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"Inmates are afraid of exercising their religious freedom rights"

By Olga Glace

Forum 18 News (04.08.2011) / HRWF (17.08.2011) - <http://www.hrwf.net> - In Belarus non-Orthodox prisoners face difficulties in exercising their freedom of religion or belief, Forum 18 News Service has found. Inmates in maximum security prisons, and who are not Orthodox or Catholic, face particular problems. Muslims, for example, appear to have no allowance made for their diet. Officials, lawyers, clergy and former inmates have told Forum 18 that Orthodox priests conduct religious services and visit every jail, and Catholic priests conduct religious services and visit jails in areas with a majority Catholic population.

Belarus currently has 34 jails: two maximum security prisons in Zhodino (Minsk Region) and Glubokoye (Vitebsk [Vitstyebesk] Region), 18 closed regime prisons, three open regime prisons, two juvenile correctional facilities, three ordinary prisons and six detention centres.

In four jails, Catholic priests only appear to be able to enter them on the request of prisoners. These are Volkovysk (Grodno [Hriodna] Region), Novopolotsk (Vitebsk Region), the capital Minsk's Prison No. 1, and Shklov (Mogilev [Mahilyow] Region). The same four jails are the only jails in which Protestant religious services appear to be regularly held and where Protestant clergy can regularly visit inmates.

International human rights standards Belarus has formally committed itself to protect prisoners' right to freedom of religion or belief and other human rights. Belarusian law – in Article 12 of the Criminal Enforcement Code for example – supposedly also guarantees these rights for all prisoners, for example the rights to have clergy visits, attend religious services, and possess religious books. However, as lawyer Vlasta Oleksuk commented to Forum 18 on 2 August, "the question is what confession the clergy the inmate is asking for belongs to".

Political prisoners of conscience of any faith – including Orthodox - have routinely been denied their rights to freedom of religion or belief. This has been the case both in the past.

Maximum security prisons

A pastor of the Church of Jesus Christ, Boris Chernoglaz, told Forum 18 on 22 July that he was allowed to visit an inmate sentenced to life in Zhodino maximum security prison only once a year. "The young man is an orphan and he has had no one to visit him for 10 years. It is important for the convict to know that in the outside world there is a person he can talk to", Chernoglaz said.

Minsk-based lawyer Oleksuk confirmed to Forum 18 that only life sentence prisoners have the right to be visited restricted to once a year. These prisoners are held in both maximum security prisons. In Zhodino there is an Orthodox priest who can visit inmates regularly. However, clergy of all other faiths or confessions can only visit inmates as a private individual once a year, after getting written permission from the prison administration.

"It's not true that an inmate has a right to see a priest once a year, though the number of visits depends on the nature of the crime and the regime of the prison" the Deputy Head of the Punishment Implementation Department, Anatoly Tunchik, told Forum 18 on 25 July from Minsk. However, he said that in maximum security prisons the rules are stricter. Tunchik claimed that no obstacles are in place stopping prisoners seeing a priest, or performing religious ceremonies, and that in maximum security prisons there were prayer rooms. However, he contradicted himself by stating that "access to prison is open only to the registered religions, which are Orthodox and Catholics".

Clergy who are not either Orthodox or Catholic can visit inmates only as private individuals, lawyer Oleksuk explained to Forum 18. The number of visits depends on the regime of the prison. Prison administrations can decide whether visits are allowed by clergy or relatives, as well as how many visits are allowed. "Prison administrations make prisoners face a difficult choice whom to see once a year - either clergy or relatives." This is a very cruel choice, especially if the prison administration unilaterally decides this without taking account of what the prisoner wants.

Both Pastor Chrnoglaz and Alexandre Leneen, a Deacon of Gethsemane Evangelical-Christian Baptist Church from Minsk, have difficulties in gaining access to prisons. "Before around 2006 it was easier to visit prisons, but now it is impossible without a letter signed by the head of Punishment Implementation Department in Minsk", Leneen told Forum 18 on 22 July. To gain access, he said that his bishop had to go to the Head of the Punishment Implementation Department and personally ask for permission explaining the situation. Tunchik of the Punishment Implementation Department told Forum 18 that non-Orthodox clergy very seldom come to see him about visits.

Leneen said that clergy from his church visit Gloubokoe Maximum Security Prison (where trusted life prisoners are transferred from Zhodino) about once a month, but visits to Zhodino are rarer.

He also noted that guards are present during meetings, but during confession they try to keep their distance from the conversation. Punishment implementation Department official Tunchik also stated that the secrecy of confession is preserved.

Death sentence prisoners

However, prisoners sentenced to death – which sentence is almost never commuted to life imprisonment – are often not allowed visits they request . So far in 2011 Andrei Burdyka – who was executed on an unknown date between 13 and 19 July with Aleg Gryshkavtsov - had arranged to have an Orthodox priest visit him on 20 July. But the execution took place before the visit, and no opportunity was given for the visit to be brought forward.

Fr. Sergey Lepin, Press secretary for the Orthodox Church, refused to comment on this case to Forum 18 on August 3. He stated that the Church was as unaware of the execution date as anybody else. "We are very sorry for what has happened to these young men, as every person has the right to confess." He then commented: "Let's hope that it was done without evil intent, but because of a technical blunder".

Prisoners sentenced to death are held in Minsk's Minsk Detention Centre No 1. When asked for the reason for executing convicts before they can receive a clergy visit, an officer on duty - who wouldn't give his name - explained politely to Forum 18 on 3 August that "such a difficult question can't be answered on the phone".

"Everything which concerns capital punishment is covered with secrecy, even the exact date is unknown", lawyer Roman Kislyak told Forum 18 on 2 August. He stated that prisoners sentenced to death have free access to religious literature in the period between sentencing and execution. "The problem is that they are informed about the execution a few minutes before it is performed, and so there's no possibility to see a priest."

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

Ordinary prisons

In ordinary prisons inmates appear to have more visits from clergy, but there is still a discrimination against the non-Orthodox. A former inmate of Volkhovysk Prison from 2006 to 2010, Sergey Roslikov, who is Orthodox, told Forum 18 on 25 July that among his fellow prisoners were Muslims, Jews, Catholics and Baptists. "Some of these inmates attended our Orthodox services, and some Catholics converted to Orthodoxy because there were no Catholic services". However, Roslikov noted that a Pentecostal pastor regularly came and conducted services.

Tunchik of the Punishment Implementation Department, asked about visits by non-Orthodox clergy, replied: "We are very strict at not admitting any random person into prisons. Sometimes", he continued, "they disguise themselves as other religions and have a negative influence over the inmates. For this reason access is only possible for Orthodox and Catholic priests, which means registered religions".

Tunchik gave no examples of the "negative influence" he alleged.

