

2 September 2015

BELARUS: Cancelled fine for religious meeting re-imposed

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

Although the Regional Court overturned an earlier fine for leading a meeting for worship, the same lower court in Gomel [Homyel] in south-east Belarus has imposed the same fine of more than two weeks' average local wages on Pastor Sergei Nikolaenko of the Reformed Orthodox Transfiguration Church. He again submitted an appeal to the Regional Court on 1 September, he told Forum 18 News Service. Pastor Nikolaenko and another church member were given "official warnings" that if they violate the law by holding meetings to worship without state permission they will face criminal prosecution, with possible prison terms of up to three years. Aleksandr Gorlenko, the official who drafted the written ban on the Church's meetings, refused to discuss it. "All the reasons were explained to the leader of the church," he told Forum 18. Also, ten Baptists from Soligorsk have failed to overturn fines imposed after armed police raided their meeting for worship.

Four weeks after the appeal court annulled a fine for leading a meeting to worship without state permission, a court in Gomel [Homyel] in south-east Belarus has again fined Pastor Sergei Nikolaenko of the Reformed Orthodox Transfiguration Church more than two weeks' average local wages. This was exactly the same amount as the original fine. "The judge didn't consider all our arguments and facts and, obviously under pressure from well-known authorities, declared me guilty again," the pastor complained to Forum 18 News Service on 21 August.

Meanwhile, a group of Baptists in the nearby town of Soligorsk have failed to overturn the fines they received to punish them for meeting for worship without the compulsory state registration (see below).

In the eastern town of Orsha, police detained several Hare Krishna devotees dressed in robes and singing religious songs as they processed along the streets, news website Orsha.eu noted on 1 September. The duty officer at Orsha Police denied to Forum 18 on 2 September that any Hare Krishna devotees had been detained.

And the United States-based Archbishop of an Orthodox community independent of the Russian Orthodox Church has been denied entry to Belarus as he sought to make a pastoral visit to his community in the country (see F18News 24 September 2015 http://www.forum18.org/archive.php?article_id=2104).

The next hearing in the criminal trial of Jehovah's Witness conscientious objector Viktor Kalina in Brest is due on the afternoon of 8 September. He faces punishment of up to two years' imprisonment if convicted of refusing military service on grounds of religious conscience (see F18News 26 August 2015 http://www.forum18.org/archive.php?article_id=2094).

New fine

On 20 August Judge Aleksandr Piskunov of Gomel's Central District Court fined Pastor Nikolaenko 20 base units, 3,600,000 Belarusian Roubles (1,700 Norwegian Kroner, 185 Euros or 200 US Dollars) under Article 23.34, Part 2 of the Code of Administrative Offences. This punishes "violation of the procedure for organising or conducting a mass event or demonstration" with short term arrest or a fine of 20 to 40 base units.

The fine on Pastor Nikolaenko represents more than two weeks' average wages for people in Gomel Region who have jobs, according to figures from the National Statistical Committee.

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 Piskunov's phone went unanswered each time Forum 18 called on 21 August.

In the court decision, seen by Forum 18, the Judge insisted that "Pastor Nikolaenko organised and conducted a religious event of the Reformed Orthodox Church of Christ the Saviour which is not registered in accordance with the established procedure".

Pastor Nikolaenko collected the written decision from the court on 31 August. He made it clear that he had no intention of paying

the fine and, on 1 September, appealed again to Gomel Regional Court over the court decision. "Let's see what happens," he told Forum 18 on 1 September.

First fine, first appeal

Pastor Nikolaenko was first fined under Administrative Code Article 23.34, Part 2 on 19 June (see F18News 29 June 2015 http://www.forum18.org/archive.php?article_id=2077). However, on 24 July Judge Vasili Begun of Gomel Regional Court overturned the conviction and fine and sent the case back to the lower court for a new consideration, according to the decision seen by Forum 18.

"At the appeal hearing I was interrogated for a long time, almost an hour and a half," Pastor Nikolaenko complained to Forum 18. "The more the judge tried to investigate the matter, the more confused he was over non-existent documents and unconfirmed facts." He noted that the witness from the Ideological and Culture Department of Gomel Central District Administration was "not very convincing" in her statements, citing information from the internet.

"Banned once and for all"

The Reformed Orthodox Transfiguration Church – which has official state registration – was raided by OMON riot police during Sunday worship on 31 May. Local officials verbally banned it on 11 June from meeting further for worship in a rented venue in Gomel's Central District. Pastor Nikolaenko was verbally 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).

Gomel's Central District Administration only put the banning order in writing on 22 June. Seen by Forum 18, it claimed that despite the Church's rental contract "the worship meetings were held without permission of the Gomel Central District Administration". The banning order was prepared by the Head of Ideological and Culture Department Aleksandr Gorlenko and signed by Olga Dotsenko, the Deputy Head of Gomel Central District Administration.

