

briefing

Belarus

Religious Freedom Violations

FOR PUBLIC USE

JANUARY 2008



CHRISTIAN
SOLIDARITY
WORLDWIDE
VOICE FOR THE VOICELESS

PO Box 99, New Malden,
Surrey KT3 3YF

T: 0845 456 5464

E: admin@csw.org.uk

W: www.csw.org.uk

REGISTERED CHARITY NO. 281836

"I look forward to the day when Belarus takes its rightful place in a European family that shares the values of democracy, respect for human rights and the rule of law, and that yearns for long-lasting shared peace and prosperity"

José Manuel Barroso, President of the European Commission

Table of contents:

1.	Executive Summary.....	3
2.	Introduction.....	4
3.	Recommendations:.....	5
3.1.	CSW calls on the Belarusian government to	5
3.2.	CSW calls on the European Union to	5
4.	Law on Freedom of Conscience and religious organisations	6
5.	Official warnings for violating the law	8
6.	Refusal to register properties for religious use	9
7.	Denial of official permission to rent premises	10
8.	Deportation of non-Belarusian religious workers.....	11
9.	Detention of religious leaders.....	14
10.	Military conscripts questioned on their religious affiliation	17
11.	Responses from Belarusian churches and civil society.....	18
11.1.	A nationwide campaign to change 2002 religious law	18
11.2.	Christians' protest against continued violations of religious freedom.....	19
11.3.	Catholics' campaign for the return of St Joseph church and monastery.....	19
12.	Political and legal background.....	21
13.	Appendix I.....	22
14.	Additional sources	22

I. Executive Summary

In recent years, respect for human rights and civil liberties, including freedom of speech, assembly, association, religion, worship and expression, have continued to deteriorate in Belarus. International standards of human rights are not upheld by the government. Instead, the government itself repeatedly violates the International Covenant on Civil and Political Rights (ICCPR) to which it is a party.

Religious freedom is restricted both directly and indirectly by the authorities. Non-governmental organisations (NGOs), religious institutions and religious leaders are subjected to frequent harassment, prosecution, fines, repression and even imprisonment under the terms of the 2002 Law on Freedom of Conscience and Religious Organisations. Over the past eighteen months, two pastors and one human rights defender were arrested for so-called unregistered activities, a practice not heard of since the fall of the Soviet Union.

A number of foreign religious workers have been accused of organising illegal religious activity, deported or failed to have their visas renewed. Under the country's National Security Concept, the work of foreigners was considered a potential threat to national security. Foreign religious leaders were also not allowed to take part in any religious activity outside of the inviting organisation.

The government made it almost impossible for religious groups to register buildings for religious use, forcing them to carry out their activities outside of the law. As a result many religious leaders were fined for their use of residential premises for religious purposes. In response, members of different churches and denominations went on hunger strikes. One of them, a twenty day round-the-clock protest vigil, was the largest in the history of Belarus.

Belarusian Christians vigorously opposed the continued violations of religious freedom. Not only did they appeal against the illegal activities of local authorities by organising press conferences, campaigns, and protests but in mid-2007 they launched a nation-wide petition calling for changes to the 2002 religious law. By the end of the year, 35,000 people had signed up to the campaign. Under Belarusian law, once 50,000 signatures are gathered, the petition can be submitted to the Constitutional Court for further examination.

The Belarusian government has been repeatedly condemned by democratic governments in Europe and North America for its continued repression of fundamental human rights. Religious freedom continues to be severely curtailed and religious leaders and communities are often subjected to harassment and prosecution by the authorities. Over the past year and a half reports of violations of religious freedom have increased significantly and this report seeks to document some of the most significant cases.

2. Introduction

In recent years, respect for human rights and civil liberties, including freedom of speech, assembly, association, religion, worship and expression, have continued to deteriorate in Belarus. International standards of human rights are not upheld by the government. Instead, the government itself repeatedly violates the International Covenant on Civil and Political Rights (ICCPR) to which it is a party.

Religious freedom is restricted both actively and indirectly by the authorities. Non-governmental organisations (NGOs), religious institutions and religious leaders are subjected to frequent harassment, prosecution, fines, repression and even imprisonment under the terms of the 2002 Law on Freedom of Conscience and Religious Organisations. A number of foreign religious workers have been deported or failed to have their visas renewed. The government makes it almost impossible for religious groups to register buildings for religious use, forcing them to carry out their activities outside of the law.

3. Recommendations:

3.1. CSW calls on the Belarusian government to

- Uphold and ensure the protection of all fundamental human rights and ensure its compliance with international standards and in particular Article 18 of the International Covenant on Civil and Political Rights (ICCPR).
- Revise the 2002 Law on Freedom of Conscience and Religious Organisations and restore procedures guaranteeing respect for freedom of religion;
- Cease its harassment and prosecution of religious leaders;
- Allow NGOs to carry out their work, free from government interference;
- Ensure that all Belarusian citizens, regardless of religious faith, are accorded equal rights and treated with equal respect.

