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BELARUS: From raid to ban in 12 days

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

On 31 May police in Belarus with OMON riot police raided the Reformed Orthodox Transfiguration Church's meeting for Sunday worship, held in rented premises in Gomel. On 11 June officials banned the Church from renting premises, therefore banning it from meeting, church members told Forum 18 News Service. Police asked them: "Why do you attend this church and not a normal one?" Officials warned congregation leader Pastor Sergei Nikolaenko – who is already facing trial on Administrative Code charges - that he would be investigated on possible Criminal Code charges. "You can watch a football match or discuss [the poet Aleksandr] Pushkin without permission, but for a religious meeting you need permission", Dmitry Chumakov, the official in charge of religious affairs at Gomel Regional Executive Committee told Forum 18. Two weeks earlier there was a similar armed police raid on the Svetlogorsk congregation of Council of Churches Baptists. "11 more armed police arrived and broke up the service, as if they were coming after bandits", Forum 18 was told. Two congregation members were fined in early June for meeting for worship without state permission.

On 31 May police in Belarus with OMON riot police raided the Reformed Orthodox Transfiguration Church's meeting for Sunday worship, held in rented premises in Gomel [Homyel] in the south east of the country. Twelve days later, on 11 June, City Authority officials met to ban it from meeting, church members told Forum 18 News Service. Officials at the meeting warned Transfiguration Church's leader, Pastor Sergei Nikolaenko – who is already facing trial on Administrative Code charges - that he would be investigated on possible Criminal Code charges.

Pastor Nikolaenko had asked for the required permission to hold religious events as required by the Religion Law. "They had given verbal permission, but were delaying giving it in writing," he explained.

"They were too hasty – they didn't wait for permission from the City Authority to conduct religious services," Dmitry Chumakov, the official in charge of religious affairs at Gomel Regional Executive Committee, insisted to Forum 18 on 12 June. "You can watch a football match or discuss [the poet Aleksandr] Pushkin without permission, but for a religious meeting you need permission. That's what the law requires."

The raid on Transfiguration Church came exactly two weeks after a similar armed raid on a congregation of Council of Churches Baptists – who meet for worship without state permission – in the nearby town of Svetlogorsk. Two congregation members were fined in early June (see below).

Some large public events easier to arrange?

Large events manifesting freedom of religion or belief outside state registered places of worship may have become easier to organise. To take 2014 and 2015 for example, Protestant churches have conducted outdoor baptisms in lakes, and Catholic and Orthodox church have held large visible public processions. Hare Krishna devotees told Forum 18 on 15 June that they are denied permission for such processions but hold them in less visible locations. For a 30 May 2015 large Protestant event in the capital Minsk, a Protestant Union was even able to rent from the authorities themselves the Chizhovka Arena, a major public sports and entertainment venue.

"For the first time in 20 years, the Minsk city authorities have given official permission to hold a joint prayer event for Belarus for churches of the Full Gospel Union in a hall with a capacity of a thousand!" Sergei Lukanin, lawyer for Minsk's New Life Church, wrote on his Facebook page on 22 May, the day after the city authorities approved use of the Chizhovka Arena.

In 2013 and 2014 Jehovah's Witnesses were refused permission to rent the Chizhovka Arena for a Congress. "We were given to understand that they had a principled position not to rent it for religious events to anyone", a Jehovah's Witness told Forum 18 on 15 June. Since 2011 Jehovah's Witnesses have rented the Traktor Stadium in Minsk to hold Congresses, and have in 2015 been waiting since early May for permission for a planned July Congress.

However, people in Belarus point out that the government could at any time punish the exercise of freedom of religion or belief - as has happened in 2015 to Transfiguration Church in Gomel and Council of Churches Baptist congregations.

"The laws, with all their restrictions, have not changed," a member of one religious community which has suffered raids and fines over many years told Forum 18 from Minsk on 11 June (see Forum 18's Belarus religious freedom survey http://www.forum18.org/archive.php?article_id=1997). "Everything depends on the attitude of officials – some in the younger generation don't perhaps share the Soviet-style instincts of their predecessors."

The authorities are particularly prone to take action to try to prevent individuals from offering religious literature on the street, even if not many cases end in punishments (see below).

Yelena Radchenko, the Head of the Religious Affairs Department of the Office of the Plenipotentiary for Religious and Ethnic Affairs in Minsk, refused to comment to Forum 18 on 11 June on the two May raids and subsequent prosecutions in Gomel Region, or on other restrictions on exercising freedom of religion or belief.

Police and riot police raid

About 20 members of Gomel's Transformation church – the only parish in Belarus of the Reformed Orthodox Church – had gathered for Sunday worship on the afternoon of 31 May when police arrived, accompanied by OMON riot police, Pastor Nikolaenko told Forum 18. The Church was meeting in the hall of an administrative building in the city's Central District for which they had signed a rental agreement on 1 March.