"Inmates are afraid of exercising their religious freedom rights"

Forum 18 found out that many convicts and clergy of different religions were not even aware of the rights they had. "We try to support the Muslims who are in prison but I don't think it's possible to visit them since we are not their family. If some inmates are denied visits by their relatives, there's no chance for us", a member of the Brest Muslim Community, Valid Abu Anvar, told Forum 18 on 20 July. He remarked that Muslims usually meet a negative attitude from people of different religions.

The leader of the Grodno Muslim community, Rafail Rezyapov, complained that it was difficult for Muslims to visit prisons. "Once we made an attempt to visit our adherents in Grodno prison but we were told that we were not in the list", he told Forum 18 on 18 July. "The prison administration did not explain that there was any procedure for visits." An official of the in Grodno Punishment Implementation Department - - who did not give his name - told Forum 18 on 18 July that there was no prejudice against Muslims, but no applications to visit were sent by them.

Abu Usuf, a Muslim who spent 12 months in 2003 in Shklov Prison (Mogilev Region) insisted to Forum 18 on 20 July that: "Neither today nor in the time of my imprisonment had I ever heard of any visits by muftis". He remembered that Muslims experienced some problems such as the shaving off of their beards, and frequent hunger when pork was on the menu. He reported no problems with receiving religious literature sent to him by relatives. "More problems to Muslims were caused by too aggressive Christians," he stated. However, Muslim inmates could meet together for religious discussions.

"Inmates are afraid of exercising their religious freedom rights, as they fear that the prison staff's attitude will be tougher", Pastor Chernoglaz told Forum 18. He pointed to the state's concordat-style 2003 Co-operation Agreement with the Belarusian Orthodox Church, which recognises provision of Orthodox pastoral care to prisoners and detainees among its priorities. "Other religions and denominations have no place there", he lamented. Non-Orthodox prisoners have to request a clergy prison visit from prison administration to bring a clergyman. "This procedure is not legally regulated, and it's up to each prison administration to decide what they do", he remarked.

Ruslan Egorchenko, Head of the Ideology Department of the Punishment Implementation Department in Grodno, confirmed to Forum 18 on 22 July that non-Orthodox and non-Catholic clergy did not have easy access to prisons. He claimed that there must be agreements signed by the Punishment Implementation Department and the confession concerned. "Even if an inmate requests a meeting with a clergy of a confession, but that confession didn't sign an agreement, we won't allow him to come to the prison", he stated.

Fr. Valery Dyakovsky, a Catholic priest in Grodno, told Forum 18 on July 19 that there were no prison visits by non-Orthodox and non-Catholic clergy. He stated that Muslim and Jewish inmates talked to him as "the commitment of a priest is not only to conduct religious rituals, but also to talk to people and discuss religious issues".

Orthodox access

As an Orthodox Christian inmate of Volkhovysk Prison from 2006 to 2010, Roslikov never had problems seeing a priest. The procedure he and other inmates had to follow was to write a request to the prison administration, and after that they were allowed to come to Orthodox worship and talk to a priest three times a week. Roslikov said that in the prison there is a prayer room and an Orthodox church built by the inmates.

Fr. Oleg Shulgin, Orthodox chaplain to Prison No. 1 in Minsk, told Forum 18 that inmates were allowed regular times of access to a priest. He said that liturgies were held once a month, but priest assistants came to prison twice a week and made a list of people who would like to attend the services. Additional time for religious purposes was given at the request of the convicts. Fr. Shulgin confirmed to Forum 18 that the secrecy of confession was observed by the guards and prison administration.

Fr. Shulgin also pointed out that a Pentecostal pastor came regularly to hold worship services in prison. "It was quite peculiar when on Sunday half of the prisoners went to an Orthodox service, and the other half to the Baptist service which was carried out in the room next to ours", he remarked. Visits by Catholic priests only take place at the request of individual prisoners.

Tunchik of the Punishment Implementation Department in Minsk stated that their policy was to let Orthodox priests come and talk to convicts. "Visits by priests won't do any harm, on the contrary they ease the atmosphere", explained Tunchik. He said that there were chapels and prayer rooms in prisons, but mostly for Orthodox and Catholics, and rarely for Protestants.

"Clergy access is something exceptional in pre-trial detention centres"

By Olga Glace

Forum 18 News (04.07.2011) / HRWF (11.07.2011) - <http://www.hrwf.net> – Andrzej Poczobut, a journalist who was arrested on 6 April on charges of slandering and insulting Belarus' president, has been denied a visit by a Catholic priest for nearly three months while in detention in Grodno [Hrodna] Prison No. 1, his wife told Forum 18 News Service.

"He is a true Roman Catholic and all this time in detention he has asked for a priest more than once, but the prison administration always found excuses not to grant it," Aksana Poczobut complained to Forum 18 on 29 June. Grodno prison administration's phone repeatedly went unanswered when Forum 18 called, most recently on 29 June. Poczobut is the Grodno-based correspondent of the Polish newspaper Gazeta Wyborcza.

He has been on trial behind closed doors at Grodno's Lenin District Court since 14 June. The trial is due to resume on 5 July, when Poczobut is due to be allowed his final address to the court and the verdict may then be handed down. Prosecutor Aleksandr Yuzhik has called for a three year prison term, the Belapan news agency noted on 28 June after that day's trial hearing.

Clergy visits to pre-trial detainees difficult

Poczobut is among the known cases of detainees in Belarus awaiting trial who have faced problems gaining access to religious representatives of their faith or to religious literature, Forum 18 notes. Those known to have suffered such problems were all detained for political reasons. A number of these were arrested after protest demonstrations on the night of the disputed 19 December 2010 presidential election. Since then, in addition to Poczobut in Grodno's Prison No. 1, the pre-trial detainees known to have been denied clergy visits are in the KGB secret police detention centre in the capital Minsk and in the city's Detention Centre No. 1, which is run by the Interior Ministry. These cases are noted below.

A 2004 Interior Ministry decree on the internal regulations of detention centres – mainly for those awaiting trial – provides for pastoral visits by representatives of registered religious confessions if permitted by the state organ conducting the case against the relevant inmate.

Minsk-based lawyer Vlasta Oleksuk informed Forum 18 on 21 June that a detainee awaiting trial needs to get permission for a clergy visit from a prison administration and investigator or the court.

Oleg Gulak of the Belarusian Helsinki Committee remarked that all prisoners awaiting trial - not only political prisoners - have their religious rights violated in detention centres. "Clergy access is something exceptional in pre-trial detention centres," he told Forum 18 from Minsk on 27 June.

A 2008 report on the situation in prisons by the Belarusian Helsinki Committee called for improvements for inmates in the right to practice their religious faith, especially for those awaiting trial. It pointed out the United Nations Standard Minimum Rules for the Treatment of Prisoners, approved in 1955, recommend in Article 41: "Access to a qualified representative of any religion shall not be refused to any prisoner".

Why no clergy visit?

Asked why Poczobut had been repeatedly denied his request to meet a Catholic priest, an official of Grodno Punishment Implementation Department expressed surprise that a prisoner had been denied access to a religious representative, despite requesting such a visit. "It's not that we are against clergy visits, we are all for them," the official, who did not give his name, claimed to Forum 18 on 15 June. The official insisted that the right of access to religious provision is the same for both convicted prisoners and detainees awaiting trial.

Head of the Ideology Department of Grodno Punishment Implementation Department, Ruslan Yegorchenko, specified that though having the same right for pastoral visits as convicted prisoners, detainees awaiting trial need permission of the investigator or the court. "It happens that such permissions are not given, but the investigator or the court have their own reasons for that," he told Forum 18 on 28 June.

The Prosecutor's Office of Grodno's Lenin District, which is leading Poczobut's case, denied that it was responsible for granting permission for clergy visits. "Such permissions are given by the Court, the institution which handles the case," explained the official, who did not give his name, told Forum 18 on 14 June.

Reached by Forum 18 on 15 June, the receptionist at Lenin District Court refused to comment and said that they do not give judges' numbers.

No permission for visit – an excuse?

Poczobut told his wife that the prison administration never turned him down directly when he asked to see a priest. They claimed that a priest could not visit as no permission had been received from the Prosecutor's Office. From detention, Poczobut commented to Forum 18 via his wife that this was just an excuse.

Neither of the two Catholic priests who serve Grodno Prison No. 1 on a voluntary basis has been able to gain access to Poczobut. "I knew that Andrzej Poczobut requested a visit from a priest and I was ready to come," Fr Kazimir Zylis told Forum 18 from Grodno on 16 June. "But I was waiting for the permission from the Prosecutor's Office." The other Catholic priest, Fr Valery Dyakovsky, confirmed to Forum 18 on 16 June that he did not have permission to visit Poczobut either. "They [the administration of the prison] know for themselves which of us they could ask," he commented. "The prison administration and the court usually agree this with each other."

Poczobut has faced problems from the authorities before. In March 2009 the Belarusian Foreign Ministry stripped him of his accreditation as a journalist because of his articles for Gazeta Wyborcza, including one which covered the deportation from Belarus at the end of 2008 of three Catholic priests from neighbouring Poland working in the Grodno Diocese.

Why no access to religious representatives?

Belarusian Youth Front and Christian Democracy activist Pavel Severinets, charged for his political activities, was denied a meeting with an Orthodox priest for almost five months while in the KGB secret police detention centre in Minsk. The judge insisted that it was not the responsibility of the court and the investigator did not consider it necessary. Severinets connects it with his unwillingness to cooperate with the KGB and to admit his guilt. He was convicted and given an open jail term on 16 May.

Also imprisoned in the same cell in the KGB detention centre in Minsk at the same time as Severinets and denied access to an Orthodox priest was a leader of the Young Democrats' Movement, Oleg Korban. He had been arrested on the night of 19 December 2010 and was held in the KGB secret police detention centre until 7 January 2011. He too

had requested such a visit in vain.

Anastasiya Polozhanko, of the Belarusian Youth Front, was also arrested on 19 December 2010. She was held in the KGB secret police detention centre in Minsk for two months before her release on 17 February. When she inquired of the prison administration about the possibility of Orthodox clergy visits, she was told it was impossible, she complained to Forum 18 on 4 July. "I had heard about Severinets' requests, and if he had succeeded I would have officially asked for a priest too," Polozhanko told Forum 18. She was given a one year suspended sentence in May.

The duty officer at the KGB secret police detention centre refused to comment to Forum 18.

Similar denials of requested clergy visits have occurred at Detention Centre No. 1 in Minsk. Youth Front opposition activist Vladimir Yeremenok was arrested on 20 December 2010 for participating in a riot at the opposition protest rally and given a two-week prison term. He was then freed, but given a further seven-day prison term. He was arrested again on 28 January 2011 and held in Minsk's Detention Centre No. 1. He told his friends that he requested a visit by an Orthodox priest several times after his January arrest but no priest came.

"Detention Centre No. 1 administration in Minsk ignores all the appeals for clergy visits, doesn't organise such a meeting and gives no explanations why the detainee can't see a priest," the press-secretary of the Youth Front, Yulian Misukevich, told Belapan news agency on 28 June about Yeremenok's case. He pointed out that, unlike the KGB's detention centre, Detention Centre No. 1 in Minsk has its own prayer room, so the prison cannot use that as an excuse.

Anatoly Tunchik, Deputy Head of the Punishment Implementation Department, which is responsible only for Interior Ministry prisons, insisted to Forum 18 from Minsk on 24 June that "there are no obstacles for convicts to see a priest and take part in religious services". He assured Forum 18 that privacy was provided in such meetings. However, he could not explain why Yeremenok and others had been denied requested meetings with a priest.

A duty officer at Detention Centre No. 1 claimed to Forum 18 on 16 June that priests and other religious representatives were allowed to meet prisoners, but refused to specify if they were allowed to see political prisoners as well. Duty officers repeatedly refused to transfer any of Forum 18's calls to the prison administration.

Lessons from the past

Some political prisoners detained after the 19 December 2010 election did not request visit from a religious representative despite their desire for such a visit, Forum 18 has learnt. They believed from previous experience that such a request would be in vain.

The leader of the opposition Youth Front, Zmiter Dashkevich, Pentecostal, accused of hooliganism, would have liked to see a pastor. He was arrested on 19 December 2010 and held in Detention Centre No. 1 in Minsk. His friend Polozhanko told Forum 18 that he did not request such a visit as he "knew from experience" that he would be denied this right while in pre-trial detention.

From 2006-8, Dashkevich spent 18 months in prison under Article 193 of the Criminal Code for acting in the name of an unregistered organisation.

The Christian Democratic Party leader and former presidential candidate, Vitaly Rymashevsky, Orthodox, confirmed to Forum 18 that he did not ask for a visit from a

priest for the same reason and the short term of his detention (he was held from 19 December until 29 December). "In the KGB secret police detention centre there is no religious literature at all and no access to a priest either," he maintained to Forum 18 on 6 June.

No guaranteed access to religious literature

Prisoners' access to religious literature varies in pre-trial detention centres, Forum 18 has found. Rymashevsky told Forum 18 there had been no access to religious literature when he was in Minsk's KGB detention centre in December 2010. Polozhanko complained that after her December 2010 arrest, KGB officers refused to allow her to keep and use the Bible she had in her handbag at the time of her arrest.

However, they allowed her to order one during her two-month detention in the KGB detention centre in Minsk. "The Bible came in a month and it was in Russian, while I preferred to have it in my native language [Belarusian]," Polozhanko complained to Forum 18.

Severinets also told Forum 18 that his mother could not pass on a Bible to him while he was held in Minsk's KGB secret police detention centre. He too had to buy it from the prison.

