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RUSSIA: Patriarchate priest fined for condemning war in Ukraine

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

On 10 March, a court fined Fr Ioann Burdin of the Moscow Patriarchate's Kostroma Diocese 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". The court decision is "a ban not only on expressing one's opinion but also even on professing one's religious beliefs", Fr Ioann told Forum 18. So far, no other individual is known to have been prosecuted under the new Administrative Code Article punishing "discrediting the use of the Armed Forces" for expressing opposition to Russia's war against Ukraine related specifically to their exercise of freedom of religion or belief.

A Russian Orthodox priest has been fined for condemning Russia's invasion of Ukraine and stressing the importance of the commandment, "Thou shalt not kill". Fr Ioann Burdin, of the Moscow Patriarchate's Kostroma Diocese north-east of Moscow, made his remarks both online and in his sermon to parishioners on Sunday 6 March. Police then called him in for interview. On 10 March, a court fined him the equivalent of one month's average local wages.

The court fined Fr Ioann 35,000 Roubles under Russia's new Administrative Code Article 20.3.3, Part 1. This punishes "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". Any appeal would be heard at Kostroma Regional Court.

"We will appeal, but the outcome is clear," Fr Ioann told Forum 18 on 10 March. He added that the decision was "a ban not only on expressing one's opinion, but also even on professing one's religious beliefs" (see below).

Forum 18 wished to ask the police why stating facts about the fighting and praying for an end to bloodshed is considered to be discrediting the armed forces, how police found out about his remarks and why those leading meetings for worship cannot speak freely without fear of punishment.

No officer in the police department which initiated the case, or at Kostroma Region's Interior Ministry branch, would agree to answer any of Forum 18's questions about the case (see below).

By the afternoon of 11 March, enough money to pay the fine had already been donated through the parish website. Fr Ioann will give the excess to the church's House of Mercy hospice, he told Forum 18 the same day (see below).

Russia launched its war against Ukraine in the early morning of 24 February. This led to widespread condemnation round the world, as well as condemnation and many protests within Russia. This includes by more than 280 Russian Orthodox priests who have signed an open letter calling for "reconciliation and an immediate ceasefire", and criticising the suppression of protests against the war (see below).

Administrative Code Article 20.3.3 and other new "offences"

Administrative Code Article 20.3.3 entered legal force as soon as President Vladimir Putin signed it into law on 4 March. At the same time he also signed into law a number of other amendments to the Administrative and Criminal Codes which penalise calling for sanctions on Russia and disseminating "false information" about the armed forces.

Prosecutions began almost straight away, reaching 144 by 8 March, according to the Seteviy Svobody (<https://t.me/NetFreedomsProject>) internet freedom project.

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, if these actions do not contain signs of a criminal offence".

Part 1 carries 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.

Administrative Code Article 20.3.3, Part 2 covers the same actions, if they are: "accompanied by calls to hold unauthorised public events"; pose a threat of harm to life, health, or property; pose a threat of "mass disruption of public order and (or) public safety"; or pose a threat of interference with the functioning of essential facilities or infrastructure.

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 repeated offence under Administrative Code Article 20.3.3 within one year (regardless of Part) will lead to criminal prosecution under the new corresponding Criminal Code Article 280.3:

- Part 1 (100,000 to 300,000 Roubles fine; or up to three years' assigned work (https://www.forum18.org/archive.php?article_id=2681); or four to six months' detention in an "arrest house" (arestny dom); or up to three years' imprisonment plus deprivation of the right to hold particular positions or engage in particular activities for the same period);

- Part 2 (300,000 to 1 million Roubles fine; or up to five years' imprisonment plus deprivation of the right to hold particular positions or engage in particular activities for the same period).

Since the new "offences" were introduced, the Moscow-based SOVA Center for Information and Analysis has recorded numerous prosecutions under Administrative Code Article 20.3.3 (<https://www.sova-center.ru/misuse/news/persecution/2022/03/d45895/>), including for online posts, handing out flyers, and displaying flags and placards.

So far, no other individual is known to have been prosecuted under this Article for expressing opposition to Russia's war against Ukraine related specifically to their exercise of freedom of religion or belief.

The head of the Moscow Patriarchate, Patriarch Kirill, said on 24 February that he "deeply [empathises] with everyone affected by this tragedy". He has not, however, condemned the invasion, and appeared to claim in his own Sunday sermon on 6 March that Russia was protecting the Donbas from outside pressure to abide by liberal values, especially as expressed in gay pride parades.

