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RUSSIA: Second Orthodox priest facing criminal charges for opposing Ukraine war

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

Russian Orthodox priest Fr Nikandr Pinchuk faces a criminal case for opposing Russia's war against Ukraine. He opposed the war on religious grounds. He is under investigation under Criminal Code Article 280.3, which punishes a repeat offence of "discrediting" the Armed Forces. "But I have committed no crime," says Fr Nikandr. "I am a priest and have the right to denounce evil, regardless of who is involved and the political situation." He remains a suspect and has not been arrested.

The Investigative Committee has opened a criminal case against a Russian Orthodox priest, Fr Nikandr Pinchuk from Sverdlovsk Region, for his opposition to Russia's 2022 war against Ukraine. He opposed Russia's attack on Ukraine on religious grounds, describing it to Forum 18 as a "mortal sin". After being fined for his comments in March, he is now under investigation under Criminal Code Article 280.3, which punishes a repeat offence of "discrediting" the Armed Forces. He remains a suspect and has not been arrested.

"I want to clarify that they are trying to repress me precisely because of my rejection of the 'special operation', which they classify as 'discrediting the Russian Armed Forces'," Fr Nikandr told Forum 18. "But I have committed no crime and do not admit any guilt. I am a priest and have the right to denounce evil, regardless of who is involved and the political situation" (see below).

Forum 18 wrote to Sverdlovsk Region Investigative Committee, asking:

- why the expression of religious views on the war is considered "discreditation" of the Russian Armed Forces;
- and when Fr Nikandr's case is likely to reach court.

The press service responded that they would not comment at present, without giving a reason (see below).

Nina Belyayeva, a Baptist and Communist municipal deputy, became the first person known to face prosecution under Criminal Code Article 207.3 for opposing Russia's invasion on religious grounds (https://www.forum18.org/archive.php?article_id=2737). She has fled Russia. On 1 June, she announced that she had been added to the Interior Ministry's wanted list. Interior Ministry officials have also requested that Interpol issue a Red Notice against her, although this does not yet appear to have happened. The Investigative Committee has also twice charged Belyayeva under anti-terrorism legislation for calling for regime change in Russia (see below).

Another Orthodox priest in pre-trial detention

Another Orthodox priest, Fr Ioann Kurmoyarov, who left the Moscow Patriarchate for a branch of the Russian Orthodox Church Outside Russia (ROCOR) which is not part of the Moscow Patriarchate in December 2019 after conflict with his Moscow Patriarchate diocese, has been in detention at St Petersburg's Kresty prison (https://www.forum18.org/archive.php?article_id=2756) since 7 June while awaiting trial for the new criminal offence of disseminating "knowingly false information" about the Russian military (Criminal Code Article 207.3). Fr Ioann is "outraged by the absurdity of the accusations", his lawyer told Forum 18.

Forum 18 asked St Petersburg Investigative Committee why the expression of religious views on war in general and in Ukraine is considered distribution of false information about the Russian Armed Forces; and why it was deemed necessary to put Fr Ioann in pre-trial detention.

On 11 July, Sergey Kapitonov, head of the St Petersburg Investigative Committee's press service, replied only that information about investigations, "to the extent possible and in cases that do not contradict current legislation", is published on the agency's website.

Despite the official support for Russia's invasion shown by many religious leaders, most notably those in the Moscow Patriarchate, small numbers of clergy and laypeople in Russia continue to protest for explicitly religious reasons against the renewed war in

Ukraine. They often face detention, prosecution, and the loss of their jobs (https://www.forum18.org/archive.php?article_id=2741) in consequence.

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 (https://www.forum18.org/archive.php?article_id=2725) and stressing the importance of the commandment, "Thou shalt not kill". Fr Ioann has now left Russia.

Prosecutions

Prosecutions for "discrediting" the Russian Armed Forces (Administrative Code Article 20.3.3 (https://www.forum18.org/archive.php?article_id=2737)) are also continuing. Eleven people who used Biblical quotations or religious imagery in public protests against the war have received fines (https://www.forum18.org/archive.php?article_id=2758) under the new administrative offence of "discrediting" the Russian Armed Forces (Article 20.3.3). A twelfth was fined but the case was then closed. One more has recently been charged plus one awaiting charges.

At least 66 people have been charged or are under investigation under Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2737), human rights news agency OVD-Info reported on 24 June, with another 107 people facing other criminal charges for their opposition to the war. Almost 2,500 people have been charged under Administrative Code Article 20.3.3. OVD-Info added on 29 June that in the four months since the invasion of Ukraine, only one day had passed without any detentions of people protesting against the war. As of 8 July, the total of those detained stands at 16,334.

The Russian authorities also continue to block online access to information about the war in Ukraine, including the website of the Religious Information Service of Ukraine (hosted by the Ukrainian Catholic University in Lviv), a Belarusian news report on the destruction of Ukrainian religious buildings, and a Ukrainian Protestant pastor's appeal to fellow clergy in Russia to speak out against the invasion (https://www.forum18.org/archive.php?article_id=2741). Christian website InVictory.org's accounts of deaths and kidnappings among Protestant church members in the Russian-occupied Ukrainian city of Mariupol (https://www.forum18.org/archive.php?article_id=2763) have also been blocked.

Portal Credo portal-credo.ru, a religious news website which was often critical of the Moscow Patriarchate, has gone offline of its own accord after receiving a warning from Roskomnadzor on 22 March. "It remains unclear how it is technically possible to bring the content of the Portal in line with the requirements of [the new law on disseminating 'false information']," editor Aleksandr Soldatov wrote on Facebook on 23 March. "Our civic position is that the Portal has no right – even by means of silence – to justify obvious crimes against humanity (https://www.forum18.org/archive.php?article_id=2763)". Fordham University's Orthodox Christian Studies Centre's website publicorthodoxy.org, which has published several articles critical of the Moscow Patriarchate's support for the war, has also been blocked.

"The invasion is a mortal sin"

Fr Nikandr (Yevgeny) Igoryevich Pinchuk, rector of the parish of St. Simeon Verkhoturysky in Verkhoturys, is under criminal investigation for repeatedly "discrediting" the Russian Armed Forces. He is the first person known to be facing such a criminal prosecution for criticising Russia's 2022 invasion of Ukraine on religious grounds.

Fr Pinchuk belongs to the branch of the Russian Orthodox Church Outside Russia (ROCOR) which did not join other parts of ROCOR when they joined the Moscow Patriarchate in 2007.

Sverdlovsk Region Investigative Committee opened the case against Fr Nikandr under the new Criminal Code Article 280.3, Part 1 (https://www.forum18.org/archive.php?article_id=2737) on 29 June, according to documents seen by Forum 18. This Article carries a maximum punishment of three years' imprisonment.

Fr Nikandr is being prosecuted for "notes and comments on my news feed, against the arch-heretic Kirill, [and] for photographs from the time of the Great Patriotic War [Second World War]", he explained to Forum 18 on 30 June. He cited a quote attributed to Stalin-era prosecutor Andrey Vyshinsky: "Give me a person and I will find the crime [Byl by chelovek, a statya naydyotsya]."

Investigators had interviewed Fr Nikandr in April, but he only found out that they had opened a criminal case from social media on 30 June. He is not, however, surprised, telling Forum 18 that "I expected this would happen". At present, he remains a suspect and has not yet been charged.

The Baza Telegram channel (which is believed to have links to the security services) reported on 30 June that Fr Nikandr had called the actions of the Russian Army "predatory" [zakhvatnicheskiye] in a post on his VKontakte page dated 30 March (he has since deleted his account). "Such a position directly contradicts the position of the Ministry of Defence, therefore the Investigative Committee initiated the case," Baza noted.

Fr Nikandr himself told Baza that he had written about the "violation of the Holy Commandments by those who should preach those commandments .. [and] about demons and antichrists among the Russian authorities". Russia's attack on Ukraine is "a mortal sin", he added to Forum 18.

On 1 July, an investigator from Verkhoturys Inter-District Investigative Committee carried out a search of Fr Nikandr's home, accompanied by a police officer and two officials from the Sverdlovsk Region branch of the FSB security service. According to their report, seen by Forum 18, they took an hour and 25 minutes to complete the search, in the presence of two local witnesses, and seized three memory sticks.

They then took Fr Nikandr to the Investigative Committee's office for questioning. "They tried to persuade me to confess. I refused, citing Article 51 [of the Constitution]," Fr Nikandr told Forum 18 on 4 July. "They said I would be called in for [more] questioning. They are trying to deceive me by saying that the case will be dismissed if I confess and I will receive a minimal judicial fine."

"I want to clarify that they are trying to repress me precisely because of my rejection of the 'special operation', which they classify as 'discrediting the Russian Armed Forces'," Fr Nikandr added. "But I have committed no crime and do not admit any guilt. I am a priest and have the right to denounce evil, regardless of who is involved and the political situation."

Forum 18 wrote to Sverdlovsk Region Investigative Committee on 5 July, asking:

- why the expression of religious views on the war is considered "discreditation" of the Russian Armed Forces;
- and when the case is likely to reach court.

The press service replied the same day, saying only that at present they would not comment. They did not give a reason.

Fr Nikandr's earlier administrative fine

Criminal Code Article 280.3 – under which Fr Nikandr is being investigated – punishes the same offence of "discrediting" the Russian Armed Forces as Administrative Code Article 20.3.3 (https://www.forum18.org/archive.php?article_id=2737), if a person commits another offence within one year.

On 14 March, Fr Nikandr received a fine of 35,000 Roubles under Administrative Code Article 20.3.3 at Verkhoturys District Court for criticising Russia's war in Ukraine from a Christian perspective in comments in a local VKontakte group. The fine represents about three weeks' average local wage. The court decision entered legal force on 25 March, according to the court website.

The district court decision of 14 March, seen by Forum 18, does not quote Fr Nikandr's comments directly, but notes that they "point out that the actions of the Armed Forces of the Russian Federation on the territory of Ukraine are directed against Ukraine's independence, that the Russian Federation has carried out an attack on Ukraine, is shelling cities, purposefully destroying Orthodox churches, etc..".

In court, the decision added, Fr Nikandr stated that he had "expressed his opinion, which he considers correct. He believes that the Armed Forces of the Russian Federation are in Ukraine illegally, that [they] invaded the territory of another independent state in violation of international law. He considers this a crime."

Multiple criminal charges against municipal deputy and Protestant

On 23 June, the Voronezh Region Investigative Committee charged Baptist and Communist municipal deputy Nina Belyayeva under Criminal Code Article 207.3, Part 1 (https://www.forum18.org/archive.php?article_id=2737) ("Public dissemination, under the guise of credible statements, of knowingly false information about the use of the Armed Forces of the Russian Federation"). She was the first person known to face criminal prosecution for opposing the war in Ukraine on explicitly religious grounds.

Belyayeva left Russia in early April, shortly after the meeting of Semiluk District Council in which she stood up and denounced the invasion of Ukraine as a war crime (https://www.forum18.org/archive.php?article_id=2737), 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".

On 24 June, Lenin District Court in Voronezh issued a two-month detention order in Belyayeva's absence. According to the court decision, seen by Forum 18, police in Voronezh Region added her to the Interior Ministry's wanted list on 29 April, and, on 22 June, issued a resolution to seek a Red Notice for her.

A Red Notice is a request passed on from one Interpol member state to others, to "identify and provisionally detain a person". It is not an arrest warrant, so there is no obligation on the agencies of other states to perform these actions.

Red Notice requests are checked for compliance with Interpol's Constitution, under which it is "strictly forbidden for [Interpol] to undertake any intervention or activities of a political, military, religious or racial character".

"If the request is not found compliant, it is not published," Interpol's press office noted to Forum 18 on 1 July. The press office added that there is "no Red Notice or data in Interpol's databases" in relation to Belyayeva.

Russia has in recent years used Red Notices that violate Interpol's rules to try to get back at least three citizens based abroad to prosecute them on extremism charges for exercising freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2584). Two are Muslims who met to study their faith using the writings of Said Nursi.

Voronezh Region Investigative Committee stated on its website on 27 June that it had also charged Belyayeva twice under Criminal Code Article 205.2, Part 2 ("Public calls to carry out terrorist activities, made using the internet") because of interviews she had given to a "foreign blogger" in which she "publicly called for violent regime change in the Russian Federation", the videos of which were "posted in the public domain for viewing by an unlimited number of people".

"I'm much more dangerous from the point of view of the Russian Federation than the Taliban," Belyayeva commented on her Telegram channel on 10 June. She noted in an interview with the 7x7 news website that she believed that investigators had issued terrorism-related charges to prevent her selling property she owns in Voronezh, which will now "probably be confiscated".

Belyayeva stated on Telegram on 24 June that she and her lawyer are currently preparing appeals. She believes that she could receive up to 17 years in prison if convicted on all three charges.

In footage of the council meeting on 22 March, Belyayeva can be heard confirming anti-war comments she had made on social media, having to raise her voice and repeat herself over the shouting of her 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, and if a person obscures Christ with somebody else, then they cannot be a Christian. Yes, that is my position."

Twenty out of 23 deputies then voted to request prosecutors to investigate Belyayeva.

"I realised that if I kept silent, I would not be able to respect myself. I wouldn't be a true Christian and human being," Belyayeva wrote in an opinion piece for "The Moscow Times" on 8 April.

"I can definitely say that I don't regret what I said. It's true that when I left Russia, my everyday life became less comfortable. At home I could afford more than I can now. But personal comfort can't be more valuable than the life of another human being. What can be more precious than the lives and health of people who are now dying in Ukraine, the women and children being raped by Russian soldiers?" (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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