Officers ordered Pastor Nikolaenko to halt the service. They told him that police had allegedly received a call from a call box that "some kind of crowd were holding an unapproved meeting". Officers filmed those present.

Officers took down the identity of each person present, including their official place of registration and telephone number. They then drew up records of an offence against Pastor Nikolaenko and up to six congregation members under Administrative Code Article 23.34 ("Violation of the procedure for organising or conducting a mass event or demonstration").

"During this time, no one explained to us our rights," Pastor Nikolaenko complained. He also objected to questions officers asked, such as "Why did you come to this church, not to a normal or correct one?" Officers then forced all those gathered for the service to leave the building.

The duty officer at Central District Police refused to discuss its officers' participation in the raid – or any other aspect of the case. "We don't give any information by phone," he kept repeating to Forum 18 on 12 June, before putting the phone down.

The telephone of Sergei Aleinik, head of Gomel Regional OMON riot police, was engaged each time Forum 18 called on 11 and 12 June. The telephones of his deputies went unanswered.

Religious affairs official Chumakov defended the police raid. "It's possible it was very unpleasant for the participants – no one would like this," he admitted to Forum 18. "But they were right to come in and halt the service." He declined to explain why OMON riot police were needed to halt a meeting of about 20 people manifesting their freedom of religion or belief.

Refusal to sign?

On the following Sunday morning, 7 June, Pastor Nikolaenko was preparing for the meeting for worship when he received a phone call. A man claiming to be from the police, who did not give his name, demanded that he come to the police station to sign a completed record of an administrative offence. "I told him that our service was about to begin and I couldn't come then," Pastor Nikolaenko told Forum 18. "So they wrote on the bottom of the record that I had refused to sign."

Pastor Nikolaenko says the police committed a violation by preparing a record of an offence in his absence and he had been given no summons to the police in writing.

"Why do you attend this church and not a normal one?"

During the next week, police phoned several church members and summoned them to the police station for questioning, telling them it was related to a criminal case against him, Pastor Nikolaenko said. "The officer didn't identify himself and behaved threateningly, warning that those who did not come to the police would themselves face criminal prosecution."

Pastor Nikolaenko said one parishioner asked what the questioning would be about. The officer told her: "Why do you attend this church and not a normal one?"

19 June court hearing

The administrative case against Pastor Nikolaenko under Article 23.34, Part 2 was handed to Gomel's Central District Court. The

hearing has been set for 19 June, Radio Free Europe noted on 12 June. The secretary for administrative cases at the Court refused to give any information to Forum 18 on 11 June. It appears that so far, administrative cases have not been sent to court for other congregation members.

Rental ban = meeting ban

On 11 June Pastor Nikolaenko was invited to an Administrative Commission at the Central District Administration, he told Forum 18. The Commission banned the Church from renting the building further. Officials pointed out that the Church's registration and legal address is in Gomel's Soviet District and not in Central District.

"They gave their decision only verbally – they say we'll get it in writing later," Pastor Nikolaenko noted. However, the ban means that the Church could not meet for worship on Sunday 14 June or any other day.

Officials at Central District Administration directed Forum 18 to Anastasiya Grechishkina, head of its Legal Department. Despite repeated calls on 11 and 12 June, her telephone went unanswered.

The Transfiguration Church is part of the Reformed Orthodox Church. However, when it gained state registration in 2005 (and re-registration in 2012) it had to do so under the auspices of a Pentecostal Union as Pastor Nikolaenko thought the community would not get state registration as an Orthodox congregation independently of the Moscow Patriarchate. Non-Moscow Patriarchate Orthodox Christian communities can only gain state permission to exist if they have the approval of a local Moscow Patriarchate bishop (see F18News 6 November 2003 http://www.forum18.org/Archive.php?article_id=177).

Pastor Nikolaenko thinks it is possible that the latest trouble was initiated by clergy of the Moscow Patriarchate. Forum 18 has been unable to ascertain whether or not Moscow Patriarchate clergy are involved in the Transfiguration Church case.

Police raid "as if they were coming after bandits"

Elsewhere in Gomel Region, in the nearby town of Svetlogorsk, armed police raided the Council of Churches Baptist congregation on 17 May, as about 70 church members were meeting for Sunday morning worship. Church members say that the Svetlogorsk congregation – which meets in a private home - has not been raided for at least 20 years.

"Two of them came in first in civilian clothes, with cameras," church members told Forum 18 on 12 June. "Then 11 more armed police arrived and broke up the service, as if they were coming after bandits. It was terrible." The police were led by Major Vyacheslav Kozhedub.

