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BELARUS: Regime allows Archbishop's Christmas return

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

On 24 December, the regime allowed Belarus' senior Catholic leader, Archbishop Tadeusz Kondrusiewicz, to return to his own country after barring him for 16 weeks. He will lead Christmas Masses in Minsk. The return followed a plea from Pope Francis, delivered to Aleksandr Lukashenko by the former Nuncio on 17 December. Foreign Minister Vladimir Makei – who had been present at the meeting – spoke of "a range of negative elements" connected with the Archbishop.

More than 16 weeks after the regime blocked Belarus' senior Catholic leader, Archbishop Tadeusz Kondrusiewicz, from returning from Poland, it once more allowed him to enter his own country today (24 December). The Catholic Church confirmed he had arrived back in Minsk and announced that he would lead two Christmas Eve Masses and two Christmas Day Masses in the capital Minsk.

The regime removed obstacles to Archbishop Kondrusiewicz's return following a letter from Pope Francis, handed over on 17 December in a meeting in Minsk between Aleksandr Lukashenko and the former Nuncio to Belarus, Archbishop Claudio Gugerotti, who had flown in from London. However, five days later, Foreign Minister Vladimir Makei – who had been present at the meeting – criticised the Archbishop, speaking of "a range of negative elements connected with this person".

The 74-year-old Archbishop Kondrusiewicz heads the Minsk-Mogilev diocese and is also chair of the Conference of Catholic Bishops.

Belarusian border guards refused Archbishop Kondrusiewicz re-entry to his own country on 31 August, without giving any explanation. He then spent most of the more than 16 weeks since being denied re-entry based in a parish near Bialystok in eastern Poland, trying to find out why he had been barred from his own country and leading his diocese of Minsk-Mogilev remotely (see below).

It remains unclear whether the regime has confirmed that Archbishop Kondrusiewicz has Belarusian citizenship and whether his passport has been returned. It also remains unclear if he remains on the joint entry ban list operated by Belarus and Russia (see below).

Political tensions have been high since the falsified August 2020 presidential elections. The regime identified the Catholic Church as playing a leading opposition role, without specifying why it thought so. The General Prosecutor's Office gave official warnings to an Orthodox priest and a Catholic bishop, while several Orthodox and Catholic priests have been among those fined or jailed (see below).

Meanwhile, on 18 December the Senate, the upper chamber of Parliament, approved a new Administrative Code to replace the Code adopted in 2003. The text will now go to the President for signature. Unregistered religious activity will still be an "offence", but fines are set to be reduced from a maximum of five weeks' to three weeks' average wages. However, punishments for organising or participation in illegal mass events – which have been used to punish exercise of freedom of religion or belief – are set to increase, with a maximum jail term of 30 days and increased fines (see below).

On 21 December, the presidential administration announced that Lukashenko had named Aleksandr Rumak, a former deputy health minister, as the new Plenipotentiary for Religious and Ethnic Affairs, the most senior state religious affairs official. He replaces the 71-year-old Leonid Gulyako (see below).

The Plenipotentiary has the power to reject the rights of religious communities to invite foreign citizens to serve in Belarus and is not required to give any reason. Gulyako frequently denied requests by Russian Orthodox and Catholic bishops, as well as other religious communities, for such permission (see below).

Denied entry to his own country

On 31 August 2020, Belarusian border guards denied Archbishop Tadeusz Kondrusiewicz, the 74-year-old head of the Catholic

Church in Belarus, re-entry to his own country (https://www.forum18.org/archive.php?article_id=2597). The Archbishop – who is a citizen only of Belarus - heads the Minsk-Mogilev diocese and is also chair of the Conference of Catholic Bishops.

Archbishop Kondrusiewicz was seeking to return to Minsk after a one-week visit to Poland, travelling in his official car. He tried to cross at the Kuznitsa Belostokskaya Bruzgi border crossing near the city of Grodno when border guards refused him entry. After waiting several hours in vain he returned to Poland, while his driver continued to Minsk in the official car.

Border guards gave the Archbishop no reason for the decision, even though under the Constitution and its international human rights obligations the regime is not allowed to deny entry to its own citizens. Officials at the border crossing point at Bruzgi, and the State Border Committee and Presidential Administration in Minsk all refused to explain to Forum 18 why Archbishop Kondrusiewicz was banned from re-entering his own country and returning to his diocese.

President Lukashenko on 1 September told journalists that Archbishop Kondrusiewicz is one of a number of people on an entry ban list, which is shared between Belarus and Russia. He claimed the Archbishop had been given "some assignments" at "consultations" in Warsaw before his planned return. He did not explain what this claim meant. "It is not only him [on the entry ban list] - he is just the best-known person," Lukashenko claimed. "Now we are keeping a very close watch on everyone entering and leaving."

Asked to confirm this information, Deputy Head of the Interior Ministry's Citizenship and Migration Department Pavel Khrishchenovich told Forum 18 on 1 September: "I do not think anything on this issue."