Dashkevich's friends found it difficult to pass him a copy of the Bible during the first two weeks of his detention in Minsk's Detention Centre No. 1 after his 2006 arrest. He was only allowed a Bible after threatening to go on hunger strike.

By contrast, Polozhanko told Forum 18 that Dashkevich's friends were able to pass him a copy of the Bible while he was held in Minsk's Detention Centre No. 1 after his December 2010 arrest. Yeremenok's friend Ganna Sharuba told Forum 18 on 28 June that it was possible to pass him a Bible in the same detention centre within days of his December 2010 arrest.

After sentencing, will prisoners now have religious visits?

The lawyer Oleksuk explained to Forum 18 that exercising religious rights by inmates in pre-trial detention centres is similar to the situation in maximum security prisons as these types of prison are usually in one building or in the same complex. She told Forum 18 that convicts in normal prisons have fewer problems with access to religious representatives, access to worship services and access to religious literature. However, such access often depends on where prisoners are serving their sentences and what faith they are.

Dashkevich was found guilty by a District Court in Minsk on 24 March and given a two-year general regime labour camp term. Minsk City Court rejected his appeal on 17 June and upheld the sentence. He was then transferred to Investigation Prison No. 8 in Zhodino for a week, before being transferred to Gorky Prison in Mogilev Region.

However, soon after arrival he was placed in the prison's punishment cell.

Polozhanko remarked that after transfer to a normal prison, Dashkevich should be able to meet a pastor more easily, as permission of the court is no longer needed. But his detention in a punishment cell may make such a visit impossible.

On 14 May Yeremenok was sentenced by a Minsk court on charges of organising riots to three years' imprisonment in a maximum security prison, but appealed against the court's decision. Yeremenok is still being held in Minsk's Detention Centre No. 1 until his appeal is heard, due on 15 July.

Priest's visit "inexpedient" / Fresh Criminal Code Article 193-1 threat

By Olga Glace

Forum 18 News (19.05.2011) / HRWF (30.05.2011) - <http://www.hrwf.net> - The Co-Chair of Belarus' Christian Democracy movement, Pavel Severinets, was for five months in detention repeatedly denied the possibility of a visit he requested from an Orthodox priest, he has told Forum 18 News Service. Severinets was speaking after he was given an open jail term for his political activities, at a trial along with two other opposition political activists and human rights defenders. The authorities admitted to Severinets that he had every legal right to see a priest, he told Forum 18. He suspects that the denial was due to his refusal to work for the KGB secret police as an informer, and his unwillingness to plead guilty to organising a riot. Elsewhere, Nikolai Varushin, a member of an unregistered Baptist church has been threatened with punishment under Criminal Code Article 193-1, which carries a maximum penalty of two years' imprisonment. This is the second recent occasion in which the use of Article 193-1 – which has not previously been used to repress freedom of religion or belief – has been threatened against an unregistered religious community.

Belarusian Youth Front and Christian Democracy activist Pavel Severinets, who received an open jail term on 16 May for his political activities, was while in detention denied a meeting with an Orthodox priest for almost five months. "During these months in detention, I lodged more than ten applications for a pastoral visit by a priest to the police Investigating Inspector. About the same number of requests were made by my family and lawyer," Severinets told Forum 18 News Service from the capital Minsk on 18 May. His mother, Tatiana Severinets, told Forum 18 the same day: "For the last four months there's been hardly any relevant institution to which I have not sent appeals for a clergy visit to Pavel and complaints at denials of this."

In his closing statement at his trial, Severinets told Minsk's Zavodskoy District Court that the head of the Investigation Prison of the KGB secret police, where he spent most of his pre-trial detention, had not opposed a meeting with a priest. However, investigators and the court had blocked it. "I believe that refusing someone who has not yet been deemed an evil-doer the possibility to make a confession before a priest and take communion demonstrates that this system does not aim at reforming people," he told the court. "Because a priest, an Orthodox father, a [Catholic] priest, a [Protestant] pastor, is someone called by God to educate human souls."

Severinets, Co-Chair of the country's Christian Democratic movement, was detained along with many others after a protest rally against electoral fraud in the December 2010 election in Minsk. He was charged with breaking Article 293 of the Criminal Code ("Organisation of riots"), an accusation he denied.

On 16 May Judge Zhanna Brysina of Zavodskoy District Court sentenced him to three years' "restricted freedom", including compulsory work to be assigned to him by the authorities. Also sentenced in this trial was the wife of former presidential candidate Andrei Sannikov, who had himself two days earlier been given five years in a maximum security prison. Four others tried with him were also jailed. His wife, journalist Irina Khalip, was given a two year suspended jail sentence. Opposition political activist Sergei Martselev was sentenced to two years on probation.

After the trial Severinets and his fellow activists called for support for Sannikov and other political prisoners. "We can help them now. We should organise support for them. I thank

God and I thank everyone who supported me and who prayed for me," Radio Free Europe reported on 16 May.

Belarusian and international law upholds the rights of prisoners and detainees to freedom of religion or belief, including pastoral visits by clergy, but this has frequently been denied to political prisoners. There are currently no prisoners jailed purely for their religious convictions in Belarus.

Meetings with a priest "inexpedient"

Severinets told Forum 18 that the Investigating Inspector, Ivan Sanko, told him that meetings with a priest were "inexpedient". Sanko's telephone went unanswered each time Forum 18 called on 17, 18 and 19 May.

Judge Brysina of Zavodskoy District Court, who was responsible for Severinets' case, was "not available for the press", Forum 18 was told on 18 May. Tatiana Severinets told Forum 18 that, while her son was in detention, an official letter signed by Judge Brysina informed her that it was not in the competence of the Zavodskoy District Court to allow detainees a meeting with a priest.

The authorities admitted to Severinets while he was in detention that he had every legal right to see a priest, he told Forum 18. He suspects that the denial of his repeated requests was due to his refusal to work for the KGB secret police as an informer, and his unwillingness to plead guilty to organising a riot at the opposition protest rally the authorities violently broke up.

While Severinets was in detention, the major Christian festivals of Christmas and Easter took place. "For me as a devout Orthodox Christian it was very important to see a priest for confession and communion," Severinets commented to Forum 18 about his requests for visits by a priest.

Severinets, along with many other Belarusian human rights defenders and opposition political activists, sees his activities as rooted in Christian faith. In 2008 he was one of the organisers of the largest non-party political petition in Belarusian history, calling for legal changes to implement freedom of religion or belief, for which he and others were fined by the authorities. The European Parliament passed a resolution in support of the petition.

"There has never been a priest there since Stalin's time"

The Belarusian Orthodox Church has a Department of Co-operation with the state's Punishment Implementation Department, its press secretary Fr. Sergy Lepin told Forum 18 on 11 May. There are even churches in prison camps, he stated, noting that the Church has an official agreement with the Interior Ministry on regular church services and visits by priests in prisons.

