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BELARUS: Orthodox Archbishop denied entry, another conscientious objector show trial

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

The Belarusian Autocephalous Orthodox Church's parish in the capital Minsk has abandoned attempts to gain state registration after US-based Archbishop Sviatoslav (Lohin) was denied entry to Belarus in late July, Fr Leonid Akalovich has told Forum 18 News Service. This is the first ban on a pastoral visit by the Archbishop. Fr Akalovich stressed that the Church would like to have legal status. Without registration it has to keep a low profile, as under the Religion Law, any exercise of the right to freedom of religion or belief without state approval is illegal. Officials have refused to explain to Forum 18 why they denied the Church registration and gave spurious reasons for this – including that the Church is allegedly new although its current statute was drafted in 1927. Also, Jehovah's Witness conscientious objector Dmitry Chorba still faces attempts to conscript him, despite both criminal and administrative charges being dropped. Another Jehovah's Witness conscientious objector, Viktor Kalina, was acquitted at his criminal trial. Both trials were before apparently selected audiences to deter other young men from refusing military service.

The parish of the Belarusian Autocephalous Orthodox Church in Belarus' capital Minsk has decided it is not worth applying again for state registration after border guards denied entry to their US-based leader Archbishop Sviatoslav (Lohin) in late July, the parish's priest told Forum 18 News Service. This is the first such ban on a pastoral visit by the Archbishop to the parish in Belarus, Archpriest Leonid Akalovich noted. He stressed that his Church would like to have legal status and was planning to apply again for state registration this year. But, he added, due to the incident with Archbishop Sviatoslav "it makes no sense".

The Minsk parish of the Belarusian Autocephalous Orthodox Church – which is independent of the Russian Orthodox Church – was most recently denied state registration in 2011. It thinks it would stand little chance of success in any future attempt. Without registration it has to keep a low profile (see below).

Under the Religion Law, any exercise of the right to freedom of religion or belief without state approval is illegal and subject to punishment (see Forum 18's Belarus religious freedom survey http://www.forum18.org/archive.php?article_id=1997).

Meanwhile, a Military Conscription Office in the eastern Gomel [Homyel] Region is again trying to conscript a Jehovah's Witness conscientious objector against his will, despite both criminal and administrative charges against him being dropped. Another Jehovah's Witness conscientious objector was acquitted at his criminal trial in the western city of Brest (see below).

Trying to avoid conflict

Asked about whether the Autocephalous Orthodox Church faces pressure from the authorities, Fr Akalovich of the St Ephrosinia of Polotsk parish in Minsk explained to Forum 18 on 31 August that they try to avoid any conflicts and have so far been allowed to meet for worship. This is the only parish the Church has organised in Belarus.

However, he noted that in earlier years they had suffered searches, fines and even detentions. In June 2008 Fr Akalovich was fined 1,050,000 Belarusian Roubles for participating together with 20 other people in the installation of St Ephrosinia of Polotsk crucifix and prayers commemorating the victims executed by Soviet partisans in April 1943 in the village of Drazhno in Minsk Region south of the capital. On 17 May 2014 police detained him as he lay flowers at the memorial in Minsk to Metropolitan Melkisedek (Paieuski), the primate of the Belarusian Autocephalous Orthodox Church who died in 1931. Otherwise, Fr Akalovich described the situation in recent years as "quiet".

Denied entry to Belarus

The current Head of the Belarusian Autocephalous Orthodox Church, Archbishop Sviatoslav, a Ukrainian citizen who serves in the United States, was denied entry to Belarus on 31 July. The Archbishop – who had been visiting his mother in Ukraine – was responding to a request for a pastoral visit by church members in Belarus.

A programme had been prepared for the Archbishop's visit, but had to go ahead without his presence, Fr Akalovich added. Other

than visiting the Church and celebrating the liturgy, the only other planned activity had been a conference. Most believers from the Church who wanted to meet the Archbishop travelled to Ukraine to meet him at the end of August.

"We don't know the reasons for the denial, as the Archbishop usually comes to see us every year without any problems," Fr Akalovich told Forum 18. "They put a stamp in his passport which makes his denial official. We are outraged, as were members of his New York parish." Fr Akalovich thinks that as the Church has not been allowed to have legal status, officials will ignore any complaints they may make.

Fr Akalovich also fears that Archbishop Sviatoslav might not be allowed to visit Belarus in future. He told Forum 18 that the Archbishop will apply to the Embassy of Belarus in the Ukrainian capital Kyiv for his next visit to Belarus.

