

30 July 2010

BELARUS: "Appropriate permission is needed"

By Felix Corley, Forum 18 (<https://www.forum18.org>)

The pastor of a Belarusian village Pentecostal church has been fined three times in one day for sharing his faith outdoors in a nearby village, Forum 18 News Service has learned. Viktor Novik has decided not to appeal and to pay the fines, telling Forum 18 that "we resolved to suffer for God." The verdict claimed that Pastor Novik "understands that to hold events, appropriate permission is needed." Novik told Forum 18 that – as the verdict confirms - he had applied several times for this and to rent a building for a meeting, but each time this was refused. One local official denied this, telling Forum 18 that "he never applied, verbally or in writing," before stating that no building would be made available. Elsewhere, courts have refused to acquit one person for the "crime" of conscientious objection to compulsory military service, but two others have been acquitted. Fears have been expressed that at least one of the three may be prosecuted again for the same "crime". A coalition of civil society groups has presented published proposals for an Alternative Service Law to a state working group on the subject, but has yet to receive any acknowledgement of this.

Pastor Viktor Novik, who leads a Pentecostal congregation in the village of Bolshie Lepesy near Kobrin in western Belarus, has been fined three times in one day for sharing his faith in the open air in a nearby village on three separate occasions. He has decided not to appeal and to pay the fines. "We have paid half of the total sum already and are preparing to pay the rest," he told Forum 18 News Service on 28 July. "We resolved to suffer for God." By contrast, another Pentecostal pastor has had his fine cancelled.

Elsewhere, courts have refused to acquit one person for the "crime" of conscientious objection to military service, but two others have been acquitted. A coalition of civil society groups has presented published proposals for an Alternative Service Law to a state Interagency Working Group on the subject, but has yet to receive any acknowledgement of this.

Two small Pentecostal churches in villages near the capital Minsk were fined in early June after the authorities claimed they were using the plots of land on which the homes they use for worship were being used not for their true purpose. The complex web of state controls on where religious communities can and cannot conduct religious activity leads to regular fines on communities, even for worship in property that they own (see F18News 29 July 2010 http://www.forum18.org/Archive.php?article_id=1471).

Courts in Minsk have imposed two massive fines on the New Life Pentecostal Church for alleged environmental damage to the church's car park. Church members insist any harm was done before they owned the site and the fines are part of a long-running state campaign against the church (see F18News 29 July 2010 http://www.forum18.org/Archive.php?article_id=1471).

Religious communities have long faced great difficulties in rebuilding properties they own for worship, and have found that it is nearly impossible to get their property officially re-designated so that it can be legally used for worship (see F18News 30 May 2007 http://www.forum18.org/Archive.php?article_id=966).

Fined for sharing beliefs outdoors

Pentecostal Pastor Novik led a team of about six church members who sang and shared Christian leaflets in the village of Grushevo near Kobrin on 31 May, 7 and 14 June. He said local people were happy to listen and no one complained to them. However, he said afterwards someone must have complained to the police and he was subsequently summoned.

On 29 June, Judge Sofya Degil of Kobrin District Court found him guilty of violating Article 23.34, Part 2 of the Administrative Violations Code ("violating regulations for holding demonstrations or other mass events") in three separate cases, according to one of the verdicts seen by Forum 18. He was fined 700,000 Belarusian Roubles for each of the three events, making a combined total of 2,100,000 Roubles (4,346 Norwegian Kroner, 543 Euros or 706 US Dollars).

Pastor Novik noted that after about 6 church members were detained for spreading their faith in similar circumstances in 2009, they were merely warned verbally. He added that during more than 50 such events in recent years, only a handful have faced problems from officials.

"To hold events, appropriate permission is needed"

The verdict claimed that Pastor Novik "understands that to hold events, appropriate permission is needed. He had applied to Kobrin District Executive Committee to hold such events, but this was not given him."

Novik told Forum 18 that during the trial, the judge expressed disagreement with the local authorities' moves to punish him for his Christian activity, but said she had to follow the Administrative Violations Code.

Pastor Novik had applied verbally several times to rent local clubs in a number of local villages, he told Forum 18, but each time had been refused. In 2009, the head of the Culture Department, Nadezhda Zhuk, after consultation with the then Deputy Head of the Executive Committee in charge of Ideology, Valery Ivanyuk, refused, insisting that clubs were for strictly secular use and could not be rented to religious communities.

However, Zhuk denied that Novik or his church had ever sought to rent a club. "He never applied, verbally or in writing," she told Forum 18 on 28 July. "But in any case, all our clubs are rented out under a plan, and they can't just be rented for individual events. They're all booked out." Asked whether religious communities can book them, she responded: "They have church buildings for that."

Communities who do not own their own property have long found that the state places great obstacles in the way of them renting premises to meet in (see F18News 29 May 2007 http://www.forum18.org/Archive.php?article_id=965).

Fine cancelled

However, Vladimir Kochegur, pastor of the registered New Generation Full Gospel Church in Novogrudok, in Grodno [Hrodna] Region, has succeeded in having a fine imposed on him overturned. On 14 May, Novogrudok District Court fined him 700,000 Belarusian Roubles (1,528 Norwegian Kroner, 192 Euros, or 234 US Dollars) for making excessive noise while holding a religious meeting in his home, which he insisted never took place (see F18News 1 June 2010 http://www.forum18.org/Archive.php?article_id=1452).

Pastor Kochegur appealed against the verdict to Grodno Regional Court. On 13 June the Court responded that it had annulled the first verdict and the case would be reheard by a different judge at Novogrudok District Court.

On 1 July, at the end of the third hearing of the retrial, Judge Larisa Samosyuk found him not guilty of any offence. "There were three hearings because they didn't know what to do," Pastor Kochegur told Forum 18. "They probably had to consult the KGB secret police."

The KGB is often involved in the repression of religious activity (see eg. F18News 18 January 2010 http://www.forum18.org/Archive.php?article_id=1396).

Pastor Kochegur wrote to the Justice Ministry in Minsk on 13 July to complain about Valery Romanovsky, the judge who had handed down the original fine. As of 28 July he had received no response.

Refusal to acquit one conscientious objector, but two others acquitted

Meanwhile, the three conscientious objectors convicted of refusing compulsory military service under Article 435, Part 1 of the Criminal Code ("Refusal of call-up to military service") have all now been acquitted on retrial or amnestied. Punishments under this Article are a fine, or imprisonment of up to two years.

On 16 July the Collegium of Gomel [Homyel] Regional Court in south-eastern Belarus rejected the appeal submitted by prosecutors against the acquittal of Jehovah's Witness conscientious objector Dmitry Smyk. When Smyk was found guilty in November 2009, he was the first conscientious objector to be prosecuted since 2000. However, he was acquitted on 31 May 2010 after a retrial (see F18News 28 June 2010 http://www.forum18.org/Archive.php?article_id=1461).

His case thus followed that of Ivan Mikhailov, a Minsk-based Messianic Jew who served nearly three months in prison but was acquitted in a retrial. The Prosecutor's appeal against that acquittal was rejected on 15 June (see F18News 28 June 2010 http://www.forum18.org/Archive.php?article_id=1461).

By contrast, on 23 July the Collegium of Gomel Regional Court upheld the one-year sentence of restricted freedom imposed on Yevhen Yakovenko. However, he automatically fell under the amnesty to mark the 65th anniversary of the end of the Second World War and his criminal record was also expunged. Yakovenko, however, wants a full acquittal. According to the Belarusian civil society group For Alternative Civilian Service, he intends to lodge a supervisory appeal to the Regional Court.

Will acquitted conscientious objectors be prosecuted again?

For Alternative Civilian Service has expressed its concern that any of the three could be summoned once again for military service by local military conscription offices. This could result in further criminal proceedings.

Noting the refusal to acquit Yakovenko, Mikhail Pashkevich, co-ordinator of For Alternative Civilian Service, told Forum 18 on 30 July that "it's almost certain he'll be called up again, judging by the way his case was handled". However, "for Mikhailov and Smyk it's less than 50-50."

Alternative Service Law proposals

A government Interagency Working Group, chaired by Labour and Social Protection Minister Marianna Shchetkina, was set up by the government to draft a proposed Alternative Service Law. It is due to present its draft to the Council of Ministers by 1 September. Shchetkina announced that the Working Group welcomed submissions from the public (see F18News 29 June 2010 http://www.forum18.org/Archive.php?article_id=1462).

A group of non-governmental organisations, including For Alternative Civilian Service, presented their proposals for an Alternative Service Law to the public in Minsk on 7 July (see <http://ags.by/?p=9353>).

That same day For Alternative Civilian Service sent the proposed draft by registered post to the government's Interagency Working Group, in the hope that the state will indeed welcome the submission. Pashkevich told Forum 18 that, as of 30 July, it had received neither a response nor an acknowledgment from the Interagency Working Group. (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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