3.2. CSW calls on the European Union to

- Ensure that religious freedom concerns are raised consistently with the Belarusian government as an essential ingredient of genuine and meaningful political dialogue;
- Implement the EU Guidelines on Human Rights Defenders by increasing contact with NGOs, churches, and religious leaders, particularly those who are targets for government harassment and surveillance, providing assistance and support to these groups whenever possible;
- Strongly encourage Belarusian officials, including the members of the House of Representatives, the Supreme Court, and the Department of Religious Affairs and Nationalities at the Council of Ministers of the Republic of Belarus to reconsider the 2002 Law On Freedom of Conscience and Religious Organisations and to draft and adopt new legislation in accordance with the Belarus Constitution and international covenants, such as the ICCPR;
- Monitor the progress of the campaign in Defence of the Right to Freedom of Conscience, protesting the 2002 religious legislation currently circulating and, when appropriate, urge the Belarusian government to ensure that it responds under the terms set out by Belarusian law, and complies with the decision laid down by the Constitutional Court;
- Continue to promote moves towards democracy in Belarus, and to set a series of benchmarks to evaluate progress in this area, focusing on free and fair elections, freedom of speech, freedom of assembly and association, and religious freedom;
- Add Alla Ryabitseva, the head of the Department of Religious Affairs and Nationalities at the Minsk Executive Committee, to the EU visa ban list. This decision by the EU would be welcomed by bishops and pastors and would also send a strong message to the government regarding the importance of upholding rights related to freedom of assembly and religion.

4. Law on Freedom of Conscience and religious organisations

The Law on the Freedom of Conscience and Religious Organisations was adopted in 2002. In spite of its imperfections the previous law corresponded to a greater extent to international standards in the sphere of freedom of conscience and religion. The new law was compiled and passed without general consultation of existing religious organisations. New restrictions concerning the freedom of conscience and religion were justified by the government, which argued that they had been adopted as a result of the country's changing situation. Prior to passing the law many religious organisations and individuals expressed their concern, stating that the use of the new law might lead to restrictions on religious freedom. The law's implementation caused a surge of indignation among believers and society in general.

Much of the law is actually in direct contradiction with the Belarusian Constitution, most specifically Article 31 which guarantees every citizen the right to the free expression of their religious convictions. The legislation is also inconsistent with the Universal Declaration of Human Rights and a number of international agreements to which Belarus is party, including the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

Unfortunately today, in practice this law allows the government to “legally” restrict the freedom of religion. The law impedes the exercise of one of the most fundamental human rights – the right to manifest one's religion or belief – as it limits the right to meet together in religious gatherings. Without state registration, any activity by a religious community is illegal and can be prosecuted under the Criminal Code. Therefore religious leaders of different denominations face administrative charges under Article 9.9 of the Administrative Code of the Republic of Belarus (a previous version of Article 193). According to the law, any violation constitutes a breach of responsibility for “establishing a religious organisation and leading it without prior registration of its charter (statute) in the established order”. However, the government puts restrictions on granting legal entity status to religious organisations. The legislative regulations restrict, and in practice often make it impossible for new religious communities to register. Under this legislation, religious communities must follow numerous formal procedures, submit to inspections, and coordinate with state institutions; in practice these requirements present an insurmountable barrier to the legal functioning of religious communities.

Under the 2002 law, even pre-existing religious organisations were required to re-register. In many cases, the authorities refused to re-register existing religious groups, thereby making it extremely difficult for them to function, organise religious meetings, distribute literature, invite foreign religious leaders into the country, and to rent or purchase property. As a result, many religious groups have been repeatedly fined for holding illegal religious meetings and carrying out unsanctioned religious activities. In addition, since 2006, a number of religious leaders have been imprisoned and/or fined because of their participation in unauthorised religious activity.

The Law on Freedom of Conscience and Religious Organisations does not permit foreigners and persons without citizenship, legally residing in Belarus, to be founders (constitutors) and/or members of religious organisations. Registration offices call for a statement in the charter saying that only citizens of the Republic of Belarus can be members of religious organisations.

The law also creates the necessary prerequisites for restrictions on activity of registered religious organisations. According to Article 25 of the Law on Freedom of Conscience, religious organisations do not have the right to hold religious meetings (public worship

services) in the rented buildings (which are not designated religious buildings) without prior permission from local authorities.

Religious communities do not have the right to develop their own mass media, to establish religious educational institutions or to train religious personnel, nor to invite foreign priests to satisfy religious needs of believers. Only religious unions have such a right.

According to the new law, a religious union can be established only if it has no less than ten religious communities and one of these communities has been active in the Republic of Belarus for no less than twenty years. Many recently emerged religious organisations will not have an opportunity to establish a union in the near future. This limits the right to practise religion.

Members of religious organisations do not have the right to share their religious convictions or to carry out any religious activity (to preach, distribute literature, hold public worship services, etc) beyond the borders of the location where the community is registered. According to the new law an activity of a religious union can be carried out only in those places where registered communities are established and they are members of the religious union. Therefore any missionary activity becomes illegal and the sharing of religious convictions is made very difficult.

Recently, government officials have refused, without any legal grounds, to render land to religious organisations for the construction of religious buildings.

The law provides a foundation for restrictions on the production and distribution of religious materials (religious literature, video and audio materials, etc.). Only enterprises established by religious organisations have the right to produce religious materials.

