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BELARUS: Religious freedom petition rejected as pressure on Protestants continues

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

Pavel Nozdrya, a member of the charismatic Jesus Christ Church in the southern city of Mozyr who helped gather signatures on a religious freedom petition, told Forum 18 News Service he lost his job as an electrician at the local university in mid-March. He was one of seven members of a church youth group meeting in a private house on 29 February which was raided by local ideology officials. A police officer who visited the same house on Sunday 9 March said he was responding to a warning that a human sacrifice would take place there. Nozdrya attributes the harassment to the church's involvement in the mass petition to amend the restrictive 2002 Religion Law, which was handed to the authorities in late February. Government bodies rejected the petition in late March, claiming that reports of religious freedom violations "do not correspond with reality". Pavel Severinets, an Orthodox Christian involved in the campaign, and members of the Minsk-based charismatic New Life church face prosecution.

Ideology officials who disrupted a small charismatic youth group meeting in a private house in the southern city of Mozyr (Mazyr) in Gomel (Homyel) Region on 29 February cited the restrictive 2002 Religion Law as justification, Forum 18 News Service has learnt. Similar incidents sparked a nationwide campaign by religious believers for the Law's review. But their 50,000-signature petition was rejected in late March by government bodies with the right to initiate such a review. State violations of religious freedom alleged by petitioners "do not correspond with reality," the chairman of parliament's Human Rights, Ethnic Relations and Mass Media Committee, Yuri Kulakovsky, wrote on 25 March.

"The authorities don't like it when Christians show initiative," Pavel Nozdrya, a participant in the disrupted Jesus Christ Church youth group meeting, remarked to Forum 18 on 28 March. "They want Christians to sit and pray and nothing else. But when our rights are violated, we can't be silent. Our right to freedom of conscience and religious belief is given not by the authorities, but by God. And we will defend it."

Seven members of the youth group were "just chatting and drinking tea" at the home of Pastor Sergei Suzko's son on 29 February when there was a knock on the door at approximately 8pm, Nozdrya told Forum 18. Tatyana Goncharenko and Tatyana Nabok of Mozyr District's Ideology Department and two police officers claimed they were checking up on all local religious organisations, "but they had only our charter and list of founders".

Copying down the identification details of all present, the officials maintained they were violating the 2002 Law by engaging in "political agitation" at a place used for worship services (Article 8). Jesus Christ Church, affiliated to the charismatic Full Gospel Association, is registered at the house.

Due to the Law's ban on systematic and/or large-scale home worship meetings (Article 25), church members rarely gather at the house, Nozdrya told Forum 18. When Pastor Suzko arrived and confirmed that the group had his permission to meet there, the state representatives left.

The telephone of Mozyr District Ideology Department went unanswered on 28 March and 2 April.

Replying to Pastor Suzko's complaint about the check-up, Gomel Region's top religious affairs official, Mikhail Zhukevich, suggested that the church re-register at a different legal address "to prevent similar incidents," the Minsk-based charismatic New Life Church reported. Zhukevich's response also stated that the ideology officials belonged to a social commission whose duties include checking up on religious organisations.

Zhukevich stressed to Forum 18 on 2 April that no charges were brought against Jesus Christ Church following the 29 February check-up as no violations were found. He pointed out that the building is a free-standing house where the church has special permission to gather in line with the 2002 Law (Article 25): "They have meetings of 5-10 people there - that's fine." Zhukevich rejected criticism about the check-up taking place at a private home: "The church's legal address is there, so it's perfectly normal. Nothing terrible about it at all."

As part of Belarus' extensive religious affairs bureaucracy, each local district has a special commission monitoring compliance with laws and regulations on religion (see F18News 18 November 2003 http://www.forum18.org/Archive.php?article_id=186).

On Sunday morning, 9 March, a local policeman again called at Pastor Suzko's son's house but did not enter, Nozdrya told Forum 18. The officer explained that he was responding to a warning that a human sacrifice would take place there, but took no action.

Pavel Nozdrya believes the recent harassment of Jesus Christ Church is due to its particularly active participation in the petition to change the 2002 Religion Law (see F18News 16 May 2007 http://www.forum18.org/Archive.php?article_id=957).

Nozdrya personally gathered 2,500 signatures and had problems at work as a result, he told Forum 18. When the campaign was in full swing last year, he said, an Education Ministry official asked the rector of Mozyr State Pedagogical University, his employer, "Why do you have this oppositionist working in your university?" An electrician, Nozdrya's contract was not renewed in mid-March, he said. The day he spoke to Forum 18 was his last working day.

Despite repeated calls on 2 April, Forum 18 was unable to reach the University's rector, Valentin Valetov, to find out why Nozdrya's contract was not renewed.

More prominent activists in the campaign to change the 2002 Law are also coming under pressure. Pavel Severinets was stopped by police in the Minsk metro on 1 April and taken to Minsk City Public Prosecutor's Office, lawyer Sergei Lukanin of the Minsk-based New Life Church told Forum 18 the same day. He was there charged with violating Article 9, Part 10 of the Administrative Violations Code (violation of the realisation of the right of citizens to legislative initiatives). A court case has yet to follow. The maximum fine for this offence is 1,750,000 Belarusian Roubles (4,222 Norwegian Kroner, 521 Euros or 813 US Dollars) – about five times the average monthly wage.

Severinets, an Orthodox Christian, is a Youth Front and Belarusian Christian Democracy activist. Sentenced to three years in an open regime prison in mid-2005 for organising an unapproved opposition demonstration, he was granted early release in May 2007 (see F18News 20 March 2008 http://www.forum18.org/Archive.php?article_id=1103).

Under the 2003 Law on the Realisation of Legislative Initiatives by Citizens, an initiative group wishing to launch such an initiative must register with the state. Believing that they would be denied such registration, the petitioners argue that they are not exercising a legislative initiative themselves but asking state bodies to do so on their behalf.

At the Public Prosecutor's Office, Severinets was also questioned for several hours solely about the activity of New Life Church, Lukanin told Forum 18. On 21 and 24 March the Office drew up similar charges against Lukanin himself - a petition co-ordinator - and New Life's Pastor Vyacheslav Goncharenko. These have yet to be heard in court, Lukanin told Forum 18.

In late February campaign organisers submitted copies of the 3,442-page petition to various state bodies authorised to appeal to the Constitutional Court (see F18News 5 March 2008 http://www.forum18.org/Archive.php?article_id=1097). While citizens are legally unable to appeal to the Constitutional Court directly, the petitioners had hoped that it might nevertheless choose to review the constitutionality of the 2002 Law on seeing the extent of support for their campaign.

They have received only rejections so far, however. Yuri Kulakovsky, who chairs the lower house of parliament's Human Rights, Ethnic Relations and Mass Media Committee, responded that provisions of the law particularly criticised by campaigners – compulsory state registration, geographical restrictions on religious organisations' activity, a requirement for state permission for services outside designated houses of worship and a ban on foreign citizens founding or leading religious organisations – conform to Article 16, Part 3 of the 1994 Constitution.

Article 16, Part 3 prohibits religious activity "directed against the sovereignty of Belarus, its constitutional order and civic accord, connected to violation of the rights and freedoms of citizens, preventing citizens from carrying out their duties to the state, society or family or injuring health or morals."

Dated 25 March, Kulakovsky's reply also maintains that both the Plenipotentiary for Religious and Ethnic Affairs and the Ministry of Justice consider current implementation of the 2002 Law to be "of an objective nature" and in compliance with international religious freedom standards.

In 2005 the UN Human Rights Committee found that Belarus had violated the religious freedom guarantees of Article 18 of the International Covenant on Civil and Political Rights (ICCPR) by refusing – in line with the 2002 Religion Law - to give legal status to a republic-wide Hare Krishna association. One member of the Committee, Professor Ruth Wedgwood, noted that there are many other serious problems raised by the 2002 Law (see F18News 4 November 2005 http://www.forum18.org/Archive.php?article_id=682).

In the Higher Economic Court's 20 March response to the petitioners, First Assistant Chairman Yevgeny Smirnov also defended the 2002 Law's compulsory state registration requirement for religious organisations and geographical restrictions on their activity. The

relevant provisions are "called upon to facilitate the adoption by state organs of the measures necessary to ensure the lawfulness of the activity of such organisations," he wrote. The requirement that a religious organisation's leader must be a Belarusian citizen, he maintained, "ensures support for and development of national religious traditions."

The upper house of parliament and the Supreme Court have also responded to the petition by saying that there are no grounds for an appeal to the Constitutional Court.

After exhausting other methods of negotiation with the state authorities, some Belarusian religious believers are adopting tactics more usually associated with secular political activism – such as petitioning - in their pursuit of the right to practice their faith (see F18News 29 November 2006 http://www.forum18.org/Archive.php?article_id=880).

Members of the New Life Church in Minsk decided in April 2007 to start a civil disobedience campaign after the authorities' indefinite adjournment of the court case to decide the fate of their church building. They voted not to allow state representatives with the authority to issue fines onto the property (see F18News 7 February 2008 http://www.forum18.org/Archive.php?article_id=1084).

Personal pressure on Pastor Goncharenko due to this stance continues. On 10 March Minsk's Moscow District Court fined him 350,000 Belarusian Roubles (880 Norwegian Kroner, 110 Euros or 163 US Dollars) under Article 23, Part 1 of the Administrative Code (obstructing state inspectors) – almost half the average monthly wage. Pastor Goncharenko had already been warned about the church's refusal to admit Emergencies Ministry inspectors (see F18News 5 March 2008 http://www.forum18.org/Archive.php?article_id=1097).

On 24 March Moscow District Public Prosecutor's Office filed similar charges against Pastor Goncharenko for the church's refusal to admit electricity inspectors. These have yet to reach court.

On 13 March Minsk's Central District Executive Committee informed Pastor Goncharenko that he must take down his own house by 18 March or the issue would be dealt with at its next administrative meeting. According to New Life, the house was built in 2000 with the permission of Frunze District Executive Committee, but following a change of boundary Central District began to claim that construction approval had been improperly granted. While a police car kept watch outside the pastor's house all day on 18 March, there have been no further developments, Lukanin told Forum 18. (END)

For more background information see Forum 18's Belarus religious freedom survey at http://www.forum18.org/Archive.php?article_id=888.

Full reports on freedom of thought, conscience and belief in Belarus can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=16>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

A printer-friendly map of Belarus is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=belaru>

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