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## **Last minute reprieve for charismatic church**

Forum 18 News Service (05.12.2012) - "There will be no eviction," the court executor who signed last week's eviction notice against Minsk charismatic church New Life, Olga Shcherbovich, assured Forum 18 News Service yesterday afternoon, 4 December. "There was a document, there was action; the document was withdrawn, the action stopped." The eviction was to have taken place this morning, 5 December.

"This isn't the end, of course – the eviction is cancelled, but legally our land and building still belong to the authorities," New Life's administrator Vitaly Antonchikov told Forum 18 on 5 December. The authorities could seek to evict the Church in future, he confirmed. But for now, the congregation is overjoyed, and will celebrate with a thanksgiving service this evening instead of gathering at the appointed eviction hour this morning, Antonchikov told Forum 18.

Shcherbovich's 27 November eviction notice had instructed New Life Church to prepare keys to its building for a hand-over to state representatives at 11am on 5 December. It also ordered the local housing authority of Minsk's Moscow District to provide "vehicles, manpower and everything necessary to evict the debtor" in case of forced eviction. The notice was to implement Minsk Higher Economic Court's eviction order of 23 October 2012.

At 11.30am Minsk time on 5 December – half an hour after the eviction was due to take place – all was quiet at New Life's building, Church administrator Antonchikov confirmed to Forum 18.

New Life is famous for its 10-year fight to keep control of its private church property, a renovated cow barn on the edge of Minsk. The city authorities have blocked the 1000-strong congregation's efforts to use the building in line with Belarusian law, thereby stripping its rights to the property. A hunger strike by New Life members, visits by foreign diplomats and messages of support from around the world prevented the state from seizing the building in 2006.

### ***Demand withdrawn***

The 5 December eviction will not take place because Moscow District housing authority (ZhREO) - the plaintiff in the case – has withdrawn its eviction demand, court executor Shcherbovich explained to Forum 18 on 4 December. "I have nothing to execute."

At the District housing authority, Forum 18 was told to call its legal expert, but on 5

December she declined to comment on the case without an order to do so from her director.

Shcherbovich also maintained to Forum 18 on 4 December that she had sent written confirmation of the eviction cancellation to both New Life and the housing authority on 29 November. "They should have received it by registered post – let them go down to the post office and get it."

Speaking to Forum 18 just minutes earlier, New Life member and lawyer Sergei Lukanin was unaware of the development, however.

Seen by Forum 18, two documents issued on 29 November and signed by Shcherbovich of Minsk's Higher Economic Court specify that she is returning the eviction order to the housing authority unimplemented, closing the case and filing it in the Court's archives. The documents explain that this is due to a request from the housing authority for its eviction order to be withdrawn.

Church lawyer Lukanin collected the two documents from the Higher Economic Court on the evening of 4 December. This was after Shcherbovich telephoned church administrator Antonchikov around 8pm to say that the eviction had been called off, Antonchikov told Forum 18 on 5 December.

According to Antonchikov, Shcherbovich had looked up New Life's contact details on its website. "She said she had posted notification and thought the Church had received it," he told Forum 18. "But then she saw the reaction on the Internet and everywhere, and that we were still preparing for the eviction to happen, so she decided to call and tell us that it had been cancelled so we wouldn't worry." The Church had not received the postal notification sent by Shcherbovich on 29 November, he added.

### ***Mass support***

As in 2006, many within Belarus and abroad had begun to rally in New Life's defence. Belarus' 50,000-strong main Pentecostal Church declared its support in a 30 November statement on its website. Condemning the possibility of being turned out onto the street as a practice of "the years of militant atheism", this called upon all its members to pray for the Church.

On 4 December, the day before the eviction was due to take place, the Pentecostals' acting Bishop Sergei Tsvor invited Pastor Vyacheslav Goncharenko and Lukanin to a prayer meeting of pastors from Minsk and Minsk Region. "Afterwards many pastors came up to us to express their support and said they would join us on 5 December," Lukanin told Forum 18. New Life belongs to the smaller Full Gospel Union.

The deputy head of mission at the British Embassy in Minsk, Jim Couzens, visited New Life on 4 December. According to the Church's website, he informed its representatives that European ambassadors were watching the situation attentively, and that personnel from some diplomatic representations also planned to visit on 5 December.

In Ukraine, local Christians organised a protest outside the Belarusian Embassy in Kiev on 4 December. On 28 November, the day after receiving the eviction order, New Life reported already receiving messages of support from Christians in Australia, Germany, Ireland, Israel and the USA.

### ***Ten-year struggle***

Purchased in 2002, New Life's building – a spacious, modern barn-like structure on the edge of Minsk – is legally still a cowshed. The state authorities have repeatedly refused

to allow the church to legalise its position by changing the building's designation to a house of worship, or to use it for services. The congregation's defiant worship at the building has resulted in multiple large fines in addition to its formal confiscation.

The congregation has nowhere else to meet, having earlier been barred from public facilities by district administrations throughout Minsk. It toyed with the idea of keeping several cows at the church so as to comply with the building's designation, but animal husbandry is now banned in Minsk.

A high point in New Life's battle with the Minsk authorities came in October 2006, when officials dispatched a bulldozer with the apparent intention of razing the charismatic congregation's building. The church embarked on a high-profile hunger strike in its defence.

After letters of support from all over the world began pouring in to President Lukashenko, the church's pastor, Goncharenko, was invited to see a top-ranking presidential administration official, Oleg Proleskovsky, who hinted that a legal resolution was possible.

Despite this, the Higher Economic Court threw out New Life's subsequent appeal against state moves to seize its building on 13 January 2009, taking the church's situation back to square one.

The eviction notice previous to yesterday's was issued in August 2009, and similarly ordered New Life to vacate its church building within seven days. On that occasion the congregation refused to let court executors in, or to accept compensation for the building, claiming the sum to be far below the current market value.

Since then, like most other faith communities in Belarus, New Life has experienced some relaxation in state pressure. An exception is the Jehovah's Witnesses.

Under President Aleksandr Lukashenko, Protestant communities have generally found it impossible to get property redesignated so that it can be legally used for worship. If a building is not a designated house of worship, advance state permission is needed for religious activity, and anti-Protestant officials refuse to grant it. Orthodox and Catholic communities are rarely affected, partly due the state's more positive attitude towards them, but also because they are more likely to occupy historically preserved, designated worship buildings.

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## **One week left for charismatic church?**

Forum 18 News Service (28.11.2012) - Yesterday (27 November) New Life Pentecostal Church received notice that it must voluntarily vacate its building by 5 December or else be forcibly evicted. "We are treating this very seriously," Sergei Lukanin, New Life member and lawyer, remarked to Forum 18 News Service from the Belarusian capital Minsk on 28 November. "There will be round-the-clock prayer in our building and special evening prayer meetings to ask the Lord to defend our building and to guide our response to the authorities."

Deputy Plenipotentiary for Religious and Ethnic Affairs, Vladimir Lameko, refused absolutely to discuss the proposed eviction of New Life Church with Forum 18 on 28 November.

New Life is famous for its 10-year fight to keep control of its private church property, a renovated cow barn on the edge of Minsk. The city authorities have blocked the 1000-

strong congregation's efforts to use the building in line with Belarusian law, thereby stripping its rights to the property. A hunger strike by New Life members, visits by foreign diplomats and messages of support from around the world prevented the state from seizing the building in 2006.

Seen by Forum 18, the 27 November eviction notice instructs New Life Church to prepare keys to its building for a hand-over to state representatives at 11am on 5 December. It also orders the local housing authority of Minsk's Moscow District to provide "vehicles, manpower and everything necessary to evict the debtor" in case of forced eviction. Signed by court executor Olga Shcherbovich of Minsk's Higher Economic Court, the notice implements the Court's eviction order of 23 October 2012.

Reached by telephone on 28 November, Shcherbovich declined to respond to Forum 18's questions. She explained that she only accepts public enquiries – including by telephone – on Tuesdays.

### ***Change of course?***

There has been no attempt to evict New Life since August 2009, church lawyer Lukanin confirmed to Forum 18. "The court executors haven't touched us since then - this means no political decision was taken until now."

Lukanin believes the development is connected with the 16 November appointment of Valery Vakulchik as new head of the KGB (the secret police has not changed its name since the Soviet era), and the eviction of human rights organisation Vesna ("Spring") from its Minsk premises on 26 November.

"Vesna's eviction was a test to see how the public would react, and the lack of public reaction encouraged the authorities to deal with New Life," Lukanin suggested to Forum 18. "But ours is a quite different situation because people relate differently to us as we're a religious organisation. We also believe in spiritual support from the Lord, and we have the experience of 2006, when quite extraordinarily the whole state machinery directed against us suddenly stopped, and we continue to meet in our building even though the land has not belonged to us since 2005 and the building since 2009."

New Life has indeed largely been left alone since mid-2009. Visiting the church in late December 2010, Forum 18 found members able to organise Christmas festivities with the aid of portable generators (the authorities switched off the building's electricity in 2004). The church's high-profile civil disobedience campaign in 2006 appeared to push the authorities back from confrontation. Also in late 2010, Minsk Pentecostal Pastor Antoni Bokun – whose church has also faced difficulties – remarked to Forum 18 that New Life had become "the only territory in the country where Belarusian laws don't operate".

Other faith communities have similarly experienced a relaxation in state pressure in recent years, the exception being Jehovah's Witnesses (see below).

Under President Aleksandr Lukashenko, Protestant communities have generally found it impossible to get property redesignated so that it can be legally used for worship. If a building is not a designated house of worship, advance state permission is needed for religious activity, and anti-Protestant officials refuse to grant it. Orthodox and Catholic communities are rarely affected, partly due the state's more positive attitude towards them, but also because they are more likely to occupy historically preserved, designated worship buildings.

### ***Ten-year struggle***

Purchased in 2002, New Life's building – a spacious, modern barn-like structure on the edge of Minsk – is legally still a cowshed. The state authorities have repeatedly refused to allow the church to legalise its position by changing the building's designation to a house of worship, or to use it for services. The congregation's defiant worship at the building has resulted in multiple large fines in addition to its formal confiscation.

The congregation has nowhere else to meet, having earlier been barred from public facilities by district administrations throughout Minsk. It toyed with the idea of keeping several cows at the church so as to comply with the building's designation, but animal husbandry is now banned in Minsk.

A high point in New Life's battle with the Minsk authorities came in October 2006, when officials dispatched a bulldozer with the apparent intention of razing the charismatic congregation's building. The church embarked on a high-profile hunger strike in its defence.

After letters of support from all over the world began pouring in to President Lukashenko, the church's pastor, Vyacheslav Goncharenko, was invited to see a top-ranking presidential administration official, Oleg Proleskovsky, who hinted that a legal resolution was possible.

Despite this, the Higher Economic Court threw out New Life's subsequent appeal against state moves to seize its building on 13 January 2009, taking the church's situation back to square one.

### ***Recent harassment***

The eviction notice previous to yesterday's was issued in August 2009, and similarly ordered New Life to vacate its church building within seven days. On that occasion the congregation refused to let court executors in, or to accept compensation for the building, claiming the sum to be far below the current market value.

Harassment of New Life continued in 2010 through the Minsk City Natural Resources and Environmental Protection Committee. In July the church was issued fines in excess of 250 million Belarusian Roubles (500,000 Norwegian Kroner, 60,000 Euros or 85,000 US Dollars) for allegedly polluting the ground around its building with traces of oil.

Rejecting these charges, New Life refused to pay the fines. In August 2010 the church's bank account was frozen, greatly complicating its financial administration, including charitable donations, staff wages and pension contributions.

### ***Fined***

Although Jehovah's Witnesses say they have not faced police raids in recent months, they have failed to overturn fines on two of their members imposed earlier in 2012 after police raids on their religious meetings in November 2011 and April 2012. Both were prosecuted under Article 23.34 of the Code of Administrative Offences ("Violation of the procedure for organising or conducting a mass event or demonstration") despite November 2011 amendments which appear to have removed an "offence" of unapproved religious meetings in private homes.

On 7 September, Judge Aleksandr Suzhaev of Gomel Regional Court left unchanged a fine of 2 million Belarusian Roubles (1,330 Norwegian Kroner, 180 Euros or 230 US Dollars) on Kirill Dashkovsky, according to the verdict seen by Forum 18. Jehovah's

Witnesses pointed out to Forum 18 that this is nearly three times his monthly wage, while he also has a minor son to look after.

Dashkovsky had been fined by Rogachev District Court on 10 August after he was accused of being the organiser of a Jehovah's Witness meeting held in a private home in Rogachev on 1 April without state permission. He was found guilty under Article 23.34, Part 2 of the Code of Administrative Offences, which punishes those who organise mass events.

"The Judge decided he was the organiser without any legal basis," Jehovah's Witnesses complained to Forum 18. They point out that the charges were based on an anonymous report to the police which they say should only be acted on if they relate to a crime, not as proof of a crime. Jehovah's Witnesses wrote a collective complaint to Rogachev Prosecutor's Office.

Dashkovsky was initially acquitted on 8 May, while another local Jehovah's Witness, Nina Volchkova, was acquitted on 18 May. However, a new trial for Dashkovsky was called after police chief Viktor Pekurin appealed against his acquittal.

### ***Complaint rejected***

Svetlana Chueshova, Rogachev District Prosecutor, told Forum 18 on 28 November that her office had investigated the Jehovah's Witness complaint and found "no confirmation" that the police had used anonymous information as proof in the case. She insisted prosecutor's had no involvement in the case.

Yevgeni Kiryanov, who took over this week as acting head of Rogachev District Police, said he had no information as to what his now-retired predecessor Pekurin had done. "I have no information on the case so cannot comment," he told Forum 18.

### ***Where can they meet?***

Although the Rogachev community is registered, it has been refused a plot of land to build a Kingdom Hall, Jehovah's Witnesses told Forum 18. They have also received "about twenty refusals" to rent property to hold religious meetings. "Because of this, the believers were forced to meet in a private home."

Forum 18 was unable to find out why Rogachev Executive Committee is refusing to allow the Jehovah's Witness community to meet. Officials told Forum 18 on 28 November that its deputy head Vasily Korolchuk – who has previously warned the community not to meet – was out of the office. The telephone of Galina Kovalyeva, head of the Ideology Department, went unanswered each time Forum 18 called the same day.