Since the adoption of this law, the activity of individual religious communities has become extremely dependent on the personal inclinations of individual officials, as it allows them to ignore and disregard fundamental human rights and freedoms. In the capital city, the head of the Department of Religious Affairs and Nationalities at the Minsk Executive Committee, Alla Ryabitseva, has been particularly antagonistic towards religious groups. She regularly exceeds her jurisdiction, especially in regard to Protestant churches. For example, police officers have privately admitted that, at her initiative, they have been sent to visit religious communities, take photos and pressurise religious ministers. In addition, at her personal order, the Culture Hall leadership broke off a number of profitable rental contracts with evangelical communities. She has reportedly used threatening language and ridiculed Protestant leaders and bishops in private meetings. Ironically, she has appeared on Belarusian television to assure citizens that religious freedom in Belarus meets international and democratic standards.

Over the past few years the state mass media has been used to broadcast unproved information about activities of religious organisations. This information has the tendency to misrepresent religious denominations. When describing certain religious organisations the word "sect" is used. In many cases these so-called sects are portrayed as being in opposition to the state-sanctioned Orthodox Church, which is perceived to be the traditional faith of the Belarusian people. The state mass media disseminates derogatory information about various religious organisations, while presenting Orthodoxy in a much more positive light.

Therefore, legal mechanisms within the Belarusian legislation, and the method in which they are carried out, testify to the intolerable restrictions on freedom of religion in Belarus. The activities of government institutions and the mass media are not based on respect for religious convictions and inevitably lead to religious intolerance.

5. Official warnings for violating the law

According to the 2002 religious law, the Orthodox Church as well as the Evangelical Lutheran Church (ELC) are considered among so-called “traditional faiths”. Theoretically, this means that they should have complete freedom to carry out their religious rites and activities. However, representatives of these traditional faith communities also report injustice in the way the law is applied.

1. In January 2007, Denis Elizarov of the State Committee on Nationalities and Religions Commissioner, conducted an investigation into the Evangelical Lutheran Churches Union. A week later the ELC Union received an official warning in the form of a document alleging ten violations of the law and the Evangelical Lutheran Church charter. However, the violations outlined were all technicalities, including grammatical mistakes in church documentation and did not represent any breach of the law. On 9 March 2007 the Belarusian Evangelical Lutheran Church sent an appeal to the Supreme Economic Court concerning the official warning from the State Committee on Nationalities and Religions of Belarus.
2. On 11 April 2007, Sergey Nesterovich, an Orthodox Priest from Gomel,¹ was summoned to the Regional Public Prosecutor’s office, where he was informed that he had broken the law by systematically holding meetings of unregistered religious communities in his private flat and by initiating the collection of tithes and offerings. The Regional Public Prosecutor’s Office found Sergey Nesterovich guilty of violating the law on Freedom of Conscience and Religious Organisations and issued an official warning.

During the meeting, Mr Eliseev, who was representing the Public Prosecutor’s office, did not show Nesterovich any case materials and did not have the text of the official warning prepared. If Nesterovich breaks the law again he may face administrative or criminal charges.

¹ Nesterovich belongs to an unregistered Orthodox community called Transfiguration Fellowship.

6. Refusal to register properties for religious use

As a result of the 2002 Law on Freedom of Conscience and Religious Organisations the activity of religious communities can only take place on premises which have been officially registered with the government. However, all too frequently, government officials do not grant permission for registration, renovation or construction and the religious communities are then forced to meet illegally in private homes for their activities. As a result some are regularly fined for their use of residential premises for religious purposes. Further complicating the situation, they are at the same time denied permission to convert premises from residential to religious use. Consequently, many meetings are conducted illegally under the current legislation.

1. The New Life Church, one of the largest churches in Minsk, with more than 1000 members, came close to losing its building in 2006. The city authorities made moves to confiscate the premises, ordering the church to sell it to the city authorities for US\$10 (£5.06) per square meter. In response, Belarusian Christians from different denominations went on an open-ended hunger strike for more than 20 days. Many of them kept a round-the-clock protest vigil within the building. They halted the protest after the Presidium of the Highest Economic Court cancelled all court verdicts against the church and requested the Court's board to consider the New Life Church case as a court of primary jurisdiction.²
2. On 1 December 2006 a hunger strike was organised by members of the Roman Catholic parish in Grodno. The parish had been denied the right to construct a building for their church for more than ten years. The hunger strike ended once they were granted official Grodno City Administration endorsement to build on 6 December 2006.
3. Catholic believers in Nesvizh spoke out against the sale of the Roman Catholic Priest's manor, an 18th century building, by the Nesvizh City Council. Until 1939 the Roman Catholic Priest's Manor belonged to the local Catholic parish. Later the Soviet authorities confiscated the building and handed it over to the local City Council. Up until 2004 a local printing press was housed in this building, however, the authorities reportedly promised to return the building to the parish. In 2007 the City Council's new leadership decided to auction off the Roman Catholic Priest's Manor.
4. For over two years, local authorities in Zelva refused permission to the Zelva Baptist Church to reconstruct their prayer house. The Baptist prayer house was built in the 1920s; in Soviet times the building was used as the House of Culture and later as a weaving shop. In 1992 the building was returned to the church members. After learning of the regional City Council's refusal of their application to build a new prayer house, church members decided to renovate the old building. However, authorities then also denied permission to renovate. When the community started to repair the roof, the state construction and building inspectors stopped the work immediately.

² For more information on this case please see Appendix I

7. Denial of official permission to rent premises

On 25 June 2007, the John the Baptist Church was denied permission by the Minsk Central District Administration to hold prayer meetings in the capital Trade Unions' Palace. The Minsk Central District Administration claimed that it would be impossible to combine weekly religious meetings with the other main cultural activities held there.

