

20 March 2008

BELARUS: Political prisoners denied religious freedom

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

Belarusian and international law upholds the rights of prisoners and detainees to pastoral visits, communal worship and religious literature. But recent prisoners of conscience have described their particular experience of violations to Forum 18 News Service. Artur Finkevich was allowed to attend Catholic Mass just three times during 18 months in jail. "Even though I was constantly filing requests. I think they saw not allowing me to go as part of my re-education." Detained in Minsk since 21 January, political prisoner Andrei Kim has had "no response whatsoever" to his request for a visit by a Protestant pastor, his mother told Forum 18. One political prisoner reported that Catholic and Orthodox ordinary prisoners were forced to work at Easter and Christmas. Belarusian officials have insisted that prisoners' religious freedom is respected. There are currently no prisoners jailed purely for their religious convictions in Belarus.

Religious believers until recently imprisoned in connection with their political activity have told Forum 18 News Service that they usually had their right to worship restricted in some way. Some cases suggest that these restrictions were deliberately in excess of those encountered by regular prisoners. All the former political prisoners with whom Forum 18 spoke have been recognised as prisoners of conscience by Amnesty International.

In Belarus, political opposition activists – particularly the young - commonly draw upon Christian ideas (see F18News 29 November 2006 http://www.forum18.org/Archive.php?article_id=880).

International human rights standards

Ratified by Belarus in 1976, the United Nations (UN) International Covenant on Civil and Political Rights (ICCPR) states that, "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person" (Article 10, Paragraph 1). This specifically includes those held in prisons, detention camps or correctional institutions (General Comment 21 on the same article).

Amongst the other relevant UN standards is the 1955 Standard Minimum Rules for the Treatment of Prisoners, which state: "Access to a qualified representative of any religion shall not be refused to any prisoner" (Rule 41, Part 3). The regulations also stipulate that, "So far as practicable, every prisoner shall be allowed to satisfy the needs of his/her religious life by attending the services provided in the institution and having in his/her possession the books of religious observance and instruction of his/her denomination" (Rule 42).

Domestic law

All prisoners in Belarus enjoy equal access to religious activities regardless of the nature of their crime, an official at the Interior Ministry's Punishment Implementation Department assured Forum 18 on 19 March. He pointed Forum 18 to Article 12 of Belarus' Criminal Enforcement Code, which upholds prisoners' right to religious freedom: "All the necessary conditions are provided."

A 2004 Interior Ministry decree on the internal regulations of detention centres – mainly for those awaiting trial – provides for pastoral visits by representatives of registered religious confessions if permitted by the state organ conducting the case against the relevant inmate. The Punishment Implementation Department official maintained to Forum 18 that religious freedom provision is in practice the same for both convicted prisoners and detainees awaiting trial.

What happens in reality?

Andrei Kim is currently held in the capital Minsk's Detention Centre No. 1. He filed a request for a pastoral visit several weeks ago but has had "no response whatsoever," his mother told Forum 18 on 18 March. Tatyana Kim is now trying to arrange for a Protestant pastor to visit her son, who describes himself as a non-denominational Christian. "But it's unclear whether it will be allowed or not."

Kim, 22, was initially sentenced to ten days' detention for participation in an unapproved demonstration by small business representatives in Minsk on 21 January 2008. He was subsequently charged under Article 364 of the Criminal Code - "violence or

threat of violence against a police officer" - which carries a maximum penalty of six years' imprisonment. Kim is due to face trial in late March or early April, according to his mother. In a 26 February appeal, his fellow businessmen repudiated the criminal charge.

Aleksandr Sdvizhkov, who was released on 22 February 2008, similarly filed three requests for a visit by an Orthodox priest – twice at a KGB special prison and once at Detention Centre No. 1 in Minsk. "But I received no response," he told Forum 18 on 18 March. Sdvizhkov's small, silver baptismal cross was also removed for the duration of his stay at the KGB prison, he said.

A deputy newspaper editor, Sdvizhkov, 49, was released after his three-year sentence was reduced to three months, a period he had already served. He was convicted on 18 January 2008 under Article 130 of the Criminal Code - "incitement of racial, ethnic or religious hatred" - for publishing a cartoon depicting the Muslim prophet Mohammed in February 2006. The sentence was criticised by Belarusian Islamic leader Ismail Voronovich and by Miklos Haraszti, the media freedom representative of the Organisation for Security and Co-operation in Europe (OSCE).

The January 2004 Interior Ministry decree on the internal regulations of detention centres specifically allows inmates to retain personal or pocket-sized religious items not made from precious materials.

Artur Finkevich, a Catholic, spent a total of seven months in two detention centres in Minsk and the eastern city of Mogilev [Mahilyow] either side of his main prison term. During that time no pastoral visits were made to the detention centres by any confession, he told Forum 18 on 12 March.

A Youth Front opposition activist, Finkevich, 23, was detained in January 2006 for graffiti criticising President Aleksandr Lukashenko. Handed down a two-year sentence in May of the same year, he served 16 months in an open regime prison in Mogilev. In October 2007 he was charged with violating the prison regime and transferred to a detention centre. Finkevich was handed down a further 18-month sentence in an ordinary prison in December 2007, but was released on 5 February 2008 when this was overturned.

"A visit by a priest is something exceptional.."

"A visit by a priest is something exceptional in a detention centre, but normal in a prison," Oleg Gulak of the Belarusian Helsinki Committee remarked to Forum 18 on 13 March. "Theoretically it's possible, but harder to get, as you need the permission of the case investigator as well as the administration." In general, said Gulak, "the detention centre is in tougher, in fact."

The same holds for worship meetings, Forum 18 has found. Artur Finkevich reported that there was no provision for attending services in the Minsk and Mogilev detention centres. Nor was there in the detention centre in Baranovichi where Pavel Severinets, an Orthodox Christian, spent 9-26 September 2007, he told Forum 18 on 14 March. "I was allowed to listen to a radio broadcast of Catholic Mass on Sundays – that was all."

Severinets, 31, is a Youth Front and Belarusian Christian Democracy activist. Sentenced to three years in an open regime prison in mid-2005 for organising an unapproved opposition demonstration, he was granted early release in May 2007.

In Minsk's Detention Centre No. 1, there is a special room where an Orthodox priest holds services "from time to time," Aleksandr Sdvizhkov told Forum 18. He was not allowed to attend, however.

Inmates of Minsk's Detention Centre No. 1 are able both to invite clerics and attend worship services, an official there insisted to Forum 18 on 19 March. Pointing to the Centre's provision of the special Orthodox prayer room, he said that Catholic priests make individual visits. The telephone of the senior official to whom he directed Forum 18 for further comment went unanswered on 19 March.

A "special approach"

Artur Finkevich believes his political prisoner status meant he was subject to worship restrictions in regular prison too. During 18 months at an open regime institution in Mogilev Region, he was allowed to attend the nearest Catholic church in Mogilev city just three times, he told Forum 18, "Even though I was constantly filing requests. I think they saw not allowing me to go as part of my re-education." Ordinary prisoners were treated differently, said Finkevich. "In most cases they were let out to attend a Catholic church whenever they asked. Some were even allowed to make home visits."

Pavel Severinets also encountered a "special approach" as a political prisoner, he told Forum 18. For the first three months of his sentence at an open regime prison in Maloye Sitno (Vitebsk Region) - a village without an Orthodox church - his requests to attend Orthodox liturgy were denied, he said. Once this became public, Severinets was allowed to make monthly escorted trips lasting no more than three hours to the nearest Orthodox church, 13 km away in Polotsk. "I had to write a request each time," he remarked, "but it was refused if there were demonstrations happening in Minsk – they thought I might influence them somehow if I was out."

For three months - including Easter - over the 2006 presidential election period, Severinets was not allowed to go to church at all, he

told Forum 18. While pointing out that most ordinary prisoners are not religious believers and do not seek pastoral provision, Severinets also noted that being a well-known political prisoner could sometimes work in his favour, however. At the open prison's timber station, "it was quite normal for Catholic prisoners to be forced to work on Catholic Christmas, Orthodox on Orthodox Easter, even though this is against the law," he told Forum 18. "But at Orthodox Christmas I had permission to go to church - due to my prominent status - while the other prisoners were forced to work."

Aleksandr Kozulin, an opposition leader, was permitted to attend his wife's funeral at Minsk's Catholic Church of Saints Simon and Helena (known locally due to its brickwork as the Red Church) on 26 February only after he went on hunger strike, Russian news agency RIA Novosti reported. Accused of causing public disorder and sentenced to five and a half years in a strict regime prison in July 2006, Kozulin has been recognised as a prisoner of conscience by Amnesty International.

"No problems"?

The 2002 Religion Law stipulates that worship services take place in prisons and detention facilities at the request of inmates, in premises specially designated by the particular institution's administration (Article 25). The Criminal Enforcement Code additionally states that convicts "may be given permission to visit places where worship services take place" (Article 12). This is subject to the individual prison administration, Minsk-based religious freedom lawyer Dina Shavtsova explained to Forum 18 on 13 March.

The Punishment Implementation Department official maintained to Forum 18 that there are "no problems" with prisoners being able to attend services.

In two cases, political prisoners reported good provision of regular worship in ordinary prisons - as opposed to detention centres. Any inmate could attend Sunday and feast-day Orthodox church services at the prison in Mozyr (Gomel [Homyel] Region) where Andrei Klimov was held, he told Forum 18 on 12 March. He did not encounter any non-Orthodox prisoners.

A former parliamentarian, Klimov, 42, was released in mid-February 2008, less than halfway through a two-year prison sentence handed down for publishing an Internet article critical of the Lukashenko regime.

A local Pentecostal pastor led weekly worship at the ordinary prison in Shklov (Mogilev Region) where Zmiter Dashkevich, also Pentecostal, was held, he told Forum 18 on 18 March. Dashkevich said that the approximately 15 other prisoners – including a Catholic – who attended the meetings were unconcerned by denomination: "We just read and discussed the Bible." The prison had an Orthodox but no Catholic church, he said.

The leader of the opposition Youth Front, Dashkevich, 26, was handed down an 18-month sentence in November 2006 for acting in the name of an unregistered organisation. He was released six weeks early on 23 January 2008.

"Formally, everyone can attend services," Oleg Gulak of the Helsinki Committee told Forum 18. But whereas there is an Orthodox church in almost every prison, "you won't find a single Catholic one," he said. Dina Shavtsova, the religious freedom lawyer, attributed the preference for Orthodox worship to the state's 2003 Co-operation Agreement with the Belarusian Orthodox Church, which recognises provision of Orthodox pastoral care to prisoners and detainees among its priorities.

Prisons and detention centres provide churches or prayer rooms, the Punishment Implementation Department official assured Forum 18. Under an agreement between the Ministry and the Belarusian Orthodox Church, Orthodox churches are usual in prisons, he said, "and priests are constantly visiting." As few prisoners are practising Catholics, the provision of Catholic churches is "not an issue," the official maintained. "Catholics will invite a priest."

Access to religious literature

Access to religious literature is generally good, according to both Oleg Gulak and Dina Shavtsova. The Criminal Enforcement Code and Interior Ministry regulations on detention conditions both allow a prisoner or detainee possession of up to five books at a time. Surplus publications are held in store, given to relatives or, with the inmate's permission, to the institution's library.

Tatyana Kim told Forum 18 that she had straight away been able to pass her son the Bible and books by the Kiev-based Nigerian charismatic pastor, Sunday Adelaja. Aleksandr Sdvizhkov told Forum 18 that he was allowed a copy of the Gospels. Pavel Severinets reported that he could receive religious literature at the open regime prison in Vitebsk Region.

The situation in detention centres again appears generally harsher, however. While Artur Finkevich managed to keep the 50 books – including 30 Christian titles – he had in the open regime prison after being transferred to a detention centre in Mogilev, he was denied further literature there. "Religious believers tried to send me literature but it wasn't allowed in. Administrators either said it would go to the library or else showed it to me and said I couldn't have it. No explanation was given." If the literature was Protestant, he told Forum 18, "They just mocked me, called me a sectarian."

For the first two weeks at Minsk's Detention Centre No. 1, Zmiter Dashkevich was not allowed a Bible sent to him by well-wishers,

he told Forum 18. "Then I wrote a statement saying I would go on hunger strike if I didn't get it. I got it straight away."

Artur Finkevich was also denied religious literature while awaiting trial in Minsk's Detention Centre No. 1, he told Forum 18.

The Punishment Implementation Department official maintained to Forum 18 that there are "no problems" with prisoners and detainees being able to receive religious literature.

Conscientious objectors

No one is now imprisoned for their religious beliefs in Belarus, according to Oleg Gulak of the Belarusian Helsinki Committee. However, there is still no legal provision for alternative military service – which some believers reject on religious grounds - following parliament's rejection of a draft law in December 2004. However, the Ministry of Defence has struck a compromise whereby an estimated several dozen conscientious objectors serve in its transport division, Gulak told Forum 18: "They don't have to swear an oath or bear arms – in effect they're just unpaid labourers." To his knowledge, no one has refused this arrangement. (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 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 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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