However, no such agreement exists with the KGB secret police about its detention centres, where Severinets was kept. Fr Lepin pointed out that it is a peculiarity of Belarus legislation that in a detention centre it is the Investigating Inspector who determines what personal visitors prisoners can have. In Severinets' case the Inspector declined his request. "If the Inspector gave his permission, a priest could have visited", he told Forum 18.

Tatyana Severinets told Forum 18 that she wanted to meet Metropolitan Filaret (Vakhromeyev) of Minsk and Slutsk, the head of the Belarusian Orthodox Church, but he refused to meet her. However he did direct her to Bishop Veniamin who she met on 31 April. He promised to use his influence, but "nothing came out of it", she told Forum 18.

Metropolitan Filaret has been hostile to the human rights defender activities of Severinets and others, banning Fr Aleksandr Shramko from celebrating the Orthodox liturgy for taking part in the religious freedom petition.

Severinets himself (who in 2005-2007 spent two years in jail as a political prisoner, and has also been jailed for much shorter periods) said that he had not seen a priest in a KGB secret police detention centre. "There has never been a priest there since Stalin's time", he said.

However, Protestant pastor Boris Chernoglaz of the Church of Jesus Christ some years ago managed to make one visit to a prisoner in a KGB detention centre. "The regime is very strict there," he told Forum 18 on 12 May. "Psychologically it was not easy, feeling the pressure after hearing numerous doors closing behind you." The visit was to hear the confession of a detainee. "Pastoral visits and correspondence mean a lot to people in prison," he observed. He pointed out that he was only able to make the visit because he had permission from the Investigating Inspector.

Severinets also told Forum 18 he did not have a Bible for his first month in detention. But he was then allowed to buy a Bible. "I bought a copy in Russian, as the bookshop which works with the KGB secret police detention centre didn't have it in Belarusian," he noted.

"The law itself failed us"

Nikolai Varushin, leader of a Baptist Council of Churches congregation in the south-eastern town of Gomel [Homyel'], on 29 April lost an appeal against a fine of 1,050,000 Belarusian Rubles (1,040 Norwegian Kroner, 235 Euros, or 335 US Dollars) for leading worship without state permission. This is slightly more than one month's minimum monthly wage, and was originally imposed on 5 April by Gomel's Railway District Court for breaking Article 23.34 Part 2 of the Code of Administrative Offences ("Violation of the procedure for organising or conducting a mass event or demonstration").

The fine followed a 13 February police raid on the Baptist congregation's Sunday worship, during which CDs, audio cassettes and religious literature were confiscated. Gomel Regional Court confirmed at the appeal hearing that the confiscated items will not be returned. Varushin told Forum 18 from Gomel on 11 May that he has no idea whether the material will be stored by the authorities or destroyed.

Varushin – whose congregation like other Council of Churches Baptists refuses to seek state registration – noted that Regional Court officials behaved politely towards him, although stating that the law could not be changed. "We haven't done anything wrong. It was not we who violated the law, the law itself failed us," Varushin told Forum 18.

Unregistered religious activity is an offence in Belarus, against international human rights law.

Varushin does not wish to pay the fine, but told Forum 18 that it is already being deducted from his salary.

"Within the competence of the KGB secret police"

Criminal Code Article 193-1 ("Illegal organisation of, or participation in the activities of, an unregistered political party, foundation, civil or religious organisation") has not before February 2011 been known to have been used against people exercising freedom of religion or belief.

However, it has now been invoked for the second time in 2011 by the authorities. Gomel Regional Public Prosecutor Denis Mikushev on 18 April issued an official warning to Varushin that if he continues to meet for worship he could face prosecution under Criminal Code Article 193-1. Those prosecuted would face a maximum penalty of two years' imprisonment, with lesser penalties of six months detention, or a fine.

A similar warning was in February 2011 made to three members of a Council of Churches Baptist congregation in the town of Kostyukovich, in the Mogilev [Mahilyow] Region of eastern Belarus.

Varushin insisted that his congregation will not stop meeting for worship. "We would like to be law abiding but when the state law and God's law contradict each other, we choose God," he told Forum 18. There have been no police raids on the congregation since the February raid.

Public Prosecutor Mikushev told Forum 18 from Gomel on 17 May that the formal warning was issued in compliance with Belarus' legislation. He stated that his future actions would depend on "the law-abiding behaviour of the church activists". He added that if tried and found guilty they could appeal to the Gomel Region Prosecutor's Office. Asked what criminal or administrative responsibility could be ascribed to Varushin, Mikushev responded that this was "within the competence of the KGB secret police".

The KGB secret police closely monitors all religious communities.

Belarusian human rights defenders and civil society organisations have campaigned for the abolition of Criminal Code Article 193-1, arguing that it breaks both the Belarusian Constitution and the international human rights standards to which Belarus is a party. No other unregistered religious communities are known to at present face warnings under Article 193-1.

Easter buses stopped

On Easter Sunday, 24 April, a bus belonging to New Life Pentecostal Church in Minsk was stopped from bringing people to the church from the nearest Metro station two kilometres (one mile) away. Traffic police claimed that the bus had no tax office registration for this purpose. (However tax office registration is not necessary for a non-commercial purpose.) Police also stopped a bus borrowed by New Life from another church – which has tax office registration - without any explanations.

"We've been using our bus for a long time to help our members to get to the church," church lawyer Sergei Lukanin told Forum 18 from Minsk on 5 May. "But there was no case like this before."

Officials have for a number of years sought to remove New Life from its building.

At Minsk's Frunze District Police Station, whose officers stopped the buses, the duty Inspector (who did not give his name) told Forum 18 that the action must have been for safety reasons. Elena Volchek of the district's Ideology Department told Forum 18 that she had never heard of the incidents with the buses. (Ideology Departments are frequently involved in actions against people exercising freedom of religion or belief.)

"It looks like a planned action against our religious event", Lukanin commented to Forum 18.

Unregistered Baptists (Initsiativniki) persecuted

Baptist pastor fined for leading service

International Union of Churches of Evangelical Christians-Baptists (23.04.2011) / HRWF (05.05.2011) - <http://www.hrwf.net> - Dear Brothers and Sisters, on 13 February 2011 police officers of the city of Gomel, republic of Belarus, broke up a Sunday divine worship service of a church of the International Union of Churches of Evangelical Christians – Baptists (MSTsEKhB). They confiscated compact disks, audio cassettes, and Christian literature and also drew up a protocol respecting the minister of the church, Nikolai Ivanovich Varushin.

