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BELARUS: "It's not a crime if believers worship in my house"

By Olga Glace, Forum 18 News Service <<http://www.forum18.org>>

Fined several weeks' average wages in late September for leading unregistered religious worship was Pastor Aleksei Abramovich. His church in Zhodino near Belarus' capital Minsk belongs to the Baptist Council of Churches, whose congregations refuse on principle to gain the state registration which officials insist is compulsory. Yelena Goretskaya of the Ideology Department of Zhodino Executive Committee, who took part in the raid, claimed to Forum 18 News Service that the church had broken the law. "We don't interfere with state policy. Our worship meetings are purely religious. It's not a crime if believers worship in my house," Pastor Abramovich wrote in a letter of complaint to President Aleksandr Lukashenko. The Church of God, an independent Protestant church in Zhodino, has given up trying to gain state registration as repeated attempts have failed. Architecture officials will not sign off that his newly-built church is complete. Elsewhere, eight Jehovah's Witness congregations, as well as non-Moscow Patriarchate Orthodox congregations languish without state registration. This leaves them at risk of raids and punishment at any time.

After a few months' break, Belarusian authorities have resumed punishing leaders of the Baptist Council of Churches, whose congregations refuse on principle to gain the state registration which officials insist is compulsory. In the third court case in 2011, Pastor Aleksei Abramovich, who leads their congregation in Zhodino in Minsk Region, was fined several weeks' average local wages in late September, Council of Churches Baptists told Forum 18 News Service. Meanwhile, another Protestant church in Zhodino has been repeatedly denied registration because no local enterprise is willing to give it a legal address, while architectural officials will not approve their newly-built church. Eight Jehovah's Witness congregations across Belarus, as well as non-Moscow Patriarchate Orthodox congregations are among other religious communities currently unable to get state registration, Forum 18 notes. Their religious activity is at risk of raids and punishment at any time.

Finding a venue the authorities do not object to as a religious community's legal address has been a problem ever since re-registration was required with the adoption of the restrictive 2002 Religion Law (see F18News 17 November 2004 <http://www.forum18.org/Archive.php?article_id=454>).

Even registered congregations have in the past been fined for using residential properties for worship, while getting property officially re-designated so that it can be legally used for worship buildings is often impossible (see F18News 29 July 2010 <http://www.forum18.org/Archive.php?article_id=1471>).

Unregistered religious activity is illegal in Belarus, against international human rights law. Although the specific punishment for creating or leading an unregistered religious organisation was removed from the Code of Administrative Offences in February 2010, criminal penalties for it remain under Criminal Code Article 193-1. Forum 18 is not aware of any cases when Article 193-1 has been used to punish unregistered religious activity. However, courts often punish leaders of unregistered worship administratively for alleged violations of the procedure for holding mass events (see F18News 9 April 2010 <http://www.forum18.org/Archive.php?article_id=1430>).

Raid and fine

Trouble began for the Zhodino Baptist congregation on 14 August, when police raided their Sunday worship service, Baptists complained to Forum 18. The raid was led by Lieutenant-Colonel Sergei Sevets, deputy head of Zhodino police. Accompanying the police was the head of the Ideology Department of Zhodino Executive Committee, Yelena Goretskaya. Officers photographed, filmed and sealed the room where the church meets. They confiscated religious literature without drawing up an official record and a case was prepared against Pastor Abramovich, Baptists added.

On 20 September, Judge Tatyana Trotsyuk of Zhodino Court found Abramovich guilty of violating Article 23.34, Part 2 of the Code of Administrative Offences ("violation of the procedure for organising or conducting a mass event or demonstration"). The Judge fined him 700,000 Belarusian Rubles (690 Norwegian Kroner, 89 Euros or 122 US Dollars at the inflated official exchange rate), the equivalent of several weeks' wages locally.

Abramovich rejects all the accusations, as he explained in a letter to President Aleksandr Lukashenko. "We don't interfere with state

policy. Our worship meetings are purely religious. It's not a crime if believers worship in my house," he told the president. Abramovich has chosen not to appeal against the court's decision and has not paid the fine, Baptists told Forum 18.

Judge Trotsyuk refused to discuss why she fined Abramovich for leading religious worship. "Court decisions and fines are discussed only with the authorised institutions or people whom it may concern," she told Forum 18 from Zhodino on 14 October.

Goretskaya of the Ideology Department admitted to Forum 18 on 14 October that the church was raided, but claimed that church members had broken the law. She refused to answer any further questions as to why she had participated in the raid on a religious service.

This is the third case in 2011 when officials have raided worship services of Council of Churches' congregations. Its Gomel [Homyel] congregation was raided during Sunday worship in February. Subsequently Pastor Nikolai Varushin was fined 1,050,000 Belarusian Rubles (1,040 Norwegian Kroner, 235 Euros, or 335 US Dollars at the inflated official exchange rate) for leading unauthorised worship. The fine was upheld on appeal and confiscated religious literature was not returned (see F18News 19 May 2011 <http://www.forum18.org/Archive.php?article_id=1572>).

Also raided in February was the Council of Churches congregation in the town of Kostyukovichy in Mogilev [Mahilyow] Region of eastern Belarus. Pastor Nikolai Zavalei and two other congregation members were subsequently issued an official warning (see F18News 30 March 2011 <http://www.forum18.org/Archive.php?article_id=1556>).

Forum 18 has not learnt of any other religious communities which have been fined this year.

Registration impossible for some?