Forum 18 was unable to find out which – if any - of the standard requirements for entering Belarus Archbishop Sviatoslav had violated.

An official of the Migration Service Department of Gomel Region Executive Committee - who did not give her name - refused to explain why Archbishop Sviatoslav had been denied entry to Belarus. The duty officer at Gomel Region State Border Control Office told Forum 18 on 24 August that he had no information on the case and directed enquiries to the State Border Control Administration.

A State Border Control Administration official, who would not give his name, told Forum 18 on 22 September that the entry of Viachaslav Lohin (the Archbishop's lay name) is prohibited for an indefinite period. He could not give the reasons, saying "we were given no information on this. Our function is to monitor and control". The officer suggested that Archbishop Sviatoslav "has done something wrong" either in Belarus or in Russia. He advised Forum 18 to contact the local administration where "the violation was committed".

"100 reasons not to register our church"

In Belarus the Autocephalous Orthodox Church – founded in 1922 – faced severe repression by the Soviet state from 1938. Since the Second World War the Church has functioned mostly in exile. In Belarus the Autocephalous Orthodox Church states it has several communities, but none are registered with the state.

Officials rejected the last attempt to register the Minsk community in 2011. "The authorities found 100 reasons not to register our church, even calling us a destructive sect," Fr Akalovich told Forum 18.

The denial of registration was prepared by the then-Head of Minsk's Department of Religious and Ethnic Affairs Alla Ryabitseva and signed by the then-Acting Deputy Head of Minsk's Executive Committee (city administration) Dmitry Pinevich on 24 February 2011. The denial, seen by Forum 18, gives more than seven reasons not to register the community.

One of the main arguments is an alleged negative evaluation of the parish's buildings by Minsk's Sanitary and Epidemiological Centre. However according to the Religion Law, public health and fire brigade officials only need to approve premises for religious activities if they are located in a residential house.

Forum 18 could not reach the Head of Minsk's Sanitary and Epidemiological Centre, Yulia Zemskova, for her to explain the alleged shortcomings after repeated calls between 15 and 17 September.

The registration denial added that as no Autocephalous Orthodox community is registered, a "religious studies expert analysis" will be required. It said the community had not presented "information on the bases of its religious teaching and the corresponding worship practice".

The new Head of the Sector for Religious and Ethnic Affairs, Alla Martynova, refused to say why the religious doctrine of the Autocephalous Orthodox Church needs a religious "expert analysis". She also refused to comment on why it is an "unknown religion" as it has been active in Belarus for decades, with its statute drawn up in 1927. "I will give no comments," she told Forum 18 on 18 September before putting the phone down.

(The Sector for Religious and Ethnic Affairs, which is part of Minsk Executive Committee's Ideology, Culture and Youth Department, has replaced the Religious and Ethnic Affairs Department.)

Asked why the Belarusian Autocephalous Orthodox Church is being denied registration, the Executive Secretary of Minsk Executive Committee Nikolai Kotov, who counter-signed the formal registration denial of 1 March 2011 (also seen by Forum 18) told Forum 18 on 15 September 2015 that he had no information and "journalists should communicate with the press service". But he would give no contact details for any press official.

State-backed monopoly

Fr Aleksandr Shramko, Orthodox priest under the Moscow Patriarchate and editor of the churchby.info website, doubts that officials will grant the Autocephalous Orthodox Church state registration. This is because the Belarusian Orthodox Church of the Moscow Patriarchate obtained the exclusive right to use the term "Orthodox Church" in the early 2000s (see F18News 6 November 2003 http://www.forum18.org/archive.php?article_id=177).

No other faith apart from the Moscow Patriarchate appears to enjoy a state-backed monopoly. In February 1995 the state authorities registered a parish in Minsk of the Society of St Pius X (registered as "Catholics of the Latin rite"). The Society identifies itself as Catholic, but is separate from the also-registered Catholic and Greek-Catholic Church.

Similarly, a variety of Lutheran, Jewish, Old Believer and other communities which are separate from each other but share the same faith and similar names are registered.

Another summons to Military Conscription Office

Rechitsa [Rechytsa] Military Conscription Office in Gomel Region is still trying to conscript 23-year-old Jehovah's Witness conscientious objector Dmitry Chorba. This is despite his previous requests for alternative service and his explanation that he considers military service unacceptable on grounds of conscience, and acquittals at both criminal and administrative trials.

