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BELARUS: Authorities "have the right" to raid unregistered worship

By Olga Glace, Forum 18 (<https://www.forum18.org>)

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

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

Rybakov made it clear that no exceptions will be made over religious communities which function without registration, whether because they have been refused, are still waiting for it or have not applied. Asked about the Jehovah's Witness communities whose registration applications have been rejected or left unanswered, he confirmed to Forum 18 that this principle applies to communities of every religion.

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

Awaiting trial

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

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

The raid

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

Police Major Dmitri Bondarev, who led the raid, told Forum 18 on 10 March that they repeatedly received complaints from nearby residents, which led to the raid. Asked whether worship services disturbed anyone, Bondarev stated that it was a private three storey house, two residents were in the United States, and the others were in the worship service themselves. "We acted in compliance with

the Law, they have no registration, this is a violation and they should take the consequences," he insisted. Bondarev thought that Varushin would probably have to pay a fine of 700,000 Belarusian Roubles (1,290 Norwegian Kroner, 160 Euros, or 230 US Dollars).

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

Return of confiscated material demanded

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

Varushin noted that the latest raid is the first raid on the church for over a year. In January 2008 Varushin was fined for leading an unregistered religious organisation (see F18News 8 February 2008 http://www.forum18.org/Archive.php?article_id=1085).

Stop worshipping or get registered

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

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

"What the people did was illegal"

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

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

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

Registration "is unacceptable for us"

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

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

"Registration bodies always find a reason to postpone registration"

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

Two communities - in Borisov [Barysaw] and Molodechno [Maladzyechna] - lodged their applications in October 2010, but have had no reply from the authorities. According to the 2002 Religion Law, the authorities should respond to an application within a month. "The registration bodies always find a reason to postpone registration," the Jehovah's Witness spokesperson complained. The

latest difficulty is over the legal address, with officials insisting that they find a building designated for religious activities.

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

Finding a venue the authorities do not object to as a community's legal address has been a problem ever since re-registration was required with the adoption of the restrictive 2002 Religion Law (see F18News 17 November 2004 http://www.forum18.org/Archive.php?article_id=454).

Two Jehovah's Witness congregations, given official warnings after some of their members offered religious literature to passers-by on the street, have failed to legally establish a right to challenge such warnings through the courts (see F18News 11 November 2010 http://www.forum18.org/Archive.php?article_id=1510).

New Life refuses further demand to pay fine

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

Aleksandr Borovikov, head of Minsk City Natural Resources and Environmental Protection Committee, which brought the case which led to the massive fine, rejected the church's claims that environmental measures are deliberately being used to target the church (see F18News 29 July 2010 http://www.forum18.org/Archive.php?article_id=1471).

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

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

For a personal commentary by Antoni Bokun, Pastor of a Pentecostal Church in Minsk, on Belarusian citizens' struggle to reclaim their history as a land of religious freedom, see F18News 22 May 2008 http://www.forum18.org/Archive.php?article_id=1131.

For more background information see Forum 18's Belarus religious freedom survey at http://www.forum18.org/Archive.php?article_id=1311.

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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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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