According to the pastor, Antony Bokun, the church then applied to the Minsk Central District Administration for permission to hold prayer meetings in the building on Dolginovski Road, where they had been meeting for six years. They tried to get permission with no response. They finally received a negative decision on 4 July 2007. The denial was based on the conclusion of the City Hygiene and Epidemiology Centre and the Ministry of Emergency situations. However, according to Bokun, the Ministry of Emergency Situations never sent anyone to visit the building, and two officials from the Center for Chronic Disease Prevention and Health Promotion only arrived at the end of the day on 4 July 2007, the same day the church received the official refusal.

8. Deportation of non-Belarusian religious workers

Under the terms of the country's National Security Concept, the work of foreign religious organisations and missionaries can be considered to be a potential threat to national security. The National Security Concept, signed by President Aleksandr Lukashenko on 17 July 2001, includes the increase in the activity of foreign religious organisations and missionaries "to monopolise the spiritual life of society" among the fundamental factors which pose a threat to national security in the humanitarian sphere. According to Forum18 News Service reports, the concept also calls for a counteraction of their "negative influence".

Apparently because of this, the work permits of many foreign religious leaders and charity workers have not been renewed over the past year. In addition, a number of foreign religious leaders were deported after being accused of organising illegal religious activity. Finally, under regulations adopted in 2001, foreign religious workers are not allowed to participate in any religious activity outside the inviting institution. Any violation of Article 185 of the Administrative Code for Rules of Foreign Citizens' Stay in the Republic of Belarus may result in a warning or a fine of up to twenty times the minimum monthly wage.

1. According to a Forum18 report issued on 7 December 2007, Father Grzegorz Chudek, who has served as a Catholic priest in Belarus for over fourteen years, will be deported in early 2008. His visa was not renewed after he made what the Belarusian government considered negative remarks about the spiritual reality in Belarus to a Polish magazine. The government has not charged him with any crime and has ignored a petition signed by more than 700 Belarusian Catholics to allow him to stay.
2. On 9 February 2007, in Mogilyov, ten US citizens were detained by District Police officials for violating Article 185 of the administrative code of "Rules of Foreign Citizens' Stay in the Republic of Belarus".³ According to official information, the religious activity of the foreigners, which involved teaching English without prior permission from the Ministry of Education, was considered to be a violation of these rules. The Americans received a €11 (US\$16.24, £8.2) fine.

On 15 February 2007, Aleksandr Vasiliev, the chief of the Citizenship and Migration Department at Mogilyov October District Police Station, made the decision to deport the Americans and ban their re-entry for the next two years. On 18 February 2007 the American missionaries were deported from the republic of Belarus.

Dmitry Kontsevenko, the director of Stefanus, the inviting organisation, appealed the decision. From 1-13 July 2007, Judges Natalia Kantsendal, Aleksei Yaroslav, Tatiana Kappetyan, Pavel Klimov, Aleksandr Romanov and Elena Syalitseva re-examined the case. In their decision, the judges stated that they took into consideration the fact that the legal reports regarding the administrative charges did not include the places of the violations and did not specify the religious activity of American citizens or their names. As a result the October District Court rescinded the decision to fine the seven deported American citizens.

³ The Christian charity, "Stefanus," had invited the foreign teachers to Mogilyov where they stayed for approximately one month. The pastor of one of the city prayer houses offered them premises where they could teach. On 5 February 2007 the campaign "English for Everyone" was launched and offered free English seminars to city residents.

3. On 8 May 2007 the Myadzel Internal Affairs Department annulled the residence permit of Polish national, Jaroslaw Lukasik, citing "activities aimed at harming the national security of the Republic of Belarus in the sphere of inter-confessional relations." On 7 June 2007, Lukasik, whose wife and three children are Belarusian nationals, left the country. His family followed him later in the summer.

According to Lukasik, who is a member of the John the Baptist Pentecostal Church, the police rescinded his residence permit following a report by the Committee for State Security (KGB) that found that he "conducted illegal religious activities in Protestant communities, took part in activities of radical politicised groups and resided in an area other than his officially registered place of residence."

On 16 May 2007, the Belarus Evangelical Information Centre published an appeal to the Citizenship and Migration Department of the Ministry of Internal Affairs and to President Lukashenko. The appeal was signed by the main Protestant leaders from a number of different denominations. They described Lukasik as "a Christian active in the life of evangelical churches, a person of high moral qualities, a bearer of Christian values who conducts educational work in the spheres of history and culture." The Protestant leaders requested that the decision to annul the permit for permanent residence in the country be rescinded. They also expressed their hope that "the principle of presumption of innocence will continue to be the foundation of Belarusian legal norms, and the accusations against Jaroslaw Lukasik will remain groundless in the absence of a court ruling".

On 18 May 2007, Jaroslaw Lukasik appealed the illegal denial of his residence permit issued by the Myadzel Internal Affairs department. He found the decision to be un-substantiated, violating the rights of his family.

"The Myadzel Internal Affairs Department's decision was issued on the grounds of unconfirmed KGB information. It infringes upon our family's rights – my wife's and my children's. My wife is a citizen of the Republic of Belarus; she loves her country and cannot imagine her further destiny without it. I am a Polish citizen. I spent most of my life in Belarus and do not want to leave it. We bring up our children as patriots of their country. They speak Belarusian and they are brought up on Belarusian heritage/history. But the decision, unsubstantiated by any evidence or information, forces us to leave Belarus!"