Officers abruptly interrupted Vladimir Daineko when he was praying on his knees and demanded that he read the search warrant issued by District Prosecutor Vladimir Tarasenko. When Daineko refused, officers took him to the District Police Station. They drew up a record of an offence against him under Administrative Code Article 23.34, Part 1.

A similar record was prepared against fellow church member Yuri Volodenko. The names and personal details of all other attendees were taken.

Major Kozhedub was out of the office when Forum 18 called on 15 June, his colleague said. "I don't know anything about any operation," the officer – who would not give his name – told Forum 18. He referred Forum 18 to another District Police official. The woman, who similarly would not give her name, insisted the same day that the raid had been merely a "prophylactic measure". "We didn't attack anyone," she claimed to Forum 18. She refused to explain who the raid had been trying to protect and from whom.

The officer noted that "the people" (church members) had already appealed to the police about the raid. "We replied only to the citizens who appealed to us and will not discuss our response with anyone else," she told Forum 18 before putting the phone down.

Fines

The cases against Daineko and Volodenko were then handed to Svetlogorsk District Court. On 8 June, Judge Irina Pravdun found both guilty under Administrative Code Article 23.34, Part 1, for meeting for worship with others without state permission. She fined each of them 20 base units, 3,600,000 Belarusian Roubles (about 1,820 Norwegian Kroner, 210 Euros, or 235 US Dollars).

The fines came despite November 2011 changes to Article 23.34 ("Violation of the procedure for organising or conducting a mass event or demonstration"). These appeared to have removed an "offence" of meeting without state permission to exercise freedom of religion or belief in private homes (see F18News 27 June 2012 http://www.forum18.org/Archive.php?article_id=1714).

Officials at Svetlogorsk District Court refused to give Forum 18 any details of the cases on 12 June.

Both Daineko and Volodenko have pledged not to pay and intend to challenge the fines. "They'll appeal to the Regional Court and if

necessary go to the Supreme Court," church members told Forum 18. "Other of our churches have won appeals against the levying of such fines."

Similar fines

Elsewhere in Belarus several other church members were similarly fined in 2015 under Administrative Code Article 23.34. "We have visits – they come and they leave," one Baptist noted. "Fines are rare, but they happen." The Baptist declined to give details of when and where the other fines were imposed.

Within Gomel Region, the Gomel congregation of the Council of Churches Baptists was last raided in December 2013. Four church members were subsequently fined (see F18News 6 March 2014 http://www.forum18.org/archive.php?article_id=1935). However, the Gomel congregation has not been raided or harassed since then, a local Baptist told Forum 18 on 12 June.

Threatened punishments for offering religious literature

Jehovah's Witnesses who try to offer religious literature to passers-by on the street frequently face administrative prosecution. "Even if they are standing on their own they are often accused of conducting a mass demonstration," Jehovah's Witnesses told Forum 18. "We have one new case in Mogilev [Mahilyow]." They note that individuals who stand on the street begging, even if they have a notice, are not prosecuted for conducting a "mass event".

The Mogilev Jehovah's Witness community was formally threatened in writing in 2010 that it would be liquidated if such "violations" took place. The Supreme Court and the General Prosecutor's Office have rejected attempts by the Mogilev and Gomel communities to challenge such warnings (see F18News 11 November 2010 http://www.forum18.org/archive.php?article_id=1510).

However, Mogilev Jehovah's Witnesses note that, even though administrative cases are prepared, they are often not heard by courts until the period for completing such cases expires.

Cases were lodged against two Hare Krishna devotees stopped for offering religious literature on the streets of Polotsk in December 2014. The charges were subsequently dropped (see F18News 20 February 2015 http://www.forum18.org/archive.php?article_id=2040). Hare Krishna literature distribution cases launched in 2015 within Belarus "have been successfully resolved through dialogue", a Hare Krishna devotee told Forum 18 on 15 June. No punishments were imposed.

Meanwhile Jehovah Witness Andrei Kuzin is preparing a final challenge to a fine of 25 base units or 3,750,000 Belarusian Roubles (about 1,850 Norwegian Kroner, 200 Euros, or 250 US Dollars) handed down in December 2014. Similarly to the Transfiguration Church and the Svetlogorsk Baptists, he was accused under Article 23.34. He was convicted under the Article's Part 2 of organising a meeting for worship without state permission at his home in Borisov in November 2014. Minsk Regional Court rejected his first appeal in February 2015 (see F18News 20 February 2015 http://www.forum18.org/archive.php?article_id=2040).

Kuzin lodged a further appeal to Valeri Kraiko, the Chair of the Regional Court. However, in a 30 April decision seen by Forum 18, the Judge left the punishment unchanged. Kuzin is now preparing a case to the Supreme Court, Jehovah's Witnesses told Forum 18. (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=1997.

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.

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