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BELARUS: Fined when "no such community" met for worship

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

On one of the regular occasions when Borisov's Jehovah's Witness community meet for worship in a private home, police raided, accompanied by Ideology Department official Lyudmila Gornak. The meeting's host, Andrei Kuzin, is now challenging in the Regional Court a fine of more than a month's average wage for holding an "unauthorised mass event", he told Forum 18 News Service. The community has tried to get the compulsory state registration 11 times in 15 years. "There's no such community as Jehovah's Witnesses in Borisov and there's no application for registration submitted to the city council," Gornak told Forum 18. Meanwhile, two Hare Krishna devotees were taken to the police in Polotsk for offering their literature on the streets and faced administrative cases. And police and officials have again visited a homeless shelter run by a Catholic layman in his home. "I was told to move the people anywhere I want, but I have nowhere to go and I am not going to do it," Aleksei Shchedrov told Forum 18.

Following a police raid on a Jehovah's Witness meeting in a private home in Borisov in November 2014, Andrei Kuzin was fined more than a month's average wage for holding an "unauthorised mass event". His appeal is due to be heard on 13 February 2015 at Minsk Regional Court in the Belarusian capital, he told Forum 18 News Service. The community has tried – and failed – to get the compulsory state registration 11 times in the past 15 years. One official insisted to Forum 18 that "no such community" exists.

A Catholic who runs a homeless shelter in his home and two Hare Krishna devotees who offered religious literature on the streets have similarly faced police and official pressure for conducting activity without state approval (see below).

In defiance of its international human rights obligations, Belarus has imposed a tight web of restrictions on exercising the right to freedom of religion or belief. All religious activity without state registration and outside state-approved venues is banned under the harsh 2002 Religion Law and punishable. Similarly, public meetings of any sort without permission are restricted. Charitable activity is similarly restricted (see Forum 18's Belarus religious freedom survey http://www.forum18.org/archive.php?article_id=1997).

Raid, fine

The most recent trouble for the Jehovah's Witness community in the town of Borisov in Minsk Region began on 20 November 2014, when police raided a meeting for worship in Kuzin's home. "During our religious meeting I noticed two unknown people in civilian clothes," Kuzin told Forum 18 on 20 January 2015. "Then more people appeared and they started to film the meeting, and finally I saw the head of Borisov's Ideology Department Lyudmila Gornak." He added that he then noticed a minivan with police officers near his house. "I suppose they expected a scandal, that they'd have to put us down but we decided to continue with the meeting."

After the raid and questioning the authorities took one copy of each religious title they could find for an "expert analysis" (which has not been returned even after the trial). This was despite the fact that all Jehovah's Witness literature has already undergone the government's religious censorship through the "Expert Council" attached to Minsk's Office of the Plenipotentiary for Religious and Ethnic Affairs (see Forum 18's Belarus religious freedom survey http://www.forum18.org/archive.php?article_id=1997).

On 23 December 2014 Judge Aleksei Bolotov of Borisov District Court found Kuzin guilty of violating Article 23.34, Part 2 of the Administrative Code. This punishes organisers who violate regulations for holding demonstrations or other mass public events with short term arrest or a fine of 20 to 40 base units. Judge Bolotov fined Kuzin 25 base units or 3,750,000 Belarusian Roubles (1,850 Norwegian Kroner, 200 Euros or 250 US Dollars), according to the decision seen by Forum 18. On 19 January Kuzin appealed against the fine to Minsk Regional Court.

The last use known to Forum 18 of Article 23.34 to punish meetings for worship was in January 2014, when three Council of Churches leaders in Gomel were fined (see F18News 6 March 2014 http://www.forum18.org/archive.php?article_id=1935).

In court in Borisov, Kuzin insisted that his community had a religious meeting studying and discussing the Bible, exercising their Constitutional right to freedom of religion or belief.

The statement of reasons attached to the verdict, seen by Forum 18, claims police had received an anonymous call informing about

"a large meeting of 60-70 people, including children, who make noise and disturb other people". In their testimonies all the witnesses, all of them police officers, stated that during the meeting participants discussed the Bible and gave speeches and performances.

Asked if the meeting disturbed the neighbours, Kuzin insisted to Forum 18 that he has friendly relations with them and they have no complaints about the services which are held regularly.

At the court hearing Ludmila Gornak, Head of Borisov District Executive Committee's Ideology Department, confirmed that no requests for permission to conduct this meeting had been lodged.

"There is no such community"

Asked why the religious meeting had been raided and why the Jehovah's Witness community had faced numerous registration failures, Gornak refused to comment. "There's no such community as Jehovah's Witnesses in Borisov and there's no application for registration submitted to the city council," she told Forum 18 on 23 January, before putting the phone down.