"I do not understand how or where the government sees the threat to national security. Quite the contrary, having studied the National Security Concept, I became sure that my actions strengthen this security. I love Belarus. I think by preaching the truth and educating people in the historical and cultural spheres, I only strengthen this country."

On 26 June 2007 the Minsk Central District Court turned down the deportation appeal. The Judge Tatiana Pavluchuk did not allow Lukasik's lawyer, Sergei Lepesh, to attend the court session.

4. In March 2007 Mr Travis Decker, a US citizen, and a member of the charity, World Support which is affiliated with the Baptist community, was expelled from the country under similar circumstances to those of the Lukasik case.
5. Seven Polish Roman Catholic priests and five nuns were barred from working within the country in 2006 because of their active religious ministry.

9. Detention of religious leaders

“Any religious figure can be detained in any situation. My “guilt” was holding a religious meeting, being a pastor and being in the church on Sunday.” Antony Bokun.

Over the past eighteen months, the Belarusian government has cracked down on the activities of religious leaders not only by increasing the number of fines but also by detaining and imprisoning religious leaders, a practice not heard of since the collapse of the Soviet Union. Over this period of time, two pastors and one human right defender were arrested for so-called unregistered activities.

1. In March 2006, Pastor Georgi Vyazovsky was arrested and imprisoned for ten days. Pastor Vyazovsky, of the Minsk-based Christ's Covenant Reformed Baptist Church, was charged with holding religious meetings in a private home without the authorities' permission.
2. Also in March, human rights lawyer Sergey Shavtsov was arrested in Minsk for organising a religious event, an interdenominational conference, without permission from the government. He was also sentenced to ten days in prison. Mr Shavtsov has been involved in numerous legal processes regarding religious freedom violations.
3. On 27 May 2007 during a Sunday morning celebration of Pentecost, fifteen state security agents, including KGB officials, members of the Minsk Executive Committee's Guard Department, and Central Internal Affairs Office's Guard Department personnel, raided a private house rented by the John the Baptist Church. The agents demanded that the service be halted and they ordered all foreigners to leave the building. They kept another police car outside the church.

In addition, other government agents had apparently infiltrated the service from the beginning and had videotaped the activities. No one had taken notice as it was a special service and the agents were assumed to be guests. They recorded the sermon given by the Bishop Sergei Tsvor, of the Pentecostal Minsk Region, who had been invited to the John the Baptist Church. Afterwards the agents refused to show any identification documents or official permits for the videotaping and inspection.

Following the raid on the John the Baptist Church, the government agents detained two religious leaders: the pastor of the church, Antony Bokun and Jaroslaw Lukasik.⁴ Both were found guilty of holding a religious meeting without the corresponding authorisation from local officials.

Pastor Bokun was taken directly to the Central Internal Affairs Department and was later put into the special custodial reception centre/detention facility at Okrestino Street, in Minsk. He was held there overnight, until the court session on the following day.

On 28 May approximately 100 evangelical believers arrived at the court building as a sign of their support for the pastor. His pregnant wife Natalia and their five-year-old son were among them. Around ten pastors, including the bishop of the

⁴This is the same Lukasik who was deported in the previously mentioned case.

Full Gospel Union and New Life Church pastor Vyacheslav Goncharenko, attended the court session. However, Judge Leonid Yasinovich, the vice-chairman of the Minsk Central Court, imposed a €215 (US\$ 315,89, £160,08) fine on Antony Bokun for organising and holding a religious meeting without a special permission.

On 29 May, Bishop Sergei Khomich of the Pentecostal Union made an open appeal to the City Internal Affairs Department at the Minsk Executive Committee. The bishop expressed his concern regarding Antony Bokun's detention simply because he had been celebrating one of the main Christian religious holidays. The bishop stated that the illegal actions of officials of the Internal Affairs Departments would lead to increasing tension in Belarusian society and would destabilise the religious situation. He stated that the events also indicated the necessity to revise the current religious legislation, to bring it into accordance with the Belarusian Constitution.

As for Mr Lukasik, he was released on the same day after a Polish diplomat visited the police station. On 30 May, the Administrative Commission of Minsk Central Internal Affairs Department imposed a €11(US\$16,2, £8,2) fine in correspondence with the 27 May 2007 report, and issued a second deportation order, banning him from entering the country for the next five years. The report, given by Vitaly Sinyakov, the chairman of the Minsk Central Internal Affairs Department, stated that "Jaroslaw Lukasik, a Polish citizen, was engaged in religious activity as a John the Baptist Church preacher without permission from the Nationalities and Religions Committee and therefore violated the Regulations of foreigners' stay in the Republic of Belarus".

Colleagues of Lukasik have stated that they believe the accusations against Lukasik to be groundless. Members of the John the Baptist Church sent an appeal to the Minsk Central Citizenship and Migration Department. They testified that on 27 May 2007 Jaroslaw Lukasik did not in fact preach during the religious service. Jaroslaw Lukasik appealed the decision of the administrative commission of Minsk Central Internal Affairs Department as well. "I believe that my detention resulted from authorities' anger over the scandal brought about by my expulsion from the country and the publication of my interviews in the press," he told BelaPAN, the Belarus Information Company.