Chorba received another notification to present himself for a medical examination on 25 September as part of the national autumn call-up. He remains determined to follow his religious beliefs and again demand alternative civilian service.

The repeated summonses and cases against Chorba come despite the official adoption in June of Belarus' first-ever Alternative Service Law, which takes effect from 1 July 2016. This 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. Moreover, civilian service will be twice the length of military service (see F18News 18 June 2015 http://www.forum18.org/archive.php?article_id=2074).

Chorba is certain that new charges for refusing the call-up will continue until the new Law enters into force in July 2016. "So far we have two alternatives: either to go to the army, or to go to the army," Chorba remarked ironically.

No-one in the Rechitsa Military Conscription Office answered their telephone on 22 or 23 September. So Forum 18 was unable to ask them why they are continuing to call up Chorba, and whether they intend to carry on with prosecutions up to and even after the Alternative Service Law comes into force in July 2016.

Earlier criminal and administrative charges dropped

Chorba's latest summons to Rechitsa Military Conscription Office comes despite criminal and administrative charges against him being dropped.

Chorba was charged on 11 June under Criminal Code Article 435, Part 1 ("Refusal of call-up to military service"). This Article carries a fine or up to two years' imprisonment. However, the criminal case against him was closed on 30 June due to lack of criminal elements, according to the decision seen by Forum 18 (see F18News 20 July 2015 http://www.forum18.org/archive.php?article_id=2083).

Rechitsa Military Conscription office continued to try to punish Chorba despite the dropping of criminal charges. It filed an administrative case against him on 27 August under Article 25.1, Part 3 of the Administrative Code. This punishes a conscript for not responding to a Military Conscription Office call without good reason and carries a fine of up to 5 base units or 900,000 Belarusian Roubles (about 430 Norwegian Kroner, 45 Euros, or 50 US Dollars). (The base unit is used to calculate state benefits and wages.)

The record of an administrative violation, signed by the Head of Rechitsa Military Conscription office Vladimir Osipov and seen by Forum 18, states that Chorba did not turn up for departure to a military base on 21 May and "obstructed executing the decision of the Military Conscription Commission".

Lieutenant Colonel Osipov insisted that he be punished even though the criminal case was closed and the deadline for administrative charges had expired, Chorba complained. "They had two months to open an administrative case against me but they didn't do it, and now the time has passed," Chorba told Forum 18 on 16 September.

Another show trial?

The trial began under Judge Vadim Bobarev at Rechitsa Regional Court on 14 September. "It was a show trial," Chorba told Forum

18. "My case was not the only one." But he said that the other young men on trial, for failing to answer a summons to the Military Conscription Office, did not claim any reasons based on their consciences for this.

The Alternative Service Law has been strongly criticised by human rights defenders for not meeting international standards, by restricting conscientious objection to those from pacifist religious communities ds (see F18News 18 June 2015 http://www.forum18.org/archive.php?article_id=2074).

In the audience at the trial were final year students from a nearby school and newly called up young men who have doubts regarding military service. "The court hearings were open to the public so that they watched and got scared about ignoring the call up notifications," Chorba told Forum 18.

Judge Bobarev adjourned Chorba's trial until 25 September. Chorba believes the trial was postponed because "the judge was not prepared", especially when Jehovah's Witness gave him a petition requesting to drop the charges and explaining his reasons. "It seems that the judges and his colleagues were convinced, as I was informed on 15 September that the case had been closed," Chorba told Forum 18.

Conscientious objector acquitted

Meanwhile, Judge Yuri Martynyuk of Brest's Moscow District Court acquitted the 21-year-old Jehovah's Witness Viktor Kalina at the second hearing of his trial on 8 September, Jehovah's Witnesses told Forum 18. Like the first hearing on 17 August, it was held in the auditorium of Brest Military Conscription Office in an apparent bid to deter other young men from refusing military service.

Like Chorba, Kalina was facing charges under Criminal Code Article 435, Part 1. And again like Chorba, Kalina also likened his trial to a show trial (see F18News 26 August 2015 http://www.forum18.org/archive.php?article_id=2094).

Kalina is optimistic about future call-ups, insisting that he has an advantage because he was acquitted. "I suppose they will send me a call-up paper soon. But now there is an Alternative Service Law, if it is not yet in force that is the authorities' problem," Kalina commented to Forum 18 on 8 September. (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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