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BELARUS: Priest's visit "inexpedient" / Fresh Criminal Code Article 193-1 threat

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

The Co-Chair of Belarus' Christian Democracy movement, Pavel Severinets, was for five months in detention repeatedly denied the possibility of a visit he requested from an Orthodox priest, he has told Forum 18 News Service. Severinets was speaking after he was given an open jail term for his political activities, at a trial along with two other opposition political activists and human rights defenders. The authorities admitted to Severinets that he had every legal right to see a priest, he told Forum 18. He suspects that the denial was due to his refusal to work for the KGB secret police as an informer, and his unwillingness to plead guilty to organising a riot. Elsewhere, Nikolai Varushin, a member of an unregistered Baptist church has been threatened with punishment under Criminal Code Article 193-1, which carries a maximum penalty of two years' imprisonment. This is the second recent occasion in which the use of Article 193-1 – which has not previously been used to repress freedom of religion or belief – has been threatened against an unregistered religious community.

Belarusian Youth Front and Christian Democracy activist Pavel Severinets, who received an open jail term on 16 May for his political activities, was while in detention denied a meeting with an Orthodox priest for almost five months. "During these months in detention, I lodged more than ten applications for a pastoral visit by a priest to the police Investigating Inspector. About the same number of requests were made by my family and lawyer," Severinets told Forum 18 News Service from the capital Minsk on 18 May. His mother, Tatiana Severinets, told Forum 18 the same day: "For the last four months there's been hardly any relevant institution to which I have not sent appeals for a clergy visit to Pavel and complaints at denials of this."

In his closing statement at his trial, Severinets told Minsk's Zavodskoy District Court that the head of the Investigation Prison of the KGB secret police, where he spent most of his pre-trial detention, had not opposed a meeting with a priest. However, investigators and the court had blocked it. "I believe that refusing someone who has not yet been deemed an evil-doer the possibility to make a confession before a priest and take communion demonstrates that this system does not aim at reforming people," he told the court. "Because a priest, an Orthodox father, a [Catholic] priest, a [Protestant] pastor, is someone called by God to educate human souls."

Severinets, Co-Chair of the country's Christian Democratic movement, was detained along with many others after a protest rally against electoral fraud in the December 2010 election in Minsk. He was charged with breaking Article 293 of the Criminal Code ("Organisation of riots"), an accusation he denied.

On 16 May Judge Zhanna Brysina of Zavodskoy District Court sentenced him to three years' "restricted freedom", including compulsory work to be assigned to him by the authorities. Also sentenced in this trial was the wife of former presidential candidate Andrei Sannikov, who had himself two days earlier been given five years in a maximum security prison. Four others tried with him were also jailed. His wife, journalist Irina Khalip, was given a two year suspended jail sentence. Opposition political activist Sergei Martselev was sentenced to two years on probation.

After the trial Severinets and his fellow activists called for support for Sannikov and other political prisoners. "We can help them now. We should organise support for them. I thank God and I thank everyone who supported me and who prayed for me," Radio Free Europe reported on 16 May.

Belarusian and international law upholds the rights of prisoners and detainees to freedom of religion or belief, including pastoral visits by clergy, but this has frequently been denied to political prisoners. There are currently no prisoners jailed purely for their religious convictions in Belarus (see F18News 20 March 2008 http://www.forum18.org/Archive.php?article_id=1103).

Meetings with a priest "inexpedient"

Severinets told Forum 18 that the Investigating Inspector, Ivan Sanko, told him that meetings with a priest were "inexpedient". Sanko's telephone went unanswered each time Forum 18 called on 17, 18 and 19 May.

Judge Brysina of Zavodskoy District Court, who was responsible for Severinets' case, was "not available for the press", Forum 18

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was told on 18 May. Tatiana Severinets told Forum 18 that, while her son was in detention, an official letter signed by Judge Brysina informed her that it was not in the competence of the Zavodskoy District Court to allow detainees a meeting with a priest.

The authorities admitted to Severinets while he was in detention that he had every legal right to see a priest, he told Forum 18. He suspects that the denial of his repeated requests was due to his refusal to work for the KGB secret police as an informer, and his unwillingness to plead guilty to organising a riot at the opposition protest rally the authorities violently broke up.

While Severinets was in detention, the major Christian festivals of Christmas and Easter took place. "For me as a devout Orthodox Christian it was very important to see a priest for confession and communion," Severinets commented to Forum 18 about his requests for visits by a priest.

Severinets, along with many other Belarusian human rights defenders and opposition political activists, sees his activities as rooted in Christian faith (see F18News 29 November 2006 http://www.forum18.org/Archive.php?article_id=880). In 2008 he was one of the organisers of the largest non-party political petition in Belarusian history, calling for legal changes to implement freedom of religion or belief, for which he and others were fined by the authorities (see F18News 29 April 2008 http://www.forum18.org/Archive.php?article_id=1121). The European Parliament passed a resolution in support of the petition (see F18News 25 September 2008 http://www.forum18.org/Archive.php?article_id=1193).

"There has never been a priest there since Stalin's time"

The Belarusian Orthodox Church has a Department of Co-operation with the state's Punishment Implementation Department, its press secretary Fr. Sergy Lepin told Forum 18 on 11 May. There are even churches in prison camps, he stated, noting that the Church has an official agreement with the Interior Ministry on regular church services and visits by priests in prisons.

However, no such agreement exists with the KGB secret police about its detention centres, where Severinets was kept. Fr Lepin pointed out that it is a peculiarity of Belarus legislation that in a detention centre it is the Investigating Inspector who determines what personal visitors prisoners can have (see F18News 20 March 2008 http://www.forum18.org/Archive.php?article_id=1103). In Severinets' case the Inspector declined his request. "If the Inspector gave his permission, a priest could have visited", he told Forum 18.

Tatyana Severinets told Forum 18 that she wanted to meet Metropolitan Filaret (Vakhromeyev) of Minsk and Slutsk, the head of the Belarusian Orthodox Church, but he refused to meet her. However he did direct her to Bishop Veniamin who she met on 31 April. He promised to use his influence, but "nothing came out of it", she told Forum 18.

Metropolitan Filaret has been hostile to the human rights defender activities of Severinets and others, banning Fr Aleksandr Shramko from celebrating the Orthodox liturgy for taking part in the religious freedom petition (see F18News 16 May 2007 http://www.forum18.org/Archive.php?article_id=957).

Severinets himself (who in 2005-2007 spent two years in jail as a political prisoner, and has also been jailed for much shorter periods) said that he had not seen a priest in a KGB secret police detention centre. "There has never been a priest there since Stalin's time", he said.

However, Protestant pastor Boris Chernoglaz of the Church of Jesus Christ some years ago managed to make one visit to a prisoner in a KGB detention centre. "The regime is very strict there," he told Forum 18 on 12 May. "Psychologically it was not easy, feeling the pressure after hearing numerous doors closing behind you." The visit was to hear the confession of a detainee. "Pastoral visits and correspondence mean a lot to people in prison," he observed. He pointed out that he was only able to make the visit because he had permission from the Investigating Inspector.

Severinets also told Forum 18 he did not have a Bible for his first month in detention. But he was then allowed to buy a Bible. "I bought a copy in Russian, as the bookshop which works with the KGB secret police detention centre didn't have it in Belarusian," he noted.

"The law itself failed us"

Nikolai Varushin, leader of a Baptist Council of Churches congregation in the south-eastern town of Gomel [Homyel'], on 29 April lost an appeal against a fine of 1,050,000 Belarusian Rubles (1,040 Norwegian Kroner, 235 Euros, or 335 US Dollars at the inflated official exchange rate) for leading worship without state permission. Varushin estimates this as slightly more than one month's average local wage. The fine was originally imposed on 5 April by Gomel's Railway District Court for breaking Article 23.34 Part 2 of the Code of Administrative Offences ("Violation of the procedure for organising or conducting a mass event or demonstration").

The fine followed a 13 February police raid on the Baptist congregation's Sunday worship, during which CDs, audio cassettes and religious literature were confiscated (see F18News 30 March 2011 http://www.forum18.org/Archive.php?article_id=1556). Gomel Regional Court confirmed at the appeal hearing that the confiscated items will not be returned. Varushin told Forum 18 from Gomel

Copyright Forum18 News Service 2011 - Page 2/4

on 11 May that he has no idea whether the material will be stored by the authorities or destroyed.

Varushin – whose congregation like other Council of Churches Baptists refuses to seek state registration – noted that Regional Court officials behaved politely towards him, although stating that the law could not be changed. "We haven't done anything wrong. It was not we who violated the law, the law itself failed us," Varushin told Forum 18.

Unregistered religious activity is an offence in Belarus, against international human rights law (see Forum 18's Belarus religious freedom survey at http://www.forum18.org/Archive.php?article_id=1311).

Varushin does not wish to pay the fine, but told Forum 18 that it is already being deducted from his salary.

"Within the competence of the KGB secret police"

Criminal Code Article 193-1 ("Illegal organisation of, or participation in the activities of, an unregistered political party, foundation, civil or religious organisation") has not before February 2011 been known to have been used against people exercising freedom of religion or belief.

However, it has now been invoked for the second time in 2011 by the authorities. Gomel's Railway District Public Prosecutor Denis Mikushev on 18 April issued an official warning to Varushin that if he continues to meet for worship he could face prosecution under Criminal Code Article 193-1. Those prosecuted would face a maximum penalty of two years' imprisonment, with lesser penalties of six months detention, or a fine.

A similar warning was in February 2011 made to three members of a Council of Churches Baptist congregation in the town of Kostyukovichi, in the Mogilev [Mahilyow] Region of eastern Belarus (see F18News 30 March 2011 http://www.forum18.org/Archive.php?article_id=1556).

Varushin insisted that his congregation will not stop meeting for worship. "We would like to be law abiding but when the state law and God's law contradict each other, we choose God," he told Forum 18. There have been no police raids on the congregation since the February raid.

Public Prosecutor Mikushev told Forum 18 from Gomel on 17 May that the formal warning was issued in compliance with Belarus' legislation. He stated that his future actions would depend on "the law-abiding behaviour of the church activists". He added that if tried and found guilty they could appeal to the Gomel Region Prosecutor's Office. Asked what criminal or administrative responsibility could be ascribed to Varushin, Mikushev responded that this was "within the competence of the KGB secret police".

The KGB secret police closely monitors all religious communities (see eg. F18News 22 October 2008 http://www.forum18.org/Archive.php?article_id=1207).

Belarusian human rights defenders and civil society organisations have campaigned for the abolition of Criminal Code Article 193-1, arguing that it breaks both the Belarusian Constitution and the international human rights standards to which Belarus is a party (see the Belarusian Helsinki Committee legal opinion at http://www.belhelcom.org/en/node/13068). No other unregistered religious communities are known to at present face warnings under Article 193-1.

Easter buses stopped

On Easter Sunday, 24 April, a bus belonging to New Life Pentecostal Church in Minsk was stopped from bringing people to the church from the nearest Metro station two kilometres (one mile) away. Traffic police claimed that the bus had no tax office registration for this purpose. (However tax office registration is not necessary for a non-commercial purpose.) Police also stopped a bus borrowed by New Life from another church – which has tax office registration - without any explanations.

"We've been using our bus for a long time to help our members to get to the church," church lawyer Sergei Lukanin told Forum 18 from Minsk on 5 May. "But there was no case like this before."

Officials have for a number of years sought to remove New Life from its building (see F18News 30 March 2011 http://www.forum18.org/Archive.php?article_id=1556).

At Minsk's Frunze District Police Station, whose officers stopped the buses, the duty Inspector (who did not give his name) told Forum 18 that the action must have been for safety reasons. Elena Volchek of the district's Ideology Department told Forum 18 that she had never heard of the incidents with the buses. (Ideology Departments are frequently involved in actions against people exercising freedom of religion or belief.)

"It looks like a planned action against our religious event", Lukanin commented to Forum 18. (END)

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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://education.nationalgeographic.com/education/mapping/outline-map/?map=Belarus.

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