On 14 September the State Border Committee told Archbishop Kondrusiewicz that he was denied re-entry to his home country because his Belarusian passport was invalid. The head of the Interior Ministry's Citizenship and Migration Department then said that officials are "at present simply checking up on whether he is a citizen of the Republic of Belarus and the documents he presented when going through the procedure of naturalisation". The Citizenship and Migration Department refused to answer Forum 18's questions about Archbishop Kondrusiewicz's case (https://www.forum18.org/archive.php?article_id=2602).

Other religious communities condemned the decision, including some Orthodox priests. The Pentecostal Union "expressed outrage" at the denial of re-entry to Archbishop Kondrusiewicz. A 1 September statement from Bishop Leonid Voronenko (https://www.forum18.org/archive.php?article_id=2597) said the Archbishop had: "raised his voice in defence of peace, mercy and unity, and in condemnation of violence, lies and hatred. This is the spiritual, moral and ethical duty of any clergy member, and does not represent political activity."

On 2 November, when receiving the head of the Russian Orthodox Church in Belarus, Metropolitan Veniamin, Lukashenko again criticised Archbishop Kondrusiewicz. "Going to Poland and receiving instructions on how to destroy our country – no one is going to allow that. No one," the state news agency Belta quoted him as saying.

Diplomatic manoeuvres to secure Archbishop's re-entry

In behind-the-scenes moves, the Vatican sought to regain the return of Archbishop Kondrusiewicz to his diocese. In September it sent Archbishop Paul Richard Gallagher, Vatican Secretary for Relations with States, but he failed to secure Archbishop Kondrusiewicz's return.

The Vatican then sent the former Nuncio to Belarus, Archbishop Claudio Gugerotti, from London back to Minsk, where he met Lukashenko and Foreign Minister Vladimir Makei on 17 December. Archbishop Gugerotti handed over a letter from Pope Francis. A short video of the meeting on the presidential website showed a cordial atmosphere, with Lukashenko speaking warmly of Pope Francis.

Archbishop Ante Jozic, the Nuncio to Belarus, announced that "on December 22, 2020, it received information from the competent state bodies that Archbishop Tadeusz Kondrusiewicz has no obstacles to return to the territory of the Republic of Belarus".

Archbishop Jozic thanked the authorities "for responding positively to Pope Francis' request to return Archbishop Tadeusz Kondrusiewicz to celebrate the Nativity of the Lord with the faithful of which he is pastor", a 22 December statement from the Nunciature in Minsk noted.

However, that same day Foreign Minister Makei, who had been present at the 17 December meeting, harshly criticised Archbishop Kondrusiewicz. He spoke warmly of relations with the Pope and the Vatican, and noted the Pope's letter requesting the Archbishop's return, whom he described as a "well-known person".

"Proceeding from a feeling of deep respect for the Pope and from his personal good relations," Makei declared, Lukashenko "found it possible to meet the Pope's request and issue the corresponding instructions to find a resolution with regard to the existing legal mechanisms", according to remarks on the Foreign Ministry website. He also noted the imminent celebration of Christmas. However, he concluded by noting the resolution "of the case connected with Archbishop Kondrusiewicz of Minsk-Mogilev, despite a range of negative elements connected with this person".

Archbishop returns, but his rights restored?

Archbishop Kondrusiewicz finally crossed the border from Poland into Belarus on 24 December and later arrived in Minsk, the Catholic spokesperson Fr Yuri Sanko announced.

It remains unclear if the regime has confirmed that Archbishop Kondrusiewicz has Belarusian citizenship and whether his passport has been returned. It also remains unclear if he remains on the joint entry ban list operated by Belarus and Russia.

Fines, warnings to clergy

Political tensions have been high since the falsified August 2020 presidential elections. The regime identified the Catholic Church as playing a leading opposition role, without specifying why it thought so.

On 18 November, the General Prosecutor's Office announced that it had issued official warnings to Fr Sergei Lepin, then the head of the Synodal Information Department of the Orthodox Church, and to the Vicar-General of the Catholic Minsk-Mogilev Diocese Bishop Yuri Kasabutsky about alleged violations of the law. The General Prosecutor's Office complained of an "aggressive tone" in comments they had each made on social media about the removal of a makeshift shrine to a protestor who died in a Minsk hospital on 12 November after a severe police beating.

On 30 November, Ivatsevichi District Court in Brest Region sentenced Greek-Catholic priest Vitaly Bystrov to one day in prison under Administrative Code Article 23.34 "Violation of the procedure for organising or conducting a mass event or demonstration" for walking along the street after the service in local Saints Peter and Andrew Church in Brest while an opposition demonstration was underway.

Several times police summoned Catholic priest from Rassony in Vitebsk Region Vyacheslav Barok to explain his comments on YouTube and Facebook. On 3 December, Rassony District Court sentenced him to 10 days in prison under Administrative Code Article 17.10 punishing public demonstration and sharing Nazi symbols.

