictions are as follows:

– on 17 October 2022, Verkhoturys District Court (Sverdlovsk Region) fined Fr Nikandr Igoryevich Pinchuk (https://www.forum18.org/archive.php?article_id=2783) (of a branch of the Russian Orthodox Church Outside Russia [ROCOR] not in communion with the Moscow Patriarchate) 100,000 Roubles under Criminal Code Article 280.3, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") 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 a 7-year prison sentence (https://www.forum18.org/archive.php?article_id=2822) under Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2897) ("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 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". His appeal was rejected on 25 July 2023. On 17 January 2024, a cassational appeal court reduced Simonov's prison term by six months – in a letter to supporters posted on the Politsek-Info Telegram channel on 31 March, Simonov noted that his release date is now 2 January 2029. His prison address is:

601122 Vladimirskaia oblast

Petushinsky rayon

g. Pokrov

ul. Frantsa Shtolverka 6

FKU Ispravitelnaya koloniya - 2 UFSIN Rossii po Vladimirskaia oblasti;

– on 7 August 2023, Sovetsk District Court in Tomsk fined Anna Sergeyevna Chagina (https://www.forum18.org/archive.php?article_id=2852) 100,000 Roubles under Criminal Code Article 280.3, Part 1 (https://www.forum18.org/archive.php?article_id=2897) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation") 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 appealed unsuccessfully at Tomsk Regional Court on 26 October 2023;

– on 31 August 2023, Kalinin District Court in St Petersburg sentenced Fr Ioann Valeryevich Kurmoyarov (https://www.forum18.org/archive.php?article_id=2857) (of the same branch of ROCOR as Fr Nikandr) to 3 years' imprisonment under Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2897), Part 2, Paragraphs G and D ("Public dissemination, under the guise of credible statements, of knowingly false information on the use of the Armed Forces of the Russian Federation") for posting videos condemning the war on his YouTube channel. He appealed unsuccessfully at St Petersburg City Court on 15 February 2024, and in mid-March was moved out of his detention centre. According to the Free Ioann Kurmoyarov Telegram channel, his prison address is now believed to be:

196641 g. Sankt-Peterburg

pos. Metallostroy

ul. Severny proyezd, 1

Ispravitelnaya koloniya No. 5 UFSIN po g. Sankt-Peterburgu i Leningradskoy oblasti

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 under Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2897), Part 1 ("Public dissemination, under the guise of credible statements, of knowingly false information on the use of the Armed Forces of the Russian Federation"). She left Russia in April 2022, shortly after the meeting of Semiluk District Council in which she denounced the invasion of Ukraine as a war crime, stating that "murdering other people" and invading "the territory of another state, which has nothing to do with the goal of self-defence of one's own state" have "nothing in common with Christian beliefs.";

– Fr Aleksandr Nikolayevich Dombrovsky (https://www.forum18.org/archive.php?article_id=2809), a Moscow Patriarchate priest from Bryansk Region, who preached against the renewed invasion of Ukraine, for which he was punished by his Diocese. After being questioned by local police based on information provided by an informer, the police told him that the FSB security service had opened a case against him under an unknown Criminal Code article;

– 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=2897), Part 2, Paragraph D ("Public dissemination, under the guise of credible statements, of knowingly false information on the use of the Armed Forces of the Russian Federation"). His home in Moscow was raided by the Investigative Committee 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 Federal Wanted List (https://www.forum18.org/archive.php?article_id=2897).

(END)

For background information see Forum 18's Russia religious freedom survey (https://www.forum18.org/archive.php?article_id=2897)

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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