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## **Police stormed prayer of Evangelical spiritual center in Minsk**

Krynica.info (18.10.2016) - <http://bit.ly/2grHVYW> - Riot police interrupted the prayer and the meeting of the unregistered Evangelical Spiritual Centre "Regeneration" in Minsk. The incident occurred on September 17, when more than a hundred believers from different Belarusian cities gathered for the joint service in the assembly hall of an enterprise.

"Dozen policemen bursted in, and started to shoot everyone with a video camera. Then they recorded personal data, and took those whom they disliked to the police. They detained more than a dozen participants of the religious meeting. Then they questioned everyone and made an offense protocols", - Alaksandr Chamicevič, one of the detainees, said, "Viasna" reports.

Pastor Aleh Naciokin was detained as well.

On October 4, the court fined the detainees under part 1 of Article 23.34 of the Administrative Code (violation of the order of organizing or holding mass events) with about 210 dollars. According to the court decision, the police got the information that some people transferred to a building some boxes with dynamite. However, flyers of "Regeneration" were in the boxes instead of dynamite.

Spiritual Centre "Regeneration" in Minsk is a member of the same name of a religious organization, formed in 1997 in Ukraine, which is headed by Vladimir Muntean. All-Ukrainian Union of Pentecostal Churches states that Spiritual Centre "Regeneration" is not relevant to gospel teachings, and is very close to the occult practices.

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## **Jehovah's Witnesses concerns about religious freedom**

Administrative Center of JW in Russia (21.09.2016) - <http://bit.ly/2dr3DL8> - **Jehovah's Witnesses in Belarus have a measure of freedom to worship. However, throughout Belarus, congregations and groups of Jehovah's Witnesses continue**

**to experience difficulties in obtaining legal registration, holding religious meetings, and finding suitable venues to hold religious services.**

### ***Abuses and restrictions of religious freedom***

#### **Interference with freedom of assembly**

Jehovah's Witnesses in Belarus own religious buildings in three cities, where they hold religious meetings freely. Elsewhere, local authorities must first give their approval before the Witnesses can legally meet in residential and non-residential premises for religious services. In some cities, the authorities have given approval for the Witnesses to meet together. However, in many others, the authorities refuse to do so, and thus the Witnesses cannot hold their religious services legally. The authorities have informed them that non-residential buildings are not available for rent for this purpose, and when the Witnesses request permission to use private homes for worship, authorities refuse.

Therefore, Jehovah's Witnesses have no choice but to hold their religious meetings "illegally" in private homes because they cannot find suitable places for worship. This has resulted in the authorities disrupting the Witnesses' meetings, asserting that residential buildings are not intended for religious meetings. This leaves many Witnesses without legal protection, since the authorities can interfere with their religious meetings at any time and prosecute them for carrying on religious activities.

**Vitebsk.** Traditionally, Jehovah's Witnesses meet twice a year for conventions where 500 to 1,000 believers gather. However, local officials prohibited the convention planned for **May 2016** in Vitebsk, interfering with the right of Jehovah's Witnesses to hold larger religious gatherings, even though this has been permitted for many years in Belarus.

#### **Interference with manifestation of belief**

In the first half of 2016, there were three recorded incidents of Jehovah's Witnesses being detained for publicly sharing their beliefs with their neighbours. These incidents occurred in the cities of Stolbtsy (Minsk Region), Krichev (Mogilev Region), and Minsk.

**Stolbtsy (Minsk Region).** On **2 June 2016**, police detained two of Jehovah's Witnesses who were publicly sharing their religious beliefs. On **4 July 2016**, the protocols on administrative violations were drawn up, and the cases went to court.

#### **Denial of right to conscientious objection to military service**

The Constitution of Belarus guarantees the right to substitute military service with alternative civilian service. On **4 June 2015**, the Law of the Republic of Belarus on Alternative Service was adopted, and it entered into force on **1 July 2016**.

In the meantime, between the law's adoption and its becoming effective, criminal charges against conscientious objectors were dropped and administrative cases for failure to report for military service were terminated.

On **10 February 2016**, the General Prosecutor's Office contested the court decisions acquitting Viktor Kalina, who had asked for alternative civilian service in lieu of military service. On 18 March 2016, the Belarus Supreme Court overturned the favourable lower court decisions and remanded the case for new proceedings. On **18 May 2016**, the Court of Moskovskii (District of Brest) found Mr Kalina guilty and fined him BYR 21,000,000 (EUR 933). On **24 June 2016**, the Brest Regional Court dismissed Mr Kalina's appeal. He has appealed to the Chairman of the Brest Regional Court and to the Prosecutor of Brest Region.

## Legal recognition withheld

According to the Law of the Republic of Belarus on Freedom of Conscience and Religious Organizations, worshippers are obligated to register a religious organisation in every town where there are over 20 members. Religious activity without State registration is considered illegal.

- **Mar'ina Gorka, Minsk Region.** On **19 February 2016**, the second attempt to register the Mar'ina Gorka Religious Community of Jehovah's Witnesses failed. The local authorities put pressure on the owner of the building that the Community wished to use as its legal address, so that the owner refused to allow the Community to use the building for the intended purpose.

On **24 February 2016**, the founding members of the Community met with the chairman of the local administrative body to consider the problem of obstruction to registration of the Community. The meeting did not bring a positive result.

- For more than ten years, Jehovah's Witnesses have been trying unsuccessfully to register local religious communities in **Pinsk** (Brest Region), **Borisov** (Minsk Region), and **Lida** (Grodno Region). As elsewhere, local authorities apparently pressure owners of buildings to refuse to allow the Witness communities to use the buildings as their legal address.

## Threat of liquidation

According to the Law of the Republic of Belarus on Freedom of Conscience and Religious Organizations, "mass actions [public assembly], having the overall objective of satisfying religious needs, in places not specially assigned for these purposes" can be carried out only after receiving the approval of the head of the local executive and administrative body. (Article 25) The law also states that religious organisations can distribute religious materials only on property belonging to them "or other lawful premises."—Article 26.

**Mogilev (Mogilev Region).** On **5 March 2016**, the Mogilev Regional Executive Committee issued a written warning letter to the Religious Community of Jehovah's Witnesses in the city of Mogilev. It accused the Community of holding religious meetings without State permission and of distributing religious literature from house to house and publicly.

This warning endangers the existence of the Community, since the Law of the Republic of Belarus on Freedom of Conscience and Religious Organizations does not allow a religious community to appeal written warnings. If the Community does not eliminate an alleged infringement within six months or is warned again within a year, the Mogilev Regional Executive Committee (as the registering agency) can appeal to court for liquidation of the Community.

## State censorship of religious literature

The Law of the Republic of Belarus on Freedom of Conscience and Religious Organizations states that religious organisations can import religious literature and other printed, audio, and video materials into Belarus only after these materials undergo a State religious examination. Witnesses must wait from three to five months to obtain permission to import new religious publications. Therefore, the Witnesses' periodicals, *The Watchtower* and *the Awake!*, are not received in a timely way.

On **27 May 2016**, Leonid Gulyako, the Commissioner for Religious and Ethnic Affairs, signed a letter upholding the decision of the State examiners of religious publications to

deny import of the April 2016 study edition of The Watchtower. All other religious material that the Witnesses sought to import in 2016 has been approved.

### **Negative media**

In **February 2016**, negative statements made by Commissioner Leonid Gulyako about religious communities of Jehovah's Witnesses in Belarus were published on the Internet. During the annual meeting of his office, the commissioner stated that the State registration of several religious communities of Jehovah's Witnesses can be revoked because these communities have allegedly distributed religious publications without State permission.

