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RUSSIA: Tomsk musician's criminal trial to begin 15 March

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

The criminal trial of Tomsk musician Anna Chagina on charges of repeatedly "discrediting" the Armed Forces is due to begin on 15 March. She is being tried for social media posts opposing Russia's war in Ukraine, based on her Christian beliefs, having already received a fine in 2022 for her poster at an anti-war protest which read "Blessed are the peacemakers (Matthew 5:9)". Tomsk Region Investigative Committee refused to discuss the case. The criminal trial of St Petersburg Orthodox priest Fr Ioann Kurmoyarov is due to resume on 10 April.

On 15 March, Judge Roman Zaynulin of Soviet District Court in the Siberian city of Tomsk is due to begin the criminal trial of Anna Chagina, according to the court website. If convicted, the 43-year-old musician and teacher, who based on her Christian beliefs opposes the invasion of Ukraine, faces a maximum three-year jail term or a large fine on charges of "discrediting" the Russian Armed Forces more than once in one year.

Chagina's first (administrative) conviction was for displaying a poster reading "Blessed are the peacemakers" at an anti-war protest in Tomsk in March 2022, just two days after the new offence of "discreditation" came into force (see below).

Investigators subsequently accused Chagina of posting anti-war materials on social media and charged her under Criminal Code Article 280.3 (see below).

Chagina's online posts included reposting an anti-war petition by Russian Orthodox clergy, online debates on the war from a Christian perspective and updates on the criminal prosecution of Orthodox priest Fr Ioann Kurmoyarov in St Petersburg. It remains unclear exactly which of her social media posts form the basis of the prosecution case (see below).

The Investigative Committee detained Chagina for one day after searching her flat in Tomsk at the end of November 2022. Since then, she has been under specific restrictions, including a ban on using the internet, and latterly a non-disclosure agreement preventing her from discussing the investigation. Witnesses in the case have also had to sign such agreements (see below).

"It was important for me to convey my position to people," Chagina told the Govorit Ne Moskva media project (which specialises in regional stories) through friends in December 2022, before she or they signed the non-disclosure agreements. "I am mentally prepared for the fact that the state will punish me for this. As far as I understand, I face either a prison term or a huge fine. I'm not afraid of either" (see below).

Forum 18 wrote to Tomsk Region Investigative Committee to ask why expressing religion-based opposition to the war in Ukraine should be considered "discreditation" of the Russian Armed Forces, and on which specific social media posts the case against Chagina was based. "Taking into account the interests of the investigation, it is not possible to answer your request," it responded. It added that all information about preliminary investigations that it is legally permissible to make public is published on the Investigative Committee's website. The website has given no information on Chagina's case (see below).

The Investigative Committee has not explained why Chagina and witnesses in the case were required to sign non-disclosure agreements (see below).

Meanwhile, the trial continues at St Petersburg's Kalinin District Court of Orthodox priest Fr Ioann Kurmoyarov on charges of disseminating "knowingly false information on the use of the Armed Forces". On 6 March, he was brought to court for his latest hearing from St Petersburg's Kresty-2 prison (where he has been held since his arrest in June 2022). The judge adjourned the hearing until 10 April because Kurmoyarov's lawyer Luiza Magomedova was unwell (see below).

Other prosecutions for opposition on a religious basis to the war

The first person to be charged under Criminal Code Article 280.3 (https://www.forum18.org/archive.php?article_id=2737) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation in order to protect the interests of the Russian Federation and its citizens, [and] maintain international peace and security") for opposition to the war based on faith was Fr Nikandr

Pinchuk. He was fined in October 2022 (https://www.forum18.org/archive.php?article_id=2783) for a social media post condemning the "horde of the Antichrist" attacking Ukraine.

Three individuals have also faced prosecution under the February 2022 Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2737) ("Public dissemination, under the guise of credible statements, of knowingly false information on the use of the Armed Forces of the Russian Federation") for opposition to the war based on their faith:

- ROCOR priest Fr Ioann Kurmoyarov is currently on trial in St Petersburg (see below);

- Moscow Patriarchate priest Fr Aleksandr Dombrovsky, who had repeatedly preached against the war in Ukraine in his sermons and who has left Russia (https://www.forum18.org/archive.php?article_id=2809);

- Nina Belyayeva, a Communist municipal deputy and Baptist, who during a District Council meeting called Russia's invasion a war crime and who has also left Russia (https://www.forum18.org/archive.php?article_id=2737).

Russia's government has used a range of tactics to pressure religious leaders (https://www.forum18.org/archive.php?article_id=2725) into supporting the renewed invasion of Ukraine from 24 February 2022. 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.

Among the thousands of Russians detained and taken to court for protesting against the war, a small number have done so from a religious perspective or using explicitly religious imagery. Among them was Moscow Patriarchate Deacon Sergey Shcherbyuk. A court in Samara fined him about one month's average local wages (https://www.forum18.org/archive.php?article_id=2738) in April 2022 for "discrediting the Russian armed forces" in conversations with parishioners and colleagues. One of them apparently reported him to the Interior Ministry.

One year of new offences

It is now over one year since on 4 March 2022 new penalties introduced by Vladimir Putin for criticising Russia's actions in its war against Ukraine came into force. These include the new Administrative Code Article 20.3.3 (https://www.forum18.org/archive.php?article_id=2737) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation"), which is used against apparently any form of anti-war statement either in public spaces or online, and the new Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2737) ("Public dissemination, under the guise of credible statements, of knowingly false information on the use of the Armed Forces of the Russian Federation").

If individuals commit an offence covered by Administrative Code Article 20.3.3 more than once within a year, they may be prosecuted under the new Criminal Code Article 280.3 (https://www.forum18.org/archive.php?article_id=2737) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation in order to protect the interests of the Russian Federation and its citizens, [and] maintain international peace and security").

As of 23 February 2023, there had been 139 prosecutions under Criminal Code Article 207.3, and 49 prosecutions under Criminal Code Article 280.3, according to human rights group OVD-Info (<https://data.ovdinfo.org/svodka-antivoennyh-repressiy-god-polnomasshtabnogo-vtorzheniya-rossii-v-ukrainu>).

This is out of a total of 447 criminal prosecutions for anti-war activities. 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") – but are not yet known to have done so to punish anyone protesting from a religious perspective.

Also as of 23 February, police had initiated 6,003 cases under Administrative Code Article 20.3.3, according to Russian independent media outlet Mediazona (<https://zona.media/news/2023/02/23/6k>).

Between 24 February 2022 and 23 February 2023, OVD-Info recorded 19,586 detentions of people protesting against the invasion of Ukraine and latterly against the "partial mobilisation" (announced on 21 September 2022).

The State Duma is currently considering a new draft law which would increase punishments under both Criminal Code Article 207.3 and Criminal Code Article 280.3, and make them apply to criticism not only of the regular Armed Forces, but also 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 military outfits such as Wagner).

Under Criminal Code Article 280.3, Part 1, the maximum prison sentence would be raised from 3 years to 5 years – under Part 2 (the same offence if resulting in "death by negligence", harm to health or property, or mass public disorder), from 5 years to 7 years.

Under Criminal Code Article 207.3, Part 1, the maximum prison sentence would be raised from 3 years to 5 years.

According to the Duma's online records, the bill passed its second reading on 2 March. It is due for a third reading on 14 March, Duma speaker Vyacheslav Volodin noted on his Telegram Channel on 1 March.

Tomsk: Fine for "Blessed are the peacemakers" poster

Anna Sergeyevna Chagina (born 29 November 1979), a viola player and music teacher from the Siberian city of Tomsk, based on her Christian faith opposed Russia's renewed February 2022 invasion of Ukraine.

Her first offence of "discreditation" took place on 6 March 2022 on Novo-Sobornaya Square in central Tomsk, where about 100 people had gathered to protest against Russia's invasion of Ukraine. Chagina held a poster she had made: "Blessed are the peacemakers (Matthew 5:9)".

Police detained 20 of the protestors, including Chagina, and charged them under the then-new Administrative Code Article 20.3.3 (https://www.forum18.org/archive.php?article_id=2737) ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation"), which is used against apparently any form of anti-war statement either in public spaces or online, and which had entered legal force two days before on 4 March.

A judge at Tomsk's Soviet District Court convicted her under Administrative Code Article 20.3.3 on 12 March 2022 and fined her 45,000 Roubles, about three weeks' average local wages.

"I consider myself innocent of any charges, and no matter how tomorrow's hearing ends, I remain calm," Chagina commented on her VKontakte page on 11 March 2022. "To call for peace, to call for it with all my heart, to call on everyone's open heart, to call for reason, to sow what is good and eternal is my human and professional duty."

"I sincerely believe that what is happening with our planet is in our hands. War starts the moment we forget our responsibility. When we think that 'it will manage itself somehow', 'it will work out', 'it will pass, 'you can wait it out', 'it does not concern me', 'nothing depends on me'."

(Chagina also attended protests against the Russian annexation of Crimea in 2014, in support of jailed opposition leader Aleksey Navalny in 2021, and against the "partial mobilisation" in September 2022. Before a concert in March 2022, she spoke out against the war on stage and played a Ukrainian song.)

According to Tomsk's Soviet District Court's written decision of 12 March 2022, seen by Forum 18, Chagina "took part in an illegal public event in the form of a rally, the purpose of which .. was to form a negative opinion among bystanders and the population of Tomsk regarding the special military operation of the Armed Forces of the Russian Federation".