Meanwhile, since 1 March, more than 280 Russian Orthodox priests have signed (<https://www.rferl.org/a/russia-orthodox-clerics-stop-war-ukraine/31730667.html>) an open letter (https://docs.google.com/forms/d/1yOGuXjdFQ1A3BQaEEQr744cwDzmSQ1qePaaBi4z6q3w/viewform?edit_requested=true) calling for "reconciliation and an immediate ceasefire", criticising the suppression of protests against the war, and stating that "we believe that the people of Ukraine should make their choice on their own, not at gunpoint, without pressure from West or East".

"Russian soldiers are killing their brothers and sisters in Christ"

Fr Ioann (Viktor Valeryevich) Burdin has been in charge of the Church of the Resurrection of Christ in the village of Karabanovo (Kostroma Region) since 2015. On 25 February 2022, the day after Russian troops invaded Ukraine, he posted a statement on his parish's website, signed by both himself and fellow priest Fr Georgy Edelshteyn.

"Brothers and sisters! In the early morning of 24 February, Russian troops attacked Ukraine. There is shelling of Kiev, Odessa, Kharkov, Mariupol and other Ukrainian cities. Russian soldiers are killing their brothers and sisters in Christ. We Christians do not dare to stand aside when a brother kills a brother, a Christian kills a Christian. Let us not repeat the crimes of those who hailed Hitler's action on 1 September 1939. We cannot shamefacedly close our eyes and call black white, [or] evil good, [or] say that Abel was probably wrong in provoking his older brother. The blood of the inhabitants of Ukraine will remain on the hands of not only the rulers of the Russian Federation and the soldiers who carry out this order. Their blood is on the hands of each of us who approved this war or who simply remained silent."

Fr Ioann also posted a link to a change.org petition against the war started by human rights activist Lev Ponomaryov (which has more than 1,200,000 signatures as of 11 March) and links to statements by foreign Orthodox clergy criticising Russia's invasion or calling for an end to the conflict. The text of Fr Ioann's statement also appeared on the parish's VKontakte page, and the parish Twitter account bore a "No to war [NET VOYNE]" banner until 9 March.

In his sermon on Sunday morning, 6 March, Fr Ioann again condemned the bloodshed, and emphasised the importance of the commandment "Thou shalt not kill". He also prayed for the people of Ukraine and for an end to the war.

"There are simply basic concepts on which our human civilisation stands – this is the impossibility, the inadmissibility of the shedding of human blood", Fr Ioann said in remarks for Mediazona on 7 March. "This is what I first wrote about and then said during the sermon on Sunday."

"I knew I could not pretend that nothing had happened. I take myself as a priest and what happens during the liturgy too seriously [for that]," Fr Ioann continued. "I believe that at this moment we all – every person in the church – stand before God, and God sees us as we are. Therefore, to lie, to deceive, to pretend that nothing is happening – this means to lie before God.

"Were I an ordinary parishioner, I could pray for whatever I want, without caring what other parishioners are praying for. Because I'm a priest, I have to tell people what I'm going to pray for, what I can't help but pray for. Actually, that was the point of my sermon. It was not a formal call against the war – 'Let's all go together to the square or wherever' – it was a deeper call to people. So that they, in spite of everything, retain humanity in their hearts. So that they do not feel hatred for Ukrainians, or for Russians, or for Americans."

Police interview, court hearing, fine

Later on 6 March, police arrived at the church after Fr Ioann had already returned to his home in another district. They telephoned to call him in for interview. "Life is very short, but there is an eternity in which borders, nationalities, who you were during your lifetime – a police officer or a priest – will not matter," Fr Ioann told Meduza on 8 March.

"It will matter whether or not you were human, and what good you did or didn't do. We talked about this informally [at the police station]. Officially, I referred to Article 51 of the Constitution." This states that nobody is obliged to testify against themselves.

The following morning, Fr Ioann appeared at Krasnoselsky District Court, where the judge granted his request to have the case transferred to his home district.

Judge Aleksey Chudetsky of Kostroma District Court initially rejected the case because of procedural violations, including the fact that the police report of the offence (protokol) had been drawn up in the defendant's absence. Police resubmitted the case on 9 March, and Fr Ioann was summoned to a hearing with little more than an hour's notice that afternoon. The next day, after witness testimony, Judge Chudetsky found him guilty and imposed a 35,000 Rouble fine, according to the court website. This represents about one month's average local wage.

