

Table of Contents

- [*Two Catholic priests under trial today*](#)
 - [*Religious freedom survey, October 2020*](#)
 - [*Another Catholic priest banned from serving*](#)
 - [*Catholic Church "cannot exist without its leader"*](#)
 - [*"Why should we pay the state .. to pray in our own church?"*](#)
 - [*Jehovah's Witness will not be extradited from Belarus to Russia*](#)
 - [*Makhalichev "basically free, but still not out of danger"*](#)
 - [*Jehovah's Witness fights extradition to Russia*](#)
 - [*A Russian Jehovah's Witness to be extradited from Belarus to Russia?*](#)
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Two Catholic priests under trial today

They were arrested on December 8 with vague accusations, part of a campaign to intimidate the Catholic Church.

by Daniela Bovolenta



Father Zhuk and Father Varanko. From catholic.by.

Bitter Winter Int'l (11.12.2020) - <https://bit.ly/3qQOTej> - Father Viktor Zhuk, a Jesuit, pastor of the parish of St. Vladislav, and Father Alyaksei Varanko, vicar of the Greek

Catholic parish of the Resurrection of Christ, were arrested in Vitsebsk, Belarus, on December 8, and taken to the city's Pervomaiskoye District Police Station, where they were detained.

Relatives reported that accusations against them were vague. They mentioned the illegal organization of events. They were released to the custody of the court on December 9, and committed to speedy trial for December 11.

Zhuk is a well-known priest in Belarus, and the author of the Sunday sermons published every week in the main Belarusian Catholic portal.

The incident is part of a campaign to intimidate the Belarusian Catholic Church, after the support offered by several priests to the popular protests against President Alexander Lukashenko. The Catholic Metropolitan of Minsk, Archbishop Tadeusz Kondrusiewicz, was prevented from returning to Belarus from Poland on August 30, 2020, despite the fact that he is a Belarusian citizen, after he had in turn criticized Lukashenko.

He remains in Warsaw, and has urged Belarusian Catholics to promote a peaceful solution of the crisis. He asked that on December 8, Feast of the Immaculate Conception of the Virgin Mary, priests in all churches read an Act of Consecration of Belarus to the Immaculate Heart of Mary, which he deemed appropriate to overcome both the coronavirus and the political crisis.

Lukashenko is under heavy criticism by several countries in the world, but is strongly supported by Chinese President Xi Jinping, who regards Belarus as the Eastern European country most loyal to his Socialist past.

Religious freedom survey, October 2020

Before the UN Human Rights Council Universal Periodic Review (UPR) of Belarus on 2 November, Forum 18 notes continuing violations of freedom of religion and belief and of interlinked freedoms. These have worsened amid widespread continuing protests against falsified results of the August 2020 presidential election, and against the regime's other serious violations of the human rights of the people it rules.

By Olga Glace

Forum18 (21.10.2020) - <https://bit.ly/2G70EuP> - Before the UN Human Rights Council Universal Periodic Review (UPR) of Belarus on 2 November, Forum 18 notes continuing violations of freedom of religion and belief and of interlinked freedoms of expression, association, and assembly. These have worsened amid widespread continuing protests against falsified results of the August 2020 presidential election, and against the regime's other serious violations of the human rights of the people it rules.

After the regime's falsification of the August 2020 presidential election results and violence against people taking part in the ongoing protests, public events to pray for Belarus and for violence by the regime to end have increased. The regime has increasingly used Administrative Code Article 23.34 ("Violation of the procedure for organising or conducting a mass event or demonstration") against those taking part in

public prayer events. For example, Catholics organising and participating in prayer events in the street in Minsk, Grodno, Lida, and other towns have been and continue to be accused and fined under Article 23.34. As the Human Rights Centre Viasna (Spring) has documented, the same charges are also brought against people organising and participating in peaceful political protests against the regime. Many Protestants participate in such protests (see below).

Since 31 August, Archbishop Tadeusz Kondrusiewicz, head of the Catholic Church in Belarus and a Belarusian citizen, has been denied entry to his own country. A Catholic priest, Polish citizen Fr Jerzy Wilk, had his permission to work as a priest cancelled at one day's notice on 2 September (see below).

Regime officials are hostile towards followers of beliefs they see as a threat and the regime maintains a network of KGB secret police and religious affairs officials to ensure compliance. Restrictions include: restrictions on who can hold meetings for meetings for worship and where they can be held; difficult or expensive permission to hold large public events, and prosecutions of those holding smaller events; difficulty of opening places of worship, and excessive charges for confiscated places of worship still owned by the state; strict controls on foreign citizens who exercise their freedom of religion and belief; denials of permission to work to Catholic and Orthodox priests; prior compulsory censorship of religious literature; arbitrary and unpredictable denials of religious broadcasting; lack of a full, equal provision for conscientious objectors to military service; and obstruction of the freedom of religion and belief of death-row prisoners and their families (see below).

As one Belarusian Protestant commented, "they have created conditions so you can't live by the law. We would need to close half our churches in order to operate technically in accordance with the law".

Implementation of restrictions on freedom of religion and belief is not uniform, as the regime appears to seek to maintain control of society. Prosecutions are sporadic, but are sufficiently frequent and random to encourage many religious communities to remain within the web of official restrictions. The regime seems to want to manage down expectations of how freedom of religion and belief can be exercised to produce static religious communities with a minimum of confrontation. This leads to some religious communities' expectations of how freedom of religion and belief can be exercised being contained within an invisible ghetto of regulation. Yet without change to both the restrictive legal framework and the attitudes of the regime and its officials, freedom of religion and belief and other human rights violations will continue.

Context

Belarus is located between Russia, Ukraine, and European Union member states Poland, Lithuania, and Latvia. President Aleksandr Lukashenko has ruled the country since 1994 without free and fair elections being held. An Organisation for Security and Co-operation in Europe (OSCE) Election Observation Mission found that November 2019 parliamentary elections "did not meet important international standards for democratic elections. There was an overall disregard for fundamental freedoms of assembly, association and expression".

The OSCE was not able to observe the August 2020 presidential election. Local human rights defenders such as the Coordination Council and others such as Human Rights Watch stated that the regime falsified the election results, and amid large-scale protests after the election "arbitrarily detained thousands of people and systematically subjected hundreds to torture and other ill- treatment". The arbitrary and unpredictable nature of the regime's behaviour has increased since it falsified the election results.

This is part of a longer-term pattern. Human Rights Watch's 2020 World Report noted that the regime "continued to harass and pressure civil society activists and independent media. Authorities denied access to journalists at government events, arbitrarily prosecuted dozens of journalists, and arrested peaceful environmental protesters". The country ranks 66 out of 180 countries measured in Transparency International's 2019 Corruption Perceptions Index.

Belarus is not a member of the Council of Europe. This means individuals and communities cannot challenge denials of their human rights by bringing cases to the European Court of Human Rights in Strasbourg.

Belarus has a population of about 9 and a half million people, around half of whom are thought to self-identify with the Orthodox Church and in order of magnitude smaller numbers self-identifying as Protestants, Catholics, and non-believers. Belarusian Orthodox theologian and political scientist Natallia Vasilevich noted in 2019 that, in comparison to other religious communities, Protestant communities are more visible "by engaging in many types of social activity". This makes them more likely to experience freedom of religion and belief violations. As with other human rights, the regime's basic approach is to - in violation of international human rights law - make the exercise of freedom of religion and belief dependent on state permission.

Web of restrictions

The 2002 Religion Law is central to the regime's web of restrictions on the exercise of freedom of religion and belief. This Law specifies compulsory state registration of all religious communities and geographical limits on where they may exercise their freedom of religion and belief. Foreign religious personnel invited by local religious communities require state permission to exercise freedom of religion and belief. This stops them leading any meetings for worship outside the one building within which the regime allows them to lead such meetings.

All exercise of freedom of religion and belief must have prior state permission. Religious meetings in private homes must not be either regular or large scale. The only permitted places of worship and places where religious literature may be sold or distributed are those designated by the regime. All public events must have state permission and entail high fees for the police, first aid and other public health and hygiene services. Some communities do not attempt to hold public events or apply for state permission for them, because of the detailed information and high costs the regime demands.

A network of state religious affairs officials closely monitors religious communities. The most senior such official is Plenipotentiary for Religious and Ethnic Affairs, Leonid Gulyako (born 1 November 1949). His Office has five publicly named senior staff, one of whom is known to work exclusively on state restrictions on the exercise of freedom of religion and belief. In addition, each of the country's six regions and the city administration of the capital Minsk also employs about 20 more religious affairs officials. Local Ideology Department officials and the KGB secret police also restrict freedom of religion or belief.

Many decisions – especially those by the Plenipotentiary – cannot be legally challenged. Under the Religion Law, a religious organisation found to have violated the law must correct the alleged violation within six months and not repeat it within a year. If it fails to do so, the authorities may shut the organisation down (Article 37). No legal possibility exists to challenge such warnings, despite a 2007 Constitutional Court decision highlighting this legal omission negating the rule of law. Jehovah's Witnesses failed even in the Supreme Court to challenge such warnings.

Restrictions on meeting

Under the Religion Law, the only communities which may "unobstructed" exercise their freedom of religion and belief are state registered religious communities within state-approved places of worship or other venues (Article 25). Yet the regime obstructs the acquisition of such places of worship by religious communities it dislikes. Officials then use various legal tools to limit such communities.

Restrictions begin from the moment a community forms. Under the Religion Law, all religious organisations must have state registration (Article 14). The Law is silent on those with fewer than 20 members – the minimum for registration. This means that new religious communities must not publicise their existence before they have 20 committed members, but this makes it difficult for them to attract members. This exposes meetings of new communities the regime dislikes to the threat of state reprisals, even if they meet in private homes.

A community requires a legal address for registration applications and registration itself, but using a private home as a legal address is illegal. Especially in villages, some religious communities – including Jehovah's Witnesses and independent Pentecostals – find it difficult to get the authorities to agree the use of a building as a legal address. This stops registration applications being lodged.

The registration requirements break Belarus' international human rights law obligations, as outlined in the OSCE/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities – for example Belarus' review of a religious community's beliefs before granting legal status to it.

Officials arbitrarily deny registration to religious communities they do not like. Some Jehovah's Witness communities have faced repeated denials, often for more than 10 years. These include the communities in Lida in Grodno Region (most recent denial July 2020); Vileika in Minsk Region (most recent denial February 2019); and Borisov in Minsk Region (most recent denial July 2019). In all these cases Jehovah's Witnesses unsuccessfully tried to challenge the denials.

In another example, the Pentecostal Christians of Minsk's Your Will Be Done Church told Forum 18 that they are struggling for registration and facing resistance from the authorities, which rejected three of their applications in 2018. "We have been applying for the registration of our community since 2017 and have already received four denials," the church's pastor Vyacheslav Novakovsky told Forum 18 in December 2018.

Your Will Be Done Church, previously a member congregation of the Pentecostal Union, has more than 20 members. But as it is illegal to meet for worship without state registration, the Church insists it will hold no religious meetings until it can get registration. "We want to comply with the law and gather for religious meetings without fear of raids, fines or detentions," Pastor Novakovsky told Forum 18.

He also pointed out that the law makes no provision for how religious communities can exercise freedom of religion or belief as they prepare for and wait for registration applications to be processed. "Community registration requires at least 20 believers, but if they gather they won't sit and wait [to hold worship meetings] until the registration is done," Novakovsky told Forum 18 with indignation.

Your Will be Done Church had to withdraw its first registration application in 2017 as the landlord who provided the legal address could not wait until officials had finished considering the application.

Pastor Novakovsky applied for the second time on 6 February 2018. Minsk Executive Committee's rejection of that application came only on 16 July, breaking the time limit established by law requiring the authorities to give an answer within 60 days.

The 16 July rejection letter drafted by Alla Martynova, Deputy Head of the Executive Committee's Ideology Department, and seen by Forum 18, stated that "the Protestant Christian religious community Your Will Be Done is autonomous and professes a belief previously unknown in Belarus". The rejection also claimed that "information on the basics of the creed was not submitted".

Pastor Novakovsky's Church is a Pentecostal church. He told Forum 18 that he does not understand why officials claim this belief is "unknown in Belarus". He added that, during the second application, officials tried to pressure the landlord not to allow the Church to use his premises as its legal address.

Your Will Be Done has continued into 2020 making regularly applications for state registration, which are regularly refused by the regime.

Orthodox communities outside the framework of the Russian Orthodox Church's Moscow Patriarchate, such as the Belarusian Autocephalous Orthodox Church (founded in 1922), are not allowed to register. Among the reasons given to reject the Minsk parish of the Church's last attempt to register in 2011 was an alleged negative evaluation of the parish's buildings by Minsk's Sanitary and Epidemiological Centre. However, according to the Religion Law, public health and fire brigade officials only need to approve premises for religious communities if they are located in a residential house.

One of its priests, Fr Vikenty (secular name Viktor Kovalkov), observed that each time the Church submitted applications, officials found excuses to reject them. "Obtaining registration is a waste of time and unnecessary trouble for our people," he told Forum 18 in November 2018. He explained that they meet for worship in each other's flats, or in summer in the woods.

Autocephalous Orthodox Church members have also experienced intermittent police detentions. Police detained Fr Vikenty for 24 hours in November 2018 and tried to punish him for "minor hooliganism" for going from door to door in a block of flats seeking donations for the Church. However, a court rejected an attempt to punish him.

In a further obstacle, the Belarusian Orthodox Church (Moscow Patriarchate) registered its title as a brand name "so that no other organisation can register with that name," a church official told Forum 18. No other religious community is given such a state-backed monopoly.

Against international law, the Religion Law does not allow communities which do not wish to register to exist. This primarily affects the Council of Churches Baptists and some Pentecostals. These churches refuse to seek state registration as they think it leads to state interference in their churches' internal life. Until 2015 courts regularly fined Council of Churches Baptists for the exercise of freedom of religion and belief without state permission.

Since the end of 2018 up until 2020, the regime has not imposed fines for meeting for worship without having compulsory state registration, or for meeting in a venue the state has not approved, and has not raided such meetings.

Until July 2019, those involved in unregistered religious communities could also face prosecution under the now-abolished Criminal Code Article 193-1, which punished

"organisation of or participation in activity by an unregistered political party, foundation, civil or religious organisation" with a fine or up to two years' imprisonment. Human rights defenders had long campaigned for this Article to be abolished.

However, at the same time a new Administrative Code Article 23.88 came into force, punishing: "Illegal organisation of or participation in activity by an unregistered political party, foundation, civil or religious organisation" with a fine of up to 50 base units. This is about five weeks' average wages for those in work. Police can impose such summary fines with no court hearing.

The new Administrative Code Article 23.88 and other laws were strongly criticised for contradicting international legal standards. The United Nations (UN) Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, describing the abolition of Criminal Code 193-1 as "tarnished by the adoption of article 23.88 of the Code of Administrative Offences, introducing administrative liability instead".

As she pointed out in her May 2019 report to the General Assembly (A/HRC/41/52): "Non-registered organizations are still subject to administrative liability and the notification procedure for assemblies is valid only for those taking place in areas designated by authorities, and is often denied in practice. These small steps, although going in the right direction, have yet to testify to a real change in Government policies."

Similarly, Leonid Sudalenko from the Vyasna (Spring) human rights organisation asked Forum 18: "Why can't people form religious organisations without asking permission from the authorities? Their rights must be respected."

The imposition of summary fines described as "particularly alarming" by Minsk human rights defenders the Lawtrend Centre for Legal Transformation and the Assembly of Non-governmental Democratic Organisations. They observed that as the police and the Justice Ministry decide on guilt and impose fines, "no court will be involved".

Officials though, claimed to be unaware of the new Administrative Code Article 23.88. Andrei Aryaev (the Head of the Religious Department of the Office of the regime's Plenipotentiary for Religious and Ethnic Affairs), and officials of the Justice Ministry and Interior Ministry all denied knowledge of the new law. However, although claiming not to know of it Aryaev claimed "I don't see any problems for religious organisations". Multiple calls to Interior Ministry departments eventually gained an admission that police can impose fines directly without court hearings. The Interior Ministry spokesperson Olga Chemodanova would not explain to Forum 18 the purpose of the new Administrative Code Article 23.88.

"Violation of the procedure for organising or conducting a mass event or demonstration"

Administrative Code Article 23.34 ("Violation of the procedure for organising or conducting a mass event or demonstration") has infrequently been used against the exercise of freedom of religion and belief in public. This can be for activities such as sharing beliefs non-coercively, offering religious literature, or conducting religious processions on a street.

For example, in October 2018 police in Lepel in the north-eastern Vitebsk Region detained Baptist husband and wife Andrei and Tatyana Fokin to stop them singing Christian songs and distributing Christian literature at the entrance to a market. Officers took them to a police station, where they were charged under Article 23.34 Part 3 which punishes repeat offences.

The Fokins are Council of Churches Baptists, who do not seek state registration on principle. Church members in Lepel have run a street library since the 1990s. On 30 October, Judge Alesya Novik of Lepel Court found both husband and wife guilty, and fined Andrei 661.50 Belarusian Roubles (27 base units) and his wife Tatyana 539 Belarusian Roubles (22 base units). The fines were together equivalent to about two month's average local wages.

Similarly, in January 2019 the Supreme Court dismissed appeals by two Jehovah's Witnesses from Rogachev, Tamara Vitkovskaya and Olga Grapova, against being fined for sharing their beliefs with others and offering religious publications near a local shop. They were accused of "illegal picketing" and each fined less than a week's average local wages.

After the regime's falsification of the August 2020 presidential election results and violence against people taking part in the ongoing protests, public events to pray for Belarus and for violence by the regime to end have increased. The regime has increasingly used Administrative Code Article 23.34 ("Violation of the procedure for organising or conducting a mass event or demonstration") against those taking part in public prayer events. For example, Catholics organising and participating in prayer events in the street in Minsk, Grodno, Lida, and other towns have been and continue to be accused and fined under Article 23.34.

As the Human Rights Centre Viasna (Spring) has documented, the same charges are also brought against people organising and participating in peaceful political protests against the regime. Many Protestants participate in such protests.

Large public religious events restricted

Renting publicly-owned premises for large events is difficult. The Baptist Union was forced to cancel a planned festival it wished to hold in a Minsk stadium in May 2019 after officials failed to respond to its request for permission.

In January 2019 the Council of Ministers adopted Decree No. 49 "On the procedure of payment for public security provided by police, for healthcare services, for cleaning a venue after a public event". The Decree requires that all permitted public event organisers - including of religious events - must pay in advance for police, state healthcare and cleaning services. The Decree sets the price depending on the number of participants.

Holding public events is already difficult. Many human rights and opposition activists interpreted the Decree as a further obstruction to public events not organised by the authorities.

The Catholic Bishops' Conference enquired whether Decree No. 49 applies to religious events. Interior Minister Igor Shunevich responded in May 2019 that religious organisations are not subject to the Decree if their events are held in designated places. Such places include churches, cemeteries, crematoria, pilgrimage sites and others approved by local authorities. But despite the letter the Council of Ministers' Decree has not been changed.

Police and local authorities continue to demand fees for events in places not in the Interior Minister's letter, such as open air pilgrimages. At the last minute, Greek Catholic leaders had to cancel what would have been their 25th annual pilgrimage since 1995 from Vitebsk to Polotsk in July 2019 because of the "unaffordable" police fees. The fee demanded would have represented one day's average pay for each of the up to 100 expected participants, plus fees for health provision and cleaning along the route.

Religious property

Many communities without formal places of worship find it impossible to get property redesignated so that it can legally be used for worship. Without a designated place of worship, the legal exercise of freedom of religion and belief requires advance state permission. Officials often refuse this permission. Protestant communities have generally found it impossible to get property redesignated so that it can be used for worship in line with the law. Orthodox and Catholic communities are rarely affected, partly due to their being more likely to occupy designated historically preserved places of worship.

Those using private homes for meetings for worship without state permission risk punishment under Administrative Code Article 21.16, Part 1, which punishes improper use of residential property. Jehovah's Witness and Council of Churches Baptist homeowners have been fined, including a Baptist in Gomel in 2014. However, from then until 2020 fines for this "offence" have not been imposed.

Many places of worship confiscated in the Soviet era were in the 1990s returned to their original owners – if the communities were registered – at the request of Orthodox, Catholic, Muslim and Jewish communities.

These communities all told Forum 18 in August 2020 that only a few historical places of worship remain in the state's possession, as their return was not requested in the 1990s. In these cases, the state pays for continued maintenance of the building, and the religious community which uses the building pays a small amount as rent and for utility charges. There is no time limit set to these agreements.

Many of these religious communities repeatedly but unsuccessfully apply for ownership to be restored to them. The restitution process is complex, and relies upon the local Executive Committee agreeing that the building should be returned to its original owners. Normally this does not now happen. The final stage in the long process is a Presidential decree transferring the ownership of the confiscated building back to its original religious community.

Catholic journalist Maksim Hacak suggested to Forum 18 in August 2020 that the authorities are not now willing to transfer ownership back as "it's always easier to blackmail the communities using property they do not own".

One such case is in Minsk, where the Catholic Church of Saints Simon and Helena (known locally due to its brickwork as the Red Church) is facing a large financial bill from the state, as well as just under 13,000 Belarusian Roubles a month in rent. As Red Church parish priest Fr Stanislav Stanevsky asked independent news agency Naviny.by in July 2020: "Why should we pay the state 13,000 Belarusian Roubles a month to pray in our own church?"

The Red Church is a historical Catholic church built in central Minsk in 1910 and which was confiscated during the Soviet period. Catholics were allowed to use the building again from 1990. The state still owns it, and Minsk city authorities claim to have spent more than 5,000,000 Belarusian Roubles restoring the Church building. However, people associated with the Red Church told Forum 18 that the authorities did not agree the work to be done with the parish. For example, Forum 18 was told that from at least 2015 onwards the parish has repeatedly told the authorities that the basement regularly floods with rainwater, causing structural damage. This is the most serious problem the building has, yet neither this nor various other problems the parish has told the authorities of have been dealt with.

It is thought that the authorities only did the work to make the outside of the building look good for tourists such as visitors to the 2019 European Games, an athletics tournament held in June 2019.

Also, the parish was not told before the work how much the authorities would charge the parish. People associated with the Red Church think that it would take them at least 75 years to pay the authorities the current amount they are demanding. "It looks like the state without asking the parish decided to give us a large debt, and now demands that we pay them," Catholics told Forum 18.

The Red Church is an unusual case, and it is unclear why Minsk authorities have decided to impose such an enormous financial burden on the Church. The authorities have refused to explain their reasons. Minsk Property told Forum 18: "Minsk Property does not give comments". Fr Yuri Sanko of the Catholic Bishops' Conference told Forum 18 that "we are not going to take any formal legal steps until we try to clear up the situation by negotiation" (see below).

However, Maksim Kovalev, a lawyer from Minsk who knows the situation, told Forum 18 that discussion of the issue since 2019 between the Catholics and the authorities "reminds me of a ping pong game". The authorities are also, most recently in June 2020, still refusing to transfer ownership of the Red Church back to its original owners, the parish. On 21 July 2020, parishioners launched a petition asking the Presidential Administration to return ownership of the Red Church to the parish. More than 5,000 people had signed within the first week.

Catholics in Mogilev, Grodno and Bobruisk are all trying without success to regain ownership of their own historic churches which they already use.

Controls on foreigners

Foreigners are particularly targeted by such arbitrary and unpredictable decisions. The regime strictly controls the exercise by foreign citizens of their freedom of religion and belief, particularly those invited by local registered religious communities.

The procedure for inviting foreigners for religious purposes is laid down in a January 2008 Council of Ministers Decree, amended in July 2010. Under the Decree, a registered religious organisation must send an application for permission invite a foreigner for religious purposes to the Plenipotentiary for Religious and Ethnic Affairs' Office a month in advance. The invited foreigner must demonstrate knowledge of Belarus' state languages (Belarusian and Russian) to perform religious work.

Only belief communities that have state permission to exist can invite foreigners to work with them. The inviting organisation must be a state-registered religious association consisting of 10 or more communities, at least one community of which must have functioned for 20 years.

The Decree requires foreign citizens to have permission from the Plenipotentiary to be in Belarus if they are "performing priest's duties, teaching in religious institutions, establishing relations and contacts, participation in charity activities connected with religious needs, studying in religious institutions, and providing other religious activities for the inviting religious organisation".

The Decree is unclear and broadly worded, allowing much room for arbitrary official actions, as human rights lawyer Dina Shavtsova commented to Forum 18 in November 2017. For example, the words "establishing relations and contacts" might include but not

be limited to a foreigner attending a meeting for worship, or praying with others, or talking to them, or giving greetings from follow-believers abroad.

The Plenipotentiary alone decides whether this broadly defined religious work by a foreign citizen is "necessary", and can refuse permission without giving any reason. If permission for a religious community to invite a foreign citizen to work is granted, the Regional Executive Committee's Ideology, Culture and Youth Department will then issue a certificate specifying in which single religious community the individual can work, and the exact dates for which permission is given (usually for three months, six months, or one year). "On halting work in the above parish," a typical certificate seen by Forum 18 states, "the certificate is subject to return to the Ideology, Culture and Youth Department" in the Region which has issued it. Frequent re-applications to the Plenipotentiary's Office must therefore be made, which the Plenipotentiary can refuse even if the foreigner has worked in Belarus for many years.

If permission is granted, foreigners may work only within places of worship belonging to, or premises continually rented by, the religious organisation that invited them. Transferring a foreign religious worker from one religious organisation to another - such as between parishes of the same religious community - requires a re-application for new permission to work to the Plenipotentiary's Office. This need for a re-application to work in Belarus applies even if, for example, one foreign Catholic priest working in Belarus wants to celebrate one Mass on one occasion only in a neighbouring parish.

Such permission can be suddenly withdrawn, without any reason being given. On 2 September 2020 the Plenipotentiary's office wrote to the Catholic Bishop of Vitebsk, Oleg Butkevich, cancelling without any explanation the permission to work and say Mass of Fr Jerzy Wilk. Gulyako gave the bishop only one day's notice of the cancellation, which came into effect on 3 September, according to the letter seen by Forum 18.

Fr Wilk, who is 48, was parish priest of St Michael the Archangel Church in the village of Voropaevo, about 200 kms (125 miles) west of the north-eastern city of Vitebsk. Fr Wilk had been working in Belarus since 2003 and has an excellent command of the Belarusian language. Fr Viktor Misevich of Vitebsk Diocese told Forum 18 in September 2020 that Fr Wilk "has never violated the law, is sociable and dynamic in his parish activities. He even plays football for Vitebsk Diocese." A Polish citizen, Fr Wilk had the necessary permission to work as a priest from the Plenipotentiary, valid until 14 February 2021. "He has a visa in the passport and has the right to stay in the country but cannot work or say Mass," Fr Misevich said.

Fr Misevich thought it would not be possible to do without a resident priest in St Michael the Archangel parish, as it is large and priests in neighbouring parishes are already carrying a large workload in their own parishes. "This is going to make the life of ordinary people more complicated," Fr Misevich told Forum 18. He also said that, despite their existing heavy workload, a priest from a neighbouring parish had to celebrate Mass on Sundays until a new priest is appointed.

Fr Wilk himself told Forum 18 on 15 September that about 500 parishioners had written to Plenipotentiary Gulyako asking him to withdraw his decision. "They are all very good and kind people," he said. "They did a lot for the church, including repairs on the church building and its grounds. I am sad to now be without them."

The Head of the Religious and Ethnic affairs Department of the Plenipotentiary's Office, Andrey Aryaev, refused to explain why Fr Wilk's right to work as a priest was suddenly revoked. "We do not give any comments on this issue," Aryaev told Forum 18 on 16 September before putting the phone down.

Legally resident foreign citizens who are not religious workers are banned from any active participation – as against passive attendance – in religious communities. For example, in May 2019, Mogilev Regional Executive Committee warned a local Jehovah's Witness community for allowing locally resident foreign citizens to participate "illegally" in meetings for worship. The community had received an earlier warning in August 2018.

Two warnings within one year or the failure to end a "violation" can lead to the stripping of a community's registration and so permission to legally exist. Individuals violating these restrictions also risk punishment under Administrative Code Article 23.55 ("Violation of legislation on the legal status of foreign citizens and stateless persons").

Both Catholic and Orthodox leaders – who say they do not have enough native priests – also want such restrictions on foreigner workers changed. Fear of expulsion is a strong factor for the Catholic Church, about 80 of whose approximately 500 priests are now (in 2020) foreign citizens. In 2006 more than 125 of its then around 250 priests were foreign citizens.

Refusals have affected even religious communities the state has not shown much hostility towards. For example, in 2018 Russian citizen Archbishop Dimitry (Drozdov) of the Belarusian Orthodox Church (which is part of the Moscow Patriarchate Russian Orthodox Church) tried to invite two Russian priests to work as parish priests in his Vitebsk Diocese. He applied for permission for one year, but this was refused with no reason being given. Unofficially, officials claimed to the Church that they wanted Belarusian citizens and not foreigners as clergy, an excuse that has also sometimes been given to justify refusing Catholic priests permission to work. "This is not the first time for us," Fr Vladimir Rezanovich, secretary of Vitebsk Diocesan administration, told Forum 18. He said that when such permission is given, their foreign priests generally get permission to serve for one year at a time.

Many of those refused permission are, like Fr Wilk, long term workers. For example, Catholic priest Fr Pawel Knurek, a Polish citizen, was in November 2018 refused permission to continue his 15-year ministry in Belarus, most recently in the cathedral parish of the Merciful Jesus in the north-eastern city of Vitebsk. Fr Knurek left Belarus that same month, but local Bishop Oleg Butkevich continued to press for the decision to be reversed. However, on 13 January 2019 Bishop Butkevich received a further rejection from the Plenipotentiary's Office.

Local Catholics launched an online petition to Plenipotentiary Gulyako on 20 January, asking him to explain the reasons of the denial and to grant permission to Fr Knurek to return to his congregation. In recent years Plenipotentiary Gulyako has repeatedly accused foreign Catholic priests of violating the law, including allegedly by speeding, involvement in political activity, and poor command of the Belarusian language. In their petition, the Vitebsk parishioners highlighted that Fr Knurek spoke excellent Belarusian, knew and understood Belarusian culture, and took their problems seriously. The petition gained 616 signatures, 300 on the first day, and was submitted to Plenipotentiary Gulyako on 4 February. Gulyako replied the same day, writing that "based on the Law, the Plenipotentiary has the right to give no reasons for the denial to this priest."

"Local Catholics were offended by the officials' approach to their needs, which they absolutely ignore," Vitebsk Catholic priest Fr Vyacheslav Barok told Forum 18 in February 2019. He thinks that the authorities create an illusion of pretending to stand for the rights of the Church. Fr Knurek worked in his parish, in hospitals, and in educational institutions. "He worked hard, and his work deserves respect," Fr Barok told Forum 18. He added that the cathedral parish is large and needs at least two priests. The Plenipotentiary's Office refused to discuss the refusal with Forum 18.

Similarly, at the beginning of 2019, Plenipotentiary Gulyako banned another Polish Catholic priest, Fr Sobieslaw Tomala, from continuing his 20-year ministry in St Francis Church (which he was instrumental in building) in Soligorsk in Minsk Diocese beyond 31 January 2019. After more than 300 people signed a petition calling for Fr Tomala to be allowed to remain, Plenipotentiary Gulyako extended the permission to work for only six months more. This permission was later renewed.

The Plenipotentiary's Office also imposes long delays on applications, even when made repeatedly. For example, Russian citizen Fr Klemens Werth has been waiting for permission since 2016 to conduct religious work while building a church for the parish of St Vladislav in one of the outer districts of Vitebsk, where he is supposed to be the senior priest. The parish has no church and currently holds services in rented premises while a church is being built. Fr Werth currently has permission only to build a church. "I am supposed to serve in this church, but so far I cannot work in it as a priest," he told Forum 18.

"The authorities' decisions tie the hands of the Church," Fr Barok observed. "Such pinpricks aimed at Catholic priests have a serious impact on the Church. How can a priest work if he is not sure about the future?" Fr Barok noted that there is a shortage of priests in Vitebsk's Catholic Diocese. Though the number of local priests is increasing, there are still 40 foreign priests working in the diocese. However, the authorities have not approved any new foreign priests since 2016.

The Plenipotentiary also rejects applications for short-term visitors to be allowed to conduct religious work. For example, in 2017 he rejected a Pentecostal Church's application for a pastor from Poland to attend a three-day long conference. "They rejected the application, claiming our documentation was not correct, even though we had fulfilled all the requirements," Bishop Leonid Voronenko, head of the Full Gospel Church, told Forum 18. "They always try to find some reason to make it look like it is your fault."

Similarly, Plenipotentiary Gulyako in August 2018 and in July 2016 refused the Catholic Grodno Diocese's application for Indian priest Father James Manjackal to visit to lead spiritual exercises in the Catholic church in Ross. Fr Cheslau Pauliukievich, the dean of Ross's Holy Trinity parish, told Forum 18 in June 2016 that he had hosted Fr Manjackal for spiritual exercises twice before without any obstacles. More than 5,000 Catholics had attended the exercises, including Grodno Bishop Aleksandr Kashkevich. "He came to Belarus last year without any problems. This time no reasons were ever explained to us," Diocesan spokesperson Fr Pavel Solobuda stated. The Plenipotentiary's Office refused to explain to Forum 18 why Fr Manjackal had been denied permission, and Vladimir Skripo (Deputy Head of the religious affairs section of Grodno Region Executive Committee) put the phone down when Forum 18 called him.

The Plenipotentiary did, however, grant permission for all 45 foreign Catholic bishops who visited Minsk in October 2017 to conduct religious work during their visit and celebrate Mass. Their visit was for a meeting of the Council of [Roman Catholic] Bishops' Conferences of Europe.

Arbitrary, unpredictable, regime decisions

The regime's decisions are arbitrary and unpredictable, especially amid the large-scale nationwide protests against falsification of the August 2020 presidential election results.

One of many illustrations of this is that Belarusian citizens have no guarantee that the regime will allow them to enter their own country. On 31 August 2020, Belarusian border

guards denied Archbishop Tadeusz Kondrusiewicz, head of the Catholic Church in Belarus, re-entry to his own country.

Archbishop Kondrusiewicz was seeking to return to Minsk after a one-week visit to Poland, travelling in his official car. He tried to cross at the Kuznitsa Belostokskaya Bruzgi border crossing near the city of Grodno when border guards refused him entry. After waiting several hours in vain he returned to Poland, while his driver continued to Minsk in the official car.

Border guards gave the Archbishop no reason for the decision, even though under the Constitution and its international human rights obligations the regime is not allowed to deny entry to its own citizens. Officials at the border crossing point at Bruzgi, and the State Border Committee and Presidential Administration in Minsk all refused to explain to Forum 18 why Archbishop Kondrusiewicz was banned from re-entering his own country and returning to his diocese.

President Lukashenko on 1 September told journalists that Archbishop Kondrusiewicz is one of a number of people on an entry ban list, which is shared between Belarus and Russia. He claimed the Archbishop had been given "some assignments" at "consultations" in Warsaw before his planned return. He did not explain what this claim meant. "It is not only him [on the entry ban list] - he is just the best-known person," Lukashenko claimed. "Now we are keeping a very close watch on everyone entering and leaving."

Asked to confirm this information, Deputy Head of the Interior Ministry's Citizenship and Migration Department Pavel Khrishchenovich told Forum 18 on 1 September: "I do not think anything on this issue."

On 14 September the State Border Committee told Archbishop Kondrusiewicz that he was denied re-entry to his home country because his Belarusian passport was invalid. The head of the Interior Ministry's Citizenship and Migration Department then said that officials are "at present simply checking up on whether he is a citizen of the Republic of Belarus and the documents he presented when going through the procedure of naturalisation". The Citizenship and Migration Department refused to answer Forum 18's questions about Archbishop Kondrusiewicz's case. He continues to be denied entry to Belarus.

Other religious communities condemned the decision, including some Orthodox priests. The Pentecostal Union "expressed outrage" at the denial of re-entry to Archbishop Kondrusiewicz. A 1 September statement from Bishop Leonid Voronenko said the Archbishop had: "raised his voice in defence of peace, mercy and unity, and in condemnation of violence, lies and hatred. This is the spiritual, moral and ethical duty of any clergy member, and does not represent political activity."

Religious literature censorship

The regime imposes compulsory prior state censorship of and restrictions on distribution of most religious literature and objects. Under Religion Law Article 26, all imported religious literature and objects undergo state censorship enacted by an "Expert Council" attached to the Plenipotentiary's Office, as does all religious literature which libraries wish to acquire. The Plenipotentiary can seek an "expert analysis" of any religious literature being distributed. Only registered religious organisations can establish companies to produce religious literature. Shops selling religious literature require permission from local administrations. "Expert analyses" can take up to three months, making timely delivery of imported religious publications impossible.

While approving imports of other Jehovah's Witness texts, in June 2019 the "Expert Council" rejected the April 2019 issue of "The Watchtower" magazine. After similar rejection of the May 2012 issue for containing allegedly "religious/political" material, Jehovah's Witnesses tried but failed to get a copy of the Council's "expert analysis".

Courts can ban literature and other materials as "extremist". Such works are then placed on the Information Ministry's "List of Extremist Materials", published on the Ministry's website. The List includes many racist works (such as Adolf Hitler's "Mein Kampf"), as well as some religious works that do not call for the violation of anyone's human rights.

In 2014, a Minsk Court banned "The Way to the Koran" by Azerbaijani Muslim theologian Elmir Kuliyeu. In 2016, a Gomel Court banned "An Orthodox on Orthodoxy: Popular theology, or theology for dummies" by Sergei Nikolaenko, Pastor of the city's Reformed Orthodox Transfiguration Church. Both remain on the Information Ministry's "List of Extremist Materials" (as updated in September 2020). Anyone distributing works on the List faces fines under the Administrative Code.

No religious broadcasting

The regime's arbitrary and unpredictable decisions are also illustrated by the sudden halt in state radio broadcasts of Catholic Mass on Sundays. On 23 August 2020, and without prior announcement, the state-controlled Radio Belarus unexpectedly stopped broadcasting Catholic Masses. "We were not given the reasons, we were only told that there will be no radio Mass in September," Fr Yuri Sanko of the Catholic Bishops' Conference told Forum 18 on 16 September.

A 40-minute Mass had routinely been broadcast nationwide every Sunday morning from the Cathedral of the Blessed Virgin Mary in the capital Minsk, followed by a brief news summary from Vatican Radio. The programme schedule on the official state Radio 1 website still contains a weblink to the regular "Catholic sermon" but the link no longer works.

Since the 1990s the broadcast Sunday Mass has been widely listened to by many Catholics, especially those who are elderly, sick, or living in rural areas far from a Catholic church. For many, the nationwide state radio broadcast is their only chance every Sunday to join with their fellow Catholics meeting for worship.

Fr Viktor Misevich, Chancellor of Vitebsk Diocese, pointed out that Sunday Mass on the radio is especially important during the coronavirus pandemic, when many people are not allowed to leave homes to attend Mass. The state stopping Sunday Mass broadcasts "is a strong blow against sick and old people in all dioceses in Belarus," he told Forum 18.

The state broadcaster Belteleradio refused to answer Forum 18's questions or say when broadcasts of Sunday Mass will be resumed. "It is difficult to answer these questions," an official who refused to give her name told Forum 18 on 22 September 2020. "I need to collect the information." Sunday Mass is still (in October) not being broadcast by radio.

No individual or belief community is able to have a religious FM broadcasting band radio station, despite several attempts. One such example is the Catholic Church's attempts since 2015 to get permission for Radio Mariya. (Belarus' Radio Mariya is unrelated to Radio Maryja in neighbouring Poland.) No official is prepared to take responsibility for dealing with such applications. Radio Mariya is part of an international Italian network, and the regime's refusal to give it a broadcasting licence means it can be heard in Belarus only via the internet.

Partial conscientious objection

An Alternative Service Law was introduced in 2016 allows many, but not all, conscientious objectors to conduct a civilian service. Only young men with a religious pacifist objection are 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 are 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 - should be treated.

As of 2020, young men in Belarus' main pacifist religious community – Jehovah's Witnesses – still sometimes receive call-up notices for military service. But these are withdrawn after the Jehovah's Witnesses send the military a letter confirming the young man is a Jehovah's Witness conscientious objector.

Moreover, civilian service is twice the length of military service and those undertaking it are paid less than military conscripts. And if conscripts already doing military service change their beliefs and object to become conscientious objectors (as is their right in international law), they are not eligible to transfer to alternative service.

Those doing reserve military duties are similarly obstructed from claiming conscientious objection. This particularly affects those who were called up and stated they were conscientious objectors before the Alternative Service Law came into force in 2016. The head of the Jehovah's Witnesses in Belarus, Pavel Yadlovsky, told Forum 18 on 20 October 2020 that these conscientious objectors still "regularly receive call-up notices and have to explain all over again that their religious beliefs forbid them to bear arms". Whenever this happens, Jehovah's Witnesses send the military a letter confirming the young man is a Jehovah's Witness conscientious objector. The military have accepted this.

From early May 2018 many students from Catholic and Orthodox seminaries and priests under the age of 27 received call-up notices from Conscription Offices ordering them to report for military service on 28 May. Neither the Catholic or Orthodox churches are formally pacifist. After the Catholic Bishops' Conference appealed to President Lukashenko on 23 May requesting exemption and public petitions were launched, the authorities announced the cancellation of the call-up notices.

Death-row prisoners

Belarus is the only country in Europe that still applies the death penalty. The Criminal Enforcement Code guarantees death-row prisoners the right "to have meetings with a priest" (Article 174). However, against the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3), such prisoners may not be granted pastoral visits they request. Death-row prisoners are informed of their executions only minutes beforehand, making final meetings with families and others impossible.

If death-row prisoners are not Orthodox, arranging a clergy visit is all-but impossible. Occasional exceptions are made for Catholic priests. Officials allowed convicted murderer Pavel Selyun – executed in 2014 – to conduct a correspondence course with a Protestant Bible study centre. However, they denied a pastor's visit. Andrei Paluda of the Human Rights Centre Viasna, who leads their campaign to abolish the death penalty, told Forum 18 that he knows of only one case where a Catholic priest was allowed to meet a prisoner at their request – Eduard Lykov in 2014.

Death-row prisoners are allowed access to religious literature, Paluda of Viasna stated, and an Orthodox priest is chaplain to the prison where death row prisoners are held.

Currently (October 2020) there are four death-row prisoners, and in 2019 three death sentences were carried out.

The bodies of executed prisoners are not given to families, the date and place of burial is secret, and no opportunity is given for a religious burial service.

Vladislav Kovalev's relatives complained to the UN Human Rights Committee that his 2012 execution violated their right to freedom of religion and belief (among other rights). The relatives argued that the regime's refusal to give Kovalev's family his body for an Orthodox burial violated the family's right to freedom of religion and belief.

In October 2012 the Human Rights Committee concluded that the regime's refusal to hand over bodies for burial and to disclose the place of burial "have the effect of intimidating or punishing the family by intentionally leaving it in a state of uncertainty and mental distress". Viewing this as amounting to inhuman treatment in violation of the International Covenant on Civil and Political Rights, the Human Rights Committee did not examine the relatives' claim that freedom of religion or belief had also been violated.

Selyun's mother Tamara similarly tried to recover his body. "I want to read the last rites over my son's body and bury him as a Christian. But I was told that the body could not be handed over". In a May 2014 letter, prison governor Colonel Vikenty Varikash told her: "Bodies are not handed over for burial and the place of burial is not communicated".

Paluda of Viasna confirmed that families still in 2020 do not receive the bodies of executed prisoners, who are buried secretly. Viasna gives legal and moral support to the families of death-row prisoners, but Paluda knows of no recent requests by families for religious burials of their relatives.

An end to human rights violations?

The current Belarusian regime's decisions are arbitrary and unpredictable, showing no signs of respect for the rule of law and Belarus' legally binding international human rights obligations. Given the regime's increasingly serious violations of the interlinked human rights of the people it rules – especially since the regime falsified the August 2020 presidential election results – there is little sign of the current regime ending its violations of freedom of religion and belief and other human rights.

Another Catholic priest banned from serving

Belarus' senior state religious affairs official gave the Catholic bishop of Vitebsk one day's notice that he was annulling permission for Polish priest Jerzy Wilk to serve in his parish, giving no reason. Fr Wilk has served in Belarus since 2003. The State Border Committee told Archbishop Tadeusz Kondrusiewicz he was denied re-entry because his Belarusian passport was invalid. The Interior Ministry then said it was checking if he gained citizenship lawfully.

By Olga Glace

Forum18 (23.09.2020) - <https://bit.ly/37MUFqr> - Without any explanation, Belarus' senior state religious affairs official Leonid Gulyako abruptly cancelled the permission for Polish Catholic priest Fr Jerzy Wilk to continue serving his parish in the north-eastern Vitebsk Region. Gulyako gave his bishop one day's notice of the cancellation, which came

into effect on 3 September, half way through the one-year period for which Fr Wilk had earlier been given permission.

Fr Wilk – who has been working in Belarus since 2003 - said he has no idea why the state permission for him to work as a priest was cancelled. He added that about 500 parishioners had written to Plenipotentiary Gulyako asking him to withdraw his decision. "They are all very good and kind people," he told Forum 18 (see below).

The Head of Religious and Ethnic affairs Department of the Plenipotentiary's Office Andrey Aryaev refused to explain to Forum 18 why Fr Wilk's right to work as a priest was suddenly revoked (see below).

Pyotr Gnutenko, Head of Vitebsk Region Ideology Department, denied that the regional Executive Committee initiated the move to strip Fr Wilk of permission to undertake religious work. "This is the first time I have heard this name [Fr Wilk]," he claimed to Forum 18 (see below).

Meanwhile, the State Border Committee has told the head of the Catholic Church in Belarus, Archbishop Tadeusz Kondrusiewicz, that he was denied re-entry to his home country on 31 August because his Belarusian passport was invalid. He was forced to remain in Poland (see below).

The head of the Interior Ministry's Citizenship and Migration Department then said that officials are "at present simply checking up on whether he is a citizen of the Republic of Belarus and the documents he presented when going through the procedure of naturalisation" (see below).

The 74-year-old Archbishop Kondrusiewicz, a native of Belarus who only has Belarusian citizenship, renounced Russian citizenship in 2008, the year after his return to Belarus after serving in Moscow for 16 years, Catholic spokesperson Fr Yuri Sanko told Forum 18. In 2008 Archbishop Kondrusiewicz was then given residence in Belarus, and finally gained citizenship in 2016, Fr Sanko added (see below).

The Citizenship and Migration Department refused to answer Forum 18's questions about Archbishop Kondrusiewicz's case (see below).

On 23 August, and without prior announcement, the state-controlled Radio Belarus unexpectedly stopped broadcasting Catholic Mass on Sundays. "We were not given the reasons, we were only told that there will be no radio Mass in September," Fr Yuri Sanko of the Catholic Bishops' Conference told Forum 18 (see below).

Official suddenly cancels priest's work permission

On 2 September the office of the Plenipotentiary for Religious and Ethnic Affairs, Leonid Gulyako, wrote to the Catholic Bishop of Vitebsk Oleg Butkevich cancelling without any explanation the permission to work and say Mass of Fr Jerzy Wilk. Gulyako gave the bishop only one day's notice of the cancellation, which came into effect on 3 September, according to the letter seen by Forum 18.

Fr Wilk, who is 48, is parish priest of St Michael the Archangel Church in the village of Voropaevo, about 200 kms (125 miles) west of the north-eastern city of Vitebsk.

A Polish citizen, Fr Wilk had the necessary permission to work as a priest from the Plenipotentiary, valid until 14 February 2021. "He has a visa in the passport and has the right to stay in the country but cannot work or say Mass," Fr Viktor Misevich, Chancellor of Vitebsk Diocese, told Forum 18 on 22 September.

Fr Misevich thinks it will be not be possible to do without a resident priest in St Michael the Archangel parish, as it is large and priests in neighbouring parishes are already carrying a large workload in their own parishes. "This is going to make the life of ordinary people more complicated," Fr Misevich told Forum 18. He also said that, despite their existing heavy workload, a priest from a neighbouring parish is celebrating Mass on Sundays until a new priest is appointed.

Fr Wilk said that about 500 parishioners had written to Plenipotentiary Gulyako asking him to withdraw his decision. "They are all very good and kind people," he told Forum 18 on 15 September. "They did a lot for the church, including repairs on the church building and its grounds. I am sad to now be without them."

Fr Wilk has been working in Belarus since 2003 and has an excellent command of the Belarusian language. Fr Misevich of Vitebsk Diocese told Forum 18 that Fr Wilk "has never violated the law, is sociable and dynamic in his parish activities. He even plays football for Vitebsk Diocese."

Why was priest's permission cancelled?

Fr Wilk said he has no idea why the state permission for him to work as a priest was cancelled. He insisted that his sermons did not touch on political issues. "All I talked about was good and evil, of the need to love, about everything I believe myself," he told Forum 18.

Plenipotentiary Gulyako normally gives no reason for his decisions about granting, refusing or cancelling state permission for foreign citizens to conduct religious work in the country. Such decisions are entirely within Gulyako's power and are difficult for the communities which have invited them to challenge.

In recent years Plenipotentiary Gulyako has repeatedly accused foreign Catholic priests of violating the law, including allegedly by speeding, involvement in political activity, and poor command of the Belarusian language. He has rejected applications from Catholic and Orthodox bishops for priests from abroad to come to work in the country or to continue working in the country.

The Head of Religious and Ethnic affairs Department of the Plenipotentiary's Office Andrey Aryaev refused to explain why Fr Wilk's right to work as a priest was suddenly revoked. "We do not give any comments on this issue," Aryaev told Forum 18 from Minsk on 16 September, before putting the phone down.

If the Plenipotentiary decides to give permission for a foreign religious worker to work, the regional Executive Committee's [local authority] Ideology, Culture and Youth Department is responsible for issuing a certificate specifying in which single religious community the individual can work, and the exact dates for which permission is given (usually three months, six months or one year).

On 16 September Forum 18 asked the Ideology Department of Vitebsk Region Executive Committee whether the sudden order to stop Fr Wilk working as a priest was initiated by the Executive Committee. Pyotr Gnutenko, Head of the Ideology Department denied this. "This is the first time I have heard this name [Fr Wilk]," he claimed. "Sorry, but I have no information."

New priest from same congregation?

Bishop Butkevich would like to keep St Michael the Archangel parish in Voropaevo in the care of the religious congregation Fr Wilk belongs to, the Congregation of the Sacred Heart of Jesus, Fr Misevich of Vitebsk Diocese told Forum 18. However, as there are no Belarusian priests of the Congregation yet, the Bishop will have to appoint another foreign priest like Fr Wilk.

"The authorities took a priest away from us within one day, but it will take at least a month for us to get their approval for a new foreign priest," Fr Misevich commented.

The Belarusian authorities have frequently rejected requests by Catholic diocesan bishops for foreign clergy (mostly from Poland) to be able to continue serving in local churches.

In November 2018, Plenipotentiary Gulyako refused Bishop Butkevich's request to extend permission for Polish Catholic priest Fr Pawel Knurek to continue working in the Cathedral parish of the Merciful Jesus in Vitebsk. The priest had to leave Belarus after 15 years' service. Gulyako refused Bishop Butkevich's continuing appeals in January 2019, as well as a petition by parishioners.

Catholic Archbishop to be made stateless?

On 31 August border guards denied Archbishop Tadeusz Kondrusiewicz, head of Belarus' Catholic Church, re-entry to his own country. No officials explained to Archbishop Kondrusiewicz – a Belarusian citizen – why he is barred. "The right of a citizen to enter the Republic of Belarus cannot be restricted," says the Law on Exit and Entry for Belarusian Citizens.

President Aleksandr Lukashenko said on 1 September that the archbishop is on the shared Belarus/Russia entry ban list.

Archbishop Kondrusiewicz wrote to the State Border Committee seeking an explanation for the denial of entry. Committee Chair Major-General Anatoly Lappo responded to him in early September, the Church website noted on 14 September.

"We inform you that you were not allowed through the state border in connection with a decision taken by the internal affairs agencies on the recognition of the passport of a Belarusian citizen No. [...] belonging to you as invalid," Major-General Lappo wrote. He added that Archbishop Kondrusiewicz had the right to ask the Interior Ministry about the decision to declare his passport invalid.

Archbishop Kondrusiewicz then wrote to the Interior Ministry.

On 15 September, the head of the Interior Ministry's Citizenship and Migration Department, Aleksei Begun, told the local tut.by news website that the cancellation of Archbishop Kondrusiewicz's passport does not mean his citizenship has been annulled. However, he added that it had been annulled because officials are checking whether Archbishop Kondrusiewicz is eligible for citizenship or not.

"The Interior Ministry is at present simply checking up on whether he is a citizen of the Republic of Belarus and the documents he presented when going through the procedure of naturalisation," Begun stated.

Begun claimed that Archbishop Kondrusiewicz was one of more than a thousand people whose citizenship is checked each year. He said in his case the checks began before his visit to Poland in August, and that "this was just a coincidence". He added that the Ministry had received Archbishop Kondrusiewicz's letter and would respond to him.

The Interior Ministry on 22 September refused to answer Forum 18's questions as they claimed they cannot answer without consulting their Citizenship and Migration Department. They "will not tell you anything" without a written inquiry, the official who refused to give her name claimed.

The Citizenship and Migration Department refused to answer any of Forum 18's questions on 23 September.

The Presidential Administration did not answer their telephones on 22 September.

The 74-year-old Archbishop Kondrusiewicz, a native of Belarus who only has Belarusian citizenship, renounced Russian citizenship in 2008, the year after his return to Belarus after serving in Moscow for 16 years, Fr Yuri Sanko told Forum 18. In 2008 Archbishop Kondrusiewicz was given residence in Belarus, and finally gained citizenship in 2016, Fr Sanko added.

Catholic and ecumenical support for Archbishop

Archbishop Kondrusiewicz has had support from other Christian Churches, clergy and laypeople within Belarus. The Pentecostal Union "expressed outrage" at the denial of re-entry in a 1 September statement on the Union's website signed by Bishop Leonid Voronenko said.

Fr Sergei Lepin, spokesperson for the Orthodox Church, said on his Facebook page on 1 September that it would not be making an official comment on the denial of re-entry to Archbishop Kondrusiewicz. However, Fr Lepin added his personal support for the Archbishop and wished "the Catholic community of Belarus the successful resolution of the misunderstanding that has arisen", which he described as "strange and dangerous". "I hope for the speedy reunion of the Catholic flock with its hierarch."

In the western city of Grodno, Orthodox priest Fr Georgy Roy attended a prayer service for Archbishop Kondrusiewicz's return at the Catholic parish church. He agreed with the Catholics that the denial of re-entry to the Archbishop is unjust.

"This should not have happened," Fr Roy told Euroradio.fm on 15 September. "As a sign of solidarity, we came to the church to say that we support the Catholic community, that we share its concern over this situation, and that we hope that such an unjust decision will soon be cancelled."

On 16 September, the District Court in the western town of Lida fined Aleksandr Shor after officials found him praying outside the town's Catholic church of the Exaltation of the Holy Cross. Judge Maksim Filatov fined him 270 Belarusian Roubles (980 Norwegian Kroner, 90 Euros, or 105 US Dollars), Anzhelika Borys, head of the Union of Poles in Belarus, who was present in court, noted on her Facebook page the same day.

"The Judge asks what were you doing at the church in Lida? Answer - I prayed. Who did you pray for? For the return of his Excellency Tadeusz Kondrusiewicz," Borys quoted the exchange in court.

National radio suddenly halts Sunday mass broadcasts

On 23 August, and without prior announcement, the state-controlled Radio Belarus unexpectedly stopped broadcasting Catholic Mass on Sundays. "We were not given the reasons, we were only told that there will be no radio Mass in September," Fr Yuri Sanko of the Catholic Bishops' Conference told Forum 18 on 16 September.

A 40-minute Mass had routinely been broadcast nationwide every Sunday morning from the Cathedral of the Blessed Virgin Mary in the capital Minsk, followed by a brief news summary from Vatican Radio.

A priest of the Cathedral, Fr Antony Klimantovich, told the Catholic Church website on 9 September that all the technical equipment for broadcasting from the Cathedral is functioning, and "the signal is strong but there's no broadcast".

The programme schedule on the official state Radio 1 website still contains a weblink to the regular "Catholic sermon" but the link no longer works.

Since the 1990s the broadcast Sunday Mass has been widely listened to by many Catholics, especially those who are elderly, sick, or living in rural areas far from a Catholic church. For many, the nationwide state radio broadcast is their only chance every Sunday to join with their fellow Catholics meeting for worship.

Fr Misevich, Chancellor of Vitebsk Diocese, pointed out that Sunday Mass on the radio is especially important during the coronavirus pandemic, when many people are not allowed to leave homes to attend Mass. The state stopping Sunday Mass broadcasts "is a strong blow against sick and old people in all dioceses in Belarus," he told Forum 18.

A Catholic from Minsk Region explained that her bed-ridden grandmother living in a village used to listen to the live Mass broadcast on the radio every Sunday. "Now there are no broadcasts any longer it makes her suffer, because it is the only opportunity for her to be together with the Church," the Catholic told Ex-Press.by on 4 September.

The state broadcaster Belteleradio refused to answer Forum 18's questions or say when broadcasts of Sunday Mass will be resumed. "It is difficult to answer these questions," an official who refused to give her name told Forum 18 on 22 September. "I need to collect the information."

No individual or belief community is able to have a religious FM broadcasting band radio station, despite several attempts. One such example is the Catholic Church's attempts to get permission for Radio Mariya. (Belarus' Radio Mariya is unrelated to Radio Maryja in neighbouring Poland.) No official is prepared to take responsibility for dealing with such applications.

Radio Mariya is part of an international Italian network, and the regime's refusal to give it a broadcasting licence means it can only be heard in Belarus via the internet.

"Prayers on our radio are always in demand," Radio Mariya volunteer Evgenia Naidovich told Forum 18 on 16 September. "Many of our listeners are almost deaf, others are blind, and cannot use smartphones. Many do not have a computer or a telephone, or cannot afford the internet."

Naidovich added that people with internet access also want to listen to Radio Mariya on a radio. She insisted that the state should allow listeners to listen to Radio Mariya in the way they find most comfortable.

Minsk's Red Church "now open during its regular hours"

Minsk's historical Catholic Church of Saints Simon and Helena (known locally due to its brickwork as the Red Church) – which is located on the city's central Independence Square where demonstrations have been taking place since the disputed presidential elections in August – has faced repeated problems from the state.

The state has given the parish large financial demands for building work it did not agree to and which it cannot afford. It is unclear why this parish is facing these demands, as no other religious community has faced them. City officials refused to explain to Forum 18 the large sums demanded.

On 26 August, OMON riot police violently pushed into the Church people demonstrating against the falsification of the presidential election results.

In the days afterwards, unknown officials changed the locks on the Church and the electricity was often cut off. The protests near the Church have now ended. "The Church is now open during its regular hours and Mass is celebrated five times a day," a parishioner who wished to remain unnamed told Forum 18 on 22 September.

Catholic Church "cannot exist without its leader"

Border guards denied Archbishop Tadeusz Kondrusiewicz, head of Belarus' Catholic Church, re-entry to his own country on 31 August. President Aleksandr Lukashenko says he is on the shared Belarus/Russia entry ban list. No officials explained to Archbishop Kondrusiewicz – a Belarusian citizen – why he is barred. "The right of a citizen to enter the Republic of Belarus cannot be restricted," says the Law on Exit and Entry for Belarusian Citizens.

By Olga Glace

Forum18 (01.09.2020) - <https://bit.ly/32WROIo> - On 31 August, Belarusian border guards denied Archbishop Tadeusz Kondrusiewicz, head of the Catholic Church in Belarus, re-entry to his own country. They gave no reason for the decision, the Vicar-General of Minsk-Mogilev Diocese Bishop Yuri Kasabutsky announced. Under Belarus' Constitution, and its international human rights obligations, the government is not allowed to deny entry to its own citizens.

Archbishop Kondrusiewicz was seeking to return to Minsk after a one-week visit to Poland, travelling in his official car. He tried to cross at the Kuznitsa Belostokskaya Bruzgi border crossing near the city of Grodno when border guards refused him entry. After waiting several hours in vain he returned to Poland, while his driver continued to Minsk in the official car, Catholic spokesperson Fr Yuri Sanko told Radio Free Europe's Belarusian Service.

"We will protest here and reach out to all Belarus' government structures," Fr Sanko added, "because the Catholic Church of Belarus cannot exist without its leader."

Fr Sanko confirmed to Forum 18 on 1 September that neither Archbishop Kondrusiewicz nor the Church has received any explanation for the entry denial from the authorities.

The Archbishop sent an inquiry to the State Border Committee, he wrote in a 1 September letter from a parish in the Polish city of Bialystok, where he is having to remain while waiting to re-enter his homeland.

President Aleksandr Lukashenko told journalists that Archbishop Kondrusiewicz is one of a number of people on an entry ban list, which is shared between Belarus and Russia. He claimed the Archbishop had been given "some assignments" at "consultations" in Warsaw before his planned return. He did not explain (see below).

Officials at the border crossing point at Bruzgi, and the State Border Committee and Presidential Administration in Minsk refused to explain to Forum 18 why Archbishop Kondrusiewicz was banned from re-entering his own country and returning to his diocese (see below).

The Pentecostal Union "expressed outrage" at the denial of re-entry to Archbishop Kondrusiewicz. The 1 September statement on the Union's website, signed by Bishop Leonid Voronenko, said the Archbishop had "raised his voice in defence of peace, mercy and unity, and in condemnation of violence, lies and hatred. This is the spiritual, moral and ethical duty of any clergy member, and does not represent political activity."

Why the entry ban?

The officer at Kuznitsa Belostokskaya Bruzgi border check point who answered the phone on 1 September said they do not give comments. "You should call the State Border Committee in Minsk for explanations," he advised Forum 18.

The same day the press secretary of the State Border Committee, Anton Bychkovsky, and the press service of the Presidential Administration similarly refused to comment on the denial of entry to Forum 18.

The phone of the head of the religious affairs department at the Office of the Plenipotentiary for Religious and Ethnic Affairs in Minsk, Andrei Aryaev, went unanswered each time Forum 18 called on 1 September.

It remains unclear if the denial of re-entry to his own country to Archbishop Kondrusiewicz is related to the government crackdown following the disputed 9 August presidential elections. The Archbishop called for fair elections before they took place, and condemned police violence and called for dialogue afterwards. On 21 August he was received by the Interior Minister Yuri Karayev.

Following the blockading of Saints Simon and Helena Church (Red Church) in central Minsk by OMON special forces on 26 August with about 100 anti-government protestors sheltering inside, Archbishop Kondrusiewicz described the 40-minute blockade as "illegal" and called on those responsible to be punished.

Fr Sanko refused to comment on whether political motives were the cause of the entry denial. "We still don't know the reasons and haven't received any explanation from the authorities, so it is difficult to make any comments," he told Forum 18.

Archbishop included on entry ban list?

Asked about the re-entry denial by journalists on a visit to Baranovichy on 1 September, President Aleksandr Lukashenko said that Archbishop Kondrusiewicz had been included in the entry ban list shared by Belarus and Russia. He claimed that the Archbishop had "unexpectedly" travelled for "consultations" in Warsaw and was returning to Belarus "with some assignments", according to remarks on the presidential website. Lukashenko did not explain what these alleged "assignments" were or who might have given them to him.

Lukashenko claimed that the Archbishop might have dual citizenship and this information is under investigation.

"It is not only him [on the entry ban list] - he is just the best-known person," Lukashenko added. "Now we are keeping a very close watch on everyone entering and leaving."

Asked to confirm this information, Deputy Head of the Interior Ministry's Citizenship and Migration Department Pavel Khrishchenovich refused to comment. "I do not think anything on this issue," he told Forum 18 from Minsk on 1 September. "We do not give any consultations."

Citizen only of Belarus

Born near Grodno in western Belarus, the 74-year-old Archbishop Kondrusiewicz heads the Minsk-Mogilev Diocese and currently chairs Belarus' Conference of Catholic Bishops.

Catholic spokesperson Fr Sanko noted that Archbishop Kondrusiewicz is a citizen only of Belarus. He had been a Russian citizen while serving as Archbishop of Moscow until 2007, but gave up Russian citizenship about ten years ago, Fr Sanko added. Archbishop Kondrusiewicz confirmed this in his 1 September letter, posted on the Church's website.

Archbishop Kondrusiewicz recounted what had happened at the border. "A border guard came up and said that you need to wait in the car as the computer had frozen," he told news service tut.by from Bialystok on 1 September.

"Well, we sit in the car and wait. Another border guard came up, took our passports, looked at everyone and left. He was gone for a long time. When he returned, he said that there was a problem with the documents, and asked us to move aside. We drove to one side, then another border guard came out and blocked the wheels. We sat and waited, sat for a long time. Then the chief of the crossing point, it seems, came and said that everyone can go, but I cannot." They gave no reason.

Archbishop Kondrusiewicz was not willing to link the re-entry denial to his criticism of police violence after the disputed election, when he insisted that peaceful solutions must be found. He did not hide his frustration over the uncertainty of his situation after he had made so many efforts in the interests of Belarus.

Diocese to function with absent leader

Fr Sanko pointed out that the barring of the Archbishop's re-entry to Belarus and to his diocese has dramatic moral repercussions on Catholics. "This is a blow on the Church," he lamented to Forum 18.

However, Fr Sanko added that the diocese continues to function, with the Archbishop staying in contact by phone and e-mail from Poland.

"The ban on entry to Belarus," Archbishop Kondrusiewicz wrote from Bialystok on 1 September, "obstructs me from carrying out my pastoral service and participation in planned church events as ordinary of the Minsk-Mogilev Archdiocese and chair of the Conference of Catholic Bishops of Belarus."

Entry ban violates Belarus' human rights obligations

Article 30 of Belarus' Constitution declares: "Citizens of the Republic of Belarus have the right to move about freely and to choose a place of residence within the boundaries of the Republic of Belarus, to leave it and to return to it unobstructed."

Article 3 of the Law on Exit and Entry for Belarusian Citizens includes the provision: "The right of a citizen to enter the Republic of Belarus cannot be restricted."

Several international human rights agreements to which Belarus is party forbid the banning of citizens from returning to their own country.

Article 13 of the Universal Declaration of Human Rights includes the declaration: "Everyone has the right to leave any country, including his own, and to return to his country." Article 12 of the International Covenant on Civil and Political Rights includes the declaration: "No one shall be arbitrarily deprived of the right to enter his own country."

Catholic spokesperson Fr Sanko commented to Forum 18 that there have been no similar cases in the world when a citizen was not allowed to his own country.

Earlier denials to foreign Catholic priests

The Belarusian authorities have frequently rejected requests by Catholic diocesan bishops for foreign clergy (mostly from Poland) to be able to continue serving in local churches. Officials have also rejected petitions by the ousted priests' parishioners.

In November 2018, Plenipotentiary for Religious and Ethnic Affairs Leonid Gulyako refused Bishop Oleg Butkevich's request to extend permission for Polish Catholic priest Fr Pawel Knurek to continue religious service at the cathedral parish of the Merciful Jesus in the north-eastern city of Vitebsk. The priest had to leave Belarus after 15 years' service. Gulyako refused Bishop Butkevich's continuing appeals in January 2019, as well as a petition by parishioners.

At the beginning of 2019, Plenipotentiary Gulyako banned another Polish Catholic priest, Fr Sobieslaw Tomala, from continuing to serve in St Francis Church in Soligorsk in Minsk Diocese. However, he later changed his mind and allowed him to continue to serve.

Plenipotentiary Gulyako has similarly refused permission for many Russian Orthodox priests from Russia to continue serving in Belarus.

"Why should we pay the state .. to pray in our own church?"

Minsk's historical Catholic Red Church parish faces large financial demands from the state for building work it did not agree to and which it cannot afford. It is unclear why this parish is facing these demands, as no other religious community has faced them. City officials refused to explain to Forum 18 the large sums demanded. Catholics in Mogilev, Grodno and Bobruisk have failed to regain ownership of historical churches they use.

By Olga Glace

Forum 18 (12.08.2020) - <https://bit.ly/2Evsdqi> - In Belarus' capital Minsk, the Catholic Church of Saints Simon and Helena (known locally due to its brickwork as the Red Church) is facing a large financial bill from the state, as well as just under 13,000 Belarusian Roubles (47,500 Norwegian Kroner, 4,500 Euros, or 5,300 US Dollars) a month. As Red Church parish priest Fr Stanislav Stanevsky asked independent news agency Naviny.by on 13 July: "Why should we pay the state 13,000 Belarusian Roubles a month to pray in our own church?"

The Red Church is a historical Catholic church built in central Minsk in 1910 and which was confiscated during the Soviet period. Catholics were allowed to use the building again from 1990. The state still owns it, and Minsk city authorities claim to have spent

more than 5,000,000 Belarusian Roubles (18,240,000 Norwegian Kroner, 1,725,000 Euros, or 2,030,000 US Dollars) restoring the Church building (see below).

People associated with the Red Church told Forum 18 that the authorities did not agree the work to be done with the parish. For example, Forum 18 was told that from at least 2015 onwards the authorities have been told that the basement regularly floods with rainwater, causing structural damage. This is the most serious problem the building has, yet neither this nor various other problems the authorities have been told of have been dealt with (see below).

It is thought that the authorities only did the work to make the outside of the building look good for tourists, for example visitors to the 2019 European Games, an athletics tournament held in June 2019 (see below).

Also, the parish was not told before the work how much the authorities would charge the parish. People associated with the Red Church think that it would take them at least 75 years to pay the authorities the current amount they are demanding. "It looks like the state without asking the parish decided to give us a large debt, and now demands that we pay them," Catholics told Forum 18 (see below).

The Red Church is an unusual case, and it is unclear why Minsk authorities have decided to impose such an enormous financial burden on the Church. The authorities have refused to explain their reasons. Minsk Property told Forum 18: "Minsk Property does not give comments" (see below).

Fr Yuri Sanko of the Catholic Bishops' Conference told Forum 18 that "we are not going to take any formal legal steps until we try to clear up the situation by negotiation" (see below).

However, Maksim Kovalev, a lawyer from Minsk who knows the situation, told Forum 18 that discussion of the issue since 2019 between the Catholics and the authorities "reminds me of a ping pong game". The authorities are also, most recently in June 2020, still refusing to transfer ownership of the Red Church back to its original owners, the parish (see below).

The state returned many confiscated places of worship to their original owners at the request of Orthodox, Catholic, Muslim, and Jewish communities during the 1990s. These communities have all told Forum 18 this month (August 2020) that only a few historical places of worship remain in the state's possession, as their return was not requested in the 1990s. In these cases, the state pays for continued maintenance of the building, and the religious community which uses the building pays a small amount as rent and for utility charges. There is no time limit set to these agreements (see below).

Catholics in Mogilev, Grodno and Bobruisk are all trying without success to regain ownership of historical churches they use. On 21 July 2020, Red Church parishioners launched a petition asking the Presidential Administration to return ownership of the Red Church to the parish. Parishioners were still signing the petition on Sunday 9 August (see below).

"Why should we pay the state .. to pray in our own church?"

In Belarus' capital Minsk, the Catholic Church of Saints Simon and Helena (known locally due to its brickwork as the Red Church) is facing a large financial bill from the state.

On 12 July the parish priest Fr Stanislav Stanevich announced after Mass that Minsk city has given the church a bill for 2019 of more than 160,000 Belarusian Roubles (585,000

Norwegian Kroner, 55,000 Euros, or 65,000 US Dollars) for restoration work and tax. In addition to this demand and utility charges, the city Executive Committee (local authority) also wants to continue to charge the parish just under 13,000 Belarusian Roubles (47,500 Norwegian Kroner, 4,500 Euros, or 5,300 US Dollars) a month as rent.

The parish was originally informed of the city's demands in December 2019, and only announced it publicly in July 2020. As Red Church parish priest Fr Stanevsky asked independent news agency Naviny.by on 13 July: "Why should we pay the state 13,000 Belarusian Roubles a month to pray in our own church?"

The Red Church is a prominent Catholic church in central Minsk, built in 1910. It was confiscated during the Soviet period. Although Catholics have used it again from 1990, it was not returned to the Church and remains state property.

By a Presidential decree of 13 September 2013, the Church was handed over to Minsk Executive Committee with the understanding that Catholics would continue to use the Church free of charge. The Executive Committee designated its own building agency Minsk Property to be responsible for maintenance of the Church.

The authorities claim to have spent more than 5,000,000 Belarusian Roubles (18,240,000 Norwegian Kroner, 1,725,000 Euros, or 2,030,000 US Dollars) restoring the Church building. On 16 July, Minsk Executive Committee claimed that 94 per cent came from the Minsk city budget, and Minsk Property financed the remaining 6 per cent.

"It looks like the state without asking the parish decided to give us a large debt"

Although people associated with the Red Church parish are not prepared to publicly discuss the work done, they have told Forum 18 that the authorities did not agree the work to be done with the parish.

For example, Forum 18 was told that from at least 2015 onwards the authorities have been told that the basement regularly floods with rainwater, causing structural damage. This is the most serious problem the building has, yet neither this nor various other problems the authorities have been told of have been dealt with.

It is thought that the authorities only did the work to make the outside of the building look good for tourists, for example visitors to the 2019 European Games, an athletics tournament held in June 2019.

Also, the parish was not told before the work how much the authorities would charge the parish. People associated with the Red Church think that it would take them at least 75 years to pay the authorities the current amount they are demanding. "It looks like the state without asking the parish decided to give us a large debt, and now demands that we pay them," Catholics told Forum 18.

Unusual case

Under Civil Code Article 587 ("Duties of parties with regard to maintenance of leased property"), Part 1.1.2, a property owner must carry out major structural repair work at their own expense. The tenant is responsible for carrying out and paying for routine maintenance work. Yet despite this, Minsk city claimed that "according to the applicable legislation the organisation which uses state property on a free use basis must pay for land tax, property tax, and depreciation".

The city therefore claims the parish owes them the claimed amount for 2019 and the ongoing claimed monthly bill.

According to the Tax Code, religious buildings owned by religious communities are exempt from property tax. Council of Ministers Decree No. 1194 of 22 December 2012 frees historical and cultural buildings in the State list of historical and cultural value from land tax for land owned by the state. However, the Red Church parish is not exempt from these taxes as if does not own its own building. This means that - against the Constitution, Catholics state - the Red Church parish is not exempt from land and property taxes.

Maksim Hacak, a Catholic journalist in Minsk, considers that the Red Church is an unusual case, as it is unclear why the authorities have imposed such high taxes on this particular church. Catholic Bishops' Conference spokesperson Fr Yuri Sanko told Forum 18 on 20 July that it is very unusual for such charges to be imposed. He noted that the state similarly owns the Co-Cathedral of the Assumption of the Blessed Virgin Mary and St Stanislaus in Mogilev, but the rent charged to that parish is nominal.

Similarly, Fr Sergi Lepin, Head of the Information Department of the Belarusian Orthodox Church, told Forum 18 on 24 July that he did not know of any Orthodox parishes which have had to pay high taxes or rent to the state. He also could not think of any historical Orthodox churches which are currently owned by the state.

However, some communities have to pay rent for using buildings temporarily while church buildings are under construction. "My church is also a historical building, but the ownership was handed over to the community. So under the law we do not pay any taxes," Fr Lepin commented to Forum 18.

Protestant communities - which generally do not use historical buildings - have often found it impossible to get property re-designated so that it can be used for worship in line with the law. If a building is not a designated place of worship, advance state permission is needed for religious activity, and this is often refused.

Orthodox and Catholic communities are rarely affected, partly due to the state's more positive attitude towards them, but also because they are more likely to occupy historically preserved, designated buildings.

"Minsk Property does not give comments"

Minsk Property refused to explain why the Red Church now faces this large payment demand. "Minsk Property does not give comments," an official who refused to give her name told Forum 18 on 20 July. She also refused to put Forum 18 through to other officials for comments.

The Tax and Duties Ministry refused to explain how it has calculated the tax it is now demanding from the Red Church parish. "If my phone number was given to you by reception, go back to them and ask for comments," a responsible official who refused to give her name told Forum 18.

Minsk Executive Committee's Office for the Disposal and Use of State Property did not answer its phones when Forum 18 called on 7 August to ask why the parish should pay for building work it has not agreed to.

"A ping pong game"

Fr Sanko of the Catholic Bishops' Conference told Forum 18 that the Red Church has no outstanding debts for utilities. He also confirmed that the Red Church parish has no possibility of paying the enormous bill for other charges. The Church has asked Minsk Property and the Head of Minsk Executive Committee about the extremely large amount being claimed.

However, Fr Sanko told Forum 18, "we are not going to take any formal legal steps until we try to clear up the situation by negotiation". He thinks that negotiations with the authorities could resolve the situation.

Maksim Kovalev, a lawyer from Minsk who knows the situation, says that after the state handed ownership of the church to Minsk city, the 5,000,000 Belarusian Roubles repair bill could come from the city budget. "This situation was not discovered yesterday, but was already known in 2019," he told Forum 18 on 24 July. However, he observed that discussion of the issue since then between the Catholics and the authorities "reminds me of a ping pong game".

The Red Church parish has repeatedly asked for the state to hand back ownership of its church, but the authorities have refused each time. After the most recent request, in May 2020, Minsk Executive Committee responded on 18 June 2020, claiming that there were no grounds for transferring the church building into parish ownership.

Confiscated places of worship returned in the 1990s, not now

Many confiscated places of worship were returned to their original owners at the request of Orthodox, Catholic, Muslim and Jewish communities during the 1990s.

These communities all told Forum 18 in August 2020 that only a few historical places of worship remain in the state's possession, as their return was not requested in the 1990s. In these cases, the state pays for continued maintenance of the building, and the religious community which uses the building pays a small amount as rent and for utility charges. There is no time limit set to these agreements.

Many of these religious communities repeatedly but unsuccessfully apply for ownership to be restored to them. The restitution process is complex, and relies upon the local Executive Committee agreeing that the building should be returned to its original owners. Normally this does not now happen. The final stage in the long process is a Presidential decree transferring the ownership of the confiscated building back to its original religious community.

Catholic journalist Maksim Hacak suggested to Forum 18 on 10 August that the authorities are not now willing to transfer ownership back as "it's always easier to blackmail the communities using property they do not own".

Catholic Co-Cathedral in Mogilev

The state owns the Catholic Co-Cathedral of the Assumption of the Blessed Virgin Mary and St Stanislaus in the eastern city of Mogilev. Fr Sanko of the Catholic Bishops' Conference told Forum 18 that the parish pays Mogilev Executive Committee utilities charges and a nominal rent. He also stated that the parish finances all restoration works.

However, an official of Mogilev Executive Committee claims that the city's Housing Repair Utilities Association pays all the utility bills and taxes. "We repeatedly send them claims for payment and could have initiated a lawsuit," the official told Forum 18 on 4 August. "But it is embarrassing arguing with the Catholic Church."

The official pointed out that in their personal opinion, all confessions bear equal responsibilities and pay rent and taxes without any complaints. Only Catholics, the official said, state that their rights are violated.

The official also commented that the state still owns the Co-Cathedral as a way to influence the Church. "If they [the Catholics] keep the church building in a poor state, as they do with another historical construction they own in the city centre, we can take it away," the official told Forum 18.

The official noted that the Church had asked the Executive Committee to transfer ownership of the Co-Cathedral to it. "The Executive Committee replied that this may be possible," the official told Forum 18. "But only after a historical building the Catholic Church has owned from 2005, which they use as an educational centre, is restored. When that is done the status of the Cathedral may be re-considered."

Grodno Catholic Church ownership "a very complicated issue"

The state similarly owns the Catholic Church of the Discovery of the Holy Cross in the western city of Grodno. Catholics have asked for its return. Officials will not say why they have denied this request. "This is a very complicated issue which involves our Department and the Culture Department," an Ideology Department official at the Regional Executive Committee told Forum 18 on 4 August. "Please send us a written enquiry."

Bobruisk Catholics trying to restore their Church

Catholics in the south-eastern town of Bobruisk are trying to restore the Church of the Immaculate Conception of the Virgin Mary, which was built in 1903. It was confiscated during the Soviet period, and in the 1960s its bell tower was demolished to be replaced by a five-storey modern building attached to and across the Church's entrance.

A joint stock company owns the Soviet-era five-storey building, while the city Executive Committee owns the church building. They have taken no action to stop water flooding the basement, or to restore the Church to its historical appearance.

Parishioners would like to acquire the Soviet building and restore the entire church. But, as parish priest Fr Andrei Yarkovets told the local news agency Commercial Courier in March 2019, the parish is worried that it cannot afford the costs involved.

"The last time negotiations with the authorities took place was in 2019, and since then there's no movement," a parishioner who wished to be anonymous told Forum 18 on 24 July 2020.

Red Church petition

On 21 July 2020, Red Church parishioners launched a petition asking the Presidential Administration to return ownership of the Red Church to the parish. Parishioners were still signing the petition on Sunday 9 August. The petition states that the monthly payment being demanded by the authorities is beyond the parish's financial means. It also reiterates that the Red Church was originally built and owned by the parish.

Jehovah's Witness will not be extradited from Belarus to Russia

Russian News Service (08.04.2020) - <https://bit.ly/2VmVyOo> - Nikolai Makhlichev was released on 7 April, BelaPAN was told by the coordinator of action for defense of human rights of foreign citizens and persons without citizenship of the organization Human Constanta, Enira Bronitskaia.

She said that Makhlichev plans to get the status of a refugee in Belarus, for which he applied on the day of his arrest, 21 February 2020, in Gorodok (Vitebsk oblast).

Bronitskaia reported that the man was arrested because he was on an international wanted list at Russia's request. Mikhlichev was put into SIZO No. 2 in Vitebsk, where he spent more than 40 days, and documents were requested from Russian law enforcement agencies, on the basis of which the office of prosecutor general of Belarus made its decision.

As the representative of Human Constanta noted, Makhlichev maintains that he did not know about the opening in January 2019 of a criminal case against him for arranging and financing the activity of an extremist organization, which the Jehovah's Witnesses were ruled to be, back in 2017. In Russia, Makhlichev would face a trial and imprisonment of up to 15 years.

Since 2017, more than 100 adherents of the community have been convicted in various regions. In Belarus, one religious association of Jehovah's Witnesses and 27 congregations are registered with the commissioner for affairs of religions and nationalities. They conduct their congresses in the country without hindrance.

Makhlichev "basically free, but still not out of danger"

By Olga Glace

Forum 18 (08.04.2020) - <https://bit.ly/2JX0BQh> - Vitebsk's Investigation Prison freed Russian Jehovah's Witness Nikolai Makhlichev on 7 April after Belarus' General Prosecutor's Office rejected Russia's extradition request. Russia wishes to punish him for exercising freedom of religion or belief there. Enira Bronitskaya of Human Constanta warns that Makhlichev is "not out of danger". If Belarus rejects his application for refugee status, he could be deported, either back to Russia or to a third country.

On 7 April, Belarus' General Prosecutor's Office rejected Russia's extradition request for Russian Jehovah's Witness Nikolai Makhlichev. He was freed from the pre-trial Investigation Prison in the north-eastern Belarusian city of Vitebsk that afternoon. "He simply walked free and took a taxi to a friend's home," Jehovah's Witnesses told Forum 18. He had been held for 41 days.

The 35-year-old Makhlichev had been fighting extradition to Russia, where he faces criminal prosecution for exercising the right to freedom of religion or belief. Jehovah's Witnesses fear he could have faced a long prison term had he been extradited.

The Human Constanta human rights advocacy centre in Minsk, which has worked to protect Makhlichev's human rights, welcomed the decision to reject the Russian extradition request and to free him from prison. "Now we'll be waiting for our country to

grant him the status of refugee or asylum and he can continue to live in safety," it declared on 8 April.

However, Enira Bronitskaya of Human Constanta warns that Makhalichev "is basically free, but still not out of danger". She said if Belarus rejects his separate asylum request, he could be deported under a "fairly arbitrary process", either to the country of his citizenship (Russia) or a third country (see below).

Police in Belarus' Vitebsk Region stopped the car Makhalichev was travelling in on 21 February. Officers detained him when they saw that he is wanted in Russia on two separate "extremism"-related criminal charges. These carry a maximum punishment of ten years' imprisonment on one charge and eight years' imprisonment on the other (see below).

Although Jehovah's Witnesses in Belarus feared that the authorities would summarily hand Makhalichev over to the Russian authorities without due process, the authorities then transferred Makhalichev to the pre-trial Investigation Prison in Vitebsk. His extradition case was considered once Russia's General Prosecutor's Office formally lodged an extradition application on 16 March (see below).

In Belarus, Jehovah's Witnesses have been officially registered since 1994 and have 27 communities, unlike in Russia, where their activities are banned and their adherents are prosecuted for extremism (see below).

Many Jehovah's Witnesses have fled Russia following the ban, seeking asylum in Finland, Ukraine and other nearby countries.

The Belarusian authorities rejected an extradition request from Tajikistan and released former professional footballer Parviz Tursunov in November 2018. They required that he return to Ukraine, from where he had entered Belarus. Tajikistan had been [seeking his extradition to punish him for being a Salafi Muslim](#).

Belarus rejects Russian extradition request

On 16 March, Russia's General Prosecutor's Office sent Belarus the formal request for Makhalichev's extradition. On 7 April, Belarus' General Prosecutor's Office rejected the Russian request. That afternoon he was freed from the pre-trial Investigation Prison in Vitebsk after Vitebsk Region's Deputy Prosecutor Georgy Korenko signed the release order, Jehovah's Witnesses told Forum 18.

Makhalichev's release meant he was able to participate in the commemoration of the Memorial of Christ's Death, which Jehovah's Witnesses observed this year on the evening of 7 April. This year the commemoration was held online because of the coronavirus outbreak.

An official at Belarus' General Prosecutor's Office in Minsk refused to discuss the decision to reject Russia's extradition request with Forum 18 on 8 April. She also refused to transfer the call to any relevant official.

"We don't know the basis for the General Prosecutor's Office decision," Enira Bronitskaya of Human Constanta told Forum 18 from Minsk on 8 April. "The General Prosecutor's Office hands its decision only to the requesting party."

Conditions for Makhalichev in the Investigation Prison were good, Jehovah's Witnesses told Forum 18. "He had access to the library and could read the Bible and other religious literature."

Application for refugee status

Makhalichev also applied on 22 February for refugee status in Belarus. According to his lawyer Valentina Shuplyak, his application was [handed to Vitebsk Region Department of Internal Affairs](#).

The General Prosecutor's Office decision to reject the Russian extradition request "is not at all connected with any decision on Nikolai Makhalichev's refugee status", Enira Bronitskaya of Human Constanta told Forum 18. "This decision will be taken by the Interior Ministry."

However, Bronitskaya warns of the consequences if Belarus rejects Makhalichev's request for refugee status. He could then be deported under an administrative process, a "fairly arbitrary process", either to the country of his citizenship (Russia) or a third country. "He is basically free, but still not out of danger."

Bronitskaya observes that no Russian citizen has ever received asylum in Belarus. However, she added that the Belarusian authorities know that if they reject asylum claims, individuals can find a third country which might take them in.

When Forum 18 contacted Vitebsk Regional Migration Department in February, the official [referred it to the Interior Ministry in the capital Minsk. The Ministry's Spokesperson, Olga Chemodanova, said she had no information about Makhalichev's case.](#)

Makhalichev also filed a complaint against Belarus with the United Nations Human Rights Committee in February about his arrest and threatened deportation.

Makhalichev faces two Russian criminal cases

Despite Belarus' rejection of Russia's extradition request, Nikolai Andreyevich Makhalichev (born 1 July 1984) from Urai in Russia's northern Khanty-Mansi Autonomous Region remains wanted in Russia. He is one of three local Jehovah's Witnesses being investigated in a [criminal case launched on 31 January 2019](#).

Investigators accuse the three of organising a local Jehovah's Witness community between July 2017 and January 2019, according to case documents seen by Forum 18.

Prosecutors brought charges against Makhalichev and the two others under Russian Criminal Code Article 282.2, Part 1.

This [punishes "Organisation of the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity"](#). The maximum punishment under Part 1 of this Article is 10 years' imprisonment.

Russia's Supreme Court [liquidated the Jehovah's Witness Administrative Centre as "extremist" in 2017 and banned Jehovah's Witness activities](#). In January 2020, prosecutors in Russia were investigating [more than 300 Russian Jehovah's Witnesses on "extremism"-related criminal charges, of whom 24 were in pre-trial detention](#).

On 6 February 2019, "dozens of heavily-armed police" conducted simultaneous raids on the homes of eight Urai Jehovah's Witnesses, [including that of Makhalichev](#). One of them was arrested and placed in pre-trial detention, but was transferred to house arrest in late February 2019.

The Russian authorities placed Makhlichev on the Interior Ministry's wanted list on 23 May 2019. Police in Urai asked their colleagues in Cherepovets in Vologda Region, where he was born and where his parents live, to hunt for him there.

On 21 August 2019, Urai City Court ruled that Makhlichev should be held in pre-trial detention.

On 10 October 2019, the Russian authorities also placed Makhlichev on the [Russian Federal Financial Monitoring Service \(Rosfinmonitoring\) "List of Terrorists and Extremists", whose accounts banks are obliged to freeze, apart from small transactions.](#)

On 28 January 2020, Urai Inter-District Investigative Department of the Investigative Committee [split the criminal case against Makhlichev into two](#). He now separately also faces charges under Russian Criminal Code Article 282.3, Part 1. This punishes "Financing of extremist activity" with a maximum punishment of eight years in prison.

Held on Russian arrest warrant

Police in the north-eastern Belarusian town of Gorodok [Haradok] in Vitebsk Region [arrested Makhlichev on 21 February on the basis of an international arrest warrant issued by Russia](#). Police identified him in a roadside identity check when they stopped a car he was travelling in with fellow Jehovah's Witnesses.

On 24 February, Artyom Zaikin, Deputy Prosecutor of Gorodok District, determined that Makhlichev acted "deliberately for reasons of religious intolerance and from extremist motives, expressed in the promotion of the superiority of the adherents of the religious teaching of Jehovah's Witnesses over other individuals .. renouncing state authority institutions" and "instructed other members of the extremist organisation to profess and disseminate the ideology and faith to local residents by distributing literature and conversing with them".

The Deputy Prosecutor's decision confirmed Makhlichev's detention and ordered his transfer from the temporary detention centre in Gorodok to pre-trial Investigation Prison No. 2 in Vitebsk, where he was held until his 7 April release.

Makhlichev challenged the decision to hold him in the Investigation Prison. However, on 27 February, Gorodok District Court rejected his request to release him from prison and confirmed the Prosecutor's decision. He then appealed to Vitebsk Regional Court.

Jehovah's Witness fights extradition to Russia

By Olga Glace

Forum 18 (04.03.2020) - <https://bit.ly/2PMrj1m> - Nikolai Makhlichev, a 35-year-old Russian Jehovah's Witness, is in Investigation Prison in the Belarusian city of Vitebsk as Belarus considers whether to accede to Russia's request for his extradition. Russia is investigating him on two criminal charges carrying up to ten and eight years' imprisonment to punish him for exercising freedom of religion or belief. Jehovah's Witness activity is legal in Belarus.

A 35-year-old Russian Jehovah's Witness, Nikolai Makhlichev, is in pre-trial Investigation Prison in the north-eastern Belarusian city of Vitebsk fighting extradition to

Russia, where he is facing criminal prosecution for exercising the right to freedom of religion or belief. Jehovah's Witnesses fear he could face a long prison term if he is extradited.

Police in Belarus' Vitebsk Region stopped the car Makhlichev was travelling in on 21 February. Officers detained him when they saw that he is wanted in Russia on two separate "extremism"-related criminal charges. These carry a maximum punishment of ten years' imprisonment on one charge and eight years' imprisonment on the other.

Although Jehovah's Witnesses in Belarus feared that the authorities would summarily hand Makhlichev over to the Russian authorities without due process, the authorities then transferred Makhlichev to the pre-trial Investigation Prison in Vitebsk. His extradition case will be considered once Russia's General Prosecutor's Office formally lodges an extradition application (see below).

Gorodok's Prosecutor Yevgeni Avtsin refused to discuss with Forum 18 why Makhlichev is treated like an "extremist" and kept in a Belarusian prison, even though Jehovah Witnesses are officially allowed to exist in Belarus. "This is the part of a criminal case which is confidential," he told Forum 18 (see below).

Makhlichev tried to challenge in court the decision to hold him in Investigation Prison while his case is considered. The lower court rejected his challenge. Vitebsk Regional Court has yet to hear his appeal (see below).

Makhlichev has also lodged an application for refugee status in Belarus. Human rights defender Enira Bronitskaya said that Belarus is unlikely to grant such status, but that individuals often then seek refugee status in third countries (see below).

In Belarus, Jehovah's Witnesses have been officially registered since 1994 and have 27 communities, unlike in Russia, where their activities are banned and their adherents are prosecuted for extremism (see below).

Recently, there were reported cases of torture applied to Jehovah's Witnesses in Russia, which makes extradition unacceptable under international human rights law (see below).

Many Jehovah's Witnesses have fled Russia following the ban, seeking asylum in Finland, Ukraine and other nearby countries.

The Belarusian authorities rejected an extradition request from Tajikistan and released former professional footballer Parviz Tursunov in November 2018. They required that he return to Ukraine, from where he had entered Belarus. Tajikistan had been seeking his extradition to punish him for being a Salafi Muslim.

Makhlichev faces two Russian criminal cases

Nikolai Andreyevich Makhlichev (born 1 July 1984) from Urai in Russia's northern Khanty-Mansi Autonomous Region is one of three local Jehovah's Witnesses being investigated in a criminal case launched on 31 January 2019.

Investigators accuse the three of organising a local Jehovah's Witness community between July 2017 and January 2019, according to case documents seen by Forum 18.

Prosecutors brought charges against Makhlichev and the two others under Russian Criminal Code Article 282.2, Part 1. This punishes "Organisation of the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the

carrying out of extremist activity". The maximum punishment under Part 1 of this Article is 10 years' imprisonment.

Russia's Supreme Court liquidated the Jehovah's Witness Administrative Centre as "extremist" in 2017 and banned Jehovah's Witness activities. In January 2020, prosecutors in Russia were investigating more than 300 Russian Jehovah's Witnesses on "extremism"-related criminal charges, of whom 24 were in pre-trial detention.

On 6 February 2019, "dozens of heavily-armed police" conducted simultaneous raids on the homes of eight Urai Jehovah's Witnesses, including that of Makhlichev. One of them was arrested and placed in pre-trial detention, but was transferred to house arrest in late February 2019.

The Russian authorities placed Makhlichev on the Interior Ministry's wanted list on 23 May 2019. Police in Urai asked their colleagues in Cherepovets in Vologda Region, where he was born and where his parents live, to hunt for him there.

On 21 August 2019, Urai City Court ruled that Makhlichev should be held in pre-trial detention.

On 10 October 2019, the Russian authorities also placed Makhlichev on the Russian Federal Financial Monitoring Service (Rosfinmonitoring) "List of Terrorists and Extremists", whose accounts banks are obliged to freeze, apart from small transactions.

On 28 January 2020, Urai Inter-District Investigative Department of the Investigative Committee split the criminal case against Makhlichev into two, according to the decision seen by Forum 18. He now separately also faces charges under Russian Criminal Code Article 282.3, Part 1. This punishes "Financing of extremist activity" with a maximum punishment of eight years in prison.

Held on Russian arrest warrant

Police in the north-eastern Belarusian town of Gorodok [Haradok] in Vitebsk Region arrested Makhlichev on 21 February on the basis of an international arrest warrant issued by Russia (seen by Forum 18). Police identified him in a roadside identity check when they stopped a car he was travelling in with fellow Jehovah's Witnesses.

On 24 February, Artyom Zaikin, Deputy Prosecutor of the Gorodok District, determined that Makhlichev acted "deliberately for reasons of religious intolerance and from extremist motives, expressed in the promotion of the superiority of the adherents of the religious teaching of Jehovah's Witnesses over other individuals .. renouncing state authority institutions" and "instructed other members of the extremist organisation to profess and disseminate the ideology and faith to local residents by distributing literature and conversing with them".

The Deputy Prosecutor's decision, seen by Forum 18, confirmed Makhlichev's detention and ordered his transfer from the temporary detention centre in Gorodok to pre-trial Investigation Prison No. 2 in Vitebsk, where he is still being held.

Gorodok's Prosecutor Yevgeni Avtsin refused to discuss with Forum 18 why Makhlichev is being treated like an "extremist" and kept in prison, even though Jehovah Witnesses are officially allowed to exist in Belarus. "This is the part of a criminal case which is confidential," he told Forum 18 on 27 February.

Makhalichev challenged the decision to hold him in the Investigation Prison. However, on 27 February, Gorodok District Court rejected his request to release him from prison and confirmed the Prosecutor's decision.

Makhalichev lodged an appeal against the court's decision to Vitebsk Regional Court. The Court has not yet set a date for the appeal hearing. Forum 18 called Vitebsk Regional Court on 2 March, but the secretary refused to give any comments or transfer the call.

Phones were busy or went unanswered each time Forum 18 tried to reach the Vitebsk Investigation Prison to find out whether Makhalichev has access to religious literature of his choice, and is allowed visits from fellow Jehovah's Witnesses.

The head of the Jehovah's Witnesses in Belarus, Pavel Yadlovsky, told Forum 18 on 2 March that Makhalichev has better conditions than in a jail in Russia, though only his lawyer can visit him. He did not know whether Makhalichev is allowed to have a Bible and other literature of his choice.

The Investigation Prison address:
SIZO No. 2
Vitebskaya oblast
g. Vitebsk
ul. Gagarina 2
210026 Belarus

Awaiting Russian extradition request

The Belarusian authorities are now awaiting the extradition request for Makhalichev from Russia's General Prosecutor's Office to start consideration of the extradition process.

Makhalichev has also filed a complaint with the United Nations Human Rights Committee.

Gorodok's Prosecutor Yevgeni Avtsin stressed that the decision on extradition does not depend on him. "We are waiting for the next move from Russian investigators," he told Forum 18. He added that the extradition process will be handled on the basis of the Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (see below).

Application for refugee status

Makhalichev has also applied for refugee status in Belarus. According to his lawyer Valentina Shuplyak, his application was handed to Vitebsk Region Department of Internal Affairs.

To check the refugee status issue, Forum 18 contacted Vitebsk Regional Migration Department on 28 February, but the official (who did not identify herself) replied that all comments are given by the Interior Ministry in the capital Minsk. However, the Ministry's Spokesperson, Olga Chemodanova, said she had no information about Makhalichev's case. "I don't understand what you are talking about," she told Forum 18. "There is no information about it."

The director of the Human Constanta human rights advocacy centre in Minsk, Enira Bronitskaya, noted that Makhalichev is unlikely to get asylum in Belarus. "I would say that the chance of non-refoulement [not being sent back to one's home country] is much higher than the chance of getting refugee status, despite the specific grounds [of this case]," she told Forum 18 on 3 March.

Bronitskaya observed that no Russian citizen has ever received asylum in Belarus. However, she added that the Belarusian authorities know that if they reject asylum claims, individuals can find a third country which might take them in.

Minsk Convention, international human rights standards

Makhalichev's extradition case is being handled on the basis of Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters. This was adopted in 1993 by 10 formerly Soviet states, including Belarus and Russia.

Under this Convention, the Prosecutor General of Russia must submit an extradition request to the Prosecutor General of Belarus. If that request is agreed, then it is referred to the district court of the jurisdiction where the person is detained. The district court will decide whether the individual should be extradited. This process can take weeks and a decision of the district court can be appealed.

Human rights defender Bronitskaya of Human Constanta commented to Forum 18 that the Minsk Convention does give grounds to refuse extradition, but they are not related to human rights. It demands "an assessment of Makhalichev's deeds and whether they can be legally defined as crimes in Belarus". She pointed out that his "deeds" are not crimes under Belarus' Criminal Code.

Also, the UN Human Rights Committee's Communication [CCPR/C/48/D/470/1991](#) states that: "if a State party takes a decision [on extradition] relating to a person within its jurisdiction, and the necessary and foreseeable consequence is that that person's rights under the Covenant [the International Covenant on Civil and Political Rights - ICCPR] will be violated in another jurisdiction, the State party itself may be in violation of the Covenant".

Both Belarus and Russia are parties to the ICCPR.

"We consider that all international human rights standards should be used to seek justice in this case," human rights defender Bronitskaya of Human Constanta told Forum 18. (END)

A Russian Jehovah's Witness to be extradited from Belarus to Russia?

Human Rights Without Frontiers (Brussels) and Forum for Religious Freedom Europe (FOREF, Vienna) are urging the international community to advocate against this extradition

HRWF (26.02.2020) – A Russian Jehovah's Witness is under threat of being extradited from Belarus to Russia, a sinister precedent that must be urgently prevented, according to *Human Rights Without Frontiers* in Brussels and *Forum for Religious Freedom-Europe* (FOREF) in Vienna.

"The time for Belarus to stand up for religious freedom is now," the two organizations said.

Nikolay Andreyevich Makhlichev, born 1 July 1984 in the city of Cherepovets (Vologda Region), was arrested and detained on the territory of the Republic of Belarus on 21 February 2020 sometime after 3.30 p.m.

On 31 January 2019, Nikolai was charged under Article 282.2(1) of the Russian Criminal Code: "Organisation of the activity of a social or religious association or other organization in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity." This article is related to the ban of the movement of Jehovah's Witnesses in Russia since 2017 based on the law against extremism.

Since then Russian authorities have been actively searching for him. Russian police conducted searches in the home where he is registered, but could never find him because by then he had already relocated to another part of Russia. In May 2019, they placed him on the wanted list in an effort to arrest him.

Mr Makhlichev had traveled to Belarus in his car together with three other people. He was arrested and detained upon crossing the border when his car was stopped by a government automobile inspectorate as part of a standard traffic stop and his driver's license was taken to check for fines.

During the check, the officials asked for Mr Makhlichev's passport and found that he is wanted in Russia.

The law enforcement forces did not return his passport and told him he would be detained until Russian authorities replied back to them. They put him in their patrol car and took him to the Gorodokskiy DDIA (2) in the Vitebsk Region of the Republic of Belarus: g. Gorodok, ul. Krasnoarmeyskaya, d. 25. The prosecutor was notified that he had been detained.

On 21 February 2020 the investigator in charge of the case against N. A. Makhlichev in Russia was notified that he had been arrested and detained.

He will be held until the Republic of Belarus prosecutor's office receives the needed documents and an explanation from Russia. On this basis, it will be determined whether to turn him over to Russia or not.

On 22 February 2020 Mr Makhlichev, with the assistance of licensed lawyer V. A. Shuplyak, filed an application for asylum in the Republic of Belarus because he is being persecuted for his religious convictions in his country.

Between 2017 and 2020, about 250 Russian Jehovah's Witnesses have applied for asylum in Finland.

As of Monday, Feb 24, 2020

35 JW in prison (26 in pretrial detention; 9 convicted and serving time in prison)

25 JW under house arrest

29 JW convicted (9 imprisoned, 8 fined, 12 other restrictions)

**See the detailed cases of all JW in prison in Russia in the Database of FORB
Prisoners of Human Rights Without Frontiers:**

<https://hrwf.eu/prisoners-database/>