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BELARUS: Conscientious objector threatened with conscription

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

A conscientious objector to military service in Belarus has been threatened with conscription, Forum 18 News Service has learned, even though President Aleksandr Lukashenko on 4 June signed into law an Alternative Service Law. But on 11 June Jehovah's Witness conscientious objector Dmitry Chorba, from Rechitsa in Gomel Region, had a case under Criminal Code Article 435, Part 1 ("Refusal of call-up to military service") filed against him by the local Military Conscription Office. Although it appears that the case has been closed he fears a renewed call-up in the Autumn. Also in Gomel Region, appeals are due on 24 July in Gomel Regional Court against fines imposed on Reformed Orthodox Transfiguration Church Pastor Sergei Nikolaenko and Baptist Lyubov Kundas after armed police raids on their churches. Nikolaenko is appealing against a fine for organising a meeting for worship without state permission. Kundas is appealing against a fine imposed for refusing to testify against her fellow-Church members.

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Changed law

The new and first-ever Alternative Service Law will take effect from 1 July 2016. Until now, any conscientious objector to Belarus' compulsory military service for young men between 18 and 27 has faced being charged under Criminal Code Article 435, Part 1. The Alternative Service Law will allow some but not all young men who are conscientious objectors to perform a civilian alternative service instead of compulsory military service. However, only young men with a religious objection will be eligible to apply, not those with non-religious pacifist convictions. It is also unclear whether even all young men with religious objections to military service will be allowed to do civilian alternative service.

Human rights defenders have stated that they will continue to work to bring the Law into line with international human rights standards (see F18News 18 June 2015 http://www.forum18.org/archive.php?article_id=2074).

"You must and you will serve in the army"

As part of the regular spring call-up of conscripts, the 23-year old Chorba was ordered to report to his local Rechitsa Military Conscription Office on 21 May. On 14 April Chorba requested exemption from military service as it contradicts his religious beliefs. He also stated his willingness to do civilian alternative service, in a letter Forum 18 has seen.

However, conscription officer Colonel Denis Nislovsky replied on 17 April, in a letter Forum 18 has seen, that there was no possibility of doing alternative service instead of military service. Nislovsky refers to the Military Service Law, which states that "military service is obligatory for all young men between the ages of 18 and 27 regardless of their social status .. and religious affiliation".

"Many times I went to talk to both the Colonel and the Lieutenant-Colonel in the Military Conscription Office," Chorba told Forum 18 on 13 July. "They kept telling me that 'you must and you will serve in the army'. It was useless to say anything against this and point to Belarus' law, as they kept pounding away at the point." Every time Chorba spoke to the officers he asked to do civilian alternative service instead of military service.

Rechitsa Military Conscription Office did not answer its telephone whenever Forum 18 repeatedly rang the office between 10 and 14

July.

Criminal case opened

On 11 June Rechitsa Conscription Office opened a case under Criminal Code Article 435, Part 1 against Chorba, as he "after being properly informed did not turn up to be conscripted on 21 May, which impeded the implementation of a Military Conscription Office decision".

However, Chorba described Investigation Committee senior investigator Dmitry Krupeichenko and the local police investigating the charge as understanding and competent in doing their work. "They interviewed some of my friends and were convinced that being a Jehovah's Witness conscientious objector is my real way of life without any pretence", Chorba commented.

Acting Chief of the Investigating Committee Dmitry Sheiko on 9 July refused to comment on the case to Forum 18. Senior investigator Krupeichenko told Forum 18 that he cannot comment on the case without his senior officer's permission.

The investigation report signed by Krupeichenko and Sheiko, which Chorba does not have a copy of, stated that the investigation was being closed after one month and that no crime was committed. Chorba told Forum 18 that he wants to have a copy of the report "as many times I was offered the possibility of being charged with a crime I have not committed and then 'released' under the Victory Day [9 May] amnesty".

Autumn call-up

Chorba expects that nothing will happen until the regular autumn call up of conscripts. But then, "I expect to receive a conscription notification from the Military Conscription Office again".

Jehovah's Witness young men called up for military service always refuse this, but ask to do alternative service instead. There have not been any other recent problems with this, Jehovah's Witness spokesperson Pavel Yadlovsky told Forum 18 on 14 July. The last serious incidents – for both Jehovah's Witnesses and other pacifists – were in 2012. Jehovah Witness Aleksandr Belous was told criminal charges for refusing military service on grounds of religious conscience had been dropped but that he will be called up again and pacifist Andrei Chernousov was confined to a psychiatric hospital to establish if his convictions accorded with the "norms of psychiatric health" (see F18News 4 May 2012 http://www.forum18.org/archive.php?article_id=1697).