4. On 3 June 2007 Antony Bokun was detained again during a communion service at the Dolginovski road, 54a building, which was rented by the John the Baptist Church. During the raid the police officers refused to show any identification documents. They stated that the reason for the detention was "investigation" and informed Bokun that "the investigation" would take place in the Minsk Central Internal Affairs Department. There a report was drawn up "for holding an unsanctioned meeting". Pastor Bokun was placed in the same detention centre on Okrestino St, Minsk. On 4 June, Tatiana Pavluchuk, the Minsk Central Court judge, sentenced Bokun to three days' imprisonment.

While in the detention centre, Bokun, who suffers from high blood pressure, was denied necessary medication. As a result the detention centre had to call the emergency services to attend to him. On 9 June he was released.

Bokun immediately went to the court and appealed the Minsk Central Court decisions made by Judges Yasinovich and Pavluchuk on 28 May 2007 and 4 June 2007 which had resulted in the €215 (US\$315,7 £160) fine and three days

administrative arrest for “holding an unsanctioned mass meeting.” In addition, he also filed a complaint regarding the police officers’ actions. This included a specific complaint against Senior Police Lieutenant, District Police Inspector at the Minsk Central Internal Affairs Department, Mr Truzch, who drew up the report regarding the “illegal” religious meeting on 27 May 2007. As a result of the report, Pastor Bokun was detained overnight before the court hearing.

He also filed a complaint regarding the actions of Mr Radukevich, the vice chairman of the Department of the Public Order and the Community Protection at Minsk Central Internal Affairs Department. Mr Radukevich was responsible for detaining Bokun during the religious service on 3 June 2007, and drew up the report about violating the Belarusian legislation regarding mass meetings and detained him before the court hearing.

Bokun requested that the court evaluate the legality of the police actions on 4 June 2007. In his complaint, he stated that he considered the police actions to be “violent” because he spent eight hours in the police van’s luggage compartment, a space of three square metres, crushed together alongside six students who had been detained for an unsanctioned procession.

On 25 June 2007 Minsk Central Court denied Bokun’s complaint against violent police actions. The Judge Valeri Ecmán studied the appeal and pronounced the decision within five minutes.

10. Military conscripts questioned on their religious affiliation

Since 2006 all military conscripts have been made to complete an application form in the Military Registration and Enlistment Office in Luninets. The form includes the following questions regarding the conscript's religious affiliation:

1. Do you confess any religion?
2. Do you attend the services of any religious community?
3. Do you belong to any non-traditional religious organisation? (Jehovah's witnesses, Great White Brotherhood, Satanists, Baptists, Pentecostals...)
4. Do your relatives belong to any sect?

Should a conscript indicate that he or she belongs to a certain religion and/or attends the services of a religious community, the Military Registration and Enlistment Office then requires a document from the corresponding religious leader. This is apparently in order to verify the information about a conscript's membership of the religious community.

Conscripts have complained that Pentecostals and Baptists are unjustifiably equated with Satanists and the Great White Brotherhood despite the fact that Pentecostal and Baptist churches are legally registered religious organisations in Belarus, while the Great White Brotherhood and Satanists are not. In addition, the questions are not in compliance with Article 5 of the 2002 religious law which states that "nobody is obliged to give statements about his/her attitude towards religion and can be compelled to do so while determining the attitude towards religion, practicing one or another religion, participation or not participation in activities of religious organisations." In addition, according to Article 7 of the same law "a citizen is not obliged to give statements about his/her attitude towards religion in official documents unless he/she wishes it himself/herself."

Pastor Aleksandr Boyakov, a Pentecostal pastor in Luninets and the father of conscript, Mr Boyakov, has called for the exclusion of these questions from the application. He has received support from Bishop Sergei Khomich of the Pentecostal Union who has made a formal appeal to the Ministry of Defence. The Ministry of Defence, in turn, has not yet verified the legality of the above-mentioned practice but has asked that the situation be resolved by local authorities. Pastor Boyakov and the church lawyer have sent an appeal to the Luninets Military Registration and Enlistment office. "We are not planning to leave this question unnoticed, because it is purposefully done," Pastor Boyakov stated in a Christian Human Rights House (a Belarusian human rights organisation) report. "The purpose of these actions is to tarnish the reputation of a church, by listing it together with destructive sects."

11. Responses from Belarusian churches and civil society

Belarusian Christians have not reacted quietly to the continued violations of religious freedom. After five years of fines, harassment, restrictions on how and where the religious activities could be performed, appeals, numerous court cases, and detentions, religious leaders have decided to openly protest against the violations of their human rights and fundamental freedoms. They have organised campaigns, petitions, protests and press conferences. The response from the government has, however, not been positive and local officials have continued restricting religious activity in numerous ways. Therefore, in April 2007 a national campaign called “In Defence of the Right to Freedom of Conscience” was launched.

11.1. A nationwide campaign to change 2002 religious law

The campaign was initiated by the chairman of the Belarusian Christian Democratic Party Georgi Salav’ev who is also the pastor of the Pentecostal church in Lepel. Bishop Vyacheslav Goncharenko of the Full Gospel Union joined him and together they established the campaign committee. Protestants, Catholics, and Orthodox representatives together joined in calling for a change to this religious law, pointing out that it contravenes international principles of religious freedom and human rights, including those laid out in the International Covenant on Civil and Political Rights (ICCPR). As a result of this legislation, they say, the activities of many religious communities have been restricted and their leaders are subjected to constant harassment, prosecution, fines, and imprisonment.

