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BELARUS: "They were not doing wrong - it's just our law"

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

Baptists and Jehovah's Witnesses in Belarus continue to be raided and fined by the authorities for unregistered religious activity, Forum 18 News Service has found. The raids on meetings for unregistered worship have been strongly defended by the authorities. Anna Mukhlya, an expert in a regional Ideology Department who took part in one of the raids, conceded that the raided congregation was not harming anyone. "They were not doing wrong - it's just our law," she told Forum 18. Civil society groups continue to campaign against the Belarusian Religion Law, which makes unregistered religious activity a criminal offence. The Centre for Legal Transformations and the advocacy group For Religious Freedom have drawn up an alternative Religion Law, which they think conforms with international human rights standards. However, attempts to hold an open roundtable in Minsk on 27 October on this have been frustrated by bans on renting conference facilities, imposed by Minsk city authorities.

As Baptists and Jehovah's Witnesses have again faced fines for worship, officials have robustly defended their raids and fines on religious communities. They insisted to Forum 18 News Service that they are right to crack down on worshippers who meet in private homes in defiance of the country's repressive Religion Law. Campaigners for changes to this Law have also been denied permission to rent a conference centre in the capital Minsk for a roundtable meeting on 27 October. The centre told Forum 18 the ban was on instructions from the City Executive Committee.

In defiance of the country's international human rights commitments, Belarusian law bans all unregistered religious activity - including that of unregistered communities and unsanctioned public activity by registered communities. Religious organisations are kept under close surveillance by the KGB secret police, and officials often issue warnings for activity that they deem to be illegal. For two "offences", the registration body can apply for the court liquidation of a religious organisation, and may also halt the organisation's activity in the run-up to the court's decision. Fines on religious communities are frequent (see F18News 25 August 2009 <http://www.forum18.org/Archive.php?article_id=1340>).

Meanwhile, the trial of Dmitry Smyk, the first of several Jehovah's Witness conscientious objectors set to face criminal prosecution for refusing compulsory military service, began in Gomel [Homyel] on 8 October. The next hearing is due on 29 October, he told Forum 18 on 19 October (see F18News 20 October 2009 <http://www.forum18.org/Archive.php?article_id=1364>).

Fine imminent on Vitebsk Baptist?

A Council of Churches Baptist congregation in Postavy in Vitebsk [Vitsyebsk] Region was raided by a local ideology official, Anna Mukhlya, and a police officer during Sunday worship on 27 September, local Baptists told Forum 18. The two accused the Baptists of violating the law by meeting for worship in a private home. However, the Baptists insisted to Forum 18 that Belarus' Constitution, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights all guarantee their right to practise their faith freely.

The following day, one of the Baptists, Sergei Dedovets, was summoned to the Postavy Regional Administration. There he was accused of violating Article 9.9 Part 1 of the Administrative Violations Code, which punishes the creation or leadership of a religious organisation without state registration with a fine of up to 20 times the base unit for wages and state benefits. A statement was drawn up and handed to the local court for him to be punished.

Dedovets defended the congregation's decision to meet for worship without state registration, insisting that it has the right to do so and rejecting the state's demands. He told Forum 18 on 14 October that he was expecting to be summoned to court soon. The court told Forum 18 on 19 October that Judge Natalya Zhukova, who will hear the case, has not yet set a date for the hearing.

Mukhlya, an expert in the Ideology Department of the Regional Administration, defended her actions against the congregation. Asked on 15 October what the congregation was doing that was harmful to anyone, she told Forum 18: "They were not doing wrong - it's just our Law." She conceded that had the Baptists gathered merely to play chess or to discuss football, the authorities would not have taken action against them.

Mukhlya then complained that the Baptists had not only gathered for worship without registration in an unauthorised venue, but had

distributed invitations to meetings around the town. She insisted that all Dedovets can do is meet for worship in his own home "in his own family". Asked whether he could invite any friends to join them she responded: "Friends Yes, but inviting anyone else - No." She refused to clarify what the difference was.

Fines and "final warning" to Gomel Jehovah's Witnesses

On 21 July some ten police officers and officials of the City Administration climbed over a fence to gain entry to a private home in Gomel where several dozen Jehovah's Witnesses were meeting. As the home owner was out, those present refused to open the door, whereupon the police called the Emergency Situations Ministry which broke down the door, causing what the Jehovah's Witnesses estimate to be some 2,000,000 Belarusian Roubles (4,090,000 Norwegian Kroner, 490 Euros or 735 US Dollars) of damage. Officers confiscated various items from those present.