On 5 April 2011 a court of the Zheleznodorozhnyi region of Gomel reviewed the case regarding administrative violation of part 2, article 23.34 of the Code of Administrative Violation of Law of the republic of Belarus (violation of the procedure of organizing and conducting mass events or demonstrations). On the basis of the protocol, in which it was said that N.I. Varushin "organized and conducted an illegal prayer service without have obtained appropriate permission for this," the court issued a decision to subject him to a fine of 1,050,000 Belorussian rubles (USD345). In addition, the court ordered to confiscate all the literature, compact disks, and audio cassettes that were seized.

On 18 April 2011 the prosecutor of the Zheleznodorozhnyi region of Gomel, D.A. Mikushev, issued to N.I. Varushin an official warning in which it was said:

"In the course of a prosecutorial investigation on information from the KGB directorate for Gomel province it was established that in the city of Gomel at the address building 14 9th Inogorodnaiai Street the religious society of the International Council of Churches of Evangelical Christians-Baptists conducted illegal activity, and you were one of the leaders and an active participant in this. In particular, in order to spread the ideas of the organization, you organized a worship service with the participation of a great number of people, including children, and you conducted a meeting with citizens, and printed and video productions were distributed. At the same time, said organization had not gone through the established procedure of state registration. . . .

"According to point 3 of the decree of the president of the republic of Belorus (RB) of 26 January 1999, 'On several measures for regulating the activity of political parties, professional unions, and other public associations,' activity of associations that are not registered or have not been reregistered is prohibited on the territory of RB.

"In accordance with article 193-1 of the RB Criminal Code, organizing activity or participating in the activity of a political party, other public association, religious organization or foundation . . . that has not undergone by established procedure state registration is punishable by a fine or detention for a period of up to six months or imprisonment for a period up to two years.

"On the basis of the above information . . . I officially warn you of the impermissibility of violation of the law and of activity in the name of a public association or religious organization that has not undergone state registration in the established procedure, and in the event of further violation of the legislation you may be brought to criminal account in accordance with article 193-1 CC RB."

This warning contradicts the constitution, the basic law of the republic of Belarus: "Every person has the right to determine independently his relationship to religion and individually or jointly with others confess any religion. . . to express and disseminate convictions connected with the relationship to religion, and to participate in the practice of religious worship, rituals, and rites that do not violate the law" (art. 31) and "Every

person is guaranteed freedom of opinions and convictions and their free expression" (art. 33).

The Universal Declaration of Human Rights declares: "Every person has the right to freedom of thought, conscience, and religion. . ." (art. 18) and "Every person has the right to freedom of peaceful assembly. . ." (art. 20).

The RB law "On freedom of conscience and religious organizations" of 31 October 2002 says: "If an international agreement concluded by the republic of Belarus establishes any other rules than those which are contained in the present law, the rules of the international agreement are applicable" (art. 40).

Brother Nikolai Ivanovich filed an appeal in the Gomel provincial court; the court session has been scheduled for 29 April 2011.

Dear friends, we will pray and petition that the decision of the Zheleznodorozhnyi regional court regarding N.I. Varushin will be rescinded, all items that were seized will be returned, and we will not be prevented from conducting peaceful Christian worship services.

Authorities "have the right" to raid unregistered worship

By Olga Glace

Forum 18 (30.03.2011) / HRWF (04.04.2011) - <http://www.hrwf.net> - Raided during worship on successive Sundays in February were two separate Council of Churches Baptist congregations in Belarus, as they told Forum 18 News Service. The pastor of one is awaiting administrative trial for "holding an unauthorised religious service" and religious literature confiscated from him has not been returned. Three members of the other congregation were officially warned that if they continue to worship without state registration they could face criminal prosecution and a possible two year prison term. "Every registered organisation has a Charter and the authorities control how the community follows it. This is unacceptable for us," one of the three, Natalia Zavalei, told Forum 18. Ideology official Svetlana Starovoitova, who joined KGB officers in raiding Zavalei's congregation, insisted to Forum 18 that its worship was illegal. A religious affairs official in the capital Minsk, Mikhail Rybakov, told Forum 18 that for communities of any faith worshipping without registration "the authorities have the right to interrupt services".

In the wake of two known raids in Belarus this year on unregistered Council of Churches Baptist congregations during Sunday worship, the imminent administrative prosecution of one pastor and warnings to other church members, a religious affairs official in the capital Minsk has defended the authorities' actions. "Religious meetings and services are in line with the law only if the communities have registration," Mikhail Rybakov, press secretary of the Plenipotentiary for Religious and Ethnic Affairs, told Forum 18 News Service on 23 March. "Otherwise the authorities have the right to interrupt services." Jehovah's Witnesses fear that several of their communities which have been denied registration could be raided and leaders prosecuted.

Rybakov made it clear that no exceptions will be made over religious communities which function without registration, whether because they have been refused, are still waiting for it or have not applied. Asked about the Jehovah's Witness communities

whose registration applications have been rejected or left unanswered, he confirmed to Forum 18 that this principle applies to communities of every religion.

Prosecutions for unregistered religious activity are in defiance of international human rights standards.

Awaiting trial

The latest raid and prosecution known to Forum 18 is that of a congregation in the south-eastern town of Gomel [Homyel] of the Council of Churches Baptists, who do not seek state registration on principle. The congregation's leader Nikolai Varushin is awaiting trial on charges of "holding an unauthorised religious service in breach of Article 23.34 Part 2 of the Administrative Violations Code". This article punishes "Violation of the procedure for organising or conducting a mass event or demonstration", and carries a maximum fine of 1,050,000 Belarusian Roubles (1,930 Norwegian Kroner, 245 Euros, or 345 US Dollars).

Varushin told Forum 18 on 29 March that it had been more than two weeks since officials informed him that the summons to court had been sent by post, but he had not received it. He said that Baptist meetings "are always peaceful and can't be referred to as mass events", and complained that confiscated religious literature and other materials have not been returned to him.

The raid

The confiscations happened when on 13 February the Baptists' Sunday worship was raided by 20 police officers from Gomel's Railway District. An officer in civilian clothes claimed that the reason for the raid was that the police came to see what was going on. Police officers filmed the service and examined the house, including the private premises where two families live, garage and utility rooms. In the course of the search the officers confiscated CDs, audio cassettes with sermons and talks by congregation members, and religious literature.

Police Major Dmitri Bondarev, who led the raid, told Forum 18 on 10 March that they repeatedly received complaints from nearby residents, which led to the raid. Asked whether worship services disturbed anyone, Bondarev stated that it was a private three storey house, two residents were in the United States, and the others were in the worship service themselves. "We acted in compliance with the Law, they have no registration, this is a violation and they should take the consequences," he insisted. Bondarev thought that Varushin would probably have to pay a fine of 700,000 Belarusian Roubles (1,290 Norwegian Kroner, 160 Euros, or 230 US Dollars).

Forum 18 tried to ask the local policeman responsible for the district, Nikolai Ladeyev, whether he had received complaints from residents. However he has not been available to Forum 18 since 3 March.