### ***Supreme Court challenge***

Dashkovsky's fine followed a similar case in Svetlogorsk, also in Gomel Region, where Jehovah's Witness Dmitry Lebedko was fined 700,000 Belarusian Roubles for a religious meeting in his home in November 2011. He was eventually fined in March 2012, a fine upheld by Gomel Regional Court on 11 April. Also upheld was the confiscation of religious literature and video recordings.

Jehovah's Witnesses complain that the 11 April decision was only sent to Lebedko on 7 May, depriving him of time to file a further appeal. In June he appealed to the Supreme Court in Minsk. However, it wrote back to him on 17 July to say it had sent the appeal back to Gomel Regional Court. After Lebedko met the chair of the Regional Court on 18

September, the Court re-examined the case three days later and upheld the earlier decision.

Lebedko filed a further challenge to the Supreme Court in early October. Jehovah's Witnesses told Forum 18 on 28 November that there has been no further reply from the Supreme Court. They add that once the Supreme Court has responded on Lebedko's case they will decide whether to lodge a similar appeal on behalf of Dashkovsky.

### ***Registration denied***

Jehovah's Witnesses remain concerned about the continued registration denial for their community in Borisov. It has been seeking registration in vain since 1998, but has been repeatedly rejected for seeking to use a private home as its legal address, according to numerous documents seen by Forum 18.

The new Housing Code has now been adopted, which will come into force on 2 March 2013. Approved by the lower house of parliament in May and the upper house in June, it was signed into law by President Lukashenko on 28 August.

Article 14, Part 2 of the new Code specifically allows single-occupied homes or homes in small blocks where each flat has a direct entrance from the street to be used for religious meetings by registered religious organisations. (Such homes are more typical of villages than towns.) However, this would be allowed only with permission from the local authorities and if the house meets sanitary and technical requirements and fire safety regulations. The current 1999 Housing Code makes no specific mention of religious meetings in private homes.

Jehovah's Witnesses say they will wait until this new Code comes into force before applying for registration once more in Borisov. They say they are waiting to see if the new Code ends such registration difficulties.

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## **Non-existent offences prosecuted**

Forum 18 (01.06.2012) - Despite two legal changes in Belarus which may prevent punishments for registered religious communities holding state-approved religious meetings in private homes, officials in several regions are still raiding such meetings and seeking to punish those involved. Two Jehovah's Witnesses in separate cases have faced prosecution under Article 23.34 of the Code of Administrative Offences ("Violation of the procedure for organising or conducting a mass event or demonstration") despite November 2011 amendments which appear to have removed such an "offence". One was fined, while the other faces a new hearing after police appealed against his acquittal.

A proposed new Housing Code, which is awaiting the signature of President Aleksandr Lukashenko, would for the first time specifically allow religious meetings by registered religious organisations in some private homes. However, meetings would only be permitted if they have state approval (see below).

### ***Administrative Code changed – but prosecutions continue***

In a separate move, Administrative Code changes, which came into force on 27 November 2011, have removed any punishment under Article 23.34 for unapproved "other public events". The Article previously punished two kinds of actions: "public events", defined as "public gatherings, meetings, public marches, demonstrations,

pickets; and "other public events", which cover events like religious meetings and sports events.

Dina Shavtsova, a religious freedom lawyer in the capital Minsk, says that the amendments mean that small-scale religious events without approval are no longer punishable. "Thus, a religious meeting performed in a place not designated for worship – whether in a private home or in the open air – is not subject to this Article," she told Forum 18 on 22 June. However, she noted that officials could still issue warnings if such worship takes place without official permission.

However, the changes have not stopped prosecutions under Article 23.34 for meeting for worship continuing. The leader of the Jehovah's Witness community in Rogachev, in the south-eastern Gomel [Homyel'] Region, Kirill Dashkovsky is awaiting a second trial under the Article. No date has yet been set, but the new trial is due within two months of 6 June when the last hearing took place.

In February 2010, amendments to Article 9.9, Part 1 of the Administrative Code cancelled administrative charges for unregistered religious activity. After this, Article 23.34 has been widely used to punish this "offence".

### ***Gomel prosecution despite no offence***

Trouble began for Dashkovsky when police, headed by Lieutenant Colonel Yury Astapovich, raided a Jehovah's Witness religious meeting in a private home in Rogachev on 1 April.

In the protocol dated 18 April – seen by Forum 18 – Lt. Col. Astapovich accused Dashkovsky of violating Article 23.34, Part 2 of the Administrative Code and suggested a fine of one month's wage, equivalent to 700,000 Belarusian Roubles (506 Norwegian Kroner, 67 Euros, or 84 US Dollars). "I refused to sign the protocol and I don't see anything wrong in our meetings," Dashkovsky told Forum 18 on 20 June. "I don't know the reason for this hostility." He noted that when an Executive Committee official attended one of their religious meetings in 2011, "she quite liked it".

Also charged was Nina Volchkova, the owner of the house where the meeting took place, for misuse of living quarters under Article 21.16 of the Administrative Code ("Not using living premises for their purpose"). The protocol dated 25 April (seen by Forum 18) was not signed by Volchkova, who expressed her disagreement and stated her right to invite friends to her house.

On 18 May, Judge Irina Malashkevich of Rogachev District Court found no offence in Volchkova's case and all charges were dropped.

Likewise, on 8 May Judge Vladimir Solomeichuk of Rogachev District Court acquitted Dashkovsky. The verdict – seen by Forum 18 – stated that no offence had been committed and ordered the return of the confiscated literature, CDs and audiocassettes.

### ***Prosecuted again despite no offence***

The same day, Vasily Korolchuk, head of the Ideology Department at Rogachev District Executive Committee, wrote to Dashkovsky – in a letter seen by Forum 18 – to warn him that holding religious services in a private home not designated officially as a place of worship is an offence. Korolchuk warned that if such a "violation" happened again he would be "brought to administrative responsibility".

The head of Rogachev police, Lieutenant Colonel Pekurin, appealed against Rogachev Court's decision to Gomel Regional Court, insisting on charging Dashkovsky under Article 23.34 of the Administrative Code.

On 6 June, Judge Aleksei Shamekhin upheld the police's appeal and annulled the Rogachev Court's decision. In the document – seen by Forum 18 – Gomel Regional Court was unable to define whether it was "a meeting or other public event". The case was sent back to the police for further investigation and work on the protocol.

Dashkovsky told Forum 18 of his unhappiness at the decision. He complained that the judge showed "absolute indifference" to all the given arguments and refused to listen when told of the amendments to Article 23.34 of the Administrative Code. He fears that a new trial will end up with his conviction.

### ***"Nothing against Jehovah's Witnesses"?***

Lieutenant Colonel Pekurin was not available for comments to Forum 18 on 20 and 21 June. But police officer Astapovich insisted to Forum 18 on 20 June that he personally had "nothing against Jehovah's Witnesses". However, he refused to discuss any aspects of the raid or explain why the police had appealed against Dashkovsky's acquittal to Gomel Regional Court.

Korolchuk of the Ideology Department insisted that Rogachev residents "have no fear of or hostility to Jehovah's Witnesses". "Their number is too small to affect the town society", he told Forum 18 on 20 June. He also stated that in his meeting with a Jehovah's Witness leader from Minsk, Pavel Yadlovsky, on 11 June it was agreed that the congregation would be able to use the house where it currently holds meetings as its legal address. "We have discussed the issue and now this is the work for lawyers," he maintained.

In Belarus, a registered religious organisation does not automatically have the right to worship at its legal address, since premises require specific state approval before they may be used for worship.

Korolchuk said he had no information about trials of Dashkovsky. "We sent him an official warning and didn't send any papers to the court," he insisted to Forum 18.

### ***Another Gomel Region prosecution***

Dmitry Lebedko, leader of the Jehovah's Witness community in Svetlogorsk, Gomel Region, faced a similar fine under Article 23.34 for leading religious worship in his private home in Svetlogorsk on the evening of 24 November 2011. At the third court hearing on 7 March 2012 at Svetlogorsk Court, Lebedko was fined 700,000 Belarusian Roubles, a ruling upheld at his appeal at Gomel Regional Court on 11 April.

Lebedko told Forum 18 on 18 June that their worship was raided by local police, who accused them of holding an unapproved religious service in a private home and confiscated 553 items of religious literature and 39 CDs and audio-cassettes. "Timofei Sudorgin, the policeman responsible for our district, even called the Minsk office of the Plenipotentiary for Religious and Ethnic affairs, reporting that the literature was not approved by the state," Lebedko complained to Forum 18.

Forum 18 tried to contact Sudorgin to find out the reasons for such eagerness to punish Jehovah's Witness. However, on 20 June the duty officer refused to put the call through to him.

After considering the case, Svetlogorsk Court ruled on 15 December 2011 that Lebedko had violated Administrative Code Article 23.34, but the charges were dropped due to the "insignificant harm" of the offence.

### ***Appeal against guilty verdict for offence that no longer exists***

Lebedko then appealed against being found guilty of an offence that no longer exists, insisting on his innocence. He pointed to the amendments to the Administrative Code and asked for the return of the confiscated materials. However, on 11 January 2012 Gomel Regional Court rejected his appeal. Judge Aleksandr Suzhaev annulled the December 2011 decision of the Svetlogorsk Court and sent the case for a new trial at Svetlogorsk Court under a different judge.

The 7 March verdict – seen by Forum 18 – recorded that Judge Raisa Zinkevich of Svetlogorsk Court fined him 700,000 Belarusian Roubles. The verdict also confirmed the confiscation of religious literature and CDs, referring to the absence of labelling. Article 26 of the 2002 Religion Law requires religious literature to be labelled with the full name of the religious organisation distributing it and its confessional affiliation.

Yadlovsky of the Jehovah's Witnesses in Minsk told Forum 18 on 21 June that all religious literature came to Minsk office to be sent for "expert analysis". "In accordance with the requests from the regional Jehovah's Witness congregation, we sent them only literature approved by the state. I don't know anything about labelling," Yadlovsky maintained.

### ***Grodno Region raid with no search warrant***

On 19 April in Slonim, in the western Grodno [Hrodna] Region, Jehovah's Witnesses were held by police in a private home after a meeting for worship. They were released after the personal information of each person who attended the meeting was recorded and the house examined. Yadlovsky told Forum 18 that those present refused to open the door during the worship as the authorities had no search warrant. Though not disrupted, the religious meeting was disturbed.

Yadlovsky confirmed that after numerous efforts to register the community, the leader of Slonim's Jehovah's Witnesses congregation Andrei Boiko "can't think of any organisation where he didn't sent requests for a legal address". Every time he was refused.

### ***Where can religious communities meet?***

Both Jehovah's Witness communities in Rogachev and Svetlogorsk have state registration and have the right to hold religious meetings. Like many other Jehovah's Witness leaders, Dashkovsky and Lebedko separately pointed to the problem of finding a place designated for worship. This prevents many communities from gaining state registration.

"I agree we had a meeting in a private home, but this is covered under the 2002 Religion Law. I can't understand why the court turned a deaf ear to all our arguments that Article 23.34 could not be applied to our case," Lebedko lamented. He added that in accordance with the court ruling, the fine has already been deducted from his salary. "There are good people and not very good, it's a pity that people with prejudice have power in their hands," Lebedko commented.

Forum 18 tried to find out from Gomel Regional Court why it has handed down or upheld a series of judgments based on an apparently inappropriate use of the amended Administrative Code Article 23.34. However, the Court press officer on 21 June refused to give any information by phone and advised to address the other party for "they should know better".

Lebedko is planning to appeal to the Supreme Court. He hopes for the judgment to be overturned and return of the religious materials confiscated during the raid.

Forum 18 is not aware of other recent cases of trials for an Article 23.34 offence that no longer exists.

### ***Will new Housing Code end harassment?***

The proposed text of Article 16.3 Part 4 of the new Housing Code would specifically allow single-occupied homes or homes in small blocks where each flat has a direct entrance from the street to be used for religious meetings by registered religious organisations. (Such homes are more typical of villages than towns.) However, this would be allowed only with permission from the local authorities and if the house meets sanitary and technical requirements and fire safety regulations. The current 1999 Housing Code makes no specific mention of religious meetings in private homes.

Forum 18 notes that on the one hand, the new wording formalises the exemptions from the ban on using residential premises for worship that are unofficially granted by some local officials when the premises are the type of smaller homes specified. However, it still leaves registered religious communities subject to arbitrary state decisions on whether or not to grant approval, and does not extend to unregistered religious communities.

The amendments were initiated by the Cabinet of Ministers and had their initial consideration in the House of Representatives (the lower house of parliament) in 2010. The House of Representatives approved them in the second reading on 31 May 2012. The Council of the Republic (parliament's upper house) approved the amendments on 22 June and is expected to send them to the President very soon, Natalya Krasovskaya of the Council's Permanent Commission for Regional Policy - which handled the new Code - told Forum 18 on 27 June. The amended Housing Code would come into force six months after its official publication.

Jehovah's Witnesses still have eight communities which function without registration and could face raids at any time. "State registration without a legal address is a big problem for us," Yadlovsky of the Jehovah's Witnesses complained to Forum 18. "Unregistered communities are trying to get legal status but since they can't find a suitable building designated for worship, everything is in vain."

Raids on meetings for worship without state permission still continue.

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## **"I'm not going to the army"**

By Olga Glace,

Forum 18 (04.05.2012) - Five months after Gomel [Homyel]-based Jehovah Witness Aleksandr Belous was called up again for Belarus' compulsory military service and threatened with criminal prosecution, the Investigation Committee found on 16 April that he had committed no crime in refusing military service on religious grounds, Forum 18 News Service has learnt. The following day he was summoned to the Military Conscription Office, shown the Prosecutor's decision closing his case and told he is being called up yet again. "I'll have to start from scratch, but I'm not going to the army," Belous told Forum 18 on 3 May. He insists he is ready to conduct a fully civilian alternative to military service, were one to be offered. On 2 May Andrei Chernousov, a 21-year-old man from Lida in Grodno [Hrodna] Region, was confined to a Grodno hospital for a psychiatric examination after applying for alternative service as a pacifist.

Belous argues that in seeking alternative service he has done nothing that merits prosecution. "I don't see my guilt in this as I submitted my request for alternative service last year and told the commission honestly about my views," he told Forum 18.

He confessed that for the past five years he has felt under pressure with the start of every call-up season. "I'm looking forward to October [his 27th birthday] when I will be beyond the call-up age and this nightmare will stop," he commented to Forum 18. According to the Law on Military Obligation and Military Service, the call-up age is from 18 to 27.

Belous is hoping that a new criminal case will not be brought again. He is also looking forward to the long-promised Alternative Civilian Service Law.

Although Article 57 of the country's Constitution refers to alternative service, no law to enact this has ever been adopted. Early indications are that the current draft of the Alternative Civilian Service Law under consideration will allow only for religious conscientious objectors, not for those who hold non-religious pacifist views, and that alternative service will be twice as long as the maximum military service.

International standards require that alternative service be available to all who hold conscientious objections to military service, and that the alternative service not be of punitive length.

### ***Criminal case opened, then closed***

On 22 November 2011, Belous was summoned to Gomel City Military Conscription Office to be enrolled for military service. The Military Conscription Office rejected his request for alternative civilian service in a letter the following day, seen by Forum 18. Referring to Article 36 of the Law on Military Obligation and Military Service, the letter insisted that call-up commissions should offer alternative service, but admitted that no procedures enacting such alternative service exist.

Gomel Military Commissioner Vladimir Efimchik passed Belous' case to the Prosecutor's Office, which ordered that a criminal investigation be initiated under Article 435, Part 1 of the Criminal Code. Under this Article, conscientious objectors are punished for refusing compulsory call-up to military service with a fine or imprisonment of up to two years. Belous was banned from foreign travel.

However, on 20 December 2011, the district inspector of the Zheleznodorozhny District Department of Internal Affairs in Gomel ordered the case to be cancelled. Nevertheless, District Prosecutor Denis Mikushev later annulled the cancellation and on 1 February 2012, the criminal case was reopened. However, the case was closed on 16 April when the Investigation Committee found that Belous had committed no crime. On 20 April – in a letter seen by Forum 18 – the Conscription Office told Belous that the ban on his foreign travel had been lifted.

Military Commissioner Efimchik confirmed that Belous is being called up again, despite the dropping of the criminal investigation. "This is standard procedure," he insisted to Forum 18 from Gomel on 30 April. "We call up everyone who is of military service age. If they refuse, the case will be passed to the Prosecutor and then to the Investigation Committee." He said that in most cases the few young men who refuse military service are forced to accept after Prosecutors launch or threaten to launch criminal cases.

### ***Conscientious objector sent for psychiatric assessment***

After his call-up in Lida, Chernousov informed the Conscription Commission in late April

that as a pacifist he wished to do alternative civilian service in line with Article 57 of the Constitution. "However, instead of examining the content of his application, doctors of Lida District Conscription Office sent him to Grodno for further examination," the campaign group For Alternative Civilian Service reported on 2 May.

That day Chernousov went to a Grodno hospital "where he discovered he will be registered for an in-patient psychiatric examination". When he asked why, he was told they wanted to compare his convictions with "norms of psychiatric health".

Chernousov told Forum 18 from the hospital on 3 May that he is not afraid of the possible consequences of his refusal to serve in the army. He also said that in the psychiatric hospital he is constantly told that there is "nothing strange in military service".

Vyacheslav Ramanenko, head of the Lida District Military Conscription Office, told Forum 18 on 3 May that Chernousov had sent his application to the District Conscription Commission. He refused to comment on any aspect of the case, referring all questions to Commission head Anton Glavnitsky.

However, Forum 18 was unable to reach Glavnitsky on 3 May. His secretary said he was away on a work trip and would not be back in the office until at least 7 May.

For Alternative Civilian Service condemned Chernousov's treatment, complaining of the "unacceptability of discrediting those who insist on the right to conduct alternative service".

### ***Contradictory earlier rulings***

In 2009 and 2010, three young men who refused compulsory military service on grounds of conscience – Jehovah's Witness Dmitry Smyk, Messianic Jew Ivan Mikhailov and pacifist Yevhen Yakovenko - faced trial under Criminal Code Article 435, Part 1. Mikhailov (who spent three months in prison) and Smyk were eventually acquitted, while Yakovenko received a one year sentence of restricted freedom, though he was subsequently amnestied.

Mikhail Pashkevich, coordinator of For Alternative Civilian Service, insisted to Forum 18 from Minsk on 10 April that Belarus urgently needs a Law on Alternative Service. He pointed out that even after being acquitted in court, conscientious objectors are not safe, as in Belarus decisions of any court except the Supreme Court can be reviewed. He also noted out that after Smyk was acquitted in 2010, Military Conscription Offices softened their position towards conscientious objectors.

Smyk told Forum 18 on 4 April that though he was acknowledged to have health problems he was never offered an alternative civilian service. "At least now I will never be a subject for a call-up commission again," Smyk added cheerfully.

### ***Army service without oath or weapons unacceptable***

Due to the lack of a legal framework for an alternative service, those who refuse military service on grounds of conscience are on occasion allowed to serve in the Military Transport Division without taking the military oath. "This option is not acceptable for me," Belous complained to Forum 18. "It is not only the oath - my religion is against learning military skills."

According to Pashkevich, the alternative of serving in the Military Transport Division without taking the military oath is the initiative of Military Conscription Offices and is not provided for by any law. "This is simply another army practice to use human resources for their own logistical purposes," he complained to Forum 18.

However, Military Commissioner Efimchik insisted to Forum 18 that this initiative was introduced by the Defence Ministry as an interim measure. He said Military Conscription Offices were given an oral directive to offer non-combat military service until the Alternative Civilian Service Law is adopted.

### ***No alternative service***

Despite Belarus' international human rights obligations, the Constitutional guarantees, a 2000 Constitutional Court ruling and President Aleksandr Lukashenko's instructions in February 2010, no mechanism for conducting alternative service has been introduced. All men between 18 and 27 (with a few exceptions or deferments due to health problems or family circumstance) are required to do 12 or 18 months' military service.

After campaigns initiated by public organisations in 2009, President Lukashenko ordered the preparation of a Law on Civilian Service, which was expected to be adopted in 2010. According to Pashkevich of For Alternative Civilian Service, which has long campaigned for the Constitution's provision for an alternative service to be put into practice, a joint commission had even prepared a draft Law.

In February 2012, the Council on Issues of Legal and Judicial Activity under the President began work on a legal procedure for undergoing fully civilian alternative service. The Council is made up of representatives of courts, the General Prosecutor's Office, lawyers and university professors. It is due to meet in May to discuss the draft Law on Alternative Civilian Service. "Let's see what they propose at their next meeting in May," Pashkevich commented to Forum 18.

Pashkevich – who said he had used his "personal contacts" to gain sight of the classified text - complained to Forum 18 that the draft was draconian, "similar to one in Asia". (Forum 18 was unable to obtain the text of the draft Law.) He said it would provide only for religious conscientious objectors able to prove their religious affiliation. "And it would not appeal to many army draftees as the proposed period of alternative service is twice as long as in the army: three years instead of eighteen months."

However, both Belous and Chernousov separately told Forum 18 that they would not mind a longer term of alternative civilian service, were it to be offered. "I am all for paying my duty to my country if it is in accord with my views," Chernousov maintained. "I would have finished the alternative civilian service by now even had it lasted for three years, instead of being a subject of the Conscription Commission for many years," Belous complained to Forum 18.

### ***Proposed law "unavailable for public discussion"***

Pashkevich also lamented that the text of the draft Law was classified for internal use only. "Our main concern is that the content of the draft is unavailable for public discussion and criticism." He also complained that, at the insistence of Deputy Minister of Labour and Social Welfare Igor Starovoitov, the proposed Law on Alternative Service was not included in the list of draft laws to be considered in 2012, approved by the President.

University professor Grigory Vasilevich, a member of the Council on Issues of Legal and Judicial Activity and former General Prosecutor, confirmed that the Constitution provides for an Alternative Civilian Service Law which is vital for Belarus. "I realise that not only religious conscientious objectors should enjoy alternative service, but things should be done step by step," he told Forum 18 from Minsk on 27 April.

He explained that the decision not to include pacifists in the Law was taken after a review of the country's history. "During the Second World War, it was Belarus which formed the

shield against the Nazis," he insisted. "The army is an important factor, that's why it's too early to talk about alternative civilian service for all ethical objectors."

Vasilevich said that it was too early to say when the draft Law would be submitted to Parliament. He was unable to explain why the draft is classified.

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## **Criminal prosecution of conscientious objector continues**

Official JW website (12.03.2012)—A criminal case proceeded on February 1, 2012, against 26-year-old Aleksandr Belous, who is one of Jehovah's Witnesses, for being a conscientious objector.

In the fall of 2011, Belous was called up for military service. Due to his Bible-based beliefs, Belous requested alternative civilian service, which is provided for by the Constitution of the Republic of Belarus. However, the local military board denied his request and a criminal case was initiated. On December 20, 2011, the district inspector of the Zheleznodorozhny District Department of Internal Affairs in Gomel ordered a cancellation of the case. Nevertheless, Prosecutor Denis Mikushev annulled the cancellation and on February 1, 2012, the criminal case began again.

Authorities in Belarus persist in their prosecution despite the fact that President Aleksandr Lukashenko recently demanded that a law on alternative service be adopted. However, Belous remains optimistic: "I'm willing to carry out my civic duty and work hard in an alternative service, but without being part of the military or under its supervision and control. Hopefully the authorities will make a provision for this constitutional right."

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## **Raids, threats, warnings for religious meetings**

IRPP (28.02.12) - Religious communities in various parts of Belarus have faced visits, threats and warnings for holding meetings for worship which officials regard as illegal. On one Sunday in January, officials visited three Pentecostal services in separate villages. Pastor Vasili Raptsevich - who led worship in a church-owned house in a village in Brest Region for about ten disabled church members unable to travel to the main congregation in a nearby town - was summoned to the police station. There he was told that he had violated the law by conducting a religious service away from its legal address without permission from the Regional Executive Committee. Police threatened him with court proceedings and threatened to strip his Pentecostal church of state registration, he told Forum 18 News Service. In February, police in the capital Minsk - among them masked riot police - launched a mass raid on a cultural meeting being held in a Pentecostal pastor's home. 34 participants were taken to a police station, but were released two hours later without any explanation and without any official record being drawn up. Police refused to comment to Forum 18.

On the same Sunday in January, police and local officials visited three worship services in villages in different parts of Belarus, issuing threats and warnings over what they claimed were unauthorised meetings, Forum 18 News Service has learned. Court proceedings against two of their pastors might follow. In February, police in the capital Minsk launched a mass raid on a cultural meeting being held in a pastor's home. All were meetings organised by local congregations of the Pentecostal Church. Three Jehovah

Witness communities which have been unable to gain compulsory state registration suffered raids during meetings for worship in the last quarter of 2011.

Belarus imposes strict controls on exercising freedom of religion or belief without state permission. All unregistered activity is banned under the highly restrictive 2002 Religion Law, while activity by registered religious communities away from their legal address is similarly illegal.

### ***Raid***

Police raided a meeting to discuss historical and cultural issues in Minsk on the evening of 8 February. About 34 members of several Minsk Protestant churches – including Grace Church and the Church of Jesus Christ - and a small number of students who did not belong to any church were detained.

An hour after the meeting started in the house of Antoni Bokun, Pastor of John the Baptist Pentecostal Church, OMON special riot police officers – some in masks - broke in through the windows and ordered all the 55 people present, including children, to gather in one room. The police explained to the detained that a police hotline had received a call informing them of a secret drug laboratory in the Pastor's house. 34 participants were taken to a police station, but were released two hours later without any explanation and without any official record being drawn up. (Drawing up such a record is a legal requirement.)

Dmitry Fedoruk, a Pentecostal who took part in the meeting, expressed his doubts to Forum 18 on 9 February that it was a raid in search of drugs, as the officers were unarmed, did not have forensic investigators and sniffer dogs with them to search for drugs. Without presenting identification, officers took out cameras and started to videotape.

Another member of John the Baptist Church, Boris Goretsky, told Forum 18 on 9 February that, besides intimidation, the purpose of the raid was to get more information about the meetings and the people who attend them.

"Though it was not a religious meeting, this one had a symbolic topic: we were to discuss a book by Belarusian writer Franciszek Alachnowicz about the punitive Soviet system," commented Pastor Bokun to Forum 18 on 9 February. The next discussion in the series is to cover a "long expected event" - publishing the Bible in Belarusian.

### ***"The only thing they wanted was to arrest everyone."***

John the Baptist Pentecostal Church has faced pressure in the past. For example, Pastor Bokun was fined and detained for three days in 2007 for religious activities without state permission.

Asked if he connected the raid with his previous difficulties, Pastor Bokun said that the intruders gave no reason for such connection. "We were not asked any questions and nobody answered ours," remembers the pastor. "It seemed that the only thing they wanted was to arrest everyone, take passport details and then release us." He also remarked that it was just like in Soviet times, when police were waiting at the door of the church taking passport details of those attending worship.

Dmitry Fedoruk, who was among those detained, told Forum 18 that at the police station those detained had a chance to pray and sing. "The policemen were at first at a loss, then pretended that they didn't care, and finally started to feel nervous," commented Pastor Bokun. He added that many of Minsk's senior police officers were present, but none of them were able to explain to the detained church members what was going on.

Forum 18 reached the head of Moscow District Police Station, Nikolai Nazarov, on 10 February. But he refused to give any comments on the police action.

### ***Complaints at police action***

Sergey Khomich, Bishop of the Pentecostal Union to which John the Baptist Church belongs, said that he was shocked by the police actions. "The meeting was within the bounds of the Church's Statute and no law was violated," he told Forum 18 on 14 February. On 13 February, he submitted a written complaint to Aleksandr Barsukov, the head of Minsk City Police.

A formal official reply of 17 February, signed by the Head of Minsk Security Police Yury Sorokin and seen by Forum 18, informed Bishop Khomich that his complaint would be not considered because he had not attached documents confirming his position. Despite this, the letter was addressed to him as Bishop of the Pentecostal Union at his Church's address.

When Forum 18 called the Minsk City Police on 14 February, the person who answered the phone refused to transfer the call to Colonel Barsukov. Forum 18 repeatedly called the Police Press Service on 9, 10 and 14 February, but each time the telephone went unanswered.

### ***Threats, warnings***

Three Pentecostal pastors faced problems in January for leading religious worship which the authorities regarded as illegal. At least two of them received verbal official warnings and were required to sign official records.

On 8 January in the village of Ogarevichi in Brest Region, local officials and a local police officer attended Sunday worship led by Pastor Vasili Raptsevich. Two days later, Pastor Raptsevich was summoned to the police station in Gantsevichi where the Pentecostal community is registered. There he was told that he had violated the law by conducting a religious service away from its legal address without permission from the Regional Executive Committee. Ogarevichi is about seven kms (four miles) from Gantsevichi.

"In Ogarevichi there are about ten disabled believers who can't walk without crutches and we have been visiting them regularly for many years," Pastor Raptsevich told Forum 18 on 19 February. In 2011 the Gantsevichi Pentecostal community bought a house in the village to make it easier for the disabled church members to pray together.

"At the police station they threatened to take away the church's registration if I don't stop violating the law," Pastor Raptsevich complained to Forum 18. Though he denied all the charges - insisting that since the church bought the house it could use it for religious purposes - he was made to sign an official record. He was told that he would be summoned to court later.

On 20 February, Forum 18 reached local police officer Andrei Bukato, who had taken part in the raid, but he refused to give any comments.

When Pastor Raptsevich later talked with the Deputy Head of Gantsevichi Regional Executive Committee Nikolai Volynets, he told the pastor either to apply for permission or visit the believers individually in their homes. He insisted that Pastor Raptsevich and the church had violated the law.

Volynets acknowledged to Forum 18 on 20 February that Pastor Raptsevich had been warned, but explained: "It's not a question of prohibiting, but of keeping all the formalities."

On 8 January in the village of Lasitsk, 45 kms (28 miles) from Pinsk, the authorities also attended the congregation's Sunday service. Officials issued Pastor Anton Yatskevich with an official warning. "There are a lot of people with different problems who need help, and as Lasitsk village is too far from Pinsk we come ourselves," Pastor Yatskevich told Forum 18 on 19 February. He pointed out that the Lasitsk congregation has fewer than twenty members, not enough to register a community. Yatskevich declined to blame the authorities for checking on the church's services, though. "They get complaints from Orthodox believers and have to respond."

Forum 18 called the village council, but the phone went unanswered on 20 and 21 February.

Also on 8 January, Pentecostal Pastor Viktor Kokhovets was given an official warning for leading Sunday worship in the village of Kovnyatin in Pinsk Region, the Bishop's Assistant in the Brest and Pinsk regions Fyodor Suvorov told Forum 18 on 17 February.

Forum 18 repeatedly called the head of the village council Konstantin Shlyazhko on 24 and 27 February to find out why Pastor Khokhovets had been warned for leading religious worship, but the telephone went unanswered.

Police officers told Pastor Raptsevich that he would face a court. It remains unclear if Yatskevich faces a court hearing. The Bishop's assistant told Forum 18 that Kokhovets simply received a warning and no court procedures are expected "unless there are further violations".

### ***Administrative Code Article "somehow expanded to religious meetings too"***

Although amendments to the Code of Administrative Offences which came into force in February 2010 removed penalties specifically for unregistered religious activity, fines have continued. Administrative Article 23.34 ("Violation of the procedure for organising or conducting a mass event or demonstration") is frequently used to punish individuals for unapproved religious meetings.

Under Article 23.34, Part 2, a mass event or a demonstration can be organised and conducted only with permission from the local authorities. The lawyer of the Pentecostal church commented to Forum 18 from Minsk on 21 February that this article originally was targeted at political events but "somehow expanded to religious meetings too".

Unregistered religious activity is still punishable under Article 193-1 of the Criminal Code ("Illegal organisation of, or participation in the activities of, an unregistered political party, foundation, civil or religious organisation"), with punishments ranging from a fine to imprisonment of up to two years. Forum 18 is not aware of any cases when Article 193-1 has been used to punish unregistered religious activity, though its use has been threatened against religious leaders.

Campaigners for Article 193-1 to be abolished – and for the ban on unregistered religious, political and social activity to be lifted – have stepped up their campaign. The religious freedom group, the Right to Belief, and the Assembly of Non-governmental Democratic Organisations wrote in mid-January to about ten state agencies, including both chambers of Parliament, the Presidential Administration and the Justice Ministry.

Aleksei Shein – an activist of the Christian Democratic Party and the Right to Belief's coordinator – also launched an internet petition. As of 27 February, the petition had 639 signatures.

Shein complained that at least 18 people had been prosecuted under Article 193-1 since 2006. "The recent tendency is that warnings about the unacceptability of activity [by organisations] without state registration are being used against representatives of religious communities," he wrote in his explanation as to why he had launched the petition.

He warned that "hundreds of Christian communities, ministries and rehabilitation centres do not have registration for various reasons" and risk prosecution under Article 193-1. Shein told Forum 18 from Minsk on 27 February that about ten agencies had responded, but all but two replies had been only "formal responses which failed to tackle the substance of our complaints".

In her 27 January response seen by Forum 18, the Deputy Head of the Permanent Commission on Legislation and State Building of Parliament's upper chamber, Liliya Moroz, rejected their complaint that Article 193-1 violates human rights. She insisted that the Article and other legal provisions are needed as the legal basis "for the fight against crimes which violate citizens' constitutional rights and freedoms, as well as order and security in society".

### ***Venice Commission criticism***

On 18 October 2011, the Council of Europe's Venice Commission – of which Belarus is an Associate Member – published its Opinion on the compatibility of Criminal Code Article 193-1 with international human rights standards. "It lies at the heart of the freedom of association that an individual or group of individuals may freely establish an association, determine its organization and lawful purposes, and put these purposes into practice by performing those activities that are instrumental to its functions," it noted. "The right to freedom of association is intertwined with the right to freedom of thought, conscience, religion, opinion and expression."

The Venice Commission criticised the "high and strict framework" which makes registering organisations difficult, and "cumbersome processes" which often lead to registration denials.

It complained that criminal liability under Article 193-1 has a "chilling effect", and gives the authorities "a wide latitude to interfere with the fundamental right of freedom of association, and furthermore freedom of thought, opinion and expression". "The Venice Commission considers that by criminalizing the participation of an individual in non-registered association, the existence of Article 193-1 constitutes a form of coercion incompatible with the voluntary nature of this right."

### ***Raids on Jehovah's Witness meetings***

Three Jehovah Witness communities suffered raids during meetings for worship in the last quarter of 2011 in the wake of repeated failure to obtain state registration. Unlike Minsk Pentecostal Pastor Bokun, who did not know why his house was raided, Jehovah's Witnesses expected to see such raids.

On 25 September 2011, police broke into a private home in Mikashevichi in Brest Region during the religious service.

On 13 October 2011, police raided their meeting taking place in a private apartment in Bykhov in Mogilev [Mahilyow] Region. The community had been refused registration as it does not have the twenty adult citizen members needed to apply.

On 24 November 2011, police raided their religious meeting held in a private home in Svetlogorsk, the Gomel [Homel] region. Police interrogated the participants, videotaped the proceedings and confiscated religious literature.

Pavel Yadlovsky, who chairs the Religious Association of Jehovah's Witnesses in Belarus, stressed that their communities want to follow state registration requirements. Despite repeatedly submitting registration applications for these communities, officials will not grant registration. The main problem is the inability to get an address which the authorities will allow a religious community to use as its legal address.

### ***Most recent fine***

Raids or visits by officials to the Jehovah's Witness meetings in late 2011 and to Pentecostal meetings in early 2012 have not so far led to fines. But officials do take cases to court and fines are imposed for exercising religious freedom by meeting together without state approval.

The most recent known fine was of Pastor Aleksei Abramovich, who leads the congregation of the Council of Churches Baptists in Zhodino in Minsk Region. He was fined several weeks' average local wages on 20 September 2011 for unregistered religious meetings.

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## **Why is state Financial Investigation Committee investigating a priest?**

By Olga Glace

Forum 18 News Service (21.02.12) - Belarus' Novopolotsk Financial Investigation Committee is examining the activities of Fr Vyacheslav Barok, priest of the Catholic Parish of St Josaphat Kuncewicz in Rassony in the northern Vitebsk [Vitsyebk] Region. Committee officials have told him that he is suspected of evading tax on alleged earnings of about 1,000,000 Euros (10,930,000,000 Belarusian Rubles, 7,497,000 Norwegian Kroner, or 1,322,000 US Dollars) from pilgrimages he and a number of volunteers organise to religious sites in Belarus, other European countries and Israel. Fr Barok strongly denies the allegations, and officials have refused to state to Fr Barok in writing, or to Forum 18, what exactly he is being accused of and on what precise basis the claims are made.

Under the supervision of the Vitebsk Catholic Diocese, Fr Vyacheslav Barok, together with his brother and fellow-priest Fr Yuri Barok, has been since 2007 organising and leading pilgrim tours within Belarus and abroad. The pilgrimages gained popularity, his supporters say, due to affordable prices, the high quality of information and the possibility for participants to pray together. Thousands of people - mostly Catholic and Orthodox as well as Baptists and atheists from Minsk, Svetlogorsk, Polotsk, Vitebsk and other cities - have taken part in the pilgrimages, he told Forum 18 on 14 February.

Bishop Wladyslaw Blin of Vitebsk Diocese told Forum 18 on 17 February that Fr Barok organises pilgrimages with his permission, and that Fr Barok does not receive any payment from the diocese either for his work as a priest or for the pilgrimages. "Every priest lives on donations," Bishop Blin told Forum 18 from Vitebsk.

The state tightly limits freedom of religion or belief in Belarus. For example, the launch of a CD in a Catholic church was stopped due to state pressure. Political prisoners who are religious believers – such as Catholic journalist Andrzej Poczobut – have been denied the possibility to receive clergy visits in jail. Raids on people meeting to exercise their religious freedom without state permission also continue.

### ***Anonymous letter?***

On 29 December 2011 Fr Barok was summoned to the Financial Investigation Committee. There he was told that he was being investigated on the basis of an anonymous letter, accusing him of "illegal tourist activities and earning up to 1,000,000 Euros from this". In this context he understands that he is being accused of evading Belarusian tax.

Fr Barok told Forum 18 that he was not allowed to see the letter, but that it was read out loud to him. He said he had "serious doubts" that the anonymous letter was even written by a person who participated in pilgrimages with him, as all the facts were "confused".

Committee officials would not state to Forum 18 what precisely they are claiming in relation to Fr Barok. Committee officials who would not identify themselves told Forum 18 from Vitebsk on 3 February that, while the investigation is in process, no comments would be made.

Fr Barok commented that he "can't say how the situation will develop, but the authorities had better get interested not in me but in finding the provocateur who sent the anonymous letter. Otherwise I'll consider that no real person stands behind it."

He insisted to Forum 18 that he violated no laws, there were no grounds for any suspicions, and that he was working as a priest getting no financial benefit from the pilgrimages. Speaking of the Pilgrimage Centre he runs, he stated that "our Statute provides the right to organise pilgrimages, including those abroad". Fr Barok noted that "conducting religious activities doesn't imply any income, that's why it's not tax-deductible, and the Diocese fully supports me."

### ***The Pilgrimage Centre***

Every year the Pilgrimage Centre Fr Barok runs in Novopolotsk organises about 16 pilgrimages abroad involving a total of between 700 and 900 people. More than 1,500 people per year join walking pilgrimages to religious sites in Belarus - including Budslav, Bratslav and Rositsa. The Pilgrimage Centre told Forum 18 on 3 February that the pilgrimages were very popular, and that there were never any complaints, including about the financial aspect.

A participant of two pilgrim tours to Italy and Greece from Polotsk, who preferred not to give her name, told Forum 18 on 15 February that she was content with the way the trips were organised. She stated that when she took part in the first pilgrimage she did not know much about it and decided to participate because of the low price. "I had no doubts about my second tour and booked it three months in advance," she said.

Fr Barok explained to Forum 18 that they keep prices affordable thanks to the use of volunteers and the support of sponsors. He said that sometimes they took people who could not afford pilgrimages. The Pilgrimage Centre has no office, and the two volunteers who provide information, sign pilgrims up for tours and help with the travel arrangements work from home.

Elena Litko, one of the volunteers who has travelled to Israel for free, said that she was happy with the trip. "It was performed exactly as it was described," she told Forum 18 on 15 February. She pointed out that not everyone in Belarus could afford such a trip, which costs about 600 Euros (6,580,800 Belarusian Rubles, 4,500 Norwegian Kroner, or 800 US Dollars), "as Israel is an expensive country".

Forum 18 contacted one local tourist agency, and found that a similar tour would cost about twice as much as the price of a pilgrimage organised by Fr Barok.

### ***"Intimidated by the state for making a pilgrimage"***

The Financial Investigation Committee has also been questioning some of the pilgrims. Fr Barok complained to Forum 18 that people were scared and bewildered after this questioning. "It's unacceptable when people who travelled with me get intimidated by the state for making a pilgrimage."

One pilgrim questioned – who had been on two foreign pilgrimages – complained to Forum 18 that the meeting with the Financial Investigation Committee left her feeling uneasy. The pilgrim said the interview lasted about an hour, and she was asked if Fr Barok made her donate money for the church or demanded extra money during the trips. "It was silly to assume such things, they are not true," the pilgrim indignantly told Forum 18 on 15 February.

Asked by Forum 18 if she was deterred from future pilgrimages, she answered that she had already signed up for another pilgrimage to Portugal and Spain in October.

Another pilgrim, Vadim Bolbas, who described himself as an atheist, told Forum 18 on 11 February that he was aware of the interrogations and prepared to face the Financial Investigation Committee. "I think the letter was written by a person who was mentally ill," he told Forum 18 on 11 February. "I'll tell the truth to the Financial Investigation Committee and I don't fear them." Bolbas has participated in four pilgrimages with Fr Barok.

Fr Barok told Forum 18 that the work was continuing. In 2012 there are about 13 tours to Western European countries planned (including to Germany, Lithuania, the Vatican, Italy, Greece, and Austria), and three to Israel.

### ***Connection with earlier protest?***

On 1 July 2011, during the annual feast day of the Sanctuary of the Mother of God in Budslav, a pilgrimage shrine in Minsk Region, Fr Barok and pilgrims from Vitebsk Diocese protested against a security turnstile gate installed by the police and their checking of personal possessions. Police refused to allow pilgrims to bring any metal items and also even umbrellas. Fr Barok insisted to the independent news agency Westki.info at the time that the clergy took responsibility for the pilgrims' personal items.

Asked if he would see any connection with the protest action in Budslav, Fr Barok responded: "I wouldn't like to make any connection with those events."

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