On 24 December, Vitebsk's Pervomaisky District Court handed Greek Catholic priest Aleksey Voronko and Catholic priest Viktor Zhuk official warnings for violating Administrative Code Article 23.34 for praying on the streets under the opposition flag.

Little change in new Administrative Code?

On 18 December the Senate, the upper chamber of Parliament, approved a new Administrative Code to replace the Code adopted in 2003. The text will now go to the President for signature. The draft new Code was submitted to the lower chamber of Parliament on 19 June 2020, was approved in first reading on 30 June and in second reading on 18 December, according to its website. That same day it was approved by the upper chamber, the Senate, according to its website.

In the current Administrative Code, Article 23.88 – which came into force in July 2019 (https://www.forum18.org/archive.php?article_id=2612) - punishes: "Illegal organisation of or participation in activity by an unregistered political party, foundation, civil or religious organisation" with a fine of up to 50 base units. This is about five weeks' average wages for those in work. Police can impose such summary fines with no court hearing.

According to the draft text published on the state's legal website, the Article would be renumbered Article 24.57. The maximum fine would be reduced from 50 to 30 base units, but would otherwise remain unchanged.

However, punishments for organising or participation in illegal mass events – which have been used to punish exercise of freedom of religion or belief - are set to increase.

In the current Administrative Code, Article 23.34 punishes: "Violation of the procedure for organising or conducting a mass event or demonstration" with fines and jail terms of up to 15 days. According to the draft text published on the state's legal website, the Article would be renumbered Article 24.23, with a maximum jail term of 30 days and increased fines. This can be for activities such as sharing beliefs non-coercively, offering religious literature, or conducting religious processions on a street.

Since the falsified presidential election in August 2020, the regime has increasingly used Administrative Code Article 23.34 against those taking part in public prayer events (https://www.forum18.org/archive.php?article_id=2612), including Catholics in various cities. In 2018 it had been used to punish Baptists singing Christian songs and distributing Christian literature at the entrance to the market in Lepel.

Will new Plenipotentiary continue foreign clergy denials?

On 21 December, the presidential administration announced that Lukashenko had named Aleksandr Rumak, up till then a deputy

Labour and Social Protection minister, as the new Plenipotentiary for Religious and Ethnic Affairs, according to the presidential website. He replaces the 71-year-old Leonid Gulyako, who has reportedly been ill in recent months.

Gulyako had been the most senior state religious affairs official since December 2005, since October 2006 as Plenipotentiary.

The Plenipotentiary's Office in Minsk has nine publicly named senior staff, three of whom are known to work exclusively on state restrictions on the exercise of freedom of religion and belief (https://www.forum18.org/archive.php?article_id=2612). In addition, each of the country's six regions and the city administration of the capital Minsk also employs about 20 more religious affairs officials. Local Ideology Department officials and the KGB secret police also restrict freedom of religion or belief.

Many decisions – especially those by the Plenipotentiary – cannot be legally challenged (https://www.forum18.org/archive.php?article_id=2612). Under the Religion Law, a religious organisation found to have violated the law must correct the alleged violation within six months and not repeat it within a year. If it fails to do so, the authorities may shut the organisation down (Article 37). No legal possibility exists to challenge such warnings, despite a 2007 Constitutional Court decision highlighting this legal omission negating the rule of law. Jehovah's Witnesses failed even in the Supreme Court to challenge such warnings.

The Plenipotentiary has the power to reject the rights of religious communities to invite foreign citizens to serve in Belarus and is not required to give any reason. Gulyako frequently denied requests by Russian Orthodox and Catholic bishops, as well as other religious communities, for such permission (https://www.forum18.org/archive.php?article_id=2612).

In the most recent known case, Gulyako abruptly cancelled the permission for Polish Catholic priest Fr Jerzy Wilk to continue serving his parish (https://www.forum18.org/archive.php?article_id=2602) in the north-eastern Vitebsk Region. Gulyako gave Fr Wilk's bishop one day's notice of the cancellation, which came into effect on 3 September, half way through the one-year period for which Fr Wilk had earlier been given permission. Fr Wilk left Belarus on 2 October.

Minsk-based journalist and former Orthodox priest Aleksandr Shramko is critical of the way the state tries to control religious communities. "The very office of Plenipotentiary and his staff is a repressive body," he wrote on his Facebook page on 21 December, "designed to control and shepherd religions, forcing them into the bounds that the quasi-Soviet government set them."

Shramko said the Religion Law should be abolished "as one of the first", together with the current role of Plenipotentiary. (END)

Full reports on freedom of thought, conscience and belief in Belarus
(<https://www.forum18.org/archive.php?query=&religion=all&country=16>)

For more background, see Forum 18's Belarus religious freedom survey (https://www.forum18.org/archive.php?article_id=2612)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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