In contrast with Baptist Council of Churches' congregations who do not seek state registration on principle, some other religious communities which are willing and have made repeated attempts to get registered have faced refusal on various grounds. One reason is the inability to get an address which the authorities will allow a religious community to use as its legal address.

"This is a chicken and egg situation," Vladimir Bernadsky of the Jehovah's Witnesses' congregation in the town of Lida in Gomel Region complained to Forum 18 on 13 October. "You can't get registration without a legal address and you can't obtain a legal address without registration." His congregation has been seeking registration in vain since 2000.

According to the 2002 Religion Law, religious and civil groups are not allowed to use residential addresses to register their organisations. Religious communities are not allowed to worship in private homes unless they get permission from the authorities and the meetings are not conducted on wide-scale and regular basis.

In addition to the Lida congregation, seven other Jehovah's Witness communities are functioning without state registration, their representative Pavel Yadlovsky confirmed to Forum 18 from the capital Minsk on 17 October (see F18News 30 March 2011 <http://www.forum18.org/Archive.php?article_id=1556>).

Similarly, Pastor Aleksandr Shevyakov of the Church of God, an independent Protestant congregation in Zhodino, complained to Forum 18 on 13 October that they had a problem in getting a legal address.

Some non-Moscow Patriarchate Orthodox communities also languish with no legal status, and try not to attract official attention.

Bernadsky explained to Forum 18 that his congregation in Lida has more than 20 members. "It's difficult for us to get together to study the Bible and to confess in a flat". Jehovah Witnesses regularly come to see the head of the Lida Executive Committee, Aleksandr Ostrovsky, but they say he is not willing to help. "The authorities don't have very friendly feelings towards us," remarked Bernadsky. He said Ostrovsky told him he could not put pressure on enterprises to give them a legal address.

The most recent letter with an official refusal of their request for a legal address - dated 22 March 2011 and signed by Ostrovsky, seen by Forum 18 - is similar to many earlier letters the Lida congregation has received. It simply refers to the 2002 Religion Law and Article 272 of the Civil Code and informs it that no premises are available. A 2010 registration rejection also cited these provisions. Forum 18 has also seen documents from five local enterprises renouncing their earlier decisions to rent to the community and provide it with a legal address.

Ostrovsky, the head of Lida Executive Committee, refused to discuss the Jehovah's Witness problems with Forum 18 on 18 October.

One community gives up

Pastor Shevyakov said that after many failed attempts to get registered, his Zhodino church decided to give up any further attempts. "We have a newly built house which architectural officials consider an incomplete construction," he told Forum 18 on 14 October. "When we wanted to register there the authorities turned down our application since the construction is officially not finished."

Forum 18 was unable to find out why the building is considered an incomplete construction. The telephone of the architecture department went unanswered each time Forum 18 called on 14, 17 and 18 October.

Shevyakov complained that organisations which previously agreed to give their legal address to the Church of God changed their mind without telling them. In letters from the City Executive Council signed by the head's first deputy Yury Shary (the most recent letter is dated 9 March 2011), seen by Forum 18, the reason for refusal of the registration application was the recall of the legal address.

Shary claimed to Forum 18 on 17 October that this was the sole reason why the Church of God's application was rejected. He claimed that neither officials nor the town population have a negative attitude to the Church. He insisted that the authorities had nothing to do with decisions by various organisations to change their mind about giving the Church permission to use a legal address. "We have freedom of religion, which means that anyone can practice whatever religions they want without hindrance," he claimed to Forum 18.

Asked what the next step should be for the Church of God to get registration, Shary responded that it is not in the power of the town Executive Committee to provide the church with a legal address.

However, an official of the Ideology Department, who did not give her name, insisted to Forum 18 on 10 June that the Church of God does not exist as it is not registered. Asked why it is not registered, she claimed that this is in process.

According to Shevyakov, who met Zhodino's mayor Mikhail Omelyanchuk on 22 June, the mayor was not very friendly, calling the church "a den". Shevyakov told Forum 18 he was upset to hear that the mayor did not like his Church and would not allow it to obtain state registration.

Forum 18 tried to reach mayor Omelyanchuk on 17 and 18 October, but his secretary said he was not available.

Worship without official permission

Both Bernadsky and Shevyakov confirmed to Forum 18 separately that the authorities are not obstructing them at the moment, though their congregations continue to worship without official permission.

Bernadsky remarked that last time he was brought to trial for conducting an "unauthorised meeting" was 18 months ago. "We just gathered to discuss the Bible. I don't know why they picked me as I didn't even organise this meeting," he told Forum 18. He was accused of violating Article 23.34 Part 2 of the Code of Administrative Offences. But at his trial in Lida Town Court, Bernadsky was acquitted for lack of evidence.

Pastor Shevyakov was outraged when, on 27 May, the police together with the ideological officials raided the house where the congregation usually meets. (There was no service on that day.) Officers claimed they were looking for a suspect who allegedly stole money. "I could understand the police searching the house, but involving officials from the Ideology Department as the official witnesses was most suggestive," Shevyakov told Forum 18.

He is sure that the house-check was just an excuse. "They were not looking for a thief, they were searching for the documents everywhere even in the toilet and asked whether we worshipped in the building," he complained to Forum 18. "It was done to find reasons to refuse us registration."

Both Shevyakov and Bernadsky expressed concern that raids could resume at any time. (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://education.nationalgeographic.com/education/mapping/outline-map/?map=Belarus>>.

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