Forum 18 was unable to talk to Judge Bolotov on 22 January as the secretary refused to transfer the call. She said he does not give comments by phone.

Kuzin declared to Forum 18 that he does not intend to pay the fine and if his appeal to Minsk Regional Court – due to be considered on 13 February - is rejected he will appeal further to the Supreme Court. In 2009 in a similar situation they won a lawsuit in the Supreme Court. "After that we had no problems with the authorities until now, apart from registration," he told Forum 18.

Kuzin connected the latest raid with their complaint regarding problems with registration to the Regional Executive Committee. "The local authorities used this [the raid] to show us our place," he lamented.

Pavel Yadlovsky assured Forum 18 that this is the first serious case for some years. He admitted that Jehovah's Witnesses have been taken to the police station more frequently since early 2014, but no warnings or fines have been handed out. "We try to talk to the local authorities and find compromises, but most of the time we find lack of understanding", he lamented.

11 registration denials

Borisov's Jehovah's Witnesses community has been functioning since 1998 and has applied for registration 11 times since 1999 – in vain. According to Kuzin, the problem is in the legal address. "We find premises for our meetings, submit the documents, but our landlord is forced to back away under pressure from the authorities," he complained to Forum 18. He said that they constantly try to convince the public that they are "normal law-abiding people who have religious freedom rights". Kuzin insists that the authorities are prejudiced against Jehovah's Witnesses and refuse to change their position.

In his annual report for 2014, made public on 22 January, the government's Plenipotentiary for Religious and Ethnic Affairs Leonid Gulyako pointed to numerous "violations" committed by Jehovah's Witnesses. He cited distribution of religious literature in "unauthorised" places and preaching outside their communities. He used this to justify the registration refusal to the Jehovah's Witnesses community in the town of Lida in the western Grodno [Hrodna] Region in June 2014. "How can we talk about registration of new communities if in every corner they offend the law of the country?", Gulyako asked.

Gulyako also used his annual report to allege that Polish Catholic priests working in Belarus had violated traffic and other laws. Catholic leaders have raised concerns with the government, while laypeople have launched a petition against what they regard as state-backed slander (see F18News 20 February 2015 http://www.forum18.org/archive.php?article_id=2040).

Jehovah's Witness representative Pavel Yadlovsky claimed that Jehovah's Witnesses are always referred to negatively in Gulyako's annual reports. He confirmed to Forum 18 that the mentioned cases are not known to him. "The Plenipotentiary spoke of places where we don't even have communities," Yadlovsky complained to Forum 18 from Minsk on 30 January.

Yadlovsky insisted that distribution of literature is not a crime, especially if it is done on individual initiative. "The authorities can't understand that our organisation does not itself distribute religious literature and we don't even ask our members to do it," he told Forum 18. "But the law does not prohibit citizens to share their belief and give away religious leaflets." He is sure that the authorities confuse the rights of religious organisations and the rights of individuals.

In addition to the community in Borisov, about ten more Jehovah's Witnesses communities out of 27 in Belarus are struggling for state registration, Yadlovsky confirmed to Forum 18 (see F18News 18 October 2011 http://www.forum18.org/archive.php?article_id=1626).

"It's the Bible principle to obey the authorities and we want to make our communities legal. But if the authorities find reasons not to do it we have no other choice but to obey God," Yadlovsky complained.

A member of the Jehovah's Witness community in Lida – mentioned by the Plenipotentiary – said that it is planning to complain against the local authorities' rejection of their registration application at a higher level before June 2015. "The authorities are against our registration because in this case we'll have more rights and will be able to have larger meetings," the representative, who asked not to be identified, told Forum 18 from Lida on 26 January.

The representative explained that members have their belief and come together to discuss what they read in the Bible. "If other people don't want to listen, we don't impose our belief on them." The member noted that applying for registration protected them from the authorities' harassment at least for a year.

Detained on the street

Meanwhile in the northern town of Polotsk, police detained two Hare Krishna devotees on the street on 28 December 2014, accusing them of disorderly conduct and using obscenities in a public place. The records of an offence were drawn up against both under Administrative Code Article 17.1. This punishes "minor hooliganism" with short term arrest or a fine of 2 to 30 base units. The cases were sent to courts in the devotees' places of residence, in Minsk and Orsha, Vitebsk Region.

One of the accused said the pair were sharing their belief and offering literature near a shopping centre when the administrator asked them to move away. "I did as I was told, but maybe I was not quick enough and she called the police," the devotee, who asked not to be identified, told Forum 18 on 30 January. The devotee complained that the police major was hostile, threatening to detain the pair for 15 days. Both devotees were held at the police station for six hours, enough time for the administrator of the shopping centre to give her statement.

The shopping centre administrator complained in her statement that the two devotees "deliberately molested passers-by by offering them religious literature and didn't react to repeated requests to move away", the devotee told Forum 18. The devotee insisted that there was not one word of truth in this complaint. "I've been in the Hare Krishna community for 24 years and we are instructed to be polite and tactful when offering our literature." The devotee also noted that at the police station the major accused him of using obscenities. "He must have misheard me as I never use swear words, even in my sleep."

The leader of Minsk Hare Krishna community Sergei Malakhovsky absolutely denied any possibility that devotees could behave in an unseemly manner. "Our belief prohibits using any coarse or negative words," he insisted to Forum 18 on 30 January.

One case closed, another continues

The case against the Minsk-based devotee was brought to the city's Central District Court on 28 January. However, the Judge closed the case due to the fact that it was a minor disturbance and the accused pleaded guilty.

In his petition before the hearing, the devotee asked to invite the witnesses, including the shopping centre administrator who wrote the complaint. However, no witnesses were present. He complained to Forum 18 that the judge deceived him, persuading him to sign documents that it was a minor violation which would bring no consequences. "She was so soft and caring, speaking to me like a mother to a child, that I signed the documents without reading them properly," the devotee complained. According to him she did not consider distributing literature a crime, but recommended that he be more careful while doing so, to which the devotee agreed.

"I was shocked when I saw the court decision stating that I pleaded guilty and repented," the devotee told Forum 18. He insisted that he is going to appeal to Minsk Regional Court challenging the statement of his repentance. "It will mean that this case will always be on me," he noted. "Next time they will say that I was warned and repented and this time I act deliberately." He added that he has been taken to the police station many times, but cases were never brought to court.

The administrative case against the second devotee, whose residence registration is in Orsha, has been sent to Orsha District and Town Court. However, the case was postponed after materials were sent back to Polotsk for further investigation. The first hearing has now been set for 10 February, Malakhovsky told Forum 18. He added that the court secretary had said that the case is likely to be closed.

Frequent detention

Like the Minsk-based devotee brought to court, Malakhovsky also confirmed that devotees are often brought to the police station for distributing religious literature. But, he noted, they manage to negotiate with the local authorities and most of the time there are no consequences. Yet to his knowledge, in 2014 two cases ended in fines, though he might not have learnt of other fines. "Most of the time we learn about fines only afterwards, as our members pay them without informing us," Malakhovsky told Forum 18. He thinks that the authorities have no established procedure for dealing with literature distribution and donations, classifying these activities as unauthorised sales.

All Hare Krishna communities in Belarus are registered, but they never succeeded in obtaining permission for any public event from

local administrations. "Earlier we tried to submit requests, but always got a refusal," Malakhovsky told Forum 18. "What's the point of doing the same things and appeal to the same people when the result will be the same?" He added that they gave up any attempts to get such permission ten years ago.

Renewed pressure on Catholic-run shelter

The House of Mary shelter for homeless people, run by young Catholic layman Aleksei Shchedrov in his home in the village of Aleksandrovka in Grodno Region, is facing renewed official pressure, a year after it was deprived of official registration.

The shelter has been functioning since 2011, providing refuge to homeless people along with washing facilities and medical treatment. Shchedrov was accused of carrying out unauthorised religious activities for equipping a prayer room for residents in June 2013. A criminal investigation against him was dropped three months later. The authorities renewed their pressure after revoking the shelter's official registration in February 2014 (see F18News 6 March 2014 http://www.forum18.org/archive.php?article_id=1935).

On 12 January 2015 police officers and the head of the Village Council Tamara Zubritskaya visited the shelter, Shchedrov told Forum 18 from Aleksandrovka on 29 January. They demanded that the local police inspector close the houses and seal them up. "I was told to move the people anywhere I want, but I have nowhere to go and I am not going to do it," Shchedrov complained. He noted that the local police inspector admitted that he had no grounds for any action.

Shchedrov explained that the authorities never approved the shelter, feeling insecure of having homeless people concentrated in one place. He added that at the moment there are only seven residents, but more people keep coming asking for help.

Forum 18 tried to find out from Zubritskaya why the authorities are again seeking to close down Shchedrov's shelter. However, she refused to comment on 3 February, claiming that it was the end of the working day (it was about 4 pm) and she needed to lock her office. The head of the local police, Sergei Osovik, absolutely refused to discuss this case with Forum 18.

Shchedrov is sure that the official pressure revived because the head of the Village Council is planning to run for elected office and worries for her reputation. He hopes that once the election is over the authorities will not disturb his care for homeless people. He stressed that he had not been summoned to the police and had not been handed any warnings. "I'm not going to take any steps and will keep on living in the same way," he told Forum 18 wearily. (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=1997.

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.

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