

4 July 2011

BELARUS: "Clergy access is something exceptional in pre-trial detention centres"

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

Three months after his arrest, the closed trial of Grodno-based journalist Andrzej Poczobut on charges of slandering Belarus' president is likely to conclude tomorrow (5 July) with the verdict. He has been denied a visit from a priest since his April arrest. "He is a true Roman Catholic and all this time in detention he has asked for a priest more than once, but the prison administration always found excuses not to grant it," his wife Aksana Poczobut complained to Forum 18. One of the two Catholic prison chaplains, Fr Kazimir Zylis, told Forum 18 he has been waiting for permission from the Prosecutor's Office to visit Poczobut. Forum 18 also knows of pre-trial detainees denied clergy visits in the KGB secret police detention centre in the capital Minsk and in the city's Detention Centre No. 1, which is run by the Interior Ministry. "Clergy access is something exceptional in pre-trial detention centres," Oleg Gulak of the Belarusian Helsinki Committee told Forum 18.

Andrzej Poczobut, a journalist who was arrested on 6 April on charges of slandering and insulting Belarus' president, has been denied a visit by a Catholic priest for nearly three months while in detention in Grodno [Hrodna] Prison No. 1, his wife told Forum 18 News Service. "He is a true Roman Catholic and all this time in detention he has asked for a priest more than once, but the prison administration always found excuses not to grant it," Aksana Poczobut complained to Forum 18 on 29 June. Grodno prison administration's phone repeatedly went unanswered when Forum 18 called, most recently on 29 June.

Poczobut is the Grodno-based correspondent of the Polish newspaper Gazeta Wyborcza. He has been on trial behind closed doors at Grodno's Lenin District Court since 14 June. The trial is due to resume on 5 July, when Poczobut is due to be allowed his final address to the court and the verdict may then be handed down. Prosecutor Aleksandr Yuzhik has called for a three year prison term, the Belapan news agency noted on 28 June after that day's trial hearing.

Clergy visits to pre-trial detainees difficult

Poczobut is among the known cases of detainees in Belarus awaiting trial who have faced problems gaining access to religious representatives of their faith or to religious literature, Forum 18 notes. Those known to have suffered such problems were all detained for political reasons. A number of these were arrested after protest demonstrations on the night of the disputed 19 December 2010 presidential election. Since then, in addition to Poczobut in Grodno's Prison No. 1, the pre-trial detainees known to have been denied clergy visits are in the KGB secret police detention centre in the capital Minsk and in the city's Detention Centre No. 1, which is run by the Interior Ministry. These cases are noted below.

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 (see F18News 20 March 2008 http://www.forum18.org/Archive.php?article_id=1103).

Minsk-based lawyer Vlasta Oleksuk informed Forum 18 on 21 June that a detainee awaiting trial needs to get permission for a clergy visit from a prison administration and investigator or the court.

Oleg Gulak of the Belarusian Helsinki Committee remarked that all prisoners awaiting trial - not only political prisoners - have their religious rights violated in detention centres. "Clergy access is something exceptional in pre-trial detention centres," he told Forum 18 from Minsk on 27 June.

A 2008 report on the situation in prisons by the Belarusian Helsinki Committee called for improvements for inmates in the right to practice their religious faith, especially for those awaiting trial. It pointed out the United Nations Standard Minimum Rules for the Treatment of Prisoners, approved in 1955, recommend in Article 41: "Access to a qualified representative of any religion shall not be refused to any prisoner" (see F18News 20 March 2008 http://www.forum18.org/Archive.php?article_id=1103).

Why no clergy visit?

Asked why Poczobut had been repeatedly denied his request to meet a Catholic priest, an official of Grodno Punishment Implementation Department expressed surprise that a prisoner had been denied access to a religious representative, despite requesting such a visit. "It's not that we are against clergy visits, we are all for them," the official, who did not give his name, claimed to Forum 18 on 15 June. The official insisted that the right of access to religious provision is the same for both convicted prisoners and detainees awaiting trial.

Head of the Ideology Department of Grodno Punishment Implementation Department, Ruslan Yegorchenko, specified that though having the same right for pastoral visits as convicted prisoners, detainees awaiting trial need permission of the investigator or the court. "It happens that such permissions are not given, but the investigator or the court have their own reasons for that," he told Forum 18 on 28 June.

