

29 June 2015

## BELARUS: Pastor also to face criminal case?

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

*Nearly three weeks after police and riot police raided a Sunday worship service in Gomel in south-east Belarus, a court fined Pastor Sergei Nikolaenko for leading an unapproved religious meeting. A court official refused to put Forum 18 News Service through to the Judge. Nikolaenko's Reformed Orthodox Transfiguration Church has already been banned from meeting and police have searched his and another church member's homes for "sectarian" literature. A criminal charge against him might be in preparation. A third member of a Council of Churches Baptist congregation in nearby Svetlogorsk has been fined for refusing to say who was reading from the Bible when armed police raided the church during Sunday worship in May. Others face similar prosecution, as does the owner of the home where the church meets, church members told Forum 18. And three Hare Krishna devotees were detained in Vitebsk for five hours for offering religious literature on the streets.*

Pastor Sergei Nikolaenko – already fined for leading a worship service in rented premises in Gomel [Homyel] in south-east Belarus – fears a criminal case might be in preparation against him, Forum 18 News Service has learned. Officials tried to get his Bishop to sign a record against him, and searched his home and that of another church member. The Church has been banned from meeting for worship, despite having the compulsory state registration.

In nearby Svetlogorsk, a court has fined a third member of a Council of Churches Baptist congregation raided by police in May for meeting for worship without state registration. Many other church members face administrative prosecution for refusing to testify against fellow church members, while the owner of the house where the church meets faces administrative prosecution for hosting religious services (see below).

Three Hare Krishna devotees were detained in the streets of the north-eastern city of Vitebsk [Vitsyebsk] for offering religious literature to passers-by on the street. They were freed after five hours (see below).

Fine follows raid

Trouble began for Pastor Nikolaenko's congregation in Gomel on the afternoon of Sunday 31 May when police and OMON riot police raided the Reformed Orthodox Transfiguration Church's worship meeting. Some 20 church members had gathered for worship in a rented venue in the city's Central District. On 11 June a local authority commission banned the Church from meeting further (see F18News 15 June 2015 [http://www.forum18.org/archive.php?article\\_id=2073](http://www.forum18.org/archive.php?article_id=2073)).

On 19 June, Judge Viktor Kozachek of Gomel's Central District Court found Pastor Nikolaenko guilty of violating Administrative Code Article 23.34, Part 2. This punishes unauthorised organisation of public events. The Judge fined him 3,600,000 Belarusian Roubles (1,900 Norwegian Kroner, 210 Euros or 235 US Dollars), according to the court decision seen by Forum 18.

An official of Central District Court, who did not give his name, explained that Judge Kozachek is not obliged to give reasons for his decision, especially to an unrelated party. "It is prohibited to communicate with a judge directly regarding cases," the official told Forum 18 on 29 June. "If he handed out a fine it means that he considered this measure appropriate, but anyway he was acting in accordance with the norms of the law." He added that anyone unhappy with a decision can appeal to Gomel Regional Court.

Pastor Nikolaenko, who refused to plead guilty, has no intention of paying the fine and intends to appeal.

Police call bishop

On 22 June a police officer who refused to identify himself phoned Sergei Komar, the Bishop of the Pentecostal denomination to which Pastor Nikolaenko's congregation officially belongs. The officer requested him to give and sign a record against Pastor Nikolaenko, but Bishop Komar refused.

"I don't know what the record is about," Pastor Nikolaenko commented to Forum 18. "I'm shocked as I thought that the case is closed and I've already been fined."

## Two house searches

On 25 June, police came to Pastor Nikolaenko's Gomel home for a search, he complained to Forum 18. During the raid, officers warned him that he would be investigated on possible Criminal Code charges. Pastor Nikolaenko speculates that officials might want to initiate a case against him under Criminal Code Article 193. This punishes organisation or leadership of a political party, social or religious organisation "which infringes on the rights, freedoms and legal interests of citizens or preventing the performing by citizens of their state, social or family obligations". The maximum punishment is two years' imprisonment.

The raid was authorised by a 4 June search warrant (seen by Forum 18) from the Police Chief of Gomel's Central District Colonel Viktor Afanasenko and counter-signed on behalf of Gomel Prosecutor Sergei Zaitsev. The same search warrant also authorises the search of the home of fellow church member Aleksandr Chuev.

The search warrant claimed that in the homes of both Nikolaenko and Chuev, "literature could be stored of a sectarian character or with information infringing on the rights, freedoms and the legal interests of citizens, or preventing the performing by citizens of their state, social or family obligations, as well as statutes of the above unregistered organisation, lists of its members, programmes of events, reports of unapproved events and meetings conducted, and documents containing information on the leadership and ruling structure".

Pastor Nikolaenko's Church has state registration, Forum 18 notes. No definition of "sectarian" is given in Belarusian law.

In the course of the search, officers confiscated the Church's seal and documents about the church's activities, Pastor Nikolaenko told Forum 18. Asked if any "sectarian materials" were discovered, he remarked that officers examined a lot of literature but took away nothing. "They are interested in my activities as a reformer, they asked for a list of church members and documents on the church's activities," he told Forum 18.

Chuev's home was searched on Sunday morning, 28 June, Pastor Nikolaenko told Forum 18.

Forum 18 was unable to find out if prosecutors intend to bring a criminal case against Pastor Nikolaenko. Prosecutor Zaitsev's secretary put the phone down on 29 June as soon as Forum 18 asked.

Colonel Afanasenko's secretary told Forum 18 on 29 June he was out of the office and refused to transfer the call to anyone else.

## Warning follows Svetlogorsk raid and fines

In Svetlogorsk in Gomel Region, officials are keeping up pressure on the Council of Churches Baptist congregation, which meets for worship in a home. Following a 17 May armed raid, two congregation members Vladimir Daineko and Yuri Volodenko were fined on 8 June (see F18News 15 June 2015 [http://www.forum18.org/archive.php?article\\_id=2073](http://www.forum18.org/archive.php?article_id=2073)).

Svetlogorsk District Prosecutor Vladimir Tarasenko gave Daineko and Volodenko an official warning that if they commit any further "violation" within a year they could face further administrative charges and their religious organisation will be "liquidated".

## Church member fined, home owner to be fined?

On 18 June the owner of the house where the worship took place, Nadezhda Daineko, was summoned to the Housing and Utilities Department in Svetlogorsk. There a record was drawn up charging her with violating Administrative Code Article 21.16, which punishes improper use of residential property.

The authorities regard use of a home for religious purposes as "improper use" and can punish those who offer their homes for religious meetings (see Forum 18's Belarus religious freedom survey [http://www.forum18.org/archive.php?article\\_id=1997](http://www.forum18.org/archive.php?article_id=1997)).

The telephones of the head of the Housing and Utilities Department, Tatyana Belaya, and her assistants went unanswered each time Forum 18 called on 29 June.

## Church members pressured to testify

The Svetlogorsk police are using the same tactics as in the case with Gomel's Reformed Orthodox Transfiguration Church by pressuring Baptist Church members to give evidence against their fellow believers in court. However, Baptist Church members refused en masse to cooperate with the police. Police filed administrative cases against 17 church members for refusing to testify at Daineko and Volodenko's trial and to answer questions about the church's activities. Police have handed the cases to court.

Lyubov Kundas was among Church members who refused to answer "who was reading the Bible when the police came?" On 25 June, Judge Ruslan Tsaruk of Svetlogorsk District Court found her guilty under Administrative Code Article 24.5. This punishes refusal to give information. The Judge fined her 1,440,000 Belarusian Roubles (750 Norwegian Kroner, 85 Euros or 95 US Dollars).

Judge Tsaruk's assistant refused to put Forum 18 through to him on 29 June or to comment on the fine.

#### Detained for offering religious literature

Three Hare Krishna devotees, Aleksandr Grankin, Aleksei Vlasyuk and Pavel Ivanov, were detained in the streets of Vitebsk on 17 June for sharing their religious views and offering religious literature to passers-by, they complained to Forum 18. The three were detained by Sergei Fadeenkov, the Chief Specialist of Vitebsk Regional Executive Committee Department of Religious Affairs and Nationalities.

Vlasyuk and Ivanov happened to be distributing literature outside the building of the State Control Committee (a state monitoring agency) when Fadeenkov and an unidentified companion dragged Vlasyuk by force into the building. Vlasyuk complained that he did not understand what was going on. "Later I found out that it was religious affairs official Fadeenkov. He ignored all my questions and refused to give any explanations," he lamented to Forum 18 from his home city of Mogilev on 26 June.

According to Vlasyuk, his friend and fellow devotee Ivanov was detained after he came into the State Control Committee building looking for him. Both devotees' books were confiscated and they were held inside the building against their will until the police were summoned.

Ivanov complained that Fadeenkov forced him to go to a deserted place, where he confiscated ten of his books.

The police were then summoned and officers took Ivanov and Vlasyuk to Vitebsk's Oktyabrsky District Police Station. There they were detained for five hours and released after identity verification without the preparation of any cases against them.

Vlasyuk told Forum 18 that they were slightly threatened in the police station. "It's always the same with the police - they try to provoke you to make some confession, saying that they could imprison you."

Grankin said Fadeenkov found him on the street as he was explaining to people the devotees' way of life and offering books as a present to those who wanted to know more. "Fadeenkov showed no interest either in Vedantic knowledge about healthy food, or in the philosophy of the eastern religion of Gaudiya Vaishnavism," Grankin complained to Forum 18 from his home city of Polotsk on 25 June. "Yet he confiscated four books, though he returned two of them later."

Fadeenkov angrily accused Grankin of violating the law and ignored all his requests to return the books he had seized. "I was lucky as I was not taken to the police station like my fellow devotees," Grankin explained to Forum 18.

Following intervention later by another Hare Krishna devotee, Fadeenkov returned several more of the confiscated books.

#### Disturbing employees and visitors?

The Head of Oktyabrsky District Police Station, Aleksei Shakhovich, said that his officers had been summoned to the State Control Committee because someone was disturbing the organisation's employees and visitors. "Probably they didn't realise themselves where they were standing," he claimed to Forum 18 on 25 June. He insisted that the devotees were detained for as long as the verification of their identity required. He denied that their rights were violated. Shakhovich confirmed that both Ivanov and Vlasyuk broke no law.

Forum 18 tried to find out why the devotees were detained and whether physical force was applied. However, the telephone of Fadeenkov at the Department of Religious Affairs and Nationalities of Vitebsk Regional Executive Committee went unanswered each time Forum 18 called between 23 and 29 June.

The devotees complained to Forum 18 that the official violated their right to freedom of thought, conscience and religion, misappropriated their possessions and detained them for several hours. "We've done nothing wrong," Vlasyuk explained. "We share our belief and advocate a healthy way of life without drugs and alcohol." The devotees filed a complaint to Vitebsk Regional Executive Committee and Prosecutor's Office, but later decided to withdraw it so as not to create more tension.

#### Frequent detentions

Grankin and Vlasyuk maintained to Forum 18 that they are often taken to the police when they offer Hare Krishna literature on the streets and are usually released after their identity is checked. "It depends on the city," Grankin observed. "In Minsk for example, the authorities are more tolerant and we never have problems there." They separately remarked that this case in Vitebsk was different, because the official dragged them by the arm and confiscated books.

In December 2014, two Hare Krishna devotees were accused of disorderly conduct and using obscenities in a public place, accusations they strongly denied. They were brought to court under Administrative Code Article 17.1, but both cases were closed as

Judges regarded them as "minor disturbance".

Hare Krishna communities would like to be able to conduct processions on the street and offer their religious literature freely. However, they have never been given permission to carry out a public event and after a time stopped trying (see F18News 4 February 2015 [http://www.forum18.org/archive.php?article\\_id=2035](http://www.forum18.org/archive.php?article_id=2035)). (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](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](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](http://www.forum18.org/Archive.php?article_id=1351).

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