Conscientious objector Chorba will be 24 in October 2015 and has three more years before he is beyond military age. He expects that the new Alternative Service Law will allow him to exercise his freedom of religion or belief right to refuse compulsory military service. "But let's see how it works in practice", he cautioned.

Unfair

Chorba thinks that the terms of alternative civilian service under the new Law, with a longer duration and lower salary than military conscription, are unfair (see F18News 18 June 2015 http://www.forum18.org/archive.php?article_id=2074). "I think it's like a punishment so that people like me won't ask to do alternative civilian service." But he confirmed to Forum 18 his willingness to do alternative civilian service, even on these terms.

Registered church fined for being unregistered?

After a 31 May raid by OMON riot police on a meeting for worship of the Reformed Orthodox Transfiguration Church in Gomel, the Church was on 11 June banned from meeting and Pastor Sergei Nikolaenko was on 19 June fined 3,600,000 Belarusian Roubles (about 1,900 Norwegian Kroner, 210 Euros, or 235 US Dollars) (see F18News 29 June http://www.forum18.org/archive.php?article_id=2077). Pastor Nikolaenko has appealed against the fine and an appeal hearing in Gomel Regional Court is due on 24 July, Forum 18 has found.

On 30 June Judge Viktor Kozachek confirmed in the verdict, seen by Forum 18, that the fine was imposed under Article 23.34 Part 2 of the Code of Administrative Offences ("Violation of the procedure for organising or conducting a mass event or demonstration"). The fine was imposed despite November 2011 amendments which should have removed the "offence" of holding small religious meetings (see F18News 27 June 2012 http://www.forum18.org/Archive.php?article_id=1714). Judge Kozachek stated that Pastor Nikolaenko was fined for organising a meeting for worship in a venue not intended for religious purposes and without local authority permission.

The Gomel Regional Executive Committee's Ideological and Culture Department are stated in the verdict as having claimed that "the religious community Church of Christ the Saviour as well as other Reformed Orthodox Churches are not registered". Yet Pastor Nikolaenko's Church has received the compulsory state registration, Forum 18 notes.

Judge Kozachek also claims that Pastor Nikolaenko's pleading not guilty is a "defence targeted at escaping responsibility for the

committed actions".

Human rights defence lawyer Dina Shavtsova doubts that the appeal will be successful. "Though anything can happen", she told Forum 18 from the capital Minsk on 16 July.

Forum 18 has not been able to reach the Judges concerned for comment on the case.

During the 31 May raid on the Church, Pastor Nikolaenko was warned that he might face charges under Criminal Code Article 193 (see F18News 15 June 2015 http://www.forum18.org/archive.php?article_id=2073). This punishes organisation or leadership of a political party, social or religious organisation "which infringes on the rights, freedoms and legal interests of citizens or preventing the performing by citizens of their state, social or family obligations" with a maximum of two years' imprisonment. However, no public moves have been made to bring such charges against Nikolaenko.

Fined for refusing to testify against fellow-Church members

Also in Gomel Region, after a 17 May armed police raid on the Svetlogorsk Council of Churches Baptist congregation, two Church members - Vladimir Daineko and Yuri Volodenko – were fined 3,600,000 Belarusian Roubles (about 1,820 Norwegian Kroner, 210 Euros, or 235 US Dollars) for meeting for worship with others without state permission. Like Pastor Nikolaenko, the fines were imposed under Administrative Code Article 23.34 (see F18News 15 June 2015 http://www.forum18.org/archive.php?article_id=2073).

Daineko told Forum 18 on 17 July that neither he nor his fellow-Baptists was going to pay the fines that have been imposed on them. He and Volodenko have appealed to Gomel Regional Court against their fines.

Cases against most of the 17 other Church members charged with refusing to testify against other Church members have been closed, Dainenko told Forum 18. However, Lyubov Kundas was fined 1,440,000 Belarusian Roubles (about 750 Norwegian Kroner, 85 Euros, or 95 US Dollars) for this "offence" (see F18News 29 June http://www.forum18.org/archive.php?article_id=2077). She has appealed against the fine and the appeal hearing will be held in Gomel Regional Court on 24 July.

Since the 17 May raid on the Church, no further raids on their meetings for worship have taken place and they have carried on meeting. (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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