As of November 2007, 35,000 people had signed up to the campaign, expressing their desire to change the law. The campaign petition asks that the 2002 Religious Law be brought into line with the Belarusian Constitution and with international standards. When 50,000 signatures are collected, the campaign documents along with supporting documents will be submitted to the Constitutional Court. Under Belarusian law, the Court must consider any petition requesting a change to the law that gathers 50,000 domestic signatures.

On 22 April 2007 the organisers of the campaign held a press conference at the premises of the New Life Church in Minsk. Religious leaders from different denominations and cities of Belarus attended the press conference. Among them were Bishop Vyacheslav Goncharenko of the Full Gospel Denomination, Fr Aleksandr Shramko an Orthodox priest from The Holy Veil Parish, Pastor Gennady Kernozhitsky, of the Pentecostal “God’s Church,” Pastor Boris Chernoglaz of the Church of Jesus Christ, Aleksei Shein, the co-chairman of the organisational committee of the Belarusian Christian Democracy party, and Sergei Lukanin, the lawyer for New Life Church.

At the press conference they underlined the fact that the purpose of the campaign is to defend Belarusian rights and freedoms. According to Pastor Chernoglaz, this campaign represented the culmination various concerns even since 2002 when the Belarusian parliament was still discussing the legislation. He emphasised the violations of their fundamental freedoms. Among these, he said, were restrictions imposed not only on Belarusian religious figures but also on foreigners performing their religious activities within the country, limitations on land use for church construction, and difficulties in receiving approval for the use of private premises for religious purposes and to construct religious buildings in general.

Unfortunately, participation in the campaign has had negative consequences for two of the participants. Father Shramko’s public statements at the campaign press conference, an interview to the independent press and statements on a personal blog led to an Orthodox Court decision to dismiss him from his ministry in the Orthodox Church. On 10 May 2007

the Church Court hearing was held and on 15 May Metropolitan Philaret of Minsk and Slutsk Patriarchal Exarch of all Belarus implemented the Court's recommendations and signed a report prohibiting Father Shramko from ministering. The decision led to the withdrawal of his position until "further repentance".

Yuri Stupakov, the coordinator of the Campaign in Defence of the Right to Freedom of Conscience and the leader of the Baranovichi Organising Committee of the Belarus Christian Democracy Party, was summoned to the Baranovichi Executive Committee's Ideology Department. The meeting took place the following day after the publication of his interview for the local independent edition INTEX-PRESS. In May 2007 in this interview he discussed the launch of the campaign demanding changes in the Law on Freedom of Conscience and Religious Organisations.

11.2. Christians' protest against continued violations of religious freedom

On 3 June 2007, more than 3000 Christians from across Belarus gathered together in Minsk to protest continued violations of religious freedom, including the imminent deportation of Polish Christian, Jaroslaw Lukasik, and the police raid on the John the Baptist Church, which resulted in the detentions of Lukasik and Pastor Antony Bokun. The Sunday 3 June meeting took place in "Grace Church," the largest Protestant church in the capital city.

More than forty religious leaders expressed their concern regarding the deportation of Lukasik in the form of a public appeal to the Citizenship and Migration Department for Interior Affairs and to the administration of President Alexander Lukashenko, asking for the deportation order to be rescinded.

In addition to the appeal on Lukasik's behalf, the participants of Sunday's meetings also called for increased religious freedom, including the right for registered religious organisations to hold religious meetings in residential premises and the right to register certain buildings as designated for religious activity. The group adopted and published an open statement to President Lukashenko during the meeting.

11.3. Catholics' campaign for the return of St Joseph church and monastery

On St. Joseph's day, 19 March 2007, more than 130 people held a candle-lit vigil praying for the return of the St. Joseph Roman Catholic Church building and the former Bernadine monastery in Minsk.⁵ St. Joseph's Church is registered at the Catholic Church of St. Simon and St. Helen. This prayer meeting marked a two-year campaign of daily prayers at the church building. Belarusian Catholics spoke out against a project presented by the city authorities to convert the St. Joseph Church building and monastery in the centre of Minsk into a hotel and amusement centre. On the 16th day of every month between 20 and 100 young people and public figures continue to assemble at the church to pray for its return. The prayers are held under constant police and emergency platoon surveillance.

Catholics decided to collect signatures in order to put a stop to the reconstruction project and to return the church and the monastery to religious use. The petition is addressed to the President of the Republic of Belarus, and was launched as a protest to the Minsk City Executive Committee plans to allow religious buildings to be developed by investors as business interests. Since March 2007 they have gathered 20,000 signatures.

⁵ The Monastery was built in the 17th and 18th centuries. In 1864 the national liberation uprising headed by K.Kalinovski against Russian authorities was stifled and Russian Empire Authorities confiscated the church building. During Soviet times the building served as the archives-museum of Arts and Culture. On 18 April 2007 the Cultural and Historic Heritage Committee at the Ministry of Culture approved a reconstruction project to turn the religious buildings into a hotel, sauna and bowling centre. In addition, the authors of the project plan to use the underground area as a car park and sports centre in spite of the fact that the monastery is located in the old part of the city, and under its foundation there is a unique culture layer of the 12th and 13th century. Many Belarusians are outraged by this project and have announced a public initiative to protect this cultural and religious monument of Belarusian Catholics.