The banning order noted that the Central District authorities had "conducted monitoring of the use of the given venue by your community" as far back as Sunday 8 March and Sunday 7 June. It claimed that the church had "more than once" violated the Religion Law by conducting worship without the authorities' permission.

Gorlenko of the Ideological Department told Forum 18 on 11 August that he had no information about the Transfiguration Church. Reminded of the ban on its religious meetings that he had drafted less than two months earlier, he refused to comment. "All the reasons were explained to the leader of the church," he claimed.

"Where we held services before we have been banned once and for all," Pastor Nikolaenko lamented to Forum 18. However, he noted that the church has not ceased its worship.

Prosecutor threatens criminal prosecution

Following the earlier verbal threats, on 22 July Gomel's Prosecutor Sergei Zaitsev "officially warned" both Pastor Nikolaenko and his fellow church member Aleksandr Chuev in writing that any further violations of the law would result in criminal prosecution, according to the warnings seen by Forum 18.

Police searched both Pastor Nikolaenko's and Chuev's homes in late June (see F18News 29 June 2015 http://www.forum18.org/archive.php?article_id=2077).

Zaitsev warned both that organising or participating in the activity of an unregistered religious organisation is a violation of Criminal Code Article 193-1. This carries a maximum two-year prison term.

Zaitsev also warned both that organising or leading a religious organisation "infringing on the personality, rights and obligations" of individuals is a violation of Criminal Code Article 193. This carries a maximum three-year prison term.

Human rights defenders have long campaigned for Criminal Code Article 193-1 to be abolished. However, following the May 2010 United Nations Universal Periodic Review, Belarus rejected recommendations from several other governments to do so, insisting that the Article is "intended to suppress the activities of extremist groups and organizations in the country".

Forum 18 knows of seven earlier threats to use Article 193-1 against religious believers and communities since 2010. The most recent case was in 2013 by police investigating the charitable activity of Catholic layman Aleksei Shchedrov. He had organised a shelter for homeless people and prayed with them in his home in the village of Aleksandrovka, Grodno Region. The shelter was later forced to close (see Forum 18's Belarus religious freedom survey http://www.forum18.org/archive.php?article_id=1997).

Appeals against fines for worship fail

Ten members of a congregation of Council of Churches Baptists in Svetlogorsk in Gomel Region have failed to overturn the fines on appeal. Two were fined on 8 June for leading an unregistered religious meeting under Administrative Code Article 23.34. The other eight were fined later that month for refusing to testify against them. The fines followed an armed police raid on the church's worship meeting in a home on Sunday 17 May (see F18News 20 July 2015 http://www.forum18.org/archive.php?article_id=2083).

Vladimir Daineko, Pastor of the Svetlogorsk congregation, confirmed to Forum 18 on 24 August that the Regional Court upheld the fines against him and Yuri Volodenko of 3,600,000 Belarusian Roubles each. The Regional Court also upheld the lower fines against eight other church members.

Pastor Daineko assured Forum 18 that they have six more months to consider further appeals against these decisions to a higher court. For now they are preparing a collective appeal to the city administration. "I testified at the court hearing, citing the words of Christ: 'Many good works I have shown you from my Father. For which of those works do you stone me?' [John 10, 30-33]," Daineko told Forum 18.

Official interrupts open-air baptism

On 15 August, in the town of Smolevichi in Minsk Region, north-east of the capital, a local official interrupted the open-air baptism in a river organised by Grace Evangelical Church. A Deputy Head of Smolevichi Executive Committee, Aleksandr Shlykov, stopped the baptismal service and called the police, the Church's Pastor, Nikolai Pinchuk, told Forum 18 on 17 August. "He talked rather harshly to me and demanded that police officers draw up a record of an offence against me and take me to the police station," Pinchuk complained.

The police officers who responded to Shlykov's call were "reasonable young men", Pastor Pinchuk remarked. They asked church members to move further from the public beach and eliminated a conflict without drawing up any records.

"I'm not going to leave it," maintained Pastor Pinchuk. "I'm going to talk seriously to Shlykov because he was rude and people saw it."

About 100 children to whom they wanted to show the baptism service were present when the event was interrupted. When the conflict started many of them left, Pastor Pinchuk lamented to Forum 18. "Though we were allowed to continue with the service the mood was spoiled, but we managed to baptise seven people," he added proudly. He appreciated the attitude of the police officers, who apologised for the inappropriate conduct of the official.

In 2014, the Church had to abandon a plan to hold a big event in the local club because the authorities denied their request, Pastor Pinchuk told Forum 18. "We realised that it is useless to ask for permission this year and decided to organise an open-air event." (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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