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BELARUS: Tortured, fined for offering religious literature

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

The court in Lepel has repeatedly fined local Baptists since mid-October for singing and offering Christian books to passers-by near the town market. After detaining two church members, police injured the face of one and put handcuffs so tightly on another that his hands went numb. Their complaint is with the Investigative Committee.

In mid-October, 13 years after the last major police attacks on an open air library in 2004 in the town of Lebel, police in Vitebsk Region in north-eastern Belarus have again began detaining Council of Churches Baptists. Since then, police have repeatedly detained church members for singing and offering Christian books and magazines to passers-by on Saturdays at the entrance to the town market. The local court has fined and warned church members.

During one of the incidents, church member Andrei Fokin said that officers injured his face and put handcuffs so tightly on another church member that his hands went numb. He complained about this torture to the Prosecutor's Office, but no police officer appears yet to have been brought to justice (see below).

Council of Churches Baptists do not seek state registration on principle. Church members in Lepel have run a street library since the 1990s. The last major police harassment of it was in October 2004, when police also tortured Baptists (see F18News 20 October 2004 http://www.forum18.org/archive.php?article_id=436).

Fokin could not explain why after so many years police and the courts have renewed pressure on the Council of Churches Baptist community. "I've been conducting the street library ministry for 16 years, offering Bibles, children's literature and magazines for people to read and return," he told Forum 18. "Over the last 10 years we never had any conflicts."

Two Jehovah's Witnesses in Grodno Region have also been fined this autumn for sharing their faith and offering religious literature on the streets. Jehovah's Witnesses told Forum 18 the punishments are "not reflective" of the general picture for them. They point to other cases where police and courts have dropped similar cases against Jehovah's Witnesses this year (see below).

The authorities not only impose punishments on those who distribute religious literature in unapproved locations. They also require prior compulsory state censorship of religious literature. Such approval can take months to come through. Jehovah's Witnesses complain that their regular magazines are often several months late by the time they reach readers. Unapproved religious literature can be seized at the border (see below).

Literature can also be banned by courts as "extremist". Among banned works are several religious books that do not call for the harming of people's human rights, including a book on Orthodoxy and an introduction to the Koran (see below).

Detentions, warnings, fines

Trouble for Lepel's Baptists began again on 14 October. Police stopped their literature distribution and took Andrei Fokin to the police station to draw up the record of an "offence". He was accused of violating Article 23.34, Part 1 of the Administrative Violations Code. This punishes those who "conduct" illegal demonstrations or other mass public events with a fine of up to 30 base units or short-term imprisonment. 30 base units is currently 690 Belarusian Roubles (2,850 Norwegian Kroner, 290 Euros or 350 US Dollars).

On 20 October Judge Natalia Sushko of Lepel District Court handed down a warning to Fokin to punish him for offering Christian books on 14 October.

On 21 October, Andrei Fokin again offered Christian literature near the market. In a fresh hearing on 27 October, Judge Sushko fined him 20 base units, 460 Belarusian Roubles. This time Fokin was punished under Article 23.34, Part 3, which punishes repeat "offences" within a year with a fine of 20 to 40 base units or short-term imprisonment. Judge Sushko also found Fokina's wife Tatyana Fokina, and his brother Sergei Fokin guilty of violating Article 23.34, Part 1. She handed both a warning.

The following Saturday, 28 October – as he was again offering Christian literature near the market – officers arrested Andrei Fokin. They held him in pre-trial detention until the court hearing. On 30 October, Judge Alesya Novik handed him a fine of 575 Belarusian Roubles under Article 23.34, Part 3.

The same day Judge Novik also fined Fokin's wife Tatyana Fokina 460 Belarusian Roubles, this time under Article 23.34, Part 3 for a repeat "offence". "These fines represent more than double my monthly wage," Fokin complained to Forum 18 on 29 November.

On 22 November the secretary of Lepel District Court refused to put Forum 18 through to Judge Sushko or Judge Novik, saying that they do not give comments on the phone.

Baptists defy restrictions

Insisting on their rights to exercise freedom of religion or belief, the Baptists continued preaching and library activities in the same place outside Lepel's market on 4 November. However, police arrived and Major Oleg Avtukh (who had also been involved in two of the October incidents) took nine of the Baptists to the police station for interrogation and to prepare records. Officers handcuffed Andrei Fokin and Ivan Trinda and inflicted injuries on them during the detention.

"Police officers behaved rather rudely, especially the senior officers," Fokin complained to Forum 18 on 29 November. "My face was injured and my friend's hands were so tightened by handcuffs that they went numb. They do not know what they are doing. They were given the order, that's why they behaved like that." Andrei Fokin lodged a complaint against the police action to Lepel Prosecutor's Office.

Officials summoned his brother Sergei Fokin on 10 November to the court "for a talk". When he arrived he found that an official court hearing had been scheduled. The Judge fined Sergei Fokin 460 Belarusian Roubles under Article 23.34, Part 3 as a repeat "offender".

Six other Baptists, who were ordered to go to Court the same day, have not yet been officially summoned, Andrei Fokin added.

In none of the cases did police confiscate any of the Baptists' books or magazines, Andrei Fokin told Forum 18.

Will police torture be punished?

Major Avtukh refused to discuss the brutal treatment of at least two of the Baptist detainees. "I am not allowed to give comments on the phone," he told Forum 18 on 23 November, before hanging up.

An official of Lepel Prosecutor's Office, who did not identify himself, confirmed that the Office had received Fokin's complaint. Asked on 30 November whether the police officers involved in his torture are to be punished, the official told Forum 18: "Lepel Investigative Committee is now dealing with the case."

The phone of the head of Lepel Investigative Committee Tofik Demeshko was busy or went unanswered each time Forum 18 called between 30 November and 6 December.

The United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Belarus (when part of the Soviet Union) ratified in 1987, defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Under Article 6 of the Convention, Belarus is obliged to arrest any person suspected on good grounds of having committed torture. Under Article 4, Belarus is obliged to try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature".

Human rights lawyer Viktoria Fyodorova, who is based in Gomel, confirmed to Forum 18 on 1 December, from what she had learned of the case, that the Baptists had been subjected to cruel treatment. She pointed out that Article 25 of the Constitution of Belarus includes the stipulation: "No-one should be subject to torture, or to harsh, cruel or humiliating treatment or punishment".

"If police officers go beyond their authority, their actions can be categorised as a violation of Article 426 of the Criminal Code," Fyodorova commented to Forum 18. Article 426 punishes "abuse of authority and official powers". Such actions committed by an official going beyond their authority combined with violence, torture or insults are punished with up to a three year prison term.

The lawyer Fyodorova lamented that in practice, whatever police officers do is officially deemed to be legal. When detainees suffer injuries, blame is officially assigned to the detainee who allegedly offered resistance.

"We are judged for believing in God"

Andrei Fokin absolutely rejects the charges and the court decisions against him and his fellow Baptists. "We don't pursue any political goals," he insisted to Forum 18. "We just talk to those who wish to hear about saving their immortal souls."

The Baptists lodged supervisory appeals against the decisions. Fokin insists that the laws used to punish them do not override provisions of the Constitution which guarantee freedom of belief. "We are judged for believing in God," he explained to Forum 18. "We are worshipping to reconcile people with God."

The head of the Ideology Department of Lepel District Executive Committee, Igor Urban, told Forum 18 on 27 November that Fokin and his fellow believers are in trouble because of the negative attitude of many people and other confessions. "Complaints come in that a religious organisation functions in the town presenting itself as Baptist but not registered anywhere," he told Forum 18. Urban did not explain who was making such alleged complaints.

Local Baptists from state-registered communities in Lepel confirmed to Forum 18 on 20 November that the authorities have demonstrated their displeasure with the unregistered Baptists' exercise of their freedom of religion and belief since July. However, state-registered Baptists denied that they are hostile towards those Baptists who choose to function without state registration. "The authorities are pursuing the wrong people," state-registered Baptists commented to Forum 18.

Urban of the Ideology Department insisted that the Council of Churches Baptists annoy people by "conducting their rituals at the entrance of the town market, singing and giving away literature". Asked whether singing was a crime, Urban replied: "It was wrong and in violation of the Law on Mass Events".

Urban claimed that the authorities are "ready for co-operation, but it should be within the law". He meant that the community should get state registration and a state-approved place of worship.

The 2002 Religion Law specifies that state registration is compulsory, in contradiction of the country's international human rights commitments. However Council of Churches Baptists refuse on principle to register their congregations with the state, insisting that registration should not be needed for religious worship.

Several years ago, Council of Churches Baptists reported frequent police raids on their meetings for worship, with officers accusing them of holding unapproved religious meetings by unregistered religious organisations (see Forum 18's Belarus religious freedom survey http://www.forum18.org/archive.php?article_id=1997).

The 2002 Religion Law also restricts legal religious worship to state-approved premises and bans regular religious worship – whether by registered or unregistered congregations - in homes. This affects small religious communities comprising fewer than 20 people, or communities which are repeatedly denied state registration and fail to find a legal address. Such a situation is common with Jehovah Witnesses and Pentecostals (see F18News 11 December 2015 http://www.forum18.org/archive.php?article_id=2132).

Investigations, fines – and acquittals

On 10 June, Jehovah's Witnesses Alena Kitlinskaya and Yuliya Sheipak were discussing their beliefs with others and offering religious literature near the bus station in the city of Grodno. Police detained them and accused them of illegal picketing, Jehovah's Witnesses told Forum 18. At two separate hearings in August, Grodno's October District Court found both women guilty of illegal picketing. Each was fined about 120 Belarusian Roubles (490 Norwegian Kroner, 50 Euros or 60 US Dollars).

Kitlinskaya and Sheipak appealed against these fines to Grodno Regional Court. However, on 21 September the Court dismissed Sheipak's appeal and on 3 October dismissed Kitlinskaya's appeal.

However, Jehovah's Witnesses told Forum 18 on 6 December that the Grodno punishments are "not reflective of what is generally taking place in the country". They welcomed the dropping of similar cases by police and courts.

In March, local authorities in the town of Smorgon in Grodno Region asked the police to investigate whether the public preaching and offering of religious publications by Jehovah's Witness Olga Fedulova was legal. The police questioned her, and dismissed the administrative case on 14 April, Jehovah's Witnesses told Forum 18.

Among recent cases, on 18 October, Dzerzhinsky District Court of Minsk Region acquitted Jehovah's Witness Tatyana Poplavskaya of violating Administrative Code Article 23.34, Part 1, according to the decision seen by Forum 18. She had been discussing her faith and offering religious literature on the streets of the town of Fanipol on 11 September when police detained her. However, Judge Irina Bakunovich dismissed the case against Poplavskaya "for absence in her actions of an administrative violation".

Jehovah's Witnesses told Forum 18 the court decision is "generally in line with international law and recognises the right to freedom

of religion and belief". They described it as "overall a very good result".

Literature prior censorship, confiscation

As well as punishing those – like Lepel's Council of Churches Baptists or the Jehovah's Witnesses in Grodno – who distribute religious literature in unapproved locations, the authorities also impose censorship of religious literature. Such censorship is carried out by 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).

Jehovah's Witnesses told Forum 18 that in 2017, all their printed religious materials have passed the state censorship and have been imported into Belarus. "However, since the law does not set a time limit for the state to study the literature, Jehovah's Witnesses generally must wait three months before receiving permission to import new religious periodicals," they complained. This means that readers of their regular magazines have to wait several months before being able to read each issue.

Customs officers can seize unapproved religious literature being brought into the country. In the summer, Protestants tried to bring more than 100 copies of Bible-related literature by car from neighbouring Ukraine, Protestants told Forum 18. As the literature did not have state approval, the Protestants had hidden it under a seat. However, customs officers discovered and seized it.

Court-imposed bans

Courts have also banned specific religious works as "extremist". Such works have then been placed on the Information Ministry's Republican List of Extremist Materials, published on the Ministry's website. The List includes many xenophobic and racist works (such as Adolf Hitler's "Mein Kampf"), as well as some religious works that do not call for the violation of anyone's human rights.

On 12 March 2014, Frunze District Court in the capital Minsk banned the third edition of "The way to the Koran" by Azerbaijani Muslim theologian Elmir Kuliyeu, published in Moscow in 2008. The decision came into force on 24 March 2014.

Kuliyeu told Forum 18 on 9 December 2016 that the first he knew of the ban on his book "more than two years ago" was when Forum 18 asked him about it. "No one informed us of this, either at the investigation stage or when the court had issued its decision," he lamented. He said his book contains general information on the origins of the Koran and the history of its study in the Islamic world and Russia.

Kuliyeu questioned why his and other such books are banned. "In whose interests is the ban on such books?" he asked. "I am convinced that any literate expert on Islam could recommend this and other such books as material to prevent all kinds of extremist sentiments."

On 16 May 2016, Central District Court in Gomel banned "An Orthodox on Orthodoxy: Popular theology, or theology for dummies" by Sergei Nikolaenko, Pastor of the city's Reformed Orthodox Transfiguration Church, published in Moscow in 2015. The decision came into force on 27 May 2016. (The Information Ministry's List wrongly gives Nikolaenko's name as Nikonenko.)

Pastor Nikolaenko told Forum 18 on 10 December 2016 that the first he knew of the banning of his book was when Forum 18 asked him about it. "No one invited me to any court hearing," he lamented.

OMON riot police raided Transfiguration Church's Sunday worship in a rented venue in May 2015. The following month Gomel's Central District Administration banned the church. That year, Pastor Nikolaenko was also fined 20 base units under Administrative Code Article 23.34, Part 2. In addition to the fine, he and another church member were given "official warnings" that if they violate the law by holding meetings to worship without state permission they will face criminal prosecution, with possible prison terms of up to three years (see F18News 11 December 2015 http://www.forum18.org/archive.php?article_id=2132). (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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