"Aware that those gathered were united by a single plan to undermine confidence in the decisions of the state authorities of the Russian Federation to conduct a special military operation to save Donbas," the court decision added, Chagina "shouted slogans on the subject of the event, held a poster of a similar content, and, not responding to the explanations of police officers about the illegal purpose of the event or their demand to disperse, thereby committed an administrative offence".

In court, Chagina did not deny holding a poster, but argued that she had been carrying out an individual picket (which is legally permitted without official authorisation). She said in her written statement that she had made the "Blessed are the peacemakers" poster herself and had displayed it in order to "express her civic position".

Chagina appealed unsuccessfully at Tomsk Regional Court on 8 April 2022.

Tomsk: Criminal case

During 2022, Anna Chagina continued to post material on her page on the VKontakte social media site opposing Russia's war in Ukraine.

On 8 March 2022, Chagina reposted the full text of an anti-war open letter (https://docs.google.com/forms/d/1yOGuXjdFQ1A3BQaEEQr744cwDzmSQ1qePaaBi4z6q3w/viewform?edit_requested=true) of 1 March 2022 opposing the war. The letter was signed by many Orthodox priests inside and outside the country (<https://www.rferl.org/a/russia-orthodox-clerics-stop-war-ukrane/31730667.html>), ultimately being signed by nearly 300 Russian Orthodox clergy. The letter calls 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".

Several Moscow Patriarchate priests who signed the open letter soon requested to be made supernumerary (https://www.forum18.org/archive.php?article_id=2763) (pochislit za shtat), meaning that they remain priests but are not formally employed in a parish, cathedral, or other institution. Some also faced pressure from their dioceses, and were also prosecuted and fined for their opposition to the war (https://www.forum18.org/archive.php?article_id=2763). On 22 September 2022, Fr Gleb Krivoshein became the first known person prosecuted and punished specifically for signing the Orthodox open letter against the war (https://www.forum18.org/archive.php?article_id=2809).

On 12 May 2022, Chagina wrote that she had herself signed human rights defender Lev Ponomaryov's [change.org](https://www.change.org) petition against Russia's renewed invasion of Ukraine (<https://www.change.org/p/%D0%BE%D1%81%D1%82%D0%B0%D0%BD%D0%BE%D0%B2%D0%B8%D1%82%D1%8C-%D0%B2%D0%BE%D0%B9%D0%BD%D1%83-%D1%81-%D1%83%D0%BA%D1%80%D0%B0%D0%B8%D0%BD%D0%BE%D0%B9-2ce0a2d7-b957-4e23-981a-c67a26e2b0b7>).

Pavel Levushkan is a Lutheran pastor and commentator from Latvia, who is based in Riga but has previously served in Tomsk. Nikolay Karpitsky is a religious philosopher from Tomsk who now lives in Slovyansk in Ukraine. On her VKontakte page, Chagina linked to a YouTube video of the two men discussing the theme of hatred ("How to process your hatred, find cool resolve [obresti kholodnyu reshimnost] and remain yourself") as part of the series "War from the point of view of religion" on Karpitsky's YouTube channel (<https://www.youtube.com/user/karpizky>). Chagina also reposted other videos from this series.

Chagina's posts also include comments supporting other Russians prosecuted for "discrediting" or "disseminating false information" about the Russian Armed Forces, Karpitsky's descriptions of wartime life in Ukraine, comments on the war from the Vatican, and media articles about Fr Ioann Kurmoyarov (currently on trial in St Petersburg for opposing the war – see below).

State media regulator Roskomnadzor blocked Chagina's VKontakte page on 3 September 2022 at the request of the General Prosecutor's Office.

Chagina "considers herself a Christian, is interested in religious philosophy, and insists that Russian Orthodoxy has nothing to do with the Russian Orthodox Church and its support for the war with Ukraine", the media outlet Govorit Ne Moskva (which specialises in regional stories) summarised her position.

In summer 2022, Chagina had begun to notice that she was being followed. After her arrest in autumn 2022, the investigator remarked that all the local police already knew her, Govorit Ne Moskva noted in December 2022.

On 23 November 2022 (according to court documents seen by Forum 18), Tomsk Region Investigative Committee opened a criminal case against Chagina.

According to Govorit Ne Moskva, the Investigative Committee's grounds for initiating the case appeared to be some of Chagina's comments on her VKontakte page, as well as her reposting of texts by Pavel Levushkan and Nikolai Karpitsky. It remains unclear exactly which social media posts form the basis of the prosecution case.

The Investigative Committee searched Chagina's home early on 30 November 2022. The investigators "behaved calmly – they did not turn the flat upside down", according to Govorit Ne Moskva, which communicated with Chagina through friends before their non-disclosure agreements. The officers "carefully examined books, sheet music, and musical literature" and confiscated electronic devices.