### **Positive developments**

- Almost all religious publications and video materials that had been filed for compulsory religious examination were approved by the State panel of experts.
- Since the end of 2014, there have been no cases of disruption of religious meetings in private homes or rented premises in Belarus.
- On 1 July 2016, the Law of the Republic of Belarus on Alternative Service entered into force, allowing alternative civilian service on the basis of religious beliefs. All agencies involved in alternative service are under the jurisdiction of the Ministry of Labour and Social Protection.

### **Meetings with officials**

(1) Local representatives of Jehovah's Witnesses met with officials in Vitebsk and Mogilev, raising the issue of obtaining State permissions to hold conventions. The problem is one of contradictory requirements: Local authorities did not give permissions for conventions because the Witnesses had not yet made agreements with State organisations that provide medical care and law enforcement. However, the State organisations refused to make agreements because the Witnesses did not yet have permission to hold a convention.

(2) Local representatives of Jehovah's Witnesses met with officials in the Puhovichi and Minsk regions, raising the issue of denial of registration of the Mar'ina Gorka Religious Community. These meetings had no positive result.

(3) Representatives of the European Association of Jehovah's Christian Witnesses met with some Belarus officials between 4 and 12 July 2016 in connection with what appears to be escalating legal difficulties in Belarus.

- The Witnesses' representatives met with Mr Leonid Gulyako, the Commissioner for Religious and Ethnic Affairs, to discuss the reason for his threat to deregister Jehovah's Witnesses in Belarus. They also discussed the matter of difficulties in achieving local registrations, as in the repeated denials for registration in the city of Borisov. The attempt to build understanding and obtain the advice of Mr Gulyako was fruitless.

### **Religious freedom objectives**

#### **Jehovah's Witnesses respectfully request the government of Belarus to:**

(1) Allow Jehovah's Witnesses to register additional religious communities

(2) Grant permission for Jehovah's Witnesses to build new Kingdom Halls and to issue occupancy permits to hold religious meetings in rented venues

(3) Allow Jehovah's Witnesses to express their beliefs and distribute their religious publications freely without fear of being accused of illegal religious activity

***Representatives of Jehovah's Witnesses welcome the opportunity to engage in a constructive dialogue with representatives of the Belarus government***

***For more information:***

Please contact the Office of General Counsel of Jehovah's Witnesses at [generalcounsel@jw.org](mailto:generalcounsel@jw.org)

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## **Jehovah's Witnesses in Belarus denied registration and then arrested**

JW-RU Blogspot (16.08.2016) - <http://bit.ly/2cFv5Yr> - In Logoisk, Belarus, a squad of police arrested two Jehovah's Witnesses for preaching and distributing religious literature. They are accused of not clearing the distribution of religious literature with local authorities. Materials regarding the incident were collected by a precinct police inspector of the Logoisk department of internal affairs and sent to the Logoisk district executive committee for further examination.

According to the claims of some, in keeping with Belarusian legislation the Jehovah's Witnesses congregation does not have the right to operate on the territory of the district inasmuch as it is not registered on the territory of Logoisk.

However the Belarusian constitution says otherwise:

Article 31. Each person has the right to determine independently his attitude toward religion and to profess any religion individually or jointly with others, or not to profess any religion, and to express and disseminate convictions connected with his attitude toward religion and to participate in the conduct of religious worship, rituals, and rites that are not prohibited by law.

A recently published report by the USA State Department about the condition of religious liberties in Belarus states that despite the legislative confirmation of freedom of conscience, Belarusian authorities forbid religious activity by unregistered groups.

Several believers who wish to register are refused registration. In addition, the registration procedure itself is rather complex. For persons desiring to register it creates a broad spectrum of requirements that are the grounds for refusing registration.

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## **"Alternative service exists, not for me"**

By Olga Glace

Forum 18 (03.08.2016) - <http://bit.ly/2bf1QXt> - Brest Regional Court unconstitutionally rejected an appeal by 21-year-old Jehovah Witness conscientious objector Viktor Kalina against his conviction and large fine for refusing to do military service. The appeal rejection came one week before Belarus' Alternative Service Law came into force on 1 July.

On 24 June, Brest Regional Court rejected an appeal by 21-year-old Jehovah Witness conscientious objector Viktor Kalina against his conviction and large fine for refusing to do compulsory military service on grounds of religious conscience. The rejection of the appeal came one week before Belarus' Alternative Service Law came into force on 1 July. The Law for the first time allows an alternative civilian service for some, but not all, conscientious objectors.

With the help of the Belarusian Helsinki Committee, in late July Kalina lodged further supervisory appeals against the decision to the General Prosecutor's Office and Brest Regional Court (see below).

Kalina was convicted after a second trial in May of violating Criminal Code Article 435, Part 1. This punishes "Refusal of call-up to military service" with penalties of either a fine or up to two years' imprisonment. The Court fined Kalina 21,000,000 old Belarusian Roubles (currency superseded on 1 July) which is now 2,100 new Belarusian Roubles (about 8,800 Norwegian Kroner, 930 Euros, or 1,050 US Dollars). This represents about 100 days' average wages in Brest Region, according to June 2016 figures from the National Statistical Committee.

The new trial came after Kalina's acquittal on the same charges in September 2015, in which a judge noted that he used "his constitutional right to ask for alternative rather than military service which contradicts his ethical and religious views, and he should not bear responsibility for the evasion of military call-up procedures".

Following the acquittal, the General Prosecutor's Office filed a protest to the Supreme Court insisting that Kalina's reasons for refusing military service were not well-grounded. The Court agreed on 18 March 2016, claiming that service in the military Railway Troops is for conscientious objectors. The judges in Kalina's 2016 second criminal trial and latest appeal insisted against the Constitution and international human rights law that Kalina could serve in the Railway Troops. Kalina commented to Forum 18 that "alternative service exists now, but not for me" (see below).

### ***New Law allows some – but not all – to perform alternative service***

Belarus' first-ever Alternative Service Law took effect from 1 July 2016. It allows some, but not all, young men who are conscientious objectors to perform a civilian alternative service instead of compulsory military service.

Only young men with a religious pacifist objection will be eligible to apply for alternative civilian service, not those with non-religious pacifist convictions. It is unclear whether even all young men with religious objections to military service will be allowed to do civilian alternative service, as the Law is silent on how objectors from communities which are not as a community formally pacifist – such as the Orthodox Church - will be treated. Moreover, civilian service will be twice the length of military service and those undertaking it will be paid less than military conscripts. And if conscripts already doing military service change their beliefs to become conscientious objectors, they will not be eligible for alternative service.

### ***Kalina's first trial***

The first criminal case opened against Kalina was under Criminal Code Article 435, Part 1 ("Refusal of call-up to military service") in June 2015. At his trial on 8 September 2015 Brest's Moscow District Court found the conscientious objector not guilty.

Brest General Prosecutor's Office protested against the District Court's decision to acquit Kalina. However, on 13 October 2015 Judge Nikolai Shestak of Brest Regional Court confirmed the acquittal, noting that Kalina "uses his constitutional right to ask for

alternative rather than military service which contradicts his ethical and religious views, and he should not bear responsibility for the evasion of military call-up procedures".

### ***Deputy General Prosecutor's protest***

On 10 February 2016, Deputy General Prosecutor Aleksei Stuk lodged a protest (seen by Forum 18) against Kalina's acquittal to the Supreme Court. Stuk insisted that laws and facts had been wrongly interpreted in Kalina's earlier trials. Stuk also claimed that a Constitutional Court decision of 26 May 2000 stated that, at the time when no mechanism existed for substituting alternative for military service, "it should be agreed, considering exceptional circumstances, with the practices of special conditions provided by the relative authorities to allow the citizens to fulfil their duty in a manner which does not violate their religious convictions".

The May 2000 Constitutional Court ruling (decision R-98/2000) called for the "urgent" adoption of an Alternative Service Law or an amendment to the Law on Military Obligation and Military Service to introduce a mechanism for alternative service. It said that before such legal changes are made, the authorities must allow citizens to perform service "that does not violate their religious convictions". The Constitutional Court made no reference to refusing military service on non-religious conscientious grounds.

### ***Supreme Court claims military formation is for conscientious objectors***

The Supreme Court supported Deputy General Prosecutor Stuk's argument in Kalina's case, stating in its 18 March 2016 decision (seen by Forum 18) that to meet conscripts' religious needs, the Defence Ministry established the Railway Troops. In this military formation, no oath is required and individuals are exempted from military studies, bearing weapons or overt military equipment, and other military duties against their religious beliefs.

The General Prosecutor's Office claimed that 240 conscripts whose religious views do not allow them to swear the military oath had been able to serve in the Railway Troops.

Forum 18 notes, however, that the Railway Troops were not specifically created for conscientious objectors, and that they are a military formation and not a civilian body.

Armenia in the past also claimed that service controlled by the military was a form of alternative civilian service. This led to a 7 July 2011 European Court of Human Rights (ECtHR) in Strasbourg judgment in the case of Armenian Jehovah's Witness conscientious objector Vahan Bayatyan (Application no. 23459/03). The ECtHR ruled that the state's refusal to offer Bayatyan an alternative to compulsory military service and punishment of him for refusing to serve in the armed forces violated his rights under Article 9 ("Freedom of thought, conscience and religion") of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

But unlike Armenia, Belarus is not a member of the Council of Europe so its citizens have not been able to challenge such punishments to the ECtHR in Strasbourg. Despite this, on 27 May 2015 Belarus' Constitutional Court cited the ECtHR Bayatyan judgement in support of the Alternative Service Law.

After the ECtHR judgment, in 2013 Armenia introduced a genuine alternative civilian service. This has since been functioning without problems.

### ***International human rights obligations***

The legal analysis prepared by the Belarusian Helsinki Committee for Kalina's latest 2016 appeal, seen by Forum 18, pointed out that both United Nations Commission on Human

Rights resolution 1995/83 [see <http://www.wri-irg.org/node/9174>], and a Council of Europe Parliamentary Assembly report of 13 July 2000 [Document 8809 <http://www.assembly.coe.int/nw/xml/Xref/X2H-Xref-ViewHTML.asp?FileID=9017&lang=EN>], both state that alternative service should not be performed in any service connected with the military.

The legal analysis also cites the May 2000 Constitutional Court ruling that the authorities must allow citizens to perform service "that does not violate their religious convictions".

The right to refuse to perform military service is part of everyone's right (whether or not they hold a religious belief) to freedom of thought, conscience and religion guaranteed in Article 18 of the International Covenant on Civil and Political Rights (ICCPR). Belarus ratified the ICCPR in 1976. This is stated in General Comment 22 on Article 18 of the ICCPR, by the United Nations (UN) Human Rights Committee. International human rights law rulings have repeatedly underlined this.

Until now Belarus - like Azerbaijan, Turkey, Turkmenistan, and the unrecognised entity of Nagorno-Karabakh has prosecuted and jailed conscientious objectors to military service.

### ***Any military service unacceptable on principle***

Conscientious objector Kalina explained to Forum 18 on 26 July 2016 that service in the Defence Ministry's Railway Troops is unacceptable for him as he wants to follow the principle "not to bear weapons and to have absolutely nothing to do with military organisations".

Deputy General Prosecutor Stuk claimed in his appeal that "Kalina's stated wish for alternative rather than military service, while legally not brought under the regulation on the date of 20 May 2015, cannot be judged as a good reason for his evasion of call-up procedures". He pointed out that Kalina "did not exercise his right to appeal against the Conscription Commission's decision [to send him to the army] which would have suspended its execution".

Kalina explained to Forum 18 that he had not lodged an appeal because of his lack of experience and knowledge of how to exercise his right to appeal.

Forum 18 was unable to find out why the General Prosecutor's Office pursued the case against Kalina, given that the Alternative Service Law was due to come into force on 1 July 2016, less than five months later. The office secretary refused to put Forum 18 through to Deputy General Prosecutor Stuk or any other prosecutor. "You won't be able to talk to anyone. We don't give phone numbers of prosecutors, but if you have objections or complaints about your case you can submit them in writing," she explained on 2 August, before putting the phone down.

### ***Kalina's second trial***

Following the Supreme Court's March 2016 decision to overturn Kalina's original acquittal, the case returned to Brest's Moscow District Court for a second trial. Kalina was again charged under Criminal Code Article 435, Part 1 ("Refusal of call-up to military service"). On 18 May Judge Mariya Levanchuk convicted Kalina and fined him 21,000,000 old Belarusian Roubles (now 2,100 new Belarusian Roubles).

Kalina told Forum 18 that, for him, the fine represents a considerable amount of money. He estimated that it will take him about two years to pay the fine.

### ***Judge opposes Constitution***

Judge Levanchuk claimed that Kalina committed his "crime" deliberately, as he attended all the call-up procedures. The Judge focused on the 1992 Military Service Law insisting that "all male citizens are obliged to undertake military service whatever their origin, social and financial status, national and racial identity, education, religious belief, profession, political and other opinions". Judge Levanchuk thus set her own ruling above Article 57 of the Constitution, which provides for alternative service.

For Kalina this second criminal trial and its 18 May verdict were "absolutely unexpected". He complained to Forum 18 that the hearing, although open to the public, was held in a small office because the court room was occupied. The room could contain only two of his witnesses, but not 20 of his fellow-believers who came to support him.

This is not the first time Belarusian officials have in court publicly ignored their own Constitution. Lieutenant Colonel Vladimir Osipov of Rechitsa Military Conscription Office on 29 January in Rechitsa District Court described the Constitution as "nonsense" and international human rights treaties as "not important".

Forum 18 called Moscow District Court on 2 August to ask Judge Levanchuk why her decision opposed previous court verdicts, and why the Military Service Law should prevail over the Constitution. The Court's secretary claimed to Forum 18 that the Judge is on holiday.

### ***Appeal rejected***

On 24 June a panel of three Judges at Brest Regional Court, chaired by Judge Svetlana Kremenevskaya, rejected Kalina's appeal against the conviction and fine. The decision, seen by Forum 18, claimed that Kalina was unable to give good reasons for refusing to serve in the Railway Troops. The court concluded that Kalina committed the "crime" "with direct intention".

Asked on 2 August what reasons would be seen as sufficient to exempt a conscientious objector from serving in the Railway Troops, Judge Kremenevskaya refused to answer. "What right do you have to ask me questions, and what right do I have to discuss the case with you when you are not involved?" she asked Forum 18. She added that the decision was taken by the panel of judges. "We received a supervisory appeal and all the facts will be re-examined and checked," she maintained.

### ***"Alternative service exists now, but not for me"***

Kalina told Forum 18 that at both hearings the Judges ignored his appeals to give him a chance under the Alternative Service Law taking effect on 1 July. "I don't understand this system, as originally I was found not guilty and then – after being charged under the same Article in the same court - they took the absolutely polar-opposite decision," he lamented. "It's beyond my comprehension that alternative service exists now, but not for me."

Dmitry Chernykh of the Belarusian Helsinki Committee says that the court referred to the fact that the Alternative Service Law was not in effect at the moment when Kalina's "crime" was committed. "We are going to submit supervisory appeals to the General Prosecutor's Deputy and to Brest Regional Court," he told Forum 18 on 25 July.

Kalina has asked to postpone the fine payment until he goes through all possible protests and appeals. On 25 July he lodged a supervisory appeal to the General Prosecutor's Office and on 29 July to Brest Regional Court. He hopes that the verdict will be overturned as the Alternative Service Law is already in force, "if not I'll abide by the court's decision," he told Forum 18.

The punishment also suspends Kalina from military service for two years, the period over which he may pay the large fine. Asked if he expects any call-up notifications soon, Kalina explained that he is a "criminal" now and after paying the fine he expects that he will be conscripted again for military service. "Only this time I'll have a chance to do it in the civilian sector, although it will last for three years. I am all in for it, both paying the fine and also having alternative service for three years!" he remarked bitterly.

### ***Will acquitted conscientious objector face new call-up?***

Another acquitted Jehovah Witness, Dmitry Chorba from Rechitsa in Gomel Region, told Forum 18 on 9 July that he expects his conscription notification in August. "I'll start to undergo the medical commission and if I'm fit for the service on my request my documents will be forwarded to the Labour Ministry for alternative civilian service," he explained to Forum 18.

In his most recent case, Rechitsa District Court acquitted Chorba on 29 January 2016 of charges under Administrative Code Article 25.1, Part 3, which punishes a conscript for not responding to a Military Conscription Office call without good reason.

Since 2000, several other conscientious objectors to military service have been tried and convicted for their "crime". These include Jehovah's Witness Dmitry Smyk, Messianic Jew Ivan Mikhailov, non-religious pacifist Yevhen Yakovenko, and non-religious pacifist Andrei Chernousov. Chernousov was forcibly confined to a psychiatric hospital for five days in 2012 to establish if his convictions leading him to refuse call-up accorded with "norms of psychiatric health".

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## **State ends priest's 25-year parish ministry**

By Olga Glace

Forum 18 (30.06.2016) - <http://bit.ly/2bMpzky> - The Belarusian government's senior religious affairs official ends 25 years' parish service by Polish Catholic priest Fr Andrzej Stopyra with no explanation. The official also denied permission for Indian Catholic priest Fr James Manjackal to visit Belarus to lead religious exercises in a parish.

On Sunday 15 May, Polish priest Fr Andrzej Stopyra celebrated his last Mass before his enforced departure from his parish in Lida District of western Belarus where he had been serving for a quarter of a century. One parishioner told Forum 18 that Fr Stopyra had been expecting such a refusal for at least five years before he received the document banning his further service in Belarus, signed by the government's Plenipotentiary for Religious and Ethnic Affairs, Leonid Gulyako. Along with permission to conduct religious activities, the priest was also denied a residence permit. Fr Stopyra and his parish are the latest victims of the authorities' policy of reducing the number of foreign Catholic priests serving in Belarus, by denying visas or refusing to extend permission to continue religious activities.

The denial came as another Catholic priest - Fr James Manjackal from India, invited to conduct spiritual exercises over several days in July - was denied state permission for his religious visit to the country.

### ***Quarter of a century's service ended***

Fr Stopyra had served as priest of Descent of the Holy Spirit parish in the small town of Biarozauka (Berezovka) in Grodno [Hrodna] diocese since 1991. The parishioner, who asked not to be identified, complained to Forum 18 on 17 June that church members

were upset over having to part with Fr Stopyra and hoped to the last that the denial of permission to remain would be overturned. The priest preferred to leave quietly without making a fuss, the parishioner added.

"Foreign priests need to get permission to serve in Belarus," Fr Pavel Solobuda, spokesman for Grodno Catholic diocese, told religious news agency Krynica.info on 16 May. "The time came for him [Fr Stopyra] to obtain his permission for further work. But he was refused. And the reasons may have been explained only to him. As far as I understand, the reasons are not given to the public."

Forum 18 was unable to find out from the office of the government's Plenipotentiary for Religious and Ethnic Affairs why it had denied the right of Biarozauka's Catholic parishioners to continue to have Fr Stopyra as their priest. As soon as Forum 18 asked in repeated calls on 20 and 21 June why Fr Stopyra had been denied permission to continue serving in his parish, Deputy Plenipotentiary Yelena Radchenko claimed she could not hear and put the phone down.

The Deputy Head of the religious affairs sector of Grodno Region Executive Committee Vladimir Skripko absolutely refused to answer any of Forum 18's questions on 21 June, including whether the decision to ban Fr Stopyra from further service was taken in Grodno or Minsk. He then put the phone down.

Spokesman of the Catholic Bishops' Conference, Fr Yury Sanko, confirmed to Forum 18 that Fr Stopyra has left the country. "I don't know whether it was his wish, but he has left Belarus," he told Forum 18 on 3 June. Back in his native Poland, Fr Stopyra is serving as dean of St Stanislaw parish in Lubaczow, according to the diocesan website.

The spokesman of Grodno diocese, Fr Solobuda, confirmed to Forum 18 on 7 June that Fr Stopyra's replacement in Biarozauka is a Belarusian priest.

Asked why the Biarozauka congregation had not stood up for the priest and sent petitions to the authorities, Fr Solobuda remarked: "It's difficult to say. People come to the church to God and not to the priest." He added that Fr Stopyra had done "a lot of good things, so there's no place for grief".

The denial of permission for Fr Stopyra to continue to serve at the invitation of the Church is the latest in a series of state obstructions to Catholic clergy. The state barred Polish citizen Fr Roman Schulz from continuing his religious work in April 2014 after serving seven years in St Kazimir and Yadviga Church in Mogilev, although permission was eventually extended. Fr Schulz is still serving in the Mogilev parish.

In December 2015, two Catholic priests from Poland invited by the Church to work in Minsk-Mogilev [Mahilyow] Archdiocese were not given permission to come to serve in Belarus without any explanations.

### ***No permission for religious visit***

A Catholic priest from India, Fr James Manjackal, was denied permission to come to Belarus for spiritual exercises he was due to lead in the Catholic parish in Ross in Volkovysk District of Grodno Region from 22 to 24 July. Grodno diocese had requested permission for his visit, but the Plenipotentiary's Office had sent its rejection to the diocese in April.

Father Cheslau Pauliukievich, the dean of Ross's Holy Trinity parish, told Forum 18 on 29 June that he had hosted the priest for spiritual exercises twice before without any obstacles. More than 5,000 Catholics had attended the exercises, including Grodno Bishop Aleksandr Kashkevich.

The spokesman of Grodno diocese, Fr Solobuda, told Forum 18 on 3 June that the denial of permission to Fr Manjackal was unexpected. "He came to Belarus last year without any problems. This time no reasons were ever explained to us," Fr Solobuda complained.

Forum 18 was unable to find out from the Plenipotentiary's Office in the capital Minsk why it had denied permission for Fr Manjackal's visit. The Deputy Head of the religious affairs sector of Grodno Region Executive Committee Skripko put the phone down when Forum 18 called him.

Fr Solobuda is hopeful that next year a new application will be accepted and Fr Manjackal will obtain permission to return to Belarus.

### ***No reason needed for denial***

Under a January 2008 Council of Ministers Decree, amended in July 2010, the religious activities of foreign citizens invited for religious purposes are regulated by the Plenipotentiary for Religious and Ethnic Affairs, who is entitled to grant permission to stay in Belarus and permission to conduct religious activities. He may refuse a foreign religious worker's visit without giving any reason. Foreign citizens must also demonstrate knowledge of Belarus' state languages (Belarusian and Russian) in order to perform religious work. The Plenipotentiary defines the period of permission, has the right to shorten it and is not obliged to communicate the reasons for a refusal.

The authorities use this Decree as an instrument to reduce the number of foreign priests. Two years in a row, Plenipotentiary Gulyako criticised Polish Catholic priests for allegedly violating visa regulations, involvement in politics and lack of knowledge of the Belarusian language.

According to the report on the religious situation in Belarus published in 2015 on the website of the Plenipotentiary's Office, 113 foreign Catholic priests are serving in Belarus, most of whom are Polish citizens. In 2013 there were 135 foreign Catholic priests out of 449.

Foreign religious personnel of any faith are under tight state restrictions while working in Belarus. The transfer of a foreign religious worker from one religious organisation to another - such as between parishes of the same denomination - requires permission from a state official dealing with religious affairs, even to conduct a single worship service.

According to Minsk-based lawyer and human rights defender Dina Shavtsova, this regulation prevents a religious organisation from choosing its religious leaders freely. She pointed out to Forum 18 that Belarus is required to meet commitments under the Organization for Security and Co-operation in Europe (OSCE) Concluding Act of the Third Follow-up Meeting in Vienna in 1989, where the participating states reaffirmed to allow religious organisations to "organize themselves according to their own hierarchical and institutional structure" (principle 16.4).

Earlier the Baptists complained that sometimes foreign professors are denied visas and are unable to teach at theological institutions.

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## **Some news about Christian life in Belarus**

HRWF (07.04.2016) – Religious life is contrasted in Belarus. The constitution grants individuals freedom of religion but prohibits religious activities directed "against the sovereignty of the Republic of Belarus, its constitutional system, and civic harmony." The

government selectively and arbitrarily applies religion laws, denying registration to minority religious groups deemed to be non-traditional, such as Jehovah's Witnesses and Buddhists. Authorities detain, fine and harassed members of unregistered religious communities. Authorities limit the ability of groups to obtain or convert property for religious use and enforce visa regulations to limit foreign missionary activities, particularly affecting the large number of Polish priests serving at local Roman Catholic churches. Many communities are reluctant to report abuses and restrictions, fearing intimidation and retribution.

### ***A Protestant church threatened with demolition***

The faithful of a Full Gospel church "The Word of Faith" found out on 3 March that soon they can be deprived of premises, land and legal address after the public discussion considering of the construction of a traffic junction which will lead to demolition of the church and several other buildings.

Only a couple of locals participated in the discussion, because it hadn't been properly announced, radio [Svaboda](#) reports.

Among the new transport lines a metro line will dominate. According to the plan, the new line will go through a building on Karžanieŭskaha str. 24, where the Word of Faith church is situated. One of its members, Andrey Fralichin, says that in that case the church will probably lose its property and legal address as well: "A lot depends on the investor but there isn't any and everything is uncertain. Nobody tells us what to do next, nobody promises us any compensation".

The developers tell that the realization of the plan will begin in 2020 but first the project must be approved and put on auction.

### ***Two Polish priests denied entry to the country***

In December 2015, two Polish Catholic priests invited by the Church to work in Minsk-Mogilev Archdiocese were denied entry to Belarus.

The authorities often refuse to grant or extend, or deny, visas and work permits for foreign citizens working with belief communities. Only belief communities that have state permission to exist can issue invitations to foreigners to work with them. The number of foreign Catholic priests is declining in Belarus: in 2012 there were 146 foreign Catholic priests, in 2013 this had fallen to 135 and in 2014 it had fallen again to 113 priests.

### ***Adventist Charity Mission Registered***

The Plenipotentiary for Religions and Nationalities Leanid Huliaka said at the end of March that in 2016 the religious mission "the Adventists' Agency of Help and Development "ADRA" of the Conference of the Churches of Adventists of the Seventh Day" has been registered in Belarus.

According to him, the aim of the mission is to disseminate and to implement Christian principles of a mercy through charity, [BelTA](#) reports.

It comprises material and moral support to the victims of catastrophes and economic crises and single mothers, families with many children, orphans, the poor, people with disabilities and pensioners.

### ***Some Religious Statistics in Minsk***

The number of religious buildings of Belarus must be sufficient for the faithful. "Necessary land plots will always be available in a set procedure", – stated the Plenipotentiary for religions and nationalities Leonid Huliaka on 31<sup>st</sup> March.

Today there are 49 active religious sites in Minsk, 28 of them being Orthodox churches, 4 Catholic churches and 5 chapels. 23 Orthodox and 10 Roman Catholic churches, a Baptist nursing home, "Bethany" Pentecostal church and a mosque are currently under construction, [BelTA](#) reports.

Meanwhile 151 religious communities are active in Minsk: 45 Orthodox, 21 Roman Catholic, 18 Baptist, 23 Pentecostal, 6 Adventist, 9 Evangelist, 6 Jew and 3 Muslim ones. Most of communities (38) are located in the Centralny district of Minsk.

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## **Plenipotentiary attacks Catholics and Jehovah's Witnesses, no religious radio**

Forum 18 (14.03.2016) - <http://bit.ly/1UJUKZe> - In December 2015, two Polish Catholic priests invited by the Church to work in Belarus were denied entry to the country. The visa application for one of the priests is being re-considered and there is a chance that the decision will be positive, Forum 18 News Service has learned. But "it's becoming ever more difficult for priests from abroad to come to Belarus" the Catholic Bishops Conference stated. Also, the government's Plenipotentiary for Religious and Ethnic Affairs, Leonid Gulyako, has as usual criticised the Catholic Church for alleged failings in clergy training and alleged "destructive" work by priests. Plenipotentiary Gulyako also threatened to revoke the state permission to exist of Jehovah's Witness communities, even though he does not have the legal power to do this. Forum 18's questions to him have not been answered. Also, no individual or belief community is able to have a religious FM broadcasting band radio station, despite several attempts. No official is prepared to take responsibility for dealing with such applications.

In December 2015, two Polish Catholic priests invited by the Church to work in Minsk-Mogilev [Mahilyow] Archdiocese were denied entry to Belarus, spokesperson for the Conference of Catholic Bishops Fr Yuri Sanko told Forum 18 News Service from the capital Minsk on 11 March. He added that the visa application for one of the priests is being re-considered and there is a chance that the decision will be positive. He declined to give any details or indicate why he thought the Church's applications were denied. "It's becoming ever more difficult for priests from abroad to come to Belarus," he told Forum 18.

The visa denials were before the state's senior religious affairs official made public his annual report. As he usually does, the government's Plenipotentiary for Religious and Ethnic Affairs, Leonid Gulyako criticised the Catholic Church. At the 2 February presentation of the report in Minsk, Gulyako accused unspecified Catholic priests of carrying out "destructive" work, in remarks noted by Belta state news agency the same day.

"These facts do not pass unnoticed by local departments for Religious and Ethnic Affairs, but other authorities in Regional Executive Committees and Minsk City Executive Committee should have an increased focus on these problems and take measures to prevent them," the Plenipotentiary said as he presented his report for 2015.

Plenipotentiary Gulyako also mentioned an unnamed foreign Catholic priest who allegedly disregarded the rules of stay in Belarus, but provided no details

The authorities often refuse to grant or extend, or deny, visas and work permits for foreign citizens working with belief communities. Only belief communities that have state permission to exist can issue invitations to foreigners to work with them (see Forum 18's Belarus religious freedom survey [http://www.forum18.org/archive.php?article\\_id=1997](http://www.forum18.org/archive.php?article_id=1997)). The number of foreign Catholic priests is declining: in 2012 there were 146 foreign Catholic priests, in 2013 this had fallen to 135 and in 2014 it had fallen again to 113 priests. Fr Sanko of the Catholic Bishops Conference assured Forum 18 that the foreign priests forced to leave were replaced by local clergy.

Plenipotentiary Gulyako also threatened to revoke the state permission to exist of Jehovah's Witness communities (see below). Under international human rights law (which Belarusian law contradicts) state registration cannot be a precondition for exercising freedom of religion or belief, as is outlined in the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (see <http://www.osce.org/odihr/139046>). Belarus is an OSCE participating State.

Forum 18 tried to reach Plenipotentiary Gulyako to find out why he had again made unsubstantiated accusations against Catholic priests, as well as Jehovah's Witness communities. However, his Secretary refused to put Forum 18 through to him on 26 February, saying he does not give comments on the phone.

Forum 18 several times called the Sector for Religious and Ethnic Affairs in Minsk (part of Minsk Executive Committee's Ideology, Culture and Youth Department) to find out why the visas had been denied. However, the phone went unanswered or the line was busy on 9 and 10 March.

### ***Foreign and local Catholic priests targeted***

In 2015 Plenipotentiary Gulyako accused Polish priests serving in Belarus of poor command of the Belarusian language and of involvement in politics (see F18News 20 February 2015 [http://www.forum18.org/archive.php?article\\_id=2040](http://www.forum18.org/archive.php?article_id=2040)). However, his 2016 accusations of alleged and unspecified "destructive activities" concern both foreign and Belarusian priests, Forum 18 notes.

Plenipotentiary Gulyako criticised Catholic clergy training and priests' work with parishioners in 2014 and 2015, and in his 2014 report published in January 2015 he also accused Catholic priests from Poland of alleged legal violations. His reports have accused priests of political engagement, apparently because the authorities see communities they cannot control – such as churches – as a political threat.

Both foreign and Belarusian Catholic priests have been put under pressure. Local priest Fr Vladislav Lazar spent six months in 2013 in a KGB prison on ungrounded charges of espionage. Polish citizen Fr Roman Schulz was barred from conducting religious work in April 2014 after serving seven years in St Kazimir and Yadviga Church in Mogilev, although this permission was eventually extended. Fr Schulz is still serving in the Mogilev parish.

### ***Plenipotentiary criticises Catholic clergy training***

In his 2015 report presented on 2 February 2016, Gulayko repeated his normal claim that "the Roman Catholic Church is still not active enough in training of personnel". He maintained that in 2015 Pinsk Seminary had only one first year student, while the Catholic Theological Academy which opened in 2015 in Minsk had no students. However, the Plenipotentiary's Office made it difficult for the Church to gain the necessary state registration for the Theological Academy to be opened.

In its 4 February response, the Conference of Catholic Bishops pointed out that training priests is an internal issue for the Catholic Church. They also refuted Gulyako's accusations, noting that 19 students attend Catholic seminaries in Belarus and abroad. The Bishops also pointed out that although the Theological Academy is registered, construction is not yet finished.

### ***"Such statements from the authorities have become a regular occurrence"***

In their response to Plenipotentiary Gulyako's allegations, the Conference of Catholic Bishops said on their website that the allegations of priests' "destructive" activities would be discussed during a meeting with the Plenipotentiary. The meeting went ahead on 2 March, Fr Sanko of the Catholic Bishops' Conference told Forum 18 on 26 February. Asked what issues were on the agenda, he replied "those which Gulyako raised in the report". He refused to comment on Gulyako's allegations of "destructive activities", saying that the head of the Church gives official reaction to the situation.

Similar allegations in 2015 provoked a vigorous response from Catholics and others, as well as a petition accusing Gulyako of increasing tensions between the Catholic Church and the state.

Commenting on the latest allegations, Fr Sanko commented that "it makes no sense to react vigorously, as such statements from the authorities have become a regular occurrence". He insisted that the situation did not worsen after critical remarks in early 2015. "Gulyako didn't urge persecution of the Church, he just referred to facts - though not in the correct way".

### ***Jehovah's Witnesses threatened***

In his 2 February remarks, Gulyako also threatened to revoke the registration of Jehovah's Witness communities. "I don't see the need to review issues of all 26 confessions in the country, this is our daily routine, but I'll focus on Jehovah's Witnesses," Belta state news quoted him as saying. "It may happen that together with the regional executive communities steps will be taken to revoke registration of some Jehovah's Witnesses communities. There will be a lot of noise but I am ready for it."

Under Article 37 of the Religion Law "in case the religious organisation violates Belarus Law or its actions contradict its statute of association, the registration authority issues a written warning and forwards it to the leaders of the religious organisation within 3 days", human rights defender and lawyer Dina Shavtsova pointed out to Forum 18 on 10 March. She insisted that if a religious community fails to eliminate violations, only a court can annul its registration. She pointed out that any alleged violations need to be found, documented and proved by a relevant authority.

Although local authorities collect information about Jehovah's Witnesses local communities, no further measures have yet been taken against any of them, Pavel Yadlovsky of the Jehovah's Witnesses told Forum 18 from Minsk on 26 February. He highlighted Jehovah's Witnesses' commitment to the law and remarked of Gulyako's claims that "generally any community could be referred to".

Jehovah's Witness conscientious objectors to military service have been persistently targeted.

### ***"Unauthorised" literature distribution***

Gulyako also referred to cases of alleged literature distribution by Jehovah's Witnesses "without the appropriate approval of the local authorities". He alleged that Jehovah's Witnesses activities are "tenacious and illegal" and annoy ordinary people and believers

of other confessions. "Local authorities must take the most decisive measures to halt the illegal distribution of religious literature," Gulyako insisted.

Yadlovsky of the Jehovah's Witnesses noted that officials often fail to understand how religious literature is distributed. "Literature is given away by individuals, not by a legal entity," Yadlovsky explained to Forum 18. "The law does not restrain them from distributing literature and doesn't determine where such literature distribution can take place."

Individuals of a variety of faiths have been punished for offering religious literature in public places without state approval. For example, Jehovah's Witness Valery Shirei in Vitebsk Region was prosecuted after police detained him for offering religious literature on the street. However, a judge acquitted him.

Jehovah's Witnesses have arranged a meeting with Plenipotentiary Gulyako in March, which will give them an opportunity to raise these questions, Yadlovsky told Forum 18. He noted that "it takes time to solve these problems". "The most important thing for us is to discuss the situation and start a dialogue. Decisions can't be made unilaterally."

Yadlovsky also noted that following every part of Belarus' laws is not easy, a point often made by other communities and human rights defenders. They have told Forum 18 of "invisible ghetto of regulation".

### ***No religious radio stations***

No individual or religious community in Belarus is able to have a religious FM radio station, despite several attempts, Forum 18 has found.

The Catholic Church has been trying to register Radio Mariya for more than a year. Radio Maria was founded in 1983 as a parish radio station of Arcellasco d'Erba in the Italian province of Como. It was intended to inform believers and assist in prayers. In 1998, the Italian organisation of Radio Maria established an international association which now broadcasts to 75 countries. (Belarus' Radio Mariya is unrelated to Radio Maryja in neighbouring Poland, which is not a member of the Italian-based international association.)

The Executive Editor of Radio Mariya in Belarus, Fr Aleksandr Tarasevich, told catholic.by that the radio station will be established as a public organisation and its founders are local believers. Fr Sanko considers that the radio service is needed as "it will serve Catholics, other religions and society in spreading and strengthening Christian values", he told Forum 18.

The Archbishop of Minsk and Mogilev, Tadeusz Kondrusiewicz, raised the difficulty of gaining approval for the station during an online conference on 23 December 2015. "The Justice Ministry told us that these are religious affairs, go to the Committee for Religious and Ethnic Affairs. This registers religious organisations which conduct worship, but on the radio the Mass is not held," the Archbishop declared in the conference, hosted by Belarus Radio and Television Company tvr.by. He added that the city was going to give some options and confirmed that they were received.

"Officials don't know which of them should take responsibility, as radio is a special service," the spokesperson for the Conference of Bishops Fr Sanko told Forum 18. He stated that the Justice Ministry considers radio registration to be the responsibility of the Plenipotentiary, which does not consider radio stations to be religious organisations and therefore within its responsibilities.

Forum 18 called the Religious and Ethnic Affairs Sector of Minsk City Executive Committee on 27 January to find out why the Justice Ministry sent the Catholic Church to them. Sector Head Alla Martynova denied that the Catholic Church had lodged any application to register a radio station. "We register only religious organisations and radio has nothing to do with us," she told Forum 18.

The Head of the Synodal Department of the Belarus Orthodox Church, Fr Sergiy Lepin, also stressed the importance of religious FM radio. He told Forum 18 on 27 January that there was a trial launch of online radio but they have a joint project together with Russian Orthodox Radio Vera. However, the Communications and Information Ministry told the Church that no FM frequency is available.

The senior broadcasting specialist of the Communications and Information Ministry, Olga who would not give her surname, claimed to Forum 18 that no application had been received from any religious organisation. She also on 14 March would not give details of the application procedure.

"We are waiting for the right opportunity and meanwhile we have programmes on state channels," Fr Lepin told Forum 18. Asked whether registration of an Orthodox radio station would have been possible, he replied that they "didn't go that far".

Fr Lepin mentioned a plan to establish an Orthodox radio Sophia, for which all the documents were prepared for registration. However, without proper financing the radio was at first launched on UV frequency "which could be received only by long-distance drivers" and later closed.

Bishop Sergei Tsvor of the Pentecostal Union told Forum 18 on 14 March that his Church has not applied for any radio licences as it knows it is not possible to obtain one.

### ***Internet broadcasting allowed***

Fr Sanko of the Catholic Bishops' Conference told Forum 18 that internet broadcasting does not require any registration. "But we'd prefer to have everything done properly in one go," he told Forum 18. He expressed optimism about a positive outcome. "The most important thing is that a dialogue is being held." He was unable to say why a religious radio station cannot be registered as a normal legal entity.

### ***Fined for hosting religious meeting in private home***

In the town of Gorki [Horki] in Mogilev Region, Council of Churches Baptist Liliya Shulgan has been fined for hosting a religious meeting in her home on 22 December 2015. She was charged under Article 21.16, Part 1 of the Administrative Code for not using living premises for their designated purpose. During the trial on 8 February 2016, Judge Yelena Vorobyeva of Gorki District Court found Liliya Shulgan guilty and fined her 10 base units, 2,100,000 Belarusian Roubles (about 850 Norwegian Kroner, 90 Euros or 100 US Dollars).

The punishment followed a pre-Christmas raid on the Baptist congregation which meets in the family home, of which she is the owner. Her husband Mikhail Shulgan denies the accusations. "According to the Constitution, everyone has the right individually or in a group to profess any religion, express and preach their belief".

Belarus has in the past occasionally used Administrative Code Article 21.16 against people exercising freedom of religion or belief without state permission.

Forum 18 called Gorki District Court on 16 February trying to find out why Liliya Shulgan was fined for hosting a meeting in her own home. However, the Secretary refused to put the call through, claiming that the Judge gives no comments on the phone to the press.

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## **Colonel claims Constitution "nonsense", human rights treaties "not important"**

Forum 18 (05.02.2015) - <http://bit.ly/1Mm4zA7> - Jehovah's Witness conscientious objector to military service, Dmitry Chorba, is still being called up despite an Alternative Service Law coming into force in Belarus on 1 July, he told Forum 18 News Service. Lieutenant Colonel Vladimir Osipov of Rechitsa Military Conscription Office called him up despite the failure of one criminal case and two administrative cases he initiated against Chorba. In the second administrative case, the Lieutenant Colonel claimed in court in January that the Constitution is "nonsense" and international human rights treaties are "not important". In Mogilev Region, two Baptists are being prosecuted for "not using living premises for their designated purpose" after a December raid on a religious meeting. And in Svetlogorsk in Gomel Region, Baptist Pastor Vladimir Daineko has had his car put under restraint and his computer confiscated to pay for a fine imposed for leading a meeting for worship without state permission. Appeals against the fine have proved fruitless. "Now we appeal to our supreme authority – God who will not leave us," Daineko told Forum 18.

A Jehovah's Witness conscientious objector to military service in Belarus' eastern Gomel [Homyel] Region, Dmitry Chorba, is facing call-up yet again, even though a civilian Alternative Service Law is due to come into force on 1 July, he told Forum 18 News Service. Lieutenant Colonel Vladimir Osipov, head of Rechitsa Military Conscription Office, called him up once again after courts have already rejected one criminal and two administrative cases he had initiated against Chorba. In the second administrative case, the Lieutenant Colonel claimed in court in January that the Constitution is "nonsense" and international human rights treaties are "not important".

In Mogilev [Mahilyow] Region, two Baptists in Gorki [Horki] - Mikhail Shulgan and his wife Liliya - are being prosecuted for "not using living premises for their designated purpose" after a December raid on a religious meeting the husband Mikhail led (see below).

And in Svetlogorsk in Gomel Region, Baptist Pastor Vladimir Daineko has had his car put under restraint and his computer confiscated by the authorities. This is to pay for a fine imposed for leading a May 2015 meeting for worship without state permission. Appeals against the fine have proved fruitless. "Now we appeal to our supreme authority – God who will not leave us," Daineko told Forum 18 (see below).

### ***Conscientious objector still being prosecuted***

In April 2015 Chorba – who is now 24 – requested exemption from military service as it contradicts his religious beliefs and asked to do civilian alternative service. Rechitsa Military Conscription Office then initiated the criminal and administrative cases against Chorba.

Lieutenant Colonel Osipov's latest move comes despite Chorba having won the previous criminal and administrative cases Osipov initiated. It also follows another summons to Chorba to be medically examined at the Military Conscription Office.

### ***Alternative Service Law, but military still wants conscientious objectors***

Belarus' first-ever Alternative Service Law takes effect from 1 July 2016 and allows some, but not all, young men who are conscientious objectors to perform a civilian alternative service instead of compulsory military service. However, only young men with a religious objection will be eligible to apply, not those with non-religious pacifist convictions. It is also unclear whether even all young men with religious objections to military service will be allowed to do civilian alternative service. Moreover, civilian service will be twice the length of military service and those undertaking it will be paid less than military conscripts.

Despite the punitive nature of the Alternative Service Law compared to military conscription, Chorba has told the authorities that he is willing to do alternative civilian service, as has another Jehovah's Witness conscientious objector Viktor Kalina.

Kalina has faced similar problems to Chorba, including a "show trial", and expects to be called up once more in spring.

Regarding the alternative service, Colonel Vladimir Makarov, head of the Defence Ministry's Ideology Department, claimed that Belarus is a law-governed state which is in compliance with international human right treaties. Article 57 of the Constitution provides for Alternative Civil Service and the Alternative Service Law was adopted in line with the Constitution, he insisted to Forum 18 from Minsk on 5 February.

Colonel Makarov added that once the alternative service is operational, religious conscientious objectors will be subject to the Labour Ministry, not the Defence Ministry. He did not discuss why the new alternative service will be of punitive length.

Makarov confirmed that until the new law comes into force, military structures follow the existing rules. He explained that the Alternative Service Law cannot take effect now because some legal acts need to be brought into compliance with it. He said in the meantime conscientious objectors can go to the railway troops, where no oath is required and individuals can serve without weapons. However, such service is not acceptable to many conscientious objectors as it is under military control.

### ***"In the police there are fair-minded people"***

The most senior local police officer, Major Andrei Poklonsky, found that Chorba had committed no crime, in a 17 December 2015 written statement seen by Forum 18. The statement was signed by the Head of Rechitsa Regional Department of Internal Affairs, police Colonel Andrei Silkov.

"In the police there are fair-minded people who refused to file a criminal case against me," Chorba commented to Forum 18 on 29 January.

In August 2015 Lieutenant Colonel Osipov failed to secure Chorba's conviction under Administrative Code Article 25.1, Part 3, which punishes a conscript for not responding to a Military Conscription Office call without good reason.

The police initially declined to open a second such case against Chorba, but after pressure from Osipov they opened a case on Article 25.1 charges prepared by legal specialist Larisa Rochnyak of Rechitsa Military Conscription Office.

However, on 29 January 2016 Rechitsa District Court found Chorba not guilty under Article 25.1. "The Judge was a good person without any prejudice and ignored Lieutenant Colonel Osipov's claim that I should be punished," Chorba told Forum 18. "Outside the courtroom I greeted Lieutenant Colonel Osipov twice, but he didn't answer."

### ***Constitution "nonsense", international human rights treaties "not important"***

During the 29 January court hearing, Lieutenant Colonel Osipov claimed that "everyone should go to the army as a solemn duty", Chorba told Forum 18. Osipov also claimed that the Constitution is "nonsense" and international human rights treaties are "not important", insisting that people in the military "only obey the orders of the President [Aleksandr Lukashenko]".

### ***Call up continues***

On 8 February, which will be ten days after being found not guilty in court, Chorba has again been summoned for a further medical examination for another round of the call up procedure. He has also been summoned to the military conscription office again on 18 February, he told Forum 18.

Rechitsa Military Conscription Office was not answering its phones on 5 February. So Forum 18 was not able to ask legal specialist Rochnyak or Lieutenant Colonel Osipov why they do not accept Chorba's wish to do civilian alternative service, continue to prosecute him, and why Osipov publicly stated in Court that the Constitution is "nonsense" and international human rights treaties are "not important".

Colonel Makarov of the Defence Ministry in Minsk saw no concerns about the repeated attempts to call up Chorba and Osipov's statements in court. "There's no problem in this!" he told Forum 18. "At the moment the Military Service Law applies."

Chorba told Forum 18 that he is tired and added: "Now I understand those who committed suicide, there's no alternative but to go to the army."

Chorba does not personally know anyone who has committed suicide, but the World Health Organisation rates Belarus as having one of the highest suicide rates in the world. Although not common, cases of Belarusian conscripts committing suicide as they do not want to do military service or have been bullied in the military have occurred.

### ***Officials claim "we don't have the right to read the Bible together"***

On 22 December 2015, police and other officials raided a meeting of a local congregation of Council of Churches Baptists in Gorki. The Baptists were reading and discussing the Bible. "It was not even a worship service, but a friendly meeting of people who shared the same beliefs," the leader of the Gorki congregation Mikhail Shulgan told Forum 18 on 4 February. He noted that they had never been raided before.

During the raid, the Head of the Ideology Department of the Regional Executive Committee, Aleksandr Belyatsky, accused house owner Mikhail Shulgan of holding a meeting without state permission. "Our great concern is that in a private house, our own house, the officials said we don't have the right to read the Bible together," Shulgan complained. "I suppose that this action was a fact-finding visit, as the authorities ought to react if they find out about a meeting of an unknown organisation."

All Council of Churches Baptist congregations refuse to seek state permission to meet to exercise freedom of religion or belief, or pay fines imposed for this "offence". In defiance of international human rights law, Belarus makes state permission compulsory to exercise freedom of religion or belief.

### ***Why?***

During the raid Ruslan Androsov, Senior Specialist of the Housing and Utilities Department, drew up a record of the alleged "violation". He claimed to Forum 18 on 13

January 2016 that he did not know whether the record has been submitted to a court. Asked why he took part in the raid, he replied: "It is the court which makes the final decision whether to fine them or acquit them."

The Head of the Youth Liaison Service, Svetlana Ivanova, who was also present during the raid, recorded the details of young people under 18 who were there. Asked on 3 February why she did this and whether she thought it was bad for young people to participate in such meetings, she told Forum 18: "I don't talk about such things on the phone."

Asked by Forum 18 on 13 January why the meeting had been raided and whether Mikhail Shulgan will be prosecuted, Head of the Ideology Department Belyatsky refused to answer. "I don't give any comments on the phone," he claimed before putting the phone down.

### ***Accused wrongly accused***

On 29 December 2015 Mikhail Shulgan and his wife Liliya were summoned to the Regional Executive Committee. There they were told to sign a record accusing Liliya Shulgan (who was not present during the raid), as part-owner of the house, under Administrative Code Article 21.16, Part 1. This punishes among other things "not using living premises for their designated purpose". "We signed the record with a note of our disagreement," Mikhail Shulgan told Forum 18.

Belarus has in the past occasionally used Administrative Code Article 21.16 against people exercising freedom of religion or belief without state permission.

### ***Urged to prove themselves innocent of exercising human rights***

The Shulgans described the charges as irrelevant and lodged a complaint with Gorki District Court. On 5 January 2016 the court stated that it is the Regional Executive Committee's responsibility to monitor the situation in the Region and that "they can review the issue and stop prosecution or proceed with the administration charge". The Judge urged the Shulgans to prove their innocence to Regional Executive Committee officials.

Mikhail Shulgan told Forum 18 that he thinks the reason for the raid and charge is that "one or two officials in the Regional Executive Committee won't let this go", because "they want to demonstrate their power". He insists that he and his wife are innocent. "According to the Constitution, everyone has the right individually or in a group to profess any religion, express and preach their belief."

### ***Trial***

The administrative case against Liliya Shulgan was handed to Gorki District Court. A hearing led by Judge Yelena Vorobyeva on 3 February reached no conclusion. The date of the next hearing is unknown.

"The matter is not finished yet, there are some difficulties but we believe that everything will turn out well. We are praying," Mikhail Shulgan told Forum 18. He hopes the case will be closed. "Even our President [Lukashenko] quotes the Holy Scripture and the Bible is not an illegal book in our country", he told Forum 18.

### ***Pastor stopped from using car***

A bailiff from the Enforcement Department of Svetlogorsk Region, Olga Medvedeva, ruled on 12 December 2015 that Council of Churches Baptist Pastor Daineko's car should be

put under a restraining order in settlement of his unpaid fine, as he is unemployed. (Daineko's role as a pastor is unpaid and voluntary.) This means that he cannot use or sell it, and after the time for appeals is over the authorities can confiscate and sell it.

Asked on 26 January 2016 why she imposed the restraining order, Bailiff Medvedeva refused to answer. "What kind of questions are these and on what grounds do you ask them on the phone? I'm not going to talk to you", she told Forum 18 before hanging up.

On 3 February the authorities confiscated Daineko's computer, he told Forum 18 on 4 February. Bailiffs told him that - if the sale of the computer raises enough money to cover a fine imposed on him - the restraining order on the car will be lifted.

Pastor Daineko leads the Council of Churches Baptists in Svetlogorsk in Gomel Region. On 8 June 2015, Daineko and another church member were each fined 3,600,000 Belarusian Roubles (about 1,900 Norwegian Kroner, 210 Euros, or 235 US Dollars) for leading a religious meeting without state permission, under Administrative Code Article 23.34 ("Violation of the procedure for organising or conducting a mass event or demonstration"). The average monthly salary in Gomel Region is about 3,700,000 Roubles.

Eight other Baptists were fined later that month for refusing to testify against the first two fined. The fines followed an armed police raid on the church's Sunday worship meeting in a home on 17 May 2015. In August 2015 their appeals against the fines were rejected.

Asked if the value of the computer and car together to cover the fine, Pastor Daineko commented that "they have their own prices". The value of the car alone should be enough to cover the fine.

***"Now we appeal to our supreme authority"***

Pastor Daineko told Forum 18 that he has lodged appeals and complaints to "every authority possible", but everywhere the response was "his punishment was just". No officials have been prepared to talk to Forum 18 about the case. For example, Liliya Dudko, Senior Specialist of the Ideology Department of Svetlogorsk Regional Executive Committee, refused to comment on the case to Forum 18 on 22 January.

Daineko does not think it is worth making any more appeals to officials, "as it is useless".

"Now we appeal to our supreme authority – God who will not leave us", Daineko told Forum 18.

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