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BELARUS: Fined for harvest festival service in private yard

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

Gennadi Ryzhkov, pastor of a Council of Churches Baptist congregation in Osipovichi in the eastern Mogilev Region, has failed in his appeal to have a fine for leading unregistered worship overturned, a court official confirmed to Forum 18 News Service. He is now due to pay the fine of nearly one month's average wages for leading his church's harvest festival. Mikhail Sotnichenko, in whose yard the September service took place, told Forum 18 that the church does not agree with the state's action. "We are still holding services, of course." But the local Ideology Department head defended her actions. "Under the law a church must register, but they refuse registration," Anna Zemlyanukhina told Forum 18. "I don't agree that it's persecution. Let them meet - but they must register first." Forum 18 notes that while the number of such fines in Belarus has fallen in recent years the level of fines is often much higher. Meanwhile, the nationwide petition to change the restrictive 2002 Religion Law has gathered nearly 40,000 signatures, its spokesperson Sergei Lukanin told Forum 18.

The ideology official who helped bring charges against the pastor of a Baptist church in the eastern Mogilev [Mahilyow] Region for holding a harvest festival service in a private yard has defended her actions to Forum 18 News Service. "Under the law a church must register, but they refuse registration," Anna Zemlyanukhina, who heads Osipovichi District Ideology Department, remarked on 22 November. "I don't agree that it's persecution. Let them meet - but they must register first."

When Forum 18 pointed out that the requirement to register defies international human rights standards, Zemlyanukhina maintained that such issues should not be raised with her: "I'm just here to implement the law." Osipovichi's unregistered Baptist church – which Zemlyanukhina described as "an illegitimate organisation" – has been warned that it must register before holding any more services, she added. She pointed out that six other Protestant churches registered in the district function without problems.

The pastor of the Osipovichi church, Gennadi Ryzhkov, was handed down a fine of 248,000 Belarusian Roubles (650 Norwegian Kroner, 84 Euros or 116 US Dollars) – almost a month's average wages - by Osipovichi District Court on 26 October, the Council of Churches reported on 7 November. Pastor Ryzhkov was found to have violated Article 9.9, Part 1 of the Administrative Violations Code, which punishes the creation or leadership of a religious organisation without state registration.

Pastor Ryzhkov lodged an appeal against the fine, arguing it to be a violation of the Universal Declaration of Human Rights and other international agreements, according to the Council of Churches. He also stressed that "the Baptist faith is not banned by any law. Services are peaceful and do not disturb public order or harm public security or the health and freedom of citizens."

Mogilev Regional Court rejected Ryzhkov's appeal on 20 November, a spokesperson for the court confirmed to Forum 18 on 22 November.

Mikhail Sotnichenko, in whose yard the harvest festival service took place on 23 September, told Forum 18 on 20 November that the church does not agree with the state's action. "We are still holding services, of course," the deacon of the church remarked. In addition to the approximately 100 members of the Osipovichi church - founded in 1932 - "many guests" attended the service from other towns, said Sotnichenko. This is the first occasion that the church has been fined, he told Forum 18.

The Osipovichi church belongs to the Baptist Council of Churches, which broke away from the government-recognised Baptist Union in 1961 in protest at Soviet regulations preventing missionary activity and religious instruction to children. It refuses on principle to register with the authorities in post-Soviet countries.

The only other fine in Belarus reported by the Council of Churches this year – a sum half that of Ryzhkov's – was handed down on 24 August to one of its members in Brest Region for holding a church summer holiday (see F18News 14 September 2007 http://www.forum18.org/Archive.php?article_id=1018).

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).

Up until 2004, fines for unregistered religious activity were usually relatively low – equivalent to several days' average wages – and for the most part encountered by congregations of the Baptist Council of Churches. They and other unregistered independent Protestant churches reported 17 such fines in 2003 to 2004. While the analogous figure for 2005 to 2006 is 12, those fines were on several occasions significantly higher – ranging from the equivalent of two weeks' to two months' average wages. The average monthly wage in Belarus is approximately 300,000 Belarusian Roubles (800 Norwegian Kroner, 100 Euros or 140 US dollars).

Meanwhile, the nationwide petition to change the restrictive 2002 Religion Law has gathered nearly 40,000 signatures, its spokesperson, Sergei Lukanin, told Forum 18 on 22 November. The campaign organisers hope to reach 50,000 – the number required under the 1994 Constitution for consideration by the Constitutional Court – by the end of 2007, he said. The constitutional guarantee is "complicated", however, by a legal requirement insisting that those initiating such a petition register with the state authorities before gathering signatures, stated Lukanin.

Believing that their initiative group would be refused registration - particularly since this happened to trade unionists opposing labour law changes - the campaign organisers plan to submit their petition to President Aleksandr Lukashenko and parliament, explained Lukanin, with a request that they mount the Constitutional Court challenge to the Religion Law.

The petition to change the 2002 Religion Law began on 22 April 2007 (see F18News 16 May 2007 http://www.forum18.org/Archive.php?article_id=957). Senior state officials, including Vice-premier Aleksandr Kosinets, have strongly rejected the campaign and police have arrested some campaigners as well as confiscating campaign material (see F18News 27 September 2007 http://www.forum18.org/Archive.php?article_id=1025).

Some religious believers have adopted tactics more usually associated with secular political activism in their pursuit of freedom of thought, conscience and belief in the country that has the tightest controls on religious activity anywhere in Europe. Forum 18 also notes that mainstream opposition activists are in turn drawing on religious ideas

(see F18News 29 November 2006 http://www.forum18.org/Archive.php?article_id=880). (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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