The police record of the offence (protokol), seen by Forum 18, states that, on 6 March, Fr Ioann, "while in a public place, on the premises of the Church of the Resurrection of Christ, during a religious service he was conducting in the presence of about ten parishioners, carried out public actions aimed at discrediting the Armed Forces of the Russian Federation, who are carrying out a special operation on the basis of a decision of the President of the Russian Federation and a decree of the Federation Council of the Federal Assembly of the Russian Federation .. by means of public statements and the imposition on the church's parishioners of information about the Russian armed forces' attack on Ukraine, the ongoing shelling of Ukrainian cities (Kiev, Odessa, Kharkov, and others), the killing by Russian soldiers of the inhabitants of Ukraine, 'Brothers and sisters in Christ', and also by posting analogous information with agitational images on the parish website".

The two witnesses in the case testified that Fr Ioann had said that Russian troops had "begun a war with Ukraine", that he would pray for Ukraine and "for a speedy end to the war", and that parishioners could find more information on the parish website.

Forum 18 was unable to reach Major Aleksey Reshetov of Krasnoselsky District Police's Criminal Investigation Department on 11 March. The head of Krasnoselsky District Police, Lieutenant-Colonel Vadim Sokolov, who had signed the document sending Fr Ioann's case to court, refused to discuss the case. "All comments should be sought from Kostroma Regional Police," he told Forum 18 the same day. Anastasiya Ivanova, a spokesperson for the Regional Police, similarly refused to discuss the case. "The court has already reached its conclusion," she told Forum 18 on 11 March.

It appears that someone who attended the Sunday service called the police about the contents of the sermon. Fr Ioann noted to Mediazona on 7 March that the circumstances are different from the 1930s and 40s, when people did such things for their own protection or advancement: "Since now it is not yet such a time, the person, apparently, sincerely 'fulfilled their civic duty', the way they understand it".

"We cannot break the commandment 'Thou shalt not kill' so easily"

Fr Ioann condemns the bloodshed between fellow Christians in Ukraine. In his remarks for Mediazona on 7 March, he said: "For me, this is about the same as if I came to our church and took a club and hit someone standing and praying there on the head, or took a knife and stabbed them – because there was something I didn't like in what they said, and so on. We cannot break the commandment 'Thou shalt not kill' so easily."

"No matter how terrible it may look from the outside, not only states, but entire nations come and go, not to mention rulers, whose time is short on an historical scale", he added to Meduza on 8 March. "It must be remembered that there always remains the foundation on which humanity stands, the foundation of human civilisation, on which the Gospel stands – the impossibility of shedding human blood in any situation and in any case."

"And the worst thing is what I did not write about, but said in the sermon – after which I was summoned to the police station. The worst thing is the hatred that people have for each other. I see hatred, and I understand what causes it. But hatred cannot be a positive principle, it cannot do anything positive. Hatred destroys the soul of a person, it pushes him to inhuman acts, when he begins to treat his enemy not as a person, but as a thing that must be quickly destroyed and even better tortured longer – this cannot be allowed."

The court decision is "a ban not only on expressing one's opinion but also even on professing one's religious beliefs", Fr Ioann commented to Forum 18 on 10 March. "I will continue to serve as a priest, as I did before. What I had to say to my Christian brothers, I have said. It turned out that even more people heard it than I expected. I have nothing to add to what has already been said. If a priest cannot preach 'Thou shalt not kill', then the space for preaching remains very narrow."

The statement on the parish website and the link to the change.org petition have been removed at request of Metropolitan Ferapont of Kostroma and Galich, but replaced by messages explaining why they had disappeared.

"Brothers and sisters! Fulfilling the requirements of the suddenly adopted law (Article 20.3.3 of the Code of Administrative Offences of the Russian Federation, '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'), we are forced to remove from our parish site the appeal about the inadmissibility of shedding blood."

The day after the court decision, Fr Ioann posted that enough money to pay his fine had already been collected, and expressed his thanks to those who had donated. (END)

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

For background information, see Forum 18's survey of the general state of freedom of religion and belief in Russia (https://www.forum18.org/archive.php?article_id=2246), as well as Forum 18's survey of the dramatic decline in this freedom related to Russia's Extremism Law (https://www.forum18.org/archive.php?article_id=2215)

A personal commentary by the Director of the SOVA Center for Information and Analysis (<https://www.sova-center.ru>), Alexander Verkhovsky, about the systemic problems of Russian "anti-extremism" laws (https://www.forum18.org/archive.php?article_id=1468)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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