Return of confiscated material demanded

Varushin told Forum 18 that confiscated religious literature is usually returned after it is examined. He has asked Prosecutor Denis Nikushev to quash the charges and give back the confiscated material. However Varushin was told that Nikushev is on holiday until the end of March, and his secretary said that he would not be available for comments on the phone.

Varushin noted that the latest raid is the first raid on the church for over a year. In January 2008 Varushin was fined for leading an unregistered religious organisation.

Stop worshipping or get registered

The other raid was on a Council of Churches Baptist congregation in the town of Kostyukovichy in the Mogilev [Mahilyow] Region of eastern Belarus. Afterwards, three church members were given an official warning on 14 March for unregistered religious activity. The three - Pastor Nikolai Zavalei, his wife Natalia and the owner of the house where the worship took place - were detained during the 20 February raid by KGB secret police agents. Also present during the raid was Svetlana Starovoitova, Head of the Ideological Department of the Regional Executive Committee (local administration). The officials tried to persuade the three to stop worshipping or get the community registered.

The three Baptists were detained for four hours at a local police station. They were warned that if they continue with unregistered worship they could face prosecution under the Code of Administrative Offences or even under Criminal Code Article 193-1 ("Illegal organisation of, or participation in the activities of, an unregistered political party, foundation, civil or religious organisation"), which carries a maximum punishment of two years' imprisonment.

"What the people did was illegal"

"What the people did was illegal," Ideology official Starovoitova insisted to Forum 18 on 21 March. "They violated the law by carrying out an unauthorised religious service." She went on to state that "they were caught for the first time, another action like that and we'll submit the case to court which will impose a fine on them".

She saw no contradiction between Article 31 of the Constitution's claim that "Everyone shall have the right independently to (..) profess any religion individually or jointly with others, (..) and to participate in the performance of acts of worship and religious rituals and rites" and the Religion Law's ban on unregistered religious activity. "There is a law on registration of religious organisations, yes, people have the right to profess any religion but under the condition of registration," she insisted to Forum 18.

Starovoitova claimed that neighbours were complaining about "strange meetings and strange people coming". Asked whether the church members violated public order, she replied that they were singing.

Registration "is unacceptable for us"

However Natalia Zavalei told Forum 18 on 23 March that "we declared to them straight away that despite all their exhortations we are going to continue what God told us to do". She insisted that her community will not seek registration. "Every registered organisation has a Charter and the authorities control how the community follows it. This is unacceptable for us." She also noted that officials already know who is involved in the congregation, as they were during the raid able to immediately name some participants.

Asked if the congregation will continue to hold worship services, Natalia Zavalei confirmed that they would, adding that they would not even change the location of where they meet.

"Registration bodies always find a reason to postpone registration"

The Jehovah's Witnesses fear that eight of their communities which function without registration could face raids at any time, a spokesperson told Forum 18 from Minsk on 17 March. Five of these communities have been refused registration.

Two communities - in Borisov [Barysaw] and Molodechno [Maladzyechna] - lodged their applications in October 2010, but have had no reply from the authorities. According to the 2002 Religion Law, the authorities should respond to an application within a month. "The registration bodies always find a reason to postpone registration," the Jehovah's Witness spokesperson complained. The latest difficulty is over the legal address, with officials insisting that they find a building designated for religious activities.

Several local officials responsible for registration confirmed the denials. An official of the Department of Religious and Ethnic Affairs of the Molodechno Executive Committee, who would not give his name, told Forum18 on 21 March that he saw the Jehovah's Witness application. He claimed that at first they did not have enough members, but now they have to solve the problem over the legal address. "It is their problem, the documents are viewed, studied and the decision is made," he said with apparent irritation. Asked if the difficulties were related to their religious affiliation, the official refused to answer.

Finding a venue the authorities do not object to as a community's legal address has been a problem ever since re-registration was required with the adoption of the restrictive 2002 Religion Law.

Two Jehovah's Witness congregations, given official warnings after some of their members offered religious literature to passers-by on the street, have failed to legally establish a right to challenge such warnings through the courts.

New Life refuses further demand to pay fine

Meanwhile, the Minsk-based New Life Pentecostal Church is continuing to refuse to pay a massive fine for "environmental damage" imposed on them by Minsk City Economic Court in July 2010. The court decision - seen by Forum 18 - demanded payment of 249,000,000 Belarusian Roubles (455,700 Norwegian Kroner, 57,875 Euros or 81,745 US Dollars) by 7 March, one day before a public holiday. "Why does the deadline always fall on the day before the holidays? Last time it was 29 December 2010," Sergei Lukanin, the church's lawyer, told Forum 18 on 4 March. "There is no way we are going to pay the fine."

Aleksandr Borovikov, head of Minsk City Natural Resources and Environmental Protection Committee, which brought the case which led to the massive fine, rejected the church's claims that environmental measures are deliberately being used to target the church.

Forum 18 was unable to reach Viktoria Kaminskaya, the bailiff for Minsk Administrative Court, on 28 March. However her assistant - who did not give a name - explained that if the fine is not paid, the case would be handed to the local District Court which would put a restraining order on New Life's property.

Officials have long sought to oust the New Life church from its building. The church has voted to opt for civil disobedience as a response to what it regards as state injustice. "We have chosen not to let any officials on duty into our church, and it works so far," Lukanin the church lawyer said.

Why can't derelict church be relocated for worship?

By Olga Glace

Forum 18 (14.02.2011) / HRWF (21.02.2011) - <http://www.hrwf.net> - For six years the community of Pomore Old Believers in Belarus has been struggling to relocate from a small village on the border with Lithuania a historic wooden church which has fallen into disrepair as no local Old Believer community remains. The community wants to move it to the capital Minsk, where the community has no proper church and meets in a converted house. Yet the city authorities will not allow it. "I guess this is part of the state policy concerning our religious affiliation and because this is the capital," the community's leader Aleksandr Belov explained to Forum 18 News Service from Minsk on 9 February. He believes the relocation would give the community an affordable yet dignified place of worship in the capital, and at the same time preserve a part of their treasured heritage. "Our historic church has significance for us because this is the church where our community has prayed." The Minsk community says it would struggle to afford to build a new church.

The Minsk congregation of Pomore Old Believers has had state registration since 2003. The private house where it meets for worship holds about 50 people in two large rooms, while many more than that turn up on major festivals. The nearest proper church is 75 kms (45 miles) away in the town of Borisov [Barysaw]. The Pomore Old Believers have about 20 churches in Belarus and the others face no problems, Belov noted.

Religious communities which do not have a building which they have long used for worship often face bureaucratic hurdles to finding a building to buy or rent, or land to build a new place of worship. In one high-profile case, the New Life Pentecostal church in Minsk has been refused permission to change the designated use of the former cowshed they bought in 2002 and renovated as a church. Officials have repeatedly tried to seize the building and imposed fines for alleged environmental damage which church members refuse to pay.

Why can't community move historic church?

The Old Believers could find the money to move their historic church from Leshchinovo in Ostrovets District of Grodno [Hrodna] Region to Minsk. The wooden church was erected in the 18th century and by 1910, after numerous reconstructions, gained its present appearance. The church has been vacant for 20 years, ever since the borders with Lithuania – where almost the entire local Old Believer community lives - became much tighter. The community is concerned that its historic heritage is deteriorating.

Although only a few kilometres (miles) away from the church on the other side of the border, the Lithuanian Old Believers cannot cross the border directly. They have to travel 130 kms (80 miles) via the nearest border crossing-point. They have to obtain a visa, which is not easy, and wait at customs for up to three hours. Although a simplified procedure is provided for them once a year on the feast of Trinity, no one enjoys it as it requires confirmation of having relations in Belarus. This is impossible, as the people are coming to commemorate their dead relatives. According to Belov, the border crossing arrangements are not targeted at them because of their belief - these are the usual procedures for European Union citizens visiting Belarus.

The Culture Department of Ostrovets District Executive Committee shares the community's concern. Yelena Kardis, its specialist in historical and cultural preservation, confirmed the poor condition of the church. According to the 2006 law on the preservation of historic and cultural valuables, the owner (the Old Believer community) has the right to claim funds from the budget to maintain the building. Kardis told Forum 18 on 18 January that the community could possibly try to claim the funds, but since the church was going to be moved the decision rests with the Minsk City Architecture Department. She added that if the owners of the church fail to maintain it in proper condition, they could be liable to a considerable fine, though she specified no amount.

Why aren't wooden churches allowed in a city?

The decision of the Minsk City Architecture Department is contradictory. While considering the possibility to give land for the Old Believers to build a new church in Minsk, it refused permission to transfer the old church there. Given that the church has to suit its environment, "we consider it inexpedient to transfer the wooden church to the urban environment of a big city like Minsk," according to a 12 October 2010 letter signed by the Architecture Department's First Deputy Head, Aleksei Martynov, seen by Forum 18.

Repeatedly between 17 January to 4 February, Forum 18 tried to put the question of moving the church to a better location to a specialist in historic building development at Minsk City Architecture Department, Aleksandr Andronchik, but he was not available for comment. Attempts during the same period to contact the Head of Minsk City's Department of Religious and Ethnic Affairs, Alla Ryabitseva, were equally unsuccessful. She did not answer her phone even though her secretary confirmed that she was in the office.

According to Belov, who met Ryabitseva on 5 January, "her attitude was not hostile but there is no positive decision either". In response to the Old Believers' application, Minskgrado Development Agency sent proposals for the location of a possible new church to the Minsk Architecture Department months ago, but there was no reaction. "Though officials keep suspending their decision, we'll get our own way with God's help. Sooner or later they will get tired of dragging their feet," Belov believes. Meanwhile, he tries to raise funds for the new church and keeps paying visits to officials and bombarding them with requests.

Is a church a museum exhibit?

Instead, the Minsk City Architecture Department offered the Old Believers the opportunity to move their historic church to the museum of folk architecture in the village of Strochitsy in Minsk Region at the community's expense. The church would be available for worship, but only within the working hours of the museum, which are from 10 am to 4 pm every day except Mondays. Since services are conducted at 7 am, with some night services on major religious holidays, community members would be denied access to the church to hold such services outside normal museum hours. The community would still be responsible for maintaining the building. These conditions are unacceptable for the community.

What about building a new church?

Despite their lack of funds, the Old Believers have also enquired about permission to build a new church. They first applied for permission in 2008 and submitted a construction plan, but their request was ignored, Belov told Forum 18.

However, their second application in 2010 finally elicited a response from the Executive Committee's Architecture Department. "More than once, Minsk City Executive Committee has considered the possibility of giving land to the congregation of Old Believers for construction of a new building," declares the 12 October 2010 letter signed by Martynov of the Architecture Department.

However, Belov remains sceptical about such promises. "These are only words. Giving a plot of land doesn't mean permission to build a church." According to the December 2007 Presidential Decree on the Seizure and Allocation of Land, which came into force in 2008, once a plot of land is allocated, a religious community needs to submit a guarantee that it has enough funds to complete construction work. Belov complains that in their case they are asked to prove they have the entire money first.

The current law makes the project unachievable since the community does not have enough money. According to Belov, 15 per cent of the predetermined value is to be paid to get permission to start construction work. "This is huge money."

Yet Belov is not giving up. "Besides the financial guarantee there are so many documents to be prepared that it will take us a long time, but we will try to do our best." The new church will be small and made of brick to be in line with Minsk's architecture. Officials give no recommendations on how the church should look, Belov noted.

Stolen icons not returned

Another issue concerning all Old Believer churches in Belarus is the restitution of stolen valuables. Belarus has no such law. "Any normal person would want it," Belov remarks bitterly. He suspects that some recovered Old Believer icons are in state hands. He points out that it is easy to recognise Old Believer icons by their distinctive traditional style of painting and decorations.

Stolen icons are rarely returned to Old Believers even if they are recovered. Only once were such icons returned to them, when thieves in Bobruisk were detained and the icons were given back to the church. Most times they are not found. More often they are confiscated by the State Customs Committee and given to museums or Moscow Patriarchate churches through the Expert Commission for Distributing Historic and Cultural Valuables working under the Minsk Department of Culture.

Deputy Head of the Expert Commission, Aleksandr Lenkov, confirmed to Forum 18 on 1 February that the Commission handles items confiscated by the customs at the border. He said his Commission's experts assess the condition and value of the items first and then the Commission contacts museums in Belarus offering them the valuables. Asked about returning the valuables to the churches where they historically belong, the official said that he had not witnessed any case like this. "Ancient cultural valuables require special temperature and humidity conditions which the churches cannot provide," he insisted to Forum 18. "We don't want to lose them." Lenkov pointed out that to his knowledge the Commission has not been working for a year. He suggests that nothing remains to distribute.

The Customs Committee's Department of Contraband Control refused to give Forum 18 any information by telephone on 31 January.

The Head of the Old Belarusian Arts Department in the National Museum, Yelena Karpenko, says her museum has about 100 icons in store waiting for the exhibition of Belorussian icons planned for 2013-4. Karpenko used to be a member of the Expert Commission. "Last time I was invited to the meeting of the Commission was four years ago," she complained to Forum 18 from Minsk on 28 January. "For me it's confusing why the Commission is not functioning now and what is happening with the confiscated valuables."

According to Belov, all the ancient icons in the church are registered in the museum. He agrees that the icons are a national legacy but would like to see them returned to the community. "Their intended purpose is to be in the church and to be prayed to," he told Forum 18.
