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BELARUS: "To pray to God they must have a registered place of worship"

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Pastor Dmitry Osyko was fined about two weeks' average wages on 14 December for leading a worship service in November in a private home in the western town of Baranovich, a court official told Forum 18 News Service. The two homeowners, Stepan Paripa and Nikolai Pestak, were each fined more than one month's average wages. Their Baptist congregation refuses to seek state registration and officials arrived at the service to declare it illegal. "They can't use a private home as a place of worship," local ideology official Ruslan Krutko, who interrupted the service, explained to Forum 18. "You couldn't use a private home as a public toilet, could you?" He said the church members need a registered place of worship to be able to "pray to God". Church members insist that Belarus' Constitution and Universal Declaration of Human Rights guarantee their right to meet for worship freely with others. Pastor Osyko is the latest of many religious leaders to have been fined for leading unregistered worship.

The ideology official whose actions brought three members of a Baptist congregation to court for meeting for worship in a private home without state registration has vigorously defended his actions. "If they want to pray to God they must have a registered place of worship," Ruslan Krutko of the Executive Committee in the town of Baranovich in the western Brest Region insisted to Forum 18 News Service on 17 December. "They can't use a private home as a place of worship. You couldn't use a private home as a public toilet, could you?" An official of the Baranovich town Administrative Court told Forum 18 that the three Baptists – Pastor Dmitry Osyko, and homeowners Stepan Paripa and Nikolai Pestak – were each fined on 14 December.

"No-one violated anyone's rights - the three were dealt with in accordance with the law," Krutko told Forum 18. "But it was the court that took the decision not us. If they believe their rights were violated they can lodge an appeal. If we are found to have done wrong under the law, then of course we will apologise."

Krutko refused to discuss whether the actions against the Baptists violated their rights under the country's Constitution to practice their faith freely, insisting that such guarantees and the country's laws are "different categories". He maintained that the laws and regulations on the use of private homes have to be obeyed.

The Baranovich congregation belongs to the Council of Churches Baptists, who refuse on principle to register their congregations with the authorities, as they believe this leads to state interference in and restrictions on their activity.

However, the restrictive 2002 Religion Law declares all unregistered religious activity illegal and the Criminal Code and Code of Administrative Violations prescribe punishment for such activity. The requirement to register defies international human rights standards.

Church members complained to Forum 18 on 15 December about what they regard as the "illegally imposed fines". They call for prayers and appeals for the possibility "to conduct services without instruction, proclaiming to people the love of God".

They insist that the harassment and fines for meeting for worship in a private home break the "inviolability of the home" guaranteed in Article 29 of Belarus' Constitution, as well as the right to freedom of religion and the freedom to meet for worship "alone or together with others" guaranteed in Article 31.

Church members also argue that given that Belarus' laws defer to international agreements the country has signed, the rights to freedom of religion and assembly and the inviolability of the home proclaimed in the Universal Declaration of Human Rights override provisions in the Code of Administrative Violations punishing religious worship in private homes.

Problems for the Baranovich Baptist church began when town official Krutko saw a church notice advertising a special worship service with visiting musical ensemble on 19 November. Three days before the service, church members told Forum 18, he summoned Pastor Osyko, showed him a ripped-down poster and drew up an official report about regular "illegal" Sunday services the church held under his leadership.

Krutko, one of his colleagues from the Ideology Department, and Roman Shumeiko of the Architecture Department arrived at the worship service on 19 November. There they issued an official report about "violation of the regulations for use of residential premises" to the homeowners Paripa and Pestak and ordered them to appear before the town's Administrative Court on 14 December.

Church members told Forum 18 that the Administrative Court subsequently found the 16 November official record against Pastor Osyko inadequate. A further official record was drawn up at the town Executive Committee on 5 December, declaring that he had led the 19 November worship service "with sermons and exhortations" from 10 am until 1 pm. He too was summoned to appear before the Administrative Court on 14 December.

At the court, Judge Oksana Kusheva found Pastor Osyko guilty of violating Article 9.9 part 1 of the Code of Administrative Violations, which punishes leading an unregistered religious organisation. She fined him 140,000 Belarusian Roubles (357 Norwegian Kroner, 45 Euros or 64 US Dollars), court officials told Forum 18. Judge Kusheva found Paripa and Pestak guilty of violating Article 21.16 part 1 of the Code of Administrative Violations, which punishes using residential premises "not for purpose". She fined each of them 350,000 Belarusian Roubles (893 Norwegian Kroner, 112 Euros or 161 US Dollars), court officials added.

The average monthly wage in Belarus is approximately 300,000 Belarusian Roubles (800 Norwegian Kroner, 100 Euros or 140 US dollars).

Ideology official Krutko told Forum 18 he believes the three will appeal against the fines. They have ten days from the verdict to lodge any appeal. However, the chancellery of the Administrative Court refused to tell Forum 18 on 17 December if the three have already lodged an appeal.

In August 2006 the same judge, Kusheva, fined local Pentecostal pastor Pastor Sergei Poznyakovich and the Pentecostal Union's bishop for Brest region, Nikolai Kurkayev, for baptising some 70 people in a local lake (see F18News 28 September 2006 http://www.forum18.org/Archive.php?article_id=847).

Forum 18 notes that fines for unregistered religious activity appear to go in waves, with what appears to be a new upturn in the number of such fines.

The pastor of the Osipovichy Council of Churches congregation in the eastern Mogilev [Mahilyow] Region, Gennadi Ryzhkov, was fined 248,000 Belarusian Roubles on 26 October for leading a harvest festival service in a private yard. Officials similarly justified the fine to Forum 18 as merely upholding the law (see F18News 22 November 2007 http://www.forum18.org/Archive.php?article_id=1051).

In another recent case, Charismatic Pastor Dmitri Podlobko of the 100-strong Living Faith Church was given an official warning on 9 October by Soviet District Public Prosecutor in the south-eastern regional centre of Gomel [Homyel'] for leading Sunday worship on private property without state registration (see F18News 11 October 2007 http://www.forum18.org/Archive.php?article_id=1033).

Forum 18 has found that getting property formally redesignated for non-residential use is almost impossible for many Protestant communities (see F18News 30 May 2007 http://www.forum18.org/Archive.php?article_id=966). Even state registration has not spared some from being fined or having their leaders detained if they meet for worship at residential premises without specific state permission (see F18News 5 June 2007 http://www.forum18.org/Archive.php?article_id=969).

Restrictions on foreign religious personnel leading local religious communities are also very strict. A number of foreign Catholic priests and Protestant activists have been expelled in recent years.

Most recently, Fr Grzegorz Chudek, a Polish citizen who has led the Holy Trinity Catholic parish in the town of Rechytsa in Gomel Region for the past decade, was ordered to leave Belarus by 1 December. However, in the wake of protests – including from Cardinal Kazimierz Swiatek - this was delayed by two months. Most of the Catholic expulsions have taken place at the end of a calendar year (see F18News 7 December 2007 http://www.forum18.org/Archive.php?article_id=1058). (END)

For more background information see Forum 18's Belarus religious freedom survey at http://www.forum18.org/Archive.php?article_id=888.

Full reports of the religious freedom situation in Belarus can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=16>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

A printer-friendly map of Belarus is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=belaru>

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