Investigators detained Chagina for one day after the early-morning search of her home. She has since been at home under a night-time curfew and restrictions on communication.

At her interrogation, Chagina refused to answer questions and stated that she did not plan to plead guilty. The Investigative Committee charged her the same day under Criminal Code Article 280.3 (https://www.forum18.org/archive.php?article_id=2737), Part 1 ("Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation in order to protect the interests of the Russian Federation and its citizens, [and] maintain international peace and security").

On 1 December 2022, Tomsk's Soviet District Court upheld the investigators' request to have Chagina placed under specific restrictions. According to the court document, seen by Forum 18, these comprise a 10pm-6am curfew and bans on sending and receiving correspondence ("including letters, telegrams, parcels, and electronic messages"), using the internet, and attending large-scale public events. She was freed from detention in the courtroom.

Forum 18 wrote to the Tomsk Region Investigative Committee to ask why expressing expressing religion-based opposition to the war in Ukraine should be considered "discreditation" of the Russian Armed Forces, and on which specific social media posts the case was based. The press office first directed Forum 18 to the federal-level Investigative Committee in Moscow, but later stated on

27 February that "Taking into account the interests of the investigation, it is not possible to answer your request". It added that all information about preliminary investigations that it is legally permissible to make public is published on the Investigative Committee's website.

Chagina's case is as yet not mentioned on either the Tomsk Region or the federal Investigative Committee's news pages.

The Investigative Committee has not explained why Chagina and witnesses in the case were required to sign non-disclosure agreements.

Tomsk: Criminal trial due to begin on 15 March

Anna Chagina is due to appear in court on 15 March on charges of repeatedly "discrediting" the Russian Armed Forces. She is the fifth person to face criminal prosecution for opposing the war on the basis of her religious beliefs, and the second to be charged under Criminal Code Article 280.3 (https://www.forum18.org/archive.php?article_id=2737), Part 1 ("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").

Soviet District Court in Tomsk registered Chagina's case on 2 March 2023, according to its website, assigning it to Judge Roman Zaynulin. The court has scheduled the first hearing in her trial for 15 March. Investigators have had Chagina and witnesses in the case sign agreements not to disclose any information about the investigation.

"It was important for me to convey my position to people," Chagina told the Govorit Ne Moskva media project through friends in December 2022, before she or they signed the non-disclosure agreements. "I am mentally prepared for the fact that the state will punish me for this. As far as I understand, I face either a prison term or a huge fine. I'm not afraid of either."

If convicted, Chagina could be imprisoned for up to three years or fined up to 300,000 Roubles. Even if she receives a fine, she may not remain undisturbed thereafter, because "she is unlikely to give up on expressing her [anti-war] convictions openly", her acquaintance Maksim Yevstropov (founder of activist art project Party of the Dead) told Govorit Ne Moskva from outside Russia, adding that new charges could be brought for "the slightest reason".

Fr Kurmoyarov's trial due to resume on 10 April

The trial continues at St Petersburg's Kalinin District Court of Orthodox priest Fr Ioann Kurmoyarov (born Dmitry Valeryevich Kurmoyarov, 8 January 1968) under Criminal Code Article 207.3 (https://www.forum18.org/archive.php?article_id=2737) ("Public dissemination, under the guise of credible statements, of knowingly false information on the use of the Armed Forces of the Russian Federation").

On 6 March, Fr Ioann was brought to court for the latest hearing from St Petersburg's Kresty-2 prison, where he has been held since his arrest in June 2022 (https://www.forum18.org/archive.php?article_id=2756). The judge adjourned the hearing until 10 April because Fr Ioann's lawyer Luiza Magomedova was unwell, according to court records.

Fr Ioann – a member of a branch of the Russian Orthodox Church Outside Russia which is not in communion with the Moscow Patriarchate – is on trial for posting videos on his YouTube channel (https://www.forum18.org/archive.php?article_id=2809) in which he criticises the Moscow Patriarchate's support for the war, suggests the "aggressors" will not go to heaven, and argues that "Every condemnation of this aggression, this war on Ukraine, is a spiritual matter. All Christians should do it on principle."

St Petersburg Investigative Committee did not answer Forum 18's October 2022 questions (https://www.forum18.org/archive.php?article_id=2780) as to why the expression of religious views on war in general and in Ukraine is considered "false information" about the Russian armed forces, and why it was considered necessary to put Fr Ioann in detention.

In August 2022, Darya Lebedeva, head of the joint court system press service for St Petersburg, insisted to Forum 18 (https://www.forum18.org/archive.php?article_id=2763) that Fr Ioann had to be held in detention because: "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". (END)

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

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

A personal commentary by the 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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