One of those at the meeting, Yuri Reshetnikov, was found guilty of violating regulations for holding demonstrations or other mass events by Zheleznodorozhny District Court in Gomel on 12 August under Article 23.34 Part 2 of the Administrative Violations Code. He was fined 1,050,000 Belarusian Roubles (2,150 Norwegian Kroner, 258 Euros or 385 US Dollars). The Regional Court rejected his appeal on 9 September.

Also punished was the home owner, Stepan Lugovsky, who was found guilty of "using living premises not for their purpose" (Article 21.16 Part 1 of the Administrative Violations Code). He was fined 700,000 Belarusian Roubles (1,433 Norwegian Kroner, 172 Euros or 257 US Dollars).

In a 22 September "warning" to the registered Gomel Jehovah's Witness community, signed by Aleksandr Prusov of the Religious Affairs Department of Gomel Regional Executive Committee and seen by Forum 18, the raid is described as a "check-up on the activity" of the community. Prusov highlighted the fact that children were present and complained that the meeting violated the Demonstrations Law and the Religion Law. The Jehovah's Witnesses said he threatened orally that if another official warning is issued he will liquidate the community, which would make all its activity illegal.

The Jehovah's Witnesses complained to Forum 18 of repeated refusals by state organisations in Gomel to rent premises for religious meetings. After ten years the City Executive Committee suddenly stopped renting the Palace of Culture to them in July 2008. They say other owners of suitable property make an oral agreement to rent premises but then cancel the agreement once the Jehovah's Witnesses seek the Executive Committee's approval. Protestants in Grodno and Minsk report the same problem (see F18News 29 May 2007 <http://www.forum18.org/Archive.php?article_id=965>).

Prusov defended his actions. "Everything we did was in accordance with the law," he told Forum 18 on 16 October. "To hold such a meeting they need to warn the authorities in advance and take measures to guarantee the safety of those taking part." Asked why officials broke down the door, confiscated items from the home and fined two of those present, Prusov responded: "Citizens must obey the Law. They refused to open the door. They were hidden from the authorities - churches must be open to all." He conceded that the fine on Reshetnikov represented one or two months' wages locally.

Asked why the Jehovah's Witnesses have received repeated denials over their request to rent venues in the city for worship, Prusov responded: "That's not my decision."

Jehovah's Witnesses believe all the authorities' recent actions in the city are part of a long-running campaign to close them down. They cite a 5 August 2005 instruction from Colonel Grigory Shvab, the then head of the Protection Department of Gomel Regional Police - seen by Forum 18 - for all officers "to expose and crush all violations of the norms of current law of the Republic of Belarus by members of the Jehovah's Witness religious organisation".

Roundtable on restrictive Religion Law faces rental ban

The Centre for Legal Transformations and For Religious Freedom, two campaigning groups active against the current Religion Law, which seriously violates Belarus' international human rights commitments, have drawn up an alternative Religion Law that they would like to see discussed openly and taken up by politicians. The proposed draft is available in Russian on the Belarusian version of the <<http://www.forreligiousfreedom.info>> website, under 2009 News dated 09.10.2009 at <http://www.forreligiousfreedom.info/news.php?subaction=showfull&id=1255115068&archive=&cnshow=news&start_from=&ucut=3&>.

Both groups hoped to hold an open roundtable meeting to discuss their proposals with religious communities, civil society and any other interested figures in central Minsk on 27 October, organisers told Forum 18.

However, on 6 October the groups were denied permission to rent conference facilities at the Crowne Plaza Hotel's Business Centre. The organisers then approached the Johannes Rau International Education Centre, named after the late German President who was also a leading figure in his regional Protestant Church. The Centre is co-managed by a German foundation and Minsk City Executive Committee. But on 12 October, they were also denied permission to rent this venue.

"Unfortunately, the Minsk City authorities, one of the founders of our Centre, put a veto on this request," Andrea Sahm, one of the directors of the Centre, told Forum 18 from Minsk on 15 October. "And without this permission we do not have the right to offer rooms."

The For Religious Freedom group expressed disappointment over the Executive Committee's rental veto. Forum 18 was unable to find out why such a veto was imposed. Mikhail Titenkov, Deputy Head of Minsk City Executive Committee with responsibility for ideological issues, was out, in a meeting or on the telephone each time Forum 18 called on 19 October. Telephones at the Ideology Department went unanswered the same day.

The telephone of Aleksandra Koryagina, who is in charge of booking conference rooms at the Crowne Plaza Hotel, also went unanswered each time Forum 18 called on 19 October.

Belarusian authorities have long been hostile to civil society groups campaigning against the Religion Law, fining and firing from their work human rights defenders who collected the largest non-party political petition in Belarusian history (see F18News 29 April 2008 <http://www.forum18.org/Archive.php?article_id=1121>). This petition - which gained 50,000 signatures and was 3,442 pages long - called for the Religion Law to be changed to conform with international human rights standards (see F18News 16 May 2007 <http://www.forum18.org/Archive.php?article_id=957>).

In contrast to the difficulty human rights defenders face in renting premises for the religious freedom roundtable, on 25 September Russian Orthodox Patriarch Kirill held a meeting in the House of the Republic in Minsk during his visit to the country. The Belarusian official media also noted that during a 14-15 October visit to Belarus, a group of rabbis from the United States, Israel and Britain were able to hold a meeting in the Belarus Cinema - a former synagogue - in the western city of Brest.

Earlier Jehovah's Witness fines

Raids and fines have occurred on other Jehovah's Witness meetings in recent months, particularly on the Memorial of Christ's death, the most important Jehovah's Witness commemoration of the year which fell on 9 April. Meetings in Shklov in Mogilev [Mahilyow] Region and Borisov [Barysaw] in Minsk Region were raided, Jehovah's Witnesses told Forum 18.

In Shklov, two police officers and an Ideology Department official broke into a private home where eight Jehovah's Witnesses were holding the Memorial service. Officials confiscated religious literature. One of those present, Andrei Varaksa, was fined 140,000 Belarusian Roubles (2,865 Norwegian Kroner, 343 Euros or 513 US Dollars) for leading an unregistered religious organisation (Article 9.9 Part 1 of the Administrative Violations Code). Jehovah's Witnesses told Forum 18 that over the following few months, he was summoned several times by the KGB secret police and the local Administration, who warned him not to preach or meet local Jehovah's Witnesses. He was also threatened with criminal trial.

In Borisov, some ten police officers and local Administration officials broke down the door of a private home where some 80 Jehovah's Witnesses were holding their Memorial service. Officials confiscated religious literature without giving any documentation and recorded their raid on video. The home owner, Andrei Kuzin, was later fined 175,000 Belarusian Roubles (358 Norwegian Kroner, 43 Euros or 64 US Dollars) for violating Article 9.9 Part 1 of the Administrative Violations Code.

The Borisov Jehovah's Witness community has repeatedly been denied state registration as officials refused to allow a religious community to use a private home as a legal address or the same charter as they have used to gain registration in other locations.

On 26 July, some 20 KGB, police and local authority officials raided a Jehovah's Witness meeting in a private home in Kostyukovichy in Mogilev Region. When the home owner refused to let them in, the officials called the Emergency Situations Ministry, which conducted the break-in.

Vladimir Martynovsky, the religious affairs official at Mogilev Regional Executive Committee, claimed that he knew nothing about the 26 July raid in Kostyukovichy. "No-one has reported it to me," he told Forum 18 on 15 October. "But they're not registered there so they can't meet." He too conceded that the authorities would not interfere if the group of people had gathered to discuss chess or football. "That would be their business." Asked why gathering to discuss the Bible or for religious worship led to very different treatment, he responded: "There's a great difference - it's all in the Law." He refused to elaborate on why and how it was different. (END)

For a personal commentary by Antoni Bokun, Pastor of a Pentecostal Church in Minsk, on Belarusian citizens' struggle to reclaim their history as a land of religious freedom, see F18News 22 May 2008 <http://www.forum18.org/Archive.php?article_id=1131>.

For more background information see Forum 18's Belarus religious freedom survey at <http://www.forum18.org/Archive.php?article_id=1311>.

Full reports on freedom of thought, conscience and belief in Belarus can be found at

<<http://www.forum18.org/Archive.php?query=&religion=all&country=16>>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at <http://www.forum18.org/Archive.php?article_id=1351>.

A printer-friendly map of Belarus is available at

<<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=belaru>>.

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f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY