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Belarus refuses court protection for religious minorities

JW Official Website (29.12.2010) / HRWF Int. (30.12.2010) – <http://www.hrwf.net> - The Department of Religious Affairs and Nationalities issued a warning letter against the Local Religious Organization (LRO) of Jehovah's Witnesses in Gomel after authorities charged that the Witnesses did not have the appropriate permit to meet for religious services. Attempts by the LRO to appeal the warning letters have been denied since the first letter, which was dated September 22, 2009.

On November 25, 2010, the chairman of the LRO of Jehovah's Witnesses in Gomel submitted a supervisory appeal to the Chairman of the Supreme Court in Belarus. This attempt exhausts the domestic options for the religious organization to secure its constitutional right to have protection in court.

A member of the Religious Association of Jehovah's Witnesses in Belarus noted the following regarding this case: "The attitude of the courts in the Republic of Belarus is rather surprising. It is not about winning or losing a case, it is about having the right to go to court for legal protection."

Executive bodies in Belarus have interpreted the Law on Freedom of Conscience and Religious Organizations in such a way that, in addition to having a rental agreement, religious communities also need a permit from the local authorities in order to rent meeting places. Local authorities, however, are often hesitant to put their signature on such permits and instead find technical reasons to refuse, causing considerable difficulty for religious communities.

In addition, the legislation of the Republic of Belarus states that religious organizations that receive warning letters for meeting without permits do not have the right to appeal them in court. Such a policy sets a dangerous precedent regarding religious freedom, since the issuance of several warning letters can lead to religious liquidation.

The Constitutional Court of Belarus has, on numerous occasions, confirmed that the freedom of religious organizations to defend their rights in court should be recognized. Nearly five thousand Jehovah's Witnesses in Belarus and more than seven million of their fellow believers worldwide also join in seeking protection of the fundamental freedom to meet for worship.

Executed prisoner denied religious burial

Felix Corley

Forum 18 (12.10.2010) / HRWF Int. (13.10.2010) – <http://www.hrwf.net> - The mother of executed prisoner Andrei Zhuk has lodged a suit in court against the Interior Ministry's Department for the Execution of Punishments that the refusal to release her son's body after his 18 March execution or to tell her where he was buried represented a violation of her religious freedom rights. In the wake of the denial, Svetlana Zhuk complained that she was thus "denied the possibility to bury my son in accordance with the demands of Orthodox Christianity", according to the complaint seen by Forum 18 News Service. She insisted this was a violation of her rights under Article 18 of the International Covenant on Civil and Religious Rights (ICCPR), which guarantees the right to manifest "religion or belief in worship, observance, practice and teaching". Belarus is a party to the ICCPR.

"I would like above all for them to return my son's body for us to hold a funeral," Svetlana Zhuk told Forum 18 on 12 October. "But at the very least they could show us his grave so that we could pray there." The last time she saw her son was on 4 March, not knowing at the time that he would be executed exactly two weeks later.

Refusing absolutely to discuss Svetlana Zhuk's suit – or any other issue – was Valery Neschuk, a lawyer at the Department for the Execution of Punishments in the capital Minsk. "We can't answer any questions by phone," he told Forum 18 on 12 October. "Send us your questions in writing."

Backing Svetlana Zhuk's suit is Brest-based human rights defender Raman Kisliak. "Refusing to give the family the body of the executed man denies them the possibility to hold a funeral in accordance with their religious views," he told Forum 18 on 11 October. "Such a violation of freedom of conscience is impermissible in a state that is party to the International Covenant on Civil and Political Rights."

Forum 18 was unable immediately to reach Fr Vasily Litvinko, head of the Orthodox Church's prison ministry and chaplain to Minsk's Investigation Prison No. 1, where death-row prisoners are held. His colleagues told Forum 18 on 11 October that he is on a pilgrimage to Mount Athos.

"Whatever an individual's crimes, according to church canons relatives have the right to pray for the deceased and bury them with church rites," one Russian Orthodox priest told Forum 18 from Minsk about executed prisoners. "We should pray for such individuals deeply, as we pray for all sinners."

Europe's only executioner

Belarus is the only country in Europe that currently carries out the death penalty. Andrei Zhuk and another prisoner, Vasily Yuzepchuk, who had both been convicted of murder, were executed on 18 March 2010 with a shot to the back of the head. They were the first prisoners known to have been executed in Belarus since 2008.

Two more convicted murderers - Aleg Gryshkautsou and Andrei Burdyka - were sentenced to death on 14 May 2010. Their appeals were rejected by the Supreme Court on 17 September. They are not known to have been executed yet.

Civil suit

In the wake of her son's execution, Svetlana Zhuk wrote to the Interior Minister on 6 April asking where he had been buried, but received no response. After complaining again to the Council of Ministers and the Interior Ministry in August, she finally received a response from Sergei Protsenko of the Interior Ministry's Department for the Execution of Punishments on 2 September. Dated 30 August, and seen by Forum 18, it informs her that in accordance with the relevant part of Article 175 Part 5 of the Criminal Enforcement Code: "Bodies are not handed over for burial and the location of burial is not communicated."

On 4 October, Svetlana Zhuk lodged a civil suit against the Department for the Execution of Punishments to Lenin District Court in Minsk. As well as complaining about the refusal to release her son's body for a religious burial, she also argues that refusal to say where her son is buried "forces me to suffer harshly". She argues that this provision of Article 175 Part 5 violates the ICCPR and that the ICCPR, as an international human rights convention, overrides provisions of domestic law.

She points out that Article 21 of Belarus' Constitution specifically includes the commitment: "The State shall guarantee the rights and liberties of the citizens of Belarus that are enshrined in the Constitution and the laws, and specified in the state's international obligations."

Officials at Lenin District Court told Forum 18 on 12 October that the suit has been assigned to Judge Tatyana Zhulkovskaya, but that no date has yet been set for the hearing. Officials expected the suit to be heard within ten days.

Svetlana Zhuk told Forum 18 she has heard nothing yet from the court.

Religious access to death-row prisoners

Article 174 of the Criminal Enforcement Code guarantees death-row prisoners the right "to have meetings with a priest".

Before Andrei Zhuk's death sentence in 2009, while he was still held in pre-trial detention in Soligorsk in Minsk Region, he was, at his own request, able to confess to a Russian Orthodox priest, his mother Svetlana told Forum 18. She said he had no meeting with a priest after he was sentenced. Early in 2010, a Bible was passed on to Zhuk in his cell in Minsk Investigation Prison No. 1 from Metropolitan Filaret, the head of the Orthodox Church in Belarus.

Human rights defenders told Forum 18 in March 2010 that Zhuk's lawyer had asked him if he wanted to meet a priest again, but Zhuk replied that as he was not expecting the death sentence immediately, he did not need a visit at that time. Svetlana Zhuk confirmed this to Forum 18. She said she believes her son would have wanted such a visit had he known that his death was imminent.

"We don't know what Andrei Zhuk might have asked for on the eve of or just before his execution," human rights defender Kisliak told Forum 18. "This information is completely closed for us and we are still trying to find out."

Forum 18 is not aware that the other executed prisoner, Yuzepchuk, sought a meeting with a religious representative between his sentencing and his execution.

The duty officer at Investigation Prison No. 1 – where the death-row prisoners are held – insisted to Forum 18 that Orthodox prison chaplain Fr Vasily had visited both Gryshkautsou and Burdyka at their request. "He has visited them," the duty officer – who would not give his name – told Forum 18 on 12 October. Asked how many times such visits had occurred, he would only say: "The number of times they applied for such visits is the number they have had."

Forum 18 has been unable to confirm independently if Gryshkautsou and Burdyka received visits from an Orthodox priest or not.

The duty officer declined absolutely to say if Gryshkautsou and Burdyka have already been executed or not. "We don't give out such information," he told Forum 18.

Prisoners awaiting trial wishing to receive a visit from a religious representative must write to the investigator or prosecutor handling their case to request such a visit, the duty officer told Forum 18. Those who have been sentenced, but whose sentences have not entered into force must seek such permission from the court that sentenced them. He said those whose sentences have come into force must seek such permission from the prison director, Colonel Sergei Kravchenko.

The duty officer declined to give Forum 18 the telephone number of Colonel Kravchenko or his deputy.

Forum 18 has been unable to find out if death-row prisoners are able to have a meeting with any Orthodox priest other than Fr Vasily if they so wish, or with a religious representative of another faith.

No last-minute confession available

In a March 2009 report on the death penalty in Belarus, Amnesty International noted that the process is shrouded in secrecy. Neither the prisoners nor their families are given any advance notice of executions.

As of 2001, according to the then head of the prison Colonel Oleg Alkaev, when death-row prisoners' last appeals for clemency to the president were turned down, they were taken to a cell to be informed of this, and then executed "within minutes". The prisoner "would be taken to a neighbouring room where he would be forced to his knees and shot in the back of the head", Amnesty International noted.

Even if a prisoner has requested and obtained an earlier meeting with a religious representative, the swiftness of the execution leaves the prisoner no time to request a meeting – including a final confession if he so wishes – ahead of execution.

The duty officer at Investigation Prison No. 1 refused to answer any of Forum 18's questions about the execution process, including whether prisoners have access to a religious representative immediately before they are shot.

Earlier denials of access

Prisoners in pre-trial detention and those serving prison sentences have on occasion in recent years complained of denial of access to a religious representative of their choice, removal of baptismal crosses, denial of access to religious services, denial of religious literature and enforced working on religious holidays, such as Easter or Christmas. Such denials were particularly common for those serving sentences for political reasons

Belarus Evangelical church's bank account 'frozen'

Syarhey Lukanin

RFE/RL (31.08.2010) / HRWF Int. (10.09.2010) – Website: <http://www.hrwf.net> - Authorities in Belarus are reported to have frozen the bank account of an embattled evangelical church, RFE/RL's Belarus Service reports.

Syarhey Lukanin, the lawyer for the Minsk-based New Life Evangelical Christian Church, told RFE/RL today that city authorities froze the account in order to extract a fine imposed on the church on August 14 by the Minsk Economic Court.

The fine, for contaminating the ground near the church with oil and gasoline, amounts to \$82,000. Lukanin said 955,000 Belarusian rubles (\$315) have already been taken from the church's Belinvestbank account as part of the fine.

Lukanin told RFE/RL that the parish does not consider itself responsible for the contamination of the soil as the samples for the tests were taken in the absence of church representatives. He added that the parish is able to carry on without a bank account but that some of its social projects will be affected. He said the city authorities' next step may be the confiscation of the church's property.

The Minsk city authorities have been trying since 2005 to repossess the church building, a Soviet-era barn formerly used for cattle.

The church congregation has organized numerous protests, including hunger strikes, to retain control of the building. They told RFE/RL that the authorities are now using economic reprisals to deprive the believers of the building.

Contradictory court rulings for conscientious objectors

Felix Corley

Forum 18 (28.06.2010) / HRWF Int. (28.06.2010) – Website: <http://www.hrwf.net> - Despite his acquittal in court in Belarus' south-eastern city of Gomel [Homyel] on 31 May, religious conscientious objector Dmitry Smyk faces a new hearing on 16 July as Prosecutor Igor Kupchin has lodged an appeal against the acquittal, Forum 18 News Service has learnt. Smyk is the second conscientious objector to have an earlier sentence for refusing compulsory military service overturned in a retrial this year. Minsk-based Messianic Jew Ivan Mikhailov – who served nearly three months in prison - was acquitted in a retrial and the Prosecutor's appeal against that acquittal was rejected on 15 June. Another conscientious objector, Yevhen Yakovenko, is appealing against his one year sentence of restricted freedom.

All three young men were prosecuted under Article 435, Part 1 of the Criminal Code, which punishes refusing the call-up to military service with a fine or imprisonment of up to two years.

Smyk, Mikhailov and Yakovenko all told Forum 18 separately that they would be prepared to do an alternative civilian service tomorrow if it were available. "It is not wrong to serve one's country," Mikhailov told Forum 18, "especially on socially-useful work, such as in children's homes or hospitals." Yakovenko told Forum 18 that introducing an alternative service "would be a model for people to help the disadvantaged at home or abroad".

In February, President Aleksandr Lukashenko ordered a new Alternative Service Law to be prepared in accordance with existing provisions for such a service outlined in Article 57 of the country's Constitution.

A May 2000 Constitutional Court ruling called for the "urgent" adoption of an Alternative Service Law or an amendment to the Law on Military Obligation and Military Service. An attempt to adopt an Alternative Service Law was rejected by Parliament in 2004 and a proposed Law was scheduled for inclusion in the 2010 Legislative Programme, but was removed at the last minute. Activists hope this can now be achieved.

Prosecutor challenges Smyk's acquittal

Smyk, a Gomel-based Jehovah's Witness, said that the prosecutor's challenge to his acquittal is due to be heard on 16 July at Gomel Regional Court. "I believe the court will let the acquittal stand," he told Forum 18 on 24 June. He pointed to the earlier acquittal of Mikhailov in Minsk and the subsequent rejection of the prosecutor's challenge.

Kupchin of Gomel's Central District Prosecutor's Office refused absolutely to discuss why he is continuing to seek to have Smyk punished. "I do not discuss criminal cases with journalists by telephone," he told Forum 18 on 25 June. "Indeed, it is banned by law." He then put the phone down.

Smyk remains under restrictions until the court has heard the appeal. He cannot leave Belarus and has signed a pledge of good conduct. These restrictions will be lifted if the prosecutor's challenge is rejected.

In November 2009, Gomel's Central District Court fined Smyk 3,500,000 Belarusian Roubles (7,230 Norwegian Kroner, 862 Euros or 1,290 US Dollars) under Article 435, Part 1 of the Criminal Code. This was the first such prosecution since 2000.

Smyk lost his subsequent appeals, but on 15 March Gomel Regional Court – at the request of the Supreme Court – overturned its earlier decision and ordered a retrial.

Welcoming his acquittal by Central District Court on 31 May, Smyk pointed out that the case has been long and tiring. He added that instead of paying a large fine imposed for following his religious beliefs he can spend the money on supporting his wife and young daughter. He had not paid the fine.

Mikhailov to seek compensation

Mikhailov, a member of the Minsk-based New Testament Messianic congregation, was arrested in December 2009. He was found guilty under the same Criminal Code Article in February and given a three-month prison term.

However, Minsk Regional Court upheld his appeal on 9 March and sent the case for a retrial. He was freed from prison in Zhodino on 10 March, just days before his original term was due to expire.

Mikhailov's retrial began on 26 March, and on 4 May Minsk District Court acquitted him of the charge. However, Minsk District's Prosecutor challenged the acquittal. On 15 June, Minsk Regional Court backed Mikhailov.

"The Prosecutor obviously wasn't happy with the acquittal and was demanding that I be given a fine of 7,000,000 Belarusian Roubles [15,020 Norwegian Kroner, 1,885 Euros or 2,320 US Dollars]," Mikhailov told Forum 18 from Minsk on 24 June. He added that although the Prosecutor could try to take the case further to a higher court he believes it

unlikely. "I have been cleared twice now, and the court would have to bear the earlier decisions in mind."

Mikhailov is now free to lodge a suit for compensation for the almost three months he spent in prison after the first trial. "I believe I was wrongly imprisoned, so I am preparing to ask for compensation," he told Forum 18. "I don't think an innocent person should be imprisoned." He added that since his release he has been able to resume his work in a private company and his studies.

Yakovenko appeals against one year restrictions

The most recent conscientious objector to be sentenced was Yakovenko who, like Smyk, comes from Gomel. After several earlier court hearings he was found guilty on 4 June at Gomel's Central District Court under Article 435 Part 1. Judge Tatyana Shvets handed down a sentence of one year's restrictions on his rights. "I can live at home, but can't leave Gomel and have had to pledge myself to good conduct," Yakovenko told Forum 18 on 24 June. "This means I can't beat anyone up or cross the street on a red light," he joked.

He said he had lodged an appeal to Gomel Regional Court on 14 June and is waiting for a date to be set for the hearing.

Yakovenko told Forum 18 that he is a pacifist, but does not belong to any religious organisation. "It is a matter of conscience," he insisted. He described the verdict as "absolutely illegal" as he had merely demanded the right to an alternative service guaranteed in the Constitution.

Part of the prosecution case also related to his refusal to respond to call-up papers written in Russian, insisting that he wanted to receive them in Belarusan (both are state languages, though the government functions mainly in Russian). "Both issues – not having to serve in the army and being able to use our national language – are important to me."

Not all conscientious objectors prosecuted

Despite the current lack of a civilian alternative to military service, not all those who refuse military service on grounds of conscience are brought to court. Forum 18 is not aware of any cases between 2000 and Smyk's case in November 2009. "Sometimes cases are resolved quietly," Mikhailov told Forum 18. "It is only rarely that cases go to court."

Pavel Yadlovsky of the Jehovah's Witnesses says that each year his organisation sends certificates to local military commissariats confirming that named individuals claiming to be Jehovah's Witnesses who have requested not to perform military service on grounds of conscience are indeed members. "There are about 30 or 40 people each year we do this for," he told Forum 18 from Minsk on 25 June. "Some military commissariats take account of the Constitutional Court ruling from 2000 calling for a law on alternative service to be adopted."

As individuals who are allowed not to perform military service are then often summoned for the next call-up, he said sometimes they have to do this several times for one individual. "We have issued about 25 of such certificates so far this year."

Mystery surrounds presidential exemptions

Meanwhile, mystery surrounds assertions on 18 February by the Secretary of Belarus' Security Council Leonid Maltsev that a system of an annual presidential decree grants

exemptions from military service to about 50 or 60 people each year, including on religious grounds. His remarks were quoted in the account on the presidential website of his meeting with President Lukashenko at which the president ordered the drafting of an Alternative Service Law.

Forum 18 has not been able to find any publicly-available texts of such decrees.

After seeing reports of this possibility of being exempted from military service, Smyk, the conscientious objector from Gomel, asked the local Military Commissariat how he could be brought into the scope of one of these presidential decrees. "They responded that they had never heard of them," he told Forum 18.

An official of the presidential Press Office told Forum 18 on 25 June that such decrees are not made public "because they only concern the Defence Ministry and the individuals affected". However, he denied that they are secret. "I myself have never seen such decrees," he added. He referred all further enquiries to the Defence Ministry.

Vyacheslav Remenchik, chief spokesperson for the Defence Ministry, refused to discuss these decrees. "I cannot comment on the actions of the head of state," he told Forum 18 from Minsk on 25 June.

"I'm depoliticised"

By Geraldine Fagan,

Forum 18 (01.06.2010) / HRWF Int. (01.06.2010) – Website: <http://www.hrwf.net> - The head of Minsk City Natural Resources and Environmental Protection Committee has denied to Forum 18 News Service that his attempt to prosecute the New Life Full Gospel Church over alleged environmental damage is politically motivated. "I'm depoliticised," Aleksandr Borovikov insisted from the Belarusian capital on 28 May. "I'm not part of any campaign against the church." Church members believe the massive fine imposed on it, for environmental damage, is another example of selective application of the law in the long-running state campaign against them.

On 6 May a commission led by Borovikov again inspected the church site, claiming that grass being grown for a children's playground harmed the environment, New Life reported. The commission also complained about the car park and the track that leads to the public road – both of which pre-exist the church.

Borovikov brushed off suggestions that the alleged oil pollution which led to the fine might have occurred before the church owned the land. "It's not my competency to examine where any pollution came from," he told Forum 18.

Borovikov also seemed unconcerned about complaints by church members that his Committee has done nothing about accumulated rubbish – including rotting vehicles and old washing machines – dumped within 500 metres of the church. "Maybe this territory is outside the city limits," he suggested to Forum 18.

Meanwhile, Judge Oleg Klyuiko of Minsk City Economic Court has ordered that the suit seeking 262,798,725 Belarusian Roubles (523,380 Norwegian Kroner, 63,736 Euros or 91,887 US Dollars) from New Life for the alleged oil pollution should be postponed, the church stated on 27 May. The church's lawyer, Sergei Lukanin, told Forum 18 that environmental inspectors admitted to him "with a smile" that they had not undertaken the inspection at their own initiative but were "sent" to do so.

The latest ruling came after Belarus' Supreme Court decided to take up the church's complaint against the original 25 February district court ruling, which found the church in violation of environmental regulations. The district court had imposed a fine of 8,750,000 Belarusian Roubles (17,490 Norwegian Kroner, 2,200 Euros or 2,936 US Dollars). New Life had unsuccessfully tried to challenge this ruling in Minsk City Court.

State television labels New Life "a sect"

Church members also object to an interview on ONT state television - shown on the primetime 24 May evening news - in which German Lutheran pastor Thomas Gandow appeared to describe New Life Church as a "sect".

Church lawyer Lukanin told Forum 18 that he had subsequently asked Gandow about this, and the German pastor had responded that he did not know New Life Church and had not described it as a "sect".

According to Lukanin, the journalist who interviewed Gandow, Konstantin Gluboky, told him of an "order from higher up" not to include a response from the church in his report. Gluboky denied this to Forum 18 on 28 May, however. The journalist confirmed that he had spoken at length to Lukanin when he first visited the church on 24 May, but claimed that the church's Pastor Goncharenko had refused to give an interview, telling him he was "fed up" with journalists. "And the leadership believed if we opened up this volcano [ie the long-running conflict over the church], we would never put the lid on it," Gluboky told Forum 18.

ONT's deputy news editor Olga Goncharek told Forum 18 that she had not been on duty on the evening of 24 May. However, after reviewing the news item she admitted that it was wrong that no response had been included from the church: "Of course, it was not pleasant for them." Yet she insisted that the issue of "destructive religious sects" - which she repeatedly declined to identify - was important in Belarus: "Naturally, if religious communities have state registration they are not sects," she maintained.

While New Life's re-registration application under the 2002 Religion Law was not granted, its registration has not been annulled. The Full Gospel Association and most of its affiliate communities were re-registered.

State and Russian Orthodox officials on "sects" and "spiritual security"

Pastor Gandow was visiting Belarus for the first time, partly to speak at a 27 May conference held under the auspices of the National Academy of Sciences and the Russian Orthodox Church at Zhirovitsy near Minsk, also attended by the State Plenipotentiary for Religious Affairs Leonid Gulyako. Conference speakers gave lectures on a variety of topics, including "The sphere of religious influence in the context of national security" and "The problem of spiritual security in post-Soviet society".

Natalya Vasilevich, a Minsk-based commentator on church affairs and editor of the Tsarkva website <http://churchby.info>, told Forum 18 of her concern about the promotion of such ideas. "There's a very simple logic - we have our own culture and way of life, and we have enemies," she told Forum 18 on 28 May. "Different religious movements exist that don't work for us." She said advocates of such ideas use "pseudo-scientific papers" to legitimise their policy in the religious sphere.

Vasilevich lamented state television's frequent references to "sects", which she said creates an atmosphere of suspicion around some religious communities. While at the SS Cyril and Methodius Lectures organised by the Russian Orthodox Church in late May, she said several other attendees interviewed by state television had complained to her that it had asked them about "sects" in Belarus and how they should be combated.

Finued for service that never was?

Meanwhile, Vladimir Kochegur, pastor of the registered New Generation Full Gospel Church in Novogrudok, in Grodno [Hrodna] Region, has insisted that the fine imposed on him for allegedly making a lot of noise late at night while holding a religious meeting in his private flat was unjustified. "They claim I held a worship service late at night on 16 March, but there was no such meeting," he told Forum 18 from Novogrudok on 27 May. "This case was fabricated under the direction of the local administration and the KGB secret police." He denied that his family or visitors made any excessive noise that disturbed neighbours in their block of flats.

Judge Valery Romanovsky of Novogrudok District Court ruled that Pastor Kochegur had violated Article 25 of the Religion Law, which requires permission for religious events away from a registered religious venue, and Article 5 of the Law on Mass Events, which similarly requires such permission. He thus punished Kochegur under Article 23.34, Part 2 of the Administrative Violations Code ("violating regulations for holding demonstrations or other mass events"), according to the verdict seen by Forum 18. He was fined 20 times the base unit, or 700,000 Belarusian Roubles (1,528 Norwegian Kroner, 192 Euros, or 234 EUS Dollars).

The verdict cites a fellow-resident of the block, Zinaida Shlyakhtyuk, as complaining at the trial that "sounds of religious songs and sermons" emanated from Kochegur's flat "which disturbed her from resting". It said she had called in the District Police, which had presented the case to court. Another resident said she had heard from Shlyakhtyuk that religious meetings were taking place there and this disturbed her.

German Oleinikov, head of the District Police who presented the case to court, declined absolutely to discuss the matter. "I can't say more than is in the verdict," he told Forum 18 from Novogrudok on 25 May. He declined to say why, even had Kochegur been holding religious meetings in his flat, there was anything wrong with it. He also declined to say whether the same measures would have been taken against a group of friends gathering in a flat to play cards or watch a football match on television.

Forum 18 was unable to reach Shlyakhtyuk, who is director of the town's State Commercial and Economic College, and who Kochegur claimed had been told about the religious meetings by the town Executive Committee. The woman who answered the phone on 28 May said Shlyakhtyuk was away on holiday. However, she appeared familiar with the case. "She lives on the fourth floor and the pastor on the fifth," she told Forum 18. "But it's an issue between them."

Both Ivan Grin, chief specialist at the town Executive Committee's Ideology Department, and Department head Aleksandr Gundar refused to tell Forum 18 on 28 May whether they have any complaints against Pastor Kochegur or his church. But they insisted they did not have any involvement in the court case and described it as a private dispute between two people.

"I can't speak for other agencies, but as far as I know the Executive Committee took no measures," Grin told Forum 18. Gundar insisted that all cases are dealt with under the law. Both said Shlyakhtyuk is not a state official and that they have no connection with her.

Pastor Kochegur told Forum 18 he lodged an appeal to Grodno Regional Court on 24 May and that the appeal hearing is set for 10 June.

In the latest such move to prosecute unsanctioned religious activity, Baptists Andrei Plaksin, Sergei Shubich and Nina Vasyuk were operating a Christian street library in

Drogichin [Dragichyn] (Brest Region) on 23 May when a local police officer and two ideology officials approached, the Baptist Council of Churches reported on 29 May. One ideology official filmed the library with his mobile telephone before Andrei Plaksin was arrested and detained at a local police station, where a protocol was drawn up accusing him of violating Article 23.34, Part 1 of the Administrative Violations Code ("violating regulations for holding demonstrations or other mass events"). When Sergei Shubich went to the police station to enquire about Plaksin some time later, a similar protocol was drawn up against him.

Fine for illegal meeting overturned

Elsewhere Vasili Poluyanov, Jehovah's Witness leader in the town of Bobruisk in Mogilev [Mahilyow] Region, has had a fine for leading a religious meeting overturned. On 6 May Judge Nikolai Gladky of Mogilev Regional Court upheld Poluyanov's appeal against the fine, arguing that the original investigation which claimed to prove his guilt was "incomplete and unobjective", according to the verdict seen by Forum 18. His fine of 175,000 Belarusian Roubles (349 Norwegian Kroner, 44 Euros or 59 US Dollars) was annulled. The judge ruled that the case is to be abandoned as three months has already elapsed since the alleged offence.

Trouble for Poluyanov began on 31 January, when a commission of police and local Ideology Department officials raided a private home in Bobruisk at the request of a local resident to verify whether a Jehovah's Witness conference then underway was legal. The officials insisted that as the meeting was taking place away from the registered legal address of the Bobruisk Jehovah's Witness community, it was illegal.

On 26 March Bobruisk Court found Poluyanov guilty of violating Article 9.9, Part 1 of the Administrative Violations Code ("activity by a religious organisation not in accordance with its [registered] statutes") and handed down the fine.

Conscientious objector acquitted in Belarus

RFE/RL (31.05.2010) / HRWF Int. (01.06.2010) – Website: <http://www.hrwf.net> - The central court in the Belarusian city of Homel has acquitted a Jehovah's Witness who had been charged with avoiding mandatory military service, RFE/RL's Belarus Service reports.

Dzmitry Smyk said that his belief did not allow him to bear arms. Judge Alena Tsalkova ruled that "Smyk's actions do not constitute a crime."

Smyk told RFE/RL after he left the courtroom a free man that he felt happy that justice had prevailed.

The Homel prosecutor has 10 days in which to file a motion against the court's decision.

Viktar Adzinochanka, who is a lecturer at Skaryna Religious University and a representative of the Christian Association in Belarus, told RFE/RL that the Belarusian authorities recently adopted a more realistic attitude toward Jehovah's Witnesses.

In Belarus, every male between the age of 18 and 27 has to serve in the army for two years.

Administrative Code changes, but fines continue

By Felix Corley

Forum 18 (09.04.2010) / HRWF Int. (12.04.2010) – Website: <http://www.hrwf.net> - Despite the removal in February of punishments from the Administrative Violations Code for unregistered religious activity, Pastor Yuri Petrevich, who leads a Protestant church in Grodno [Hrodna] in western Belarus, was fined on 15 March for this abolished "offence", Forum 18 News Service has learnt. The fine – as well as a second fine on him on 31 March - followed a police and KGB secret police raid on his unregistered church. By contrast, a Jehovah's Witness in the eastern Mogilev [Mahilyow] Region had an administrative case cancelled because of the change to the Code. Other Jehovah's Witnesses have been fined this year.

Amendment to Administrative Violations Code

The removal of punishment for unregistered religious activity under Article 9.9 Part 1 of the Administrative Violations Code came in a law introducing various amendments to the Criminal and Administrative Codes, adopted by the lower house of Parliament on 4 December 2009, the upper house on 11 December 2009 and signed by President Aleksandr Lukashenko on 28 December 2009. It came into force on 23 February 2010.

Article 9.9 Part 1 originally punished "creation or leadership of a religious organisation not registered in accordance with established procedure, or activity by a religious organisation not in accordance with its [registered] statutes". However, lawmakers deleted the "offence" of "creation or leadership of a religious organisation not registered in accordance with established procedure".

The amendment leaves unchanged the other penalties for religious "offences" under Article 9.9, including activity by a religious organisation not specified in its statute and attracting children to religious services. Other penalties in this Article are for religious work with children against their wishes or without their parents' approval.

However, unregistered religious activity is still punishable under Article 193-1 of the Criminal Code, with punishments ranging from a fine to imprisonment of up to two years. Under the harsh 2002 Religion Law, all religious activity must be registered with the state. Forum 18 is not aware of any cases when Article 193-1 has been used to punish unregistered religious activity.

Article 9.9 Part 1 has been widely used in recent years for punishing members of religious communities who meet for worship despite being unwilling or unable to seek state registration.

Punishments under this Article for unregistered religious activity known to Forum 18 since the beginning of August 2009 are: Yevgeny Bakun, fined 140,000 Belarusian Roubles (280 Norwegian Kroner, 34 Euros or 49 US Dollars) on 17 August 2009 by Grodno's Lenin District Court; Yelena Oktysyuk, fined 180,000 Belarusian Roubles (359 Norwegian Kroner, 44 Euros or 63 US Dollars) on 1 September 2009 by Brest's Lenin District Court; Sergei Yevstafyev, Aleksei Ilnitsky and Ivan Mustetsanu, each fined 140,000 Belarusian Roubles on 18 December 2009 by Kostyukovich District Court (see below).

Given how routinely used this Article has been to punish unregistered religious activity, several religious communities have cautiously welcomed the change to Forum 18. However, it remains uncertain whether the authorities will simply seek to punish such activity under the Criminal Code or under other articles of the Administrative Violations Code. Administrative Article 23.34 ("violation of the procedure for organising or

conducting a mass event or demonstration") is already frequently used to punish individuals for unapproved religious meetings.

Dina Shavtsova, a lawyer who has taken up religious freedom cases, welcomes the abolition of administrative penalties for both creating and leading an unregistered religious community. She notes that for as long as these provisions existed, lawyers and human rights activists had made clear that they violated Belarus' Constitution and the International Covenant on Civil and Political Rights.

"So at first glance it seems that the removal of these 'offences' is a positive move," Shavtsova told Forum 18 from Minsk on 8 April. "But unfortunately, this change to the Administrative Violations Code doesn't resolve the problem of the legal restrictions on the right to freedom of religion and belief." She fears that the penalties for unregistered religious activity available in Criminal Code Article 193-1 might be used instead.

"Given our reality here in Belarus," Shavtsova adds, "the fear is there that they might immediately go for a criminal case to punish what they would previously have gone for under the Administrative Violations Code."

Legal change halts prosecution

In the first such instance known to Forum 18, the change to the Administrative Violations Code led to the cancellation of a case against Jehovah's Witness Maksim Pyrochkin in the town of Krichev [Krychaw] in Mogilev Region.

Trouble began on 6 February, when Pyrochkin was leading a religious meeting of six people in a private home. The meeting was raided and religious books and other objects were confiscated and taken to the Ideology Department of Krichev District Executive Committee. The head of the Department, Galina Kirpicheva, drew up a record of an "offence", as the Krichev Jehovah's Witness community is unregistered.

Pyrochkin was brought to Krichev District Court on 11 March. According to the verdict seen by Forum 18, his activity constituted an "offence" under Article 9.9 Part 1 of the Administrative Violations Code in its 2003 version. However, Judge Oksana Ratnikova ruled that as the Article had changed as of 23 February 2010, and as the change had retroactive force for those not yet tried, no offence could be prosecuted. She ordered that the case be dropped and the confiscated books be returned to Pyrochkin.

Grodno fines

However, the change to Article 9.9 Part 1 of the Administrative Violations Code and its retroactive impact did not prevent the prosecution and punishment of Pastor Petrevich in Grodno.

Pastor Petrevich leads the Breakthrough Protestant Church, which belongs to the Kiev-based Embassy of God Church. The church, which has some 35 adult members plus children, meets at his home.

Petrevich told Forum 18 from Grodno on 8 March that two KGB officers, two police officers and one official of the regional and one of the city administration raided his congregation's Sunday worship service on 21 February. He complained that they filmed the raid.

The officials told the congregation that they had to have registration before they could meet for worship, adding that they had received complaints from neighbours. However, Pastor Petrevich told them that the church had repeatedly sought registration since 2001 in vain. A record of a "violation" of the law was drawn up.

On 15 March, according to the verdict seen by Forum 18, Judge Lyutsia Zhuk of Grodno's October District Court found Pastor Petrevich guilty of violating Article 9.9 Part 1 of the Administrative Violations Code. She fined him four base units, or 140,000 Belarusian Roubles.

Forum 18 was unable to reach Zhuk on 8 or 9 April to ask why she punished Petrevich for an "offence" which had been abolished in the Administrative Violations Code nearly three weeks before the trial took place. An aide to the head of the court also declined to put Forum 18 through to the head, Valery Kulakovsky.

Despite this punishment, Pastor Petrevich was soon after summoned to the same court for a further case. This time, on 31 March, according to the verdict seen by Forum 18, Judge Tatyana Gergel found him guilty of violating Article 23.34 Part 2 of the Administrative Violations Code, "violation of the procedure for organising or conducting a mass event or demonstration". In addition to his earlier fine, he was this time fined 700,000 Belarusian Roubles (1,400 Norwegian Kroner, 174 Euros or 232 US Dollars). Petrevich estimates this to be about one month's average wages in Grodno.

Pastor Petrevich told Forum 18 that he has not paid either of the fines. However, he said he is not inclined to appeal against them. "I've been given three or four such fines since 2001, and each time I appealed I lost and just wasted the money I spent on the appeal." He said he cannot afford to pay the fines though.

KGB, Religious affairs official won't discuss raid

Pastor Petrevich told Forum 18 he believes the initiative for the raid came from Igor Popov, the regional religious affairs official. He said that at the Regional Executive Committee he saw a letter from Popov to the mayor urging him to take action against his church.

He points out that similar action and fines occurred in 2009 against Bakun, leader of another unregistered Protestant community, Salvation Pentecostal Church. Bakun's fines were identical to Petrevich's.

However, on 8 April Popov absolutely refused to answer any of Forum 18's questions about his involvement in the raid and prosecution in Petrevich's case. "I don't give interviews by phone," he declared, before putting the telephone down.

Pastor Petrevich also believes the KGB is behind the campaign, pointing out that as well as their involvement in the February raid, officers have in recent years tried to question church members about his and the congregation's activity.

Reached on 8 April, the duty officer at the Grodno Regional KGB refused to put Forum 18 through to any officer who might answer Forum 18's questions about its role in the harassment of the church.

Bobruisk fine

On 31 January, in the wake of a request from a local resident, a commission raided a private home in Bobruisk in Mogilev Region to verify whether a Jehovah's Witness conference then underway was legal. Leading the raid was Aleksandr Markachev, head of the Ideology Department of Bobruisk Executive Committee, accompanied by another Ideology Department official and two police officers, according to the court verdict seen by Forum 18.

The 70 or so conference attendees refused to open the door or to identify themselves. However, Markachev concluded that as they were holding religious literature and discussing religious issues, a religious meeting had taken place.

The officials insisted that as the meeting was taking place away from the registered legal address of the Bobruisk Jehovah's Witness community, it was illegal.

The community's leader, Vasili Poluyanov, was brought to Bobruisk Court on 26 March, where Judge Natalya Cherepukho found him guilty of violating Article 9.9 Part 1 of the Administrative Violations Code ("activity by a religious organisation not in accordance with its [registered] statutes"). The verdict records that she fined him 175,000 Belarusian Roubles (349 Norwegian Kroner, 44 Euros or 59 US Dollars).

Markachev's telephone at the Executive Committee went unanswered on 8 and 9 April.

Appeal against fines fails

Yevstafyev, Ilnitsky and Mustetsanu, the Jehovah's Witnesses fined by Kostyukovichi District Court in December 2009, have failed in their appeal. On 2 February, Mogilev Regional Court left the original decision unchanged, Jehovah's Witnesses told Forum 18 on 8 April.

The fines followed a July 2009 raid by officials of the local administration, police and KGB secret police on their meeting in Ilnitsky's home in Kostyukovichi. The three were punished because the local Jehovah's Witnesses are unregistered.

Jehovah's Witnesses told Forum 18 that the three are planning to appeal further to the Supreme Court.

Minsk church fails in challenge to punitive fine

Meanwhile, the New Life Full Gospel Church in Minsk, which has long faced pressure from the authorities, has failed in its court challenge to a punitive fine and compensation for alleged environmental damage the authorities claim the church has caused on its property.

On 26 March, Minsk City Court rejected the church's suit against the fine of 8,750,000 Belarusian Roubles (17,490 Norwegian Kroner, 2,200 Euros or 2,936 US Dollars) imposed by a lower court on 26 February. The church's lawyer, Sergei Lukanin, explained that the ruling means the church is also supposed to pay 262,798,725 Belarusian Roubles (524,917 Norwegian Kroner, 66,020 Euros or 88,128 US Dollars) to compensate for the damage.

Lukanin told Forum 18 from Minsk on 8 April that the church has still not received the latest court decision in writing, but intends to lodge an appeal to the Supreme Court when it does.

The church argues that the Minsk City Natural Resources and Environmental Protection Committee took samples of soil from the car park without proper witnesses and that if, as it alleges, the level of oil pollution is so high it resulted from damage caused by the previous owner when the church building was a cowshed.

The Environmental Committee refused to tell Forum 18 how many car parks at other places of worship in Minsk it has inspected.

Supreme Court overturns a verdict against a conscientious objector

JW Official Website (24.03.2010) / HRWF Int. (30.03.2010) - Website: <http://www.hrwf.net> - There is now a renewed opportunity for Belarus to implement alternative civilian service as provided for in the nation's Constitution. The verdict against conscientious objector Dmitry Smyk was overturned on March 15, 2010, and the case was remanded for retrial.

Earlier, on November 6, 2009, the Tsentralniy District Court of the city of Gomel declared Smyk guilty of violating the law on military duty and he was fined. Then on February 20, 2010, the Deputy Chairman of the Supreme Court lodged a protest against the Gomel court's verdict in the case, noting that the religious convictions of Dmitry Smyk had not been taken into account during the deliberations. In particular, the court pointed out "the very fact of Smyk's membership in the respective religious confession. Said court findings bear a presumptive and subjective nature." As a result, on March 15 the Supreme Court overturned the verdict of the Gomel court.

Although the story does not end here, there is hope that the intervention by the Supreme Court will prove beneficial in the case of Dmitry Smyk in particular and will help lawmakers take a fresh look at the broader issue of alternative service. It is possible that during the retrial, Smyk will be recognized not as a person evading his civic duties but as someone requesting merely that his religious convictions be taken into account while he fulfills his civic duties. Conditions are favorable for such hopes to be realized. On February 18, the President of Belarus, Alexander Lukashenko, issued a commission to draft a law on alternative service.

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Conscientious objector jailed

Forum 18 (01.02.2010) / HRWF Int. (05.02.2010) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - The family of Ivan Mikhailov, a Messianic Jew, condemned a three-month prison term handed him today (1 February) by a court in the Belarusian capital Minsk for refusing compulsory military service. "So many positive things were said about Ivan in court - and then came this sentence," his brother-in-law Mikhail Suboch, present in court, told Forum 18 News Service from Minsk in the wake of the verdict. "The sentence has nothing to do with justice. The judge did not make his decision alone." Officials at Minsk District Court confirmed the sentence to Forum 18 but declined to discuss it.

Mikhailov was found guilty under Article 435, Part 1 of the Belarusian Criminal Code, which punishes refusing the compulsory call-up to military service with a fine or imprisonment of up to two years. He plans to appeal to Minsk Regional Court against today's jail sentence.

Also present in court was Mikhail Pashkevich, coordinator of the campaign group For Alternative Civilian Service <http://ags.by>. "Mikhailov looked very thin, but stuck firmly to his position," he told Forum 18 from Minsk on 1 February. He said Mikhailov had been brought to court in handcuffs with a shaved head, and was held in a cage during the trial. The opposition Christian Democratic Party, which sent a representative to the trial,

described the sentence as "a crude violation of the rights of all to freedom of conscience".

The right to refuse military service is part of the right to freedom of thought, conscience and religion guaranteed by Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which Belarus ratified in 1976. It is also part of Belarus' Organisation for Security and Co-operation in Europe (OSCE) human dimension commitments. Despite Belarus' international obligations, a possible Law on Alternative Service was this year withdrawn. The failure to introduce civilian alternative service comes a decade after a May 2000 Constitutional Court ruling declaring its introduction "urgent".

Main victim is "the state"?

Aleksandr Cherepovich, the Minsk District prosecutor who led the case in court, declined to comment on the sentence. "The reasons will all be in the written verdict," he told Forum 18 on 1 February. He refused to discuss why Mikhailov was unable to make use of his rights to alternative civilian service set out in Belarus' Constitution. Asked who had suffered from his refusal to conduct military service, he responded: "The state."

The sentence means that Mikhailov, held in pre-trial detention in Zhodino near Minsk since 15 December 2009, must serve another six weeks there unless he wins an appeal. Arguments in court

Mikhailov, 21, belongs to a Messianic Jewish congregation in Minsk. He was arrested at work on 15 December after Minsk District Military Commissariat rejected his repeated appeals to be allowed to do alternative civilian service.

His trial began at Minsk District Court on 29 January under Judge Aleksei Minich. Prosecutor Cherepovich argued for a five-month prison term, but Mikhailov insisted it was not his fault that Parliament and other state bodies have made no moves to adopt a Law allowing him to make use of his constitutional right to alternative service.

Mikhailov's lawyer, Svetlana Gorbatok, repeatedly referred to Article 57 of the 1994 Constitution, which refers to legal provision of alternative service. She argued that the absence of an Alternative Service Law cannot serve as a legal basis for violating Mikhailov's rights. Article 57 states:

- (1) It shall be the responsibility and sacred duty of every citizen of the Republic of Belarus to defend the Republic of Belarus.
- (2) The procedure governing military service, the grounds and conditions for exemption from military service, and the substitution thereof by alternative service shall be determined by law.

Alternative civilian service petition launched

In the wake of Mikhailov's sentence, For Alternative Civilian Service announced the launch of a petition calling for such a civilian alternative service. The Petition is addressed to the General Prosecutor and the chairs of the Supreme Court, the Constitutional Court and the House of Representatives (the lower house of Parliament).

Belarusian authorities have been hostile to civil society groups initiating such petitions, fining and firing from their work human rights defenders who collected the largest non-party political petition in Belarusian history. This petition - which gained 50,000 signatures and was 3,442 pages long - called for the Religion Law to be changed to conform with international human rights standards.

"Obstructed the maintenance of the manpower of the armed forces"

For Alternative Civilian Service notes that Mikhailov's sentence is the second sentence recently imposed for conscientious objection to military service. In November 2009 the Central District Court of the south-eastern city of Gomel [Homyel] fined Jehovah's Witness Dmitry Smyk 3,500,000 Belarusian Roubles (7,230 Norwegian Kroner, 862 Euros or 1,290 US Dollars) under Article 435, Part 1 of the Criminal Code. He was also banned both from leaving Belarus and travelling within the country without notifying the authorities, and required to maintain "good conduct". This was the first such prosecution since 2000.

Smyk has now lost two appeals against the original sentence. He told Forum 18, from Gomel on 1 February, that he lodged a further supervisory appeal to the Chair of the Regional Court, Lyudmila Mikhalkova, after his appeal to the Regional Court failed in December 2009. However, she upheld the original sentence in late January 2010, arguing that his failure to respond to the call-up "obstructed the maintenance of the manpower of the armed forces". Smyk said he is now appealing to the Supreme Court.

Constitutional Court calls for Alternative Service Law

Mikhailov's sentence came less than a week after the Chair of Belarus' Constitutional Court, Pyotr Miklashevich, told a Minsk press conference on 26 January that the country should adopt an Alternative Service Law. "He pointed out that the Constitutional Court already decided twice back in 2000 that a Law should be adopted to put individuals' constitutional right to alternative service into practice," Court Press Secretary Vasily Seledovsky told Forum 18 on 1 February. "This remains the position of the Constitutional Court."

Seledovsky agreed that no mechanism exists to force those who have the right to initiate new Laws to do so. "Nowhere do the Constitutional Court judges have the mechanism to punish anyone. We have to rely on the Court's high authority." He stressed that "unfortunately" not all Court decisions are applied quickly but insisted that an Alternative Service Law will eventually be adopted.

"Concerts don't take place in churches"

Meanwhile, the organisers of a 28 January concert to launch a CD compilation of Christian songs by contemporary composers and performers told Forum 18 that the planned launch at SS Simeon and Helen Catholic Church in central Minsk had to be cancelled.

"We began advertising the concert two weeks in advance, but just two days before it was due to take place the church received a call from a secretary at the City Executive Committee who said there would be problems if the concert was not cancelled," Valeria Chernomortseva, one of the organisers of the CD and its launch, told Forum 18 from Minsk on 29 January. She said that at the last minute they had to transfer the launch to the nearby offices of the Belarusian Popular Front, an opposition political party.

Chernomortseva also said that organisers had asked several Minsk churches to host the launch, but they had refused, fearing problems from the authorities as a result. She said earlier CDs in the series - this is the fifth - did not face such problems.

She speculated that the authorities may have been unhappy that a number of the artists appearing were also members of the Christian Democratic Party and the symbol of the party appears on the cover. "But the disc is non-political - these are Christian songs."

Alla Ryabitseva, senior religious affairs official at Minsk City Executive Committee, reacted angrily when asked why officials had warned the church not to host the concert. "Why are you asking me? I don't know what you are talking about," she told Forum 18 from Minsk on 29 January. "Concerts don't take place in churches." She then put the phone down.

In September 2008, officials in the town of Borisov [Barysaw] cancelled a Christian music festival initiated by local Catholics just minutes before it was due to begin, even though permission had been sought in advance. Local parish priest Fr Zbigniew Grygorcewicz, a Polish citizen, had his state permission for religious work in Belarus stopped at the end of December 2008. A religious affairs official for Minsk Region told him verbally that it was because of the festival.

Christian musicians in Belarus have long used their music to promote their faith in ways that would not otherwise be allowed.

Alternative Service Law withdrawn as prisoner awaits trial

Felix Corley

Forum 18 (18.01.2010) / HRWF Int. (21.01.2010) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - Arrested by Belarus on 15 December, after his demands to do alternative civilian service were rejected, Messianic Jew Ivan Mikhailov is due to go on trial on 29 January on charges of refusing compulsory military service, Minsk District Court told Forum 18 News Service. After a gap of nine years, Dmitry Smyk, a Jehovah's Witness from Gomel, was found guilty on the same charge in November 2009 and given a large fine, which he is still appealing. A Law on Alternative Service was initially included in the 2010 Legislative Programme but was removed "for some reason" at the last minute, an official of the National Centre for Legislation and Legal Research told Forum 18. The failure to introduce alternative service comes a decade after a Constitutional Court ruling declaring its introduction "urgent". Meanwhile, the Supreme Court denied Jehovah's Witnesses in Gomel the right to challenge an official written warning, despite a 2007 Constitutional Court decision upholding religious organisations' right to make such challenges.

As a religious conscientious objector detained for over a month nears trial in the capital Minsk, Belarus looks no nearer to providing an alternative to compulsory military service, Forum 18 News Service notes. Ivan Mikhailov's month in prison insisting on his right to alternative civilian service is "the price he is paying for his choice", Mikhail Pashkevich of the campaign For Alternative Civilian Service told Forum 18 from Minsk on 15 January.

No family members have been allowed to visit Mikhailov, a Messianic Jew, since his arrest at work on 15 December. In a cell with five others at an investigation prison in Zhodino (Minsk Region), he nevertheless remains optimistic, his brother-in-law Mikhail Suboch told Forum 18 from Minsk on 16 January: "His health and mood are both good – he's not complaining." Mikhailov's lawyer, Svetlana Gorbatok, was permitted to attend his interrogation and hold an individual meeting with him on 14 January, said Suboch. Her application for him to be freed in the run-up to the trial if he signed a pledge not to leave Minsk was rejected on 14 January, however.

Mikhailov's trial at Minsk District Court is due to begin on the morning of 29 January under Judge Aleksei Minich, the court's chancellery told Forum 18 on 15 January. Under

Article 435, Part 1 of the Criminal Code, the 21-year-old faces a fine or up to two years' imprisonment if found guilty of refusing compulsory military service.

Mikhailov is a member of New Testament, a Minsk-based Messianic Jewish congregation whose founder, a foreign citizen, was forced to leave Belarus after being denied permission to continue religious work. Both Mikhailov and his family have repeatedly told the Minsk District call-up commission that he is unable to do military service because of his religious beliefs, Suboch told Forum 18. Mikhailov asked instead to be assigned to civilian alternative service, in line with Article 57 of Belarus' Constitution. Article 36 of the Law on Military Obligation and Military Service also requires call-up commissions to offer alternative service, but there is no legal mechanism for providing it.

Alternative Service Law dropped

A Law on Alternative Service was initially included in the 2010 Legislative Programme. However, it was removed "for some reason" at the last minute before the Programme was approved by presidential decree on 4 January, an official from the Department of Legislation on National Security and Law-Enforcement Activity at the National Centre for Legislation and Legal Research told Forum 18 on 18 January. "The President signed the decree without this," the official - who declined to be named - commented. Asked why it had been removed, the official responded: "Ask the Presidential Administration."

The telephone of the Presidential Administration Press Office went unanswered on 18 January.

Colonel Sergei Puzakov of the Defence Ministry General Staff had claimed to the tut.by news agency on 15 January that a draft Alternative Service Law was under consideration by Parliament. However, the National Security Commission, the Human Rights Commission and the Labour and Social Protection Commission of the House of Representatives, the lower chamber of Parliament, all denied to Forum 18 on 18 January that any such draft Law is being considered or has been considered in recent years.

A previous attempt to adopt an Alternative Service Law was rejected by Parliament in 2004.

"Urgent" change ordered in 2000

The failure to introduce an alternative to military service comes despite a Constitutional Court ruling nearly ten years ago that the Law should be changed. The May 2000 Constitutional Court ruling called for the "urgent" adoption of an Alternative Service Law or an amendment to the Law on Military Obligation and Military Service.

"I agree this ruling has not been fulfilled, but each ruling is carried out in its own way," Sergei Latushkin, the Constitutional Court's official in charge of supervising the enactment of its rulings, told Forum 18 from Minsk on 18 January. "Some take months, others take years. It depends on state bodies, Parliament, the legislative programme and other circumstances."

Prosecutions mounting

Meanwhile, prosecutions of conscientious objectors are mounting. A Jehovah's Witness, Dmitry Smyk, became the first such case in nine years in late 2009. On 6 November the Central District Court of the south-eastern city of Gomel [Homyel] fined him 3,500,000 Belarusian Roubles (7,230 Norwegian Kroner, 862 Euros or 1,290 US Dollars) under Article 435, Part 1 of the Criminal Code. He was also banned from leaving Belarus, banned from travelling within the country without notifying the authorities and required to maintain "good conduct".

Smyk appealed, but on 9 December a three-judge panel at Gomel Regional Court upheld his conviction, he told Forum 18 from Gomel on 13 January. Later in December he lodged a supervisory appeal to the Chair of the Regional Court, Lyudmila Mikhalkova, whose decision is expected by 23 January. "If that is negative, I will take my case to the Supreme Court," Smyk told Forum 18. Although the verdict against him is now in force, he is refusing to pay the fine.

Pashkevich of For Alternative Civilian Service notes two other current cases of Gomel residents facing punishment for refusing military service on grounds of conscience: Andrei Tenyuta and opposition Christian Democrat Yevgeny Yakovenko. According to Smyk, several more Jehovah's Witnesses may similarly be prosecuted.

Second Constitutional Court ruling unimplemented

Smyk's fellow Jehovah's Witnesses in Gomel are also finding the law powerless to defend their right to protest unjust treatment by the state. In July 2009 the community was raided by some ten police officers and heavily fined. A written "final warning" from Aleksandr Prusov of the Religious Affairs Department of Gomel Regional Executive Committee followed on 22 September.

The community tried to challenge Prusov's warning in Gomel Regional Court. In its 26 October decision seen by Forum 18, however, Judge Zinaida Kamalyeva rejected their application on the grounds that the 2002 Religion Law does not envisage legal challenges to written warnings.

The Gomel Jehovah's Witnesses tried to appeal this verdict citing a relevant 2007 Constitutional Court decision, but a panel of three judges at the Supreme Court in Minsk on 3 December again rejected their right to challenge the written warning. The ruling, seen by Forum 18, records the community's reference to the 2007 Constitutional Court decision, but repeats that the Law does not envisage challenges by religious communities to written warnings.

"We were surprised by the court ruling," Jehovah's Witnesses told Forum 18 on 13 January. "All other organisations have the right to challenge such decisions in court – except religious organisations. They have no right to defend themselves."

In its decision R-199 of 5 April 2007, the Constitutional Court highlighted the inadequacy of the Law in failing to give religious organisations the right to challenge in court written warnings issued to them by Religious Affairs officials. The detailed ruling points out that these written warnings have "consequences": Article 37 of the Religion Law declares that if a religious organisation fails to remove the "violation" that led to the warning within six months or repeats the "violation" within a year, the registering organ can halt its activity and seek its liquidation in court.

Latushkin of the Constitutional Court admitted to Forum 18 that the 2007 ruling has not been implemented. He insisted to Forum 18 that both it and the Court's ruling on alternative service would be fulfilled, "but I'm not the Lord God to be able to look into the future to say when and how this will happen."

Fines continue

Jehovah's Witnesses in Kostyukovichi in Mogilev [Mahilyow] Region are the latest religious believers to be punished for religious activity. According to court documents seen by Forum 18, Sergei Yevstafyev, Aleksei Initsky and Ivan Mustetsanu were each fined 140,000 Belarusian Roubles (280 Norwegian Kroner, 34 Euros or 49 US Dollars) by Judge Valentina Androsenko of Kostyukovichi District Court on 18 December. The three

were found guilty of creation or leadership of a religious organisation without state registration (Article 9.9, Part 1 of the Administrative Violations Code). Under the harsh 2002 Religion Law, all religious activity must be registered with the state.

The fines followed a 26 July raid by officials of the local administration, police and KGB secret police on their meeting in Ilnitsky's home in Kostyukovichy where, the verdict complained, "a meeting of citizens was underway, of about 30 people, in the course of which those present prayed and studied the Bible".

The verdict records that religious literature was confiscated during the raid. It also complains that the local Jehovah's Witness community has functioned without compulsory state registration since 2001 and that community members periodically conduct "religious agitation" in nearby villages.

The three Jehovah's Witnesses fined have appealed to Mogilev Regional Court, which is due to hear their cases on 2 February.

Further raids and fines on unregistered activity have occurred across Belarus in recent months, including two heavy fines imposed on a 68-year old pensioner with disabilities in Grodno [Hrodna].

Catholic priests barred from religious work

Meanwhile, a Polish Catholic priest facing denial of permission to conduct religious work after the end of 2009 has been given a six-month reprieve. Fr Aleksander Drogas, who serves at St John the Baptist parish in Volpa, appears to have been allowed to stay due to pressure from the Catholic Church. "Thanks to talks between Bishop Aleksandr Kashkevich [of Grodno Diocese] and the local authorities, it was possible to achieve this result," Fr Aleksandr Amialchenia, who speaks for the Belarusian Catholic Bishops' Conference, told Forum 18 from Minsk on 13 January.

Two other Polish Catholic priests working in Grodno Diocese - Fr Jan Bonkowski and Fr Edward Smaga - were banned from continuing their religious work in Belarus after the end of 2009. Officials have not explained the decisions, and the pair are thought to be in Poland.

"We don't have such persecution here. We're absolutely democratic"

Felix Corley

Forum 18 (06.01.2010) / HRWF Int. (07.01.2010) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - Belarusian officials continue to harass New Life Full Gospel Church, Forum 18 News Service has learnt. On 4 January the church received a summons from the Minsk City Natural Resources and Environmental Protection Committee, claiming that the church had polluted the ground around its building with oil, causing large amounts of damage. Church members reject the allegation, Sergei Lukanin noting that "for some reason they only took samples from the road which comes into the car park. Of course they're going to find traces of oil there." Belarus also continues to persecute people for the "offence" of unregistered religious activity. Challenged about two heavy fines of a pensioner for this "offence", Lyudmila Paprakova of Grodno Ideology Department told Forum 18 that "we don't have such persecution here. We're absolutely democratic." After a woman was fined for allowing her home to be used for unregistered worship, Alla Starikovich of Brest City Ideology Department described the role of officials who started the case as "to maintain mutual relations with religious communities."

Belarus continues to harass and fine people conducting unregistered religious activity, Forum 18 News Service has found. The most recent example of this is using the Minsk City Natural Resources and Environmental Protection Committee to continue the state's long-running campaign against New Life Church in the capital Minsk. Also, two heavy fines have been imposed on a 68-year old pensioner in Grodno [Hrodna] and a woman in Brest was fined for allowing her home to be used for unregistered worship.

As well as this, two Polish Catholic priests working in parishes in Grodno Region have been banned from religious work after the end of 2009. Officials gave no reasons for the decisions.

Environmental Committee against New Life Church

Belarusian state officials are continuing to harass New Life Full Gospel Church in Minsk, this time using the Environmental Committee, Forum 18 has learnt. On 4 January the church received a summons from the Minsk City Natural Resources and Environmental Protection Committee, which claimed that the church had polluted the ground around its building with traces of oil, causing damage amounting to 262,798,725 Belarusian Roubles (523,380 Norwegian Kroner, 63,736 Euros or 91,887 US Dollars).

The summons also warned that a case against the Church had been launched under the Code of Administrative Violations. If found guilty, the Church would be liable to a fine in addition to the "compensation", Church lawyer Sergei Lukanin told Forum 18 on 5 January. The summons warned that if the compensation is not paid, the Environmental Committee will bring a case to the Economic Court to seize property to pay the compensation.

Church members reject the allegation that they have polluted the site and insist that the church car park is clean and tidy. "I saw the inspectors when they came in December," Lukanin told Forum 18. "For some reason they only took samples from the road which comes into the car park. Of course they're going to find traces of oil there." He said the Church would therefore refuse to pay the compensation demanded or any fine.

Lukanin added that the environmental inspectors admitted to him "with a smile" that they had not undertaken the inspection at their own initiative but were "sent" to do so.

Tatyana Abramchik, the deputy head of the Minsk City Environmental Committee, laughed when Forum 18 asked about the penalty imposed on New Life Church and insisted that Forum 18's questions were "not correct". "Maybe cars were parked where they shouldn't be – we saw them when we visited," she told Forum 18 on 5 January. "They have no permission to use the land for parking. They don't behave properly."

Forum 18 repeatedly asked how many similar inspections had taken place of car parks attached to other places of worship in Minsk, but Abramchik each time refused to say. But she insisted her Committee "has documents" on 90 per cent of the city's places of worship. She did not explain what sort of documents her Committee needs.

Lukanin points out that New Life Church has little a court could seize to pay any fines as it had its land confiscated by a court in 2005 and its building formally confiscated in August 2009. "So technically we own no property. The authorities know this."

The Church continues to use the building, which it bought on the outskirts of Minsk in 2002 and renovated at its own expense. Church members and sympathisers have carried out acts of civil disobedience in response to the state campaign to deprive the church of its place of worship.

Church lawyer Lukanin linked the latest penalties from the Environmental Committee to a 17 December 2009 European Parliament resolution on Belarus, which included a call for the New Life Church to be able to "operate freely". "All this came immediately afterwards."

Lukanin said the Humanitarian Assistance Department of the Presidential Administration warned the local representative of the international Christian charity the Samaritan's Purse against working with New Life. The charity was told, Lukanin said, that if any of their Christmas shoebox gifts sent from abroad were distributed through the New Life Church or any congregations of the Full Gospel Association, the whole scheme would be cancelled.

"So we had to miss out on this," Lukanin lamented. "This is unlikely to have been a decision of the Humanitarian Assistance Department – it must have come from higher up the Presidential Administration, or the KGB secret police."

Forum 18 was unable to reach the Humanitarian Assistance Department on 5 January.

Pensioner fined for unregistered worship

Late 2009 saw continuing raids and fines on religious communities and believers meeting without state registration. In defiance of international human rights norms, Belarus bans unregistered religious activity and imposes penalties on those engaged in it (see F18News 11 November 2009 http://www.forum18.org/Archive.php?article_id=1374). For example, following two heavy fines of a pensioner for the "offence" of unregistered religious activity, Protestants told Forum 18 on 6 January that he did not appeal against them.

On 19 July 2009, Andrei Yaroshevich, chief specialist of the Ideology Department of Grodno City Executive Committee, accompanied by V. Skripko of the Grodno Regional Religious Affairs Department and several police officers, raided the Sunday morning service of the Salvation Pentecostal congregation, court documents seen by Forum 18 reveal. The congregation - which did not have the 20 adult members or a legally-approved place to meet, both required for compulsory state registration - met in a hut in the yard of Yevgeny Bakun's home. Yaroshevich drew up a record of an administrative offence and the case was passed on to the court.

On 17 August, Judge Dmitry Kobrinets of Grodno's Lenin District Court fined Bakun for holding Sunday services on his property without state registration. According to the court verdict seen by Forum 18, he gathered up to 30 people "into a stable group of fellow-believers by use of agitation". He was found guilty of violating Article 9.9 Part 1 of the Administrative Violations Code, which punishes the creation or leadership of a religious organisation without state registration. Bakun, a 68-year-old pensioner with disabilities, was fined 140,000 Belarusian Roubles (280 Norwegian Kroner, 34 Euros or 49 US Dollars).

On 8 September Bakun was again fined by Judge Dmitry Kedal of the same court, this time under Article 23.34 Part 2 of the Administrative Violations Code, which punishes violating regulations for holding demonstrations or other mass events. Bakun was fined 700,000 Belarusian Roubles (1,401 Norwegian Kroner, 171 Euros or 245 US Dollars). The court verdict, seen by Forum 18, stresses that Bakun was given the "minimum possible fine" under this Article, given his age, state of health, "level of his guilt" and ability to pay.

Protestants told Forum 18 that the fines are being automatically deducted from Bakun's pension in instalments, as he did not pay them within one month. At the time of the

hearings, pensions for second category invalids such as Bakun were 323,000 Belarusian Roubles (641 Norwegian Kroner, 78 Euros or 113 US Dollars) per month.

"We don't have such persecution here. We're absolutely democratic."

Yaroshevich was off sick when Forum 18 called the Ideology Department in Grodno on 6 January. However, his colleague Lyudmila Paprakova said that although she was not familiar with Bakun's case "we don't have such persecution here. We're absolutely democratic."

Told the details of the court case, Paprakova admitted that the fines on Bakun were large, but defended them. "Let him pray at home with his family, but if he conducts propaganda and attracts others that is not permitted," she told Forum 18. "He doesn't have the right to gather 30 people – that's already an organisation and that's not allowed."

Asked why Yaroshevich of the Ideology Department was involved in raiding private property to interrupt a religious service, Paprakova rejected any criticism. "Yaroshevich is a good young man – he has a conscience." Asked what ideology her Department promotes, Paprakova replied: "That each citizen will love their country, be proud of it and respect the law. Belarus is a wonderful country."

Igor Popov, head of the Religious Affairs Department at Grodno Regional Executive Committee, refused to answer any of Forum 18's questions on 5 January.

Fined for allowing home to be used for unregistered worship

Another example from late 2009 was a woman fined for allowing her home to be used for unregistered worship. Yelena Oktysyuk has appealed against her conviction to the Supreme Court, but as of 6 January 2010 there has been no response to the appeal.

In August 2009, a City Executive Committee Ideology Department official and a police officer in the western city of Brest visited a Friday evening prayer service in Oktysyuk's home, held by a local Council of Churches Baptist congregation. The two visitors, who explained who they were, questioned congregation members about why they were meeting for worship and who was the leader, Oktysyuk told Forum 18 from Brest on 5 January. She said she was not at the service but with her children in the separate living quarters of the building.

Oktysyuk was then punished for allowing her home to be used for worship. On 1 September, Brest's Lenin District Court found her guilty of violating Article 9.9 Part 1 of the Administrative Violations Code. Oktysyuk was fined 180,000 Belarusian Roubles (359 Norwegian Kroner, 44 Euros or 63 US Dollars), which she told Forum 18 was the equivalent of half her monthly wage.

Court officials confirmed to Forum 18 on 5 January that Oktysyuk had been fined, but refused to give any more details, saying that they do not give out information to journalists as "it's none of your business".

Oktysyuk appealed against the punishment to Brest Regional Court. She argued that the decision was unjust as women cannot lead Council of Churches Baptist congregations. She also maintained that on the day officials visited the service – when the state witnesses testified that they had seen her – she was not present. However, on 29 October the Court rejected her challenge and upheld the fine.

"I haven't paid the fine as I consider I have done nothing wrong," Oktysyuk told Forum 18.

"It is our job to maintain mutual relations with religious communities"

Defending the actions of her official was Alla Starikevich, head of the Brest City Ideology Department. "We were fulfilling state functions," she told Forum 18 from Brest on 6 January. Asked why visiting a religious community uninvited who were meeting for worship in a private home was a state function, Starikevich responded: "It is our job to maintain mutual relations with religious communities."

While stressing that the fine was imposed on Oktysyuk by a court, Starikevich added: "According to our Religion Law, meeting for religious purposes in private homes is not envisaged." Asked why religious believers cannot meet together in private homes, she responded: "When I want to pray I go to church. And you have the temerity to ring me up about this on the eve of [Orthodox] Christmas." She then put the phone down. [Christmas in Belarus is celebrated by the Orthodox Church on 7 January.]

Oktysyuk told Forum 18 that raids and fines on unregistered Baptist communities such as her own have increased in the last year or so.

Two Catholic parish priests banned from religious activity

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Forum 18 (05.01.2010) / HRWF Int. (07.01.2010) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - Two Polish Catholic parish priests in Belarus are the latest foreign citizens to be denied permission to carry out religious activity, Forum 18 News Service has learned. Both Capuchin priest Fr Jan Bonkowski, who was parish priest of Mizhevitsi village for twenty years, and Jesuit priest Fr Edward Smaga had to halt all religious activity at the end of 2009. A third priest was also threatened with denial of permission, but told Forum 18 that "everything is OK now". Fr Aleksandr Amialchenia, who speaks for the Belarusian Catholic Bishops' Conference, said no reasons were given for the refusals. He stressed that the two priests have not been barred from Belarus. Igor Popov, of the Grodno Religious Affairs Department, refused to answer any questions, asking "What priests?" before putting the phone down. Forum 18 estimates that more than two-thirds of the 33 foreign citizens barred from conducting religious work have been Catholic. Priests and nuns engaged in tackling social issues, such as alcoholism, in a very public manner appear to be particular targets.

Two Polish Catholic priests in the western Grodno [Hrodna] Region have been refused state permission to continue religious work in Belarus, local Catholics have complained to Forum 18 News Service. Capuchin priest Fr Jan Bonkowski, who has served as priest of the Annunciation parish in the village of Mizhevitsi for twenty years, and Jesuit priest Fr Edward Smaga, who served in the Holy Trinity parish in the village of Indura, had to halt all religious activity at the end of 2009. A third Grodno Diocese priest, Fr Aleksander, who serves at St John the Baptist parish in Volpa, was also threatened with denial of permission to conduct religious work but, as he told Forum 18 on 4 January, "everything is OK now".

Fr Aleksandr Amialchenia, who speaks for the Belarusian Catholic Bishops' Conference, said no reasons were given for the refusals. "All we know is that their permission to conduct religious work was not extended," he told Forum 18 from Minsk on 5 January. He said that in the wake of the denials, the Bishop of Grodno, Aleksandr Kashkevich, had urged the authorities several times to grant the necessary permission. "It appears that the initiators of the decision not to extend the permissions were in Grodno, not in Minsk."

Fr Amialchenia stressed to Forum 18 that the two priests, who are both thought to be in Poland, have not been barred from Belarus. Should they return however, they will not legally be able to perform religious rites. After Polish priest Fr Antoni Koczko celebrated a single mass without state permission in a Minsk church in September 2006, a man and woman in plain clothes present in the congregation approached him in the sacristy and informed him that he had violated Belarusian law covering religious activity.

Igor Popov, head of the Religious Affairs Department at Grodno Regional Executive Committee, refused to answer any of Forum 18's questions on 5 January as to why the authorities have refused to extend the priests' permission to conduct religious work in Belarus. "What priests? Invitations are done by the Diocese. Ask them if they invited them." He then put the phone down.

Previous denials of permission to conduct religious activity

Forum 18 estimates that more than two-thirds of the now 33 foreign citizens barred from conducting religious work in Belarus since 2004 have been Catholic, while most of the rest have been Protestant. Priests and nuns engaged in tackling social issues, such as alcoholism, in a very public manner appear to be particular targets.

Four Polish Catholic priests as well as three nuns had their permission to continue religious work in Minsk-Mohilov Archdiocese and Grodno Diocese revoked in December 2008. The authorities ignored repeated appeals from the Catholic community to overturn the denials. Two Danish citizens, Erling Laursen and Rolf Bergen, were given deportation orders in February 2009 for taking part in worship services in Gomel's [Homyel] charismatic Living Faith Church.

"This is not the first time such things have happened in our Diocese"

Catholics from the Indura parish told Forum 18 that Fr Smaga (who is 63) had left for Poland in November 2009 for health reasons and only subsequently did they hear from Bishop Kashkevich that the authorities had denied Fr Smaga permission to return to religious work in Belarus. "Only one priest – a local citizen – is left to look after the parish," one local Catholic lamented to Forum 18 on 4 January. "We very much need a second priest. This is not the first time such things have happened in our Diocese."

The Indura Catholic said it remained unclear where the Diocese will be able to find another priest to serve in the parish. "It is clear there is no chance from Poland."

Fr Bonkowski told the Grodno correspondent for the Polish daily paper Gazeta Wyborcza that the authorities did not like the fact that he celebrated Mass in Polish, a language spoken or understood by many Catholics in Belarus – especially in regions like Grodno which border Poland and have an ethnically mixed population.

Official defence of denials

Defending the refusal to grant permission for the priests to continue to conduct religious work was Marina Tsvilik of the government's Office of the Plenipotentiary for Religious and Ethnic Affairs in the capital Minsk. "Documents for some of these comrades were not submitted correctly," she told Forum 18 from Minsk on 4 January. "In the case of Bonkowski, we agreed with the Diocese that as his documents were incomplete, they would resend them. But they didn't. In the case of Smaga, he is ill and unable to serve."

Asked whether it is not the responsibility of the religious community to decide who is healthy enough to serve, and not the state, Tsvilik declined to respond.

Asked whether, if Fr Bonkowski's documents are resubmitted, he will get permission to conduct religious work in Belarus once again, Tsvilik replied: "It is possible there would be a positive decision – if the documents are correctly formulated."

Tsvilik claimed to Forum 18 that which languages the priests held services in was irrelevant to the decision not to extend their permission to conduct religious work. But she insisted that religious services have to be conducted in "our languages", which she identified as Russian and Belarusian. "At least once a month they have to serve or at least preach in Russian or Belarusian."

Asked whether the Catholic Church was being singled out for special linguistic restrictions or whether such requirements also exist for the Russian Orthodox (who serve in Church Slavonic), Muslims (who use Arabic), Jews (who use Hebrew) or the Armenian Apostolic (who use Grabar or Classical Armenian), Tsvilik claimed that the same requirement holds for all faiths.

She refused to discuss any other questions and put the phone down.

Tsvilik has previously used the language used in worship as an excuse to defend state violations of freedom of religion or belief.

Church rejects state claim that documents incomplete

Fr Amialchenia of the Catholic Bishops' Conference rejected suggestions that the application for Fr Bonkowski was incomplete. "This is a well-developed procedure which we have had to go through for many years," he told Forum 18. As for Fr Smaga, Fr Amialchenia insisted it is the role of the diocesan bishop to decide on the health of a priest, not the state.

He said that dioceses need to renew permission for foreign priests and nuns to conduct religious work once a year, except in Grodno Region (and Diocese), where this has to be done every six months. He said he did not know why the system is different in Grodno. Fr Amialchenia said that the state authorities did not give language as a reason for their denials, but insisted that it must be the role of the Church to decide what languages services should be conducted in. "We serve in the language that believers speak and understand."

Archbishop Tadeusz Kondrusiewicz told Forum 18 on 4 January that all the forty or so foreign Catholic priests and ten or so religious sisters of his Archdiocese of Minsk-Mohilov had this year received extensions of their permission to conduct religious work. But he pointed out that whenever such permissions are denied, as has happened in Grodno Diocese, it is ordinary believers who suffer.

State officials are also continuing their moves against the New Life Full Gospel Church in Minsk. On 4 January the church received a summons from the Minsk City Natural Resources and Environmental Protection Committee, claiming that the church had polluted the ground around its building with traces of oil, causing large amounts of damage.