The Prosecutor's Office of Grodno's Lenin District, which is leading Poczobut's case, denied that it was responsible for granting permission for clergy visits. "Such permissions are given by the Court, the institution which handles the case," explained the official, who did not give his name, told Forum 18 on 14 June.

Reached by Forum 18 on 15 June, the receptionist at Lenin District Court refused to comment and said that they do not give judges' numbers.

No permission for visit – an excuse?

Poczobut told his wife that the prison administration never turned him down directly when he asked to see a priest. They claimed that a priest could not visit as no permission had been received from the Prosecutor's Office. From detention, Poczobut commented to Forum 18 via his wife that this was just an excuse.

Neither of the two Catholic priests who serve Grodno Prison No. 1 on a voluntary basis has been able to gain access to Poczobut. "I knew that Andrzej Poczobut requested a visit from a priest and I was ready to come," Fr Kazimir Zylis told Forum 18 from Grodno on 16 June. "But I was waiting for the permission from the Prosecutor's Office." The other Catholic priest, Fr Valery Dyakovsky, confirmed to Forum 18 on 16 June that he did not have permission to visit Poczobut either. "They [the administration of the prison] know for themselves which of us they could ask," he commented. "The prison administration and the court usually agree this with each other."

Poczobut has faced problems from the authorities before. In March 2009 the Belarusian Foreign Ministry stripped him of his accreditation as a journalist because of his articles for *Gazeta Wyborcza*, including one which covered the deportation from Belarus at the end of 2008 of three Catholic priests from neighbouring Poland working in the Grodno Diocese (see F18News 7 January 2009 http://www.forum18.org/Archive.php?article_id=1237).

Why no access to religious representatives?

Belarusian Youth Front and Christian Democracy activist Pavel Severinets, charged for his political activities, was denied a meeting with an Orthodox priest for almost five months while in the KGB secret police detention centre in Minsk. The judge insisted that it was not the responsibility of the court and the investigator did not consider it necessary. Severinets connects it with his unwillingness to cooperate with the KGB and to admit his guilt. He was convicted and given an open jail term on 16 May (see F18News 19 May 2011 http://www.forum18.org/Archive.php?article_id=1572).

Also imprisoned in the same cell in the KGB detention centre in Minsk at the same time as Severinets and denied access to an Orthodox priest was a leader of the Young Democrats' Movement, Oleg Korban. He had been arrested on the night of 19 December 2010 and was held in the KGB secret police detention centre until 7 January 2011. He too had requested such a visit in vain.

Anastasiya Polozhanko, of the Belarusian Youth Front, was also arrested on 19 December 2010. She was held in the KGB secret police detention centre in Minsk for two months before her release on 17 February. When she inquired of the prison administration about the possibility of Orthodox clergy visits, she was told it was impossible, she complained to Forum 18 on 4 July. "I had heard about Severinets' requests, and if he had succeeded I would have officially asked for a priest too," Polozhanko told Forum 18. She was given a one year suspended sentence in May.

The duty officer at the KGB secret police detention centre refused to comment to Forum 18.

Similar denials of requested clergy visits have occurred at Detention Centre No. 1 in Minsk. Youth Front opposition activist Vladimir Yeremenok was arrested on 20 December 2010 for participating in a riot at the opposition protest rally and given a two-week prison term. He was then freed, but given a further seven-day prison term. He was arrested again on 28 January 2011 and held in Minsk's Detention Centre No. 1. He told his friends that he requested a visit by an Orthodox priest several times after his January arrest but no priest came.

"Detention Centre No. 1 administration in Minsk ignores all the appeals for clergy visits, doesn't organise such a meeting and gives

no explanations why the detainee can't see a priest," the press-secretary of the Youth Front, Yulian Misukevich, told Belapan news agency on 28 June about Yeremenok's case. He pointed out that, unlike the KGB's detention centre, Detention Centre No. 1 in Minsk has its own prayer room, so the prison cannot use that as an excuse.

Anatoly Tunchik, Deputy Head of the Punishment Implementation Department, which is responsible only for Interior Ministry prisons, insisted to Forum 18 from Minsk on 24 June that "there are no obstacles for convicts to see a priest and take part in religious services". He assured Forum 18 that privacy was provided in such meetings. However, he could not explain why Yeremenok and others had been denied requested meetings with a priest.