On 20 April 2007 Belarusian architects sent an open appeal to the Ministry of Culture, Ministry of Architecture and Construction, Minsk Executive Committee and President's Administration. They expressed their emphatic disagreement with reconstruction plans.

On 28 May 2007 members of the Catholic community met with Mikhail Pavlov, chairman of the Minsk Executive Committee. They were told that the Ministry of Culture officials are still convinced that the monastery needs to be rebuilt and converted into the hotel since the building has not been used for religious purposes for the last 142 years. Mikhail Pavlov assured community representatives that the Catholic church reconstruction would not insult the religious feelings of believers.

12. Political and legal background

In March 2006 President Alexander Lukashenko won a third term in office, ostensibly with 83% of the vote. However, human rights and democracy activists in Belarus called the elections fraudulent, pointing out that many opposition leaders were detained and one of the candidates, Aliaksandr Kazulin, received a five-and-a-half year prison sentence. President Alexander Lukashenko has held power since 1994 and has overseen a general deterioration in human rights and democracy. Basic freedoms, including the freedom of speech, press, assembly, association, religion and expression are restricted. Criminal penalties have been imposed for the crime of “discrediting Belarus” which can be done through “fraudulent representation of the political, economic, social, military or international situation”. Civil and political rights are widely violated.

In May 2007, Belarus lost its bid to join the UN Human Rights Council due to its failure to fulfill the criteria for membership. In addition Belarus is the only European country which is not a member of the Council of Europe and is therefore not bound by the European Convention or subject to the European Court of Human Rights.

The Belarusian Constitution provides for freedom of religion and the equality of religions and denominations before the law. It also acknowledges the precedence of international law. In contrast, the 2002 Law on Freedom of Conscience and Religious Organisations allows the government to control the activities of religious groups, forces religious communities to re-register, and makes it virtually impossible for them to rent secular premises or to obtain permissions for their activities in public places. The 2002 religious legislation is not only inconsistent with the Constitution but it also violates the Universal Declaration on Human Rights, and the International Covenant of Civil and Political Rights (ICCPR) signed by Belarus in 1992.

The government regularly uses Article 25 of the 2002 religious law, and Articles 23, 167 and Article 193-1 of the Administrative Violations Code to restrict religious freedom. Article 193-1, which was amended in 2005, puts in place criminal sentences, including fines or imprisonment for up to six months, and in serious cases up to two years, for activities of unregistered religious associations. The article is related to the law On Freedom of Conscience and Religious Organisations which obliges religious organisations to register with the state. Article 167 applies administrative responsibility for carrying out unsanctioned religious activities in the form of a fine or 3-15 days’ detention⁶

According to Article 25, any religious activity in a public place can be conducted only after prior permission from local authorities. This permission however, is often denied. The article is used to limit religious meetings on private premises and prevent religious activities in public places. Any activity is limited to the territory of the registered religious organisation. Gatherings at personal premises of the religious figures can only be held if they do not violate the public order.

Article 23, Part 34 of the Administrative Violations Code “Violation of the established order of organizing and holding of gatherings, meetings, street processions, demonstrations, other mass actions or vigils” is also widely used to impose fines on religious leaders.

⁶ See www.belarusembassy.org/political/commentary_to_the_law.htm for the Belarusian government’s explanation

13. Appendix I

The New Life Church case began on 18 November 2006. It was postponed twice following the hunger strike. The Supreme Economic Court is now examining the church's lawsuit against the Minsk City Council's decision on 17 August 2005 concerning the church land and building ownership at Kovaleva st.72, use of the building for religious purposes and the change of land-use purpose. The church is also asking for compensation from Minsk City Council for the loss, paid by plaintiff, while covering all legal expenses last year due to appeals against the City Council decision.

Christians gathered again for a week of prayer and fasting from 26 February 2007 until 4 March 2007 in the church. They prayed for justice in the Belarusian court system.

On 19 March 2007 there was another court hearing at which Leonid Karpievich, the director of the Department of Conservation, Territorial Inspection and Geodesic Supervision was called to be an expert during the hearings.

On 22 March 2007 Supreme Economic Court Judge Ekaterina Korotkevich suspended the New Life court case on the grounds of her intention to send a letter of inquiry to competent authorities.

On 5 April 2007 the New Life Church received a Supreme Economic Court decision stating that the church appeal was suspended for an indefinite period.

In an information report issued on 15 May 2007 by the court, vice chairman of the Supreme Economic Court Lilia Kozureva reported that the decision regarding the use of New Life Church building and the land was legal.

The New Life Church leadership contested this "information" and believed the judge who ran their court case was under pressure from the authorities. The community sent an appeal to the President's Administration requesting that Kozureva's report be disregarded as they considered the content of the report to be contrary to the facts, and had been written under external pressure.

The court hearing in relation to the church case recommenced in September 2007 when New Life Church pastor Vyacheslav Goncharenko received an official Minsk City Council answer to his letter written to the Head of the Ideology Department of the President's Administration Oleg Proleskovsky.

14. Additional sources

The briefing was based on the materials kindly presented by the Christian Human Right House <http://christian.house.googlepages.com/christian.house.belarus>, as well as human rights consultants and lawyers Dina and Sergei Shavtsov www.forreligiousfreedom.info