A duty officer at Detention Centre No. 1 claimed to Forum 18 on 16 June that priests and other religious representatives were allowed to meet prisoners, but refused to specify if they were allowed to see political prisoners as well. Duty officers repeatedly refused to transfer any of Forum 18's calls to the prison administration.

Lessons from the past

Some political prisoners detained after the 19 December 2010 election did not request a visit from a religious representative despite their desire for such a visit, Forum 18 has learnt. They believed from previous experience that such a request would be in vain (see F18News 20 March 2008 http://www.forum18.org/Archive.php?article_id=1103).

The leader of the opposition Youth Front, Zmiter Dashkevich, Pentecostal, accused of hooliganism, would have liked to see a pastor. He was arrested on 19 December 2010 and held in Detention Centre No. 1 in Minsk. His friend Polozhanko told Forum 18 that he did not request such a visit as he "knew from experience" that he would be denied this right while in pre-trial detention.

From 2006-8, Dashkevich spent 18 months in prison under Article 193 of the Criminal Code for acting in the name of an unregistered organisation (see F18News 20 March 2008 http://www.forum18.org/Archive.php?article_id=1103).

The Christian Democratic Party leader and former presidential candidate, Vitaly Rymashevsky, Orthodox, confirmed to Forum 18 that he did not ask for a visit from a priest for the same reason and the short term of his detention (he was held from 19 December until 29 December). "In the KGB secret police detention centre there is no religious literature at all and no access to a priest either," he maintained to Forum 18 on 6 June.

No guaranteed access to religious literature

Prisoners' access to religious literature varies in pre-trial detention centres, Forum 18 has found. Rymashevsky told Forum 18 there had been no access to religious literature when he was in Minsk's KGB detention centre in December 2010.

Polozhanko complained that after her December 2010 arrest, KGB officers refused to allow her to keep and use the Bible she had in her handbag at the time of her arrest. However, they allowed her to order one during her two-month detention in the KGB detention centre in Minsk. "The Bible came in a month and it was in Russian, while I preferred to have it in my native language [Belarusian]," Polozhanko complained to Forum 18.

Severinets also told Forum 18 that his mother could not pass on a Bible to him while he was held in Minsk's KGB secret police detention centre. He too had to buy it from the prison.

Dashkevich's friends found it difficult to pass him a copy of the Bible during the first two weeks of his detention in Minsk's Detention Centre No. 1 after his 2006 arrest. He was only allowed a Bible after threatening to go on hunger strike (see F18News 20 March 2008 http://www.forum18.org/Archive.php?article_id=1103).

By contrast, Polozhanko told Forum 18 that Dashkevich's friends were able to pass him a copy of the Bible while he was held in Minsk's Detention Centre No. 1 after his December 2010 arrest. Yeremenok's friend Ganna Sharuba told Forum 18 on 28 June that it was possible to pass him a Bible in the same detention centre within days of his December 2010 arrest.

After sentencing, will prisoners now have religious visits?

The lawyer Oleksuk explained to Forum 18 that exercising religious rights by inmates in pre-trial detention centres is similar to the situation in maximum security prisons as these types of prison are usually in one building or in the same complex. She told Forum 18 that convicts in normal prisons have fewer problems with access to religious representatives, access to worship services and access to religious literature. However, such access often depends on where prisoners are serving their sentences and what faith they are.

Dashkevich was found guilty by a District Court in Minsk on 24 March and given a two-year general regime labour camp term. Minsk City Court rejected his appeal on 17 June and upheld the sentence. He was then transferred to Investigation Prison No. 8 in Zhodino for a week, before being transferred to Gorky Prison in Mogilev Region. However, soon after arrival he was placed in the

prison's punishment cell.

Polozhanko remarked that after transfer to a normal prison, Dashkevich should be able to meet a pastor more easily, as permission of the court is no longer needed. But his detention in a punishment cell may make such a visit impossible.

On 14 May Yeremenok was sentenced by a Minsk court on charges of organising riots to three years' imprisonment in a maximum security prison, but appealed against the court's decision. Yeremenok is still being held in Minsk's Detention Centre No. 1 until his appeal is heard, due on 15 July. (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=1311.

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.

A printer-friendly map of Belarus is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Belarus>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY