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BELARUS: Colonel claims Constitution "nonsense", human rights treaties "not important"

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

Jehovah's Witness conscientious objector to military service, Dmitry Chorba, is still being called up despite an Alternative Service Law coming into force in Belarus on 1 July, he told Forum 18 News Service. Lieutenant Colonel Vladimir Osipov of Rechitsa Military Conscription Office called him up despite the failure of one criminal case and two administrative cases he initiated against Chorba. In the second administrative case, the Lieutenant Colonel claimed in court in January that the Constitution is "nonsense" and international human rights treaties are "not important". In Mogilev Region, two Baptists are being prosecuted for "not using living premises for their designated purpose" after a December raid on a religious meeting. And in Svetlogorsk in Gomel Region, Baptist Pastor Vladimir Daineko has had his car put under restraint and his computer confiscated to pay for a fine imposed for leading a meeting for worship without state permission. Appeals against the fine have proved fruitless. "Now we appeal to our supreme authority – God who will not leave us," Daineko told Forum 18.

A Jehovah's Witness conscientious objector to military service in Belarus' eastern Gomel [Homyel] Region, Dmitry Chorba, is facing call-up yet again, even though a civilian Alternative Service Law is due to come into force on 1 July, he told Forum 18 News Service. Lieutenant Colonel Vladimir Osipov, head of Rechitsa Military Conscription Office, called him up once again after courts have already rejected one criminal and two administrative cases he had initiated against Chorba. In the second administrative case, the Lieutenant Colonel claimed in court in January that the Constitution is "nonsense" and international human rights treaties are "not important".

In Mogilev [Mahilyow] Region, two Baptists in Gorki [Horki] - Mikhail Shulgan and his wife Liliya - are being prosecuted for "not using living premises for their designated purpose" after a December raid on a religious meeting the husband Mikhail led (see below).

And in Svetlogorsk in Gomel Region, Baptist Pastor Vladimir Daineko has had his car put under restraint and his computer confiscated by the authorities. This is to pay for a fine imposed for leading a May 2015 meeting for worship without state permission. Appeals against the fine have proved fruitless. "Now we appeal to our supreme authority – God who will not leave us," Daineko told Forum 18 (see below).

Conscientious objector still being prosecuted

In April 2015 Chorba – who is now 24 – requested exemption from military service as it contradicts his religious beliefs and asked to do civilian alternative service. Rechitsa Military Conscription Office then initiated the criminal and administrative cases against Chorba (see F18News 20 July 2015 http://forum18.org/archive.php?article_id=2083).

Lieutenant Colonel Osipov's latest move comes despite Chorba having won the previous criminal and administrative cases Osipov initiated. It also follows another summons to Chorba to be medically examined at the Military Conscription Office (see F18News 27 October 2015 http://www.forum18.org/archive.php?article_id=2113).

Alternative Service Law, but military still wants conscientious objectors

Belarus' first-ever Alternative Service Law takes effect from 1 July 2016 and allows 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 and those undertaking it will be paid less than military conscripts (see F18News 18 June 2015 http://www.forum18.org/archive.php?article_id=2074).

Despite the punitive nature of the Alternative Service Law compared to military conscription, Chorba has told the authorities that he is willing to do alternative civilian service (see F18News 20 July 2015 http://www.forum18.org/archive.php?article_id=2083), as has

another Jehovah's Witness conscientious objector Viktor Kalina (see F18News 26 August 2015 http://www.forum18.org/archive.php?article_id=2094).

Kalina has faced similar problems to Chorba, including a "show trial", and expects to be called up once more in spring (see F18News 27 October 2015 http://www.forum18.org/archive.php?article_id=2113).

Regarding the alternative service, Colonel Vladimir Makarov, head of the Defence Ministry's Ideology Department, claimed that Belarus is a law-governed state which is in compliance with international human right treaties. Article 57 of the Constitution provides for Alternative Civil Service and the Alternative Service Law was adopted in line with the Constitution, he insisted to Forum 18 from Minsk on 5 February.

Colonel Makarov added that once the alternative service is operational, religious conscientious objectors will be subject to the Labour Ministry, not the Defence Ministry. He did not discuss why the new alternative service will be of punitive length.

Makarov confirmed that until the new law comes into force, military structures follow the existing rules. He explained that the Alternative Service Law cannot take effect now because some legal acts need to be brought into compliance with it. He said in the meantime conscientious objectors can go to the railway troops, where no oath is required and individuals can serve without weapons. However, such service is not acceptable to many conscientious objectors as it is under military control.

"In the police there are fair-minded people"

The most senior local police officer, Major Andrei Poklonsky, found that Chorba had committed no crime, in a 17 December 2015 written statement seen by Forum 18. The statement was signed by the Head of Rechitsa Regional Department of Internal Affairs, police Colonel Andrei Silkov.

"In the police there are fair-minded people who refused to file a criminal case against me," Chorba commented to Forum 18 on 29 January.

In August 2015 Lieutenant Colonel Osipov failed to secure Chorba's conviction under Administrative Code Article 25.1, Part 3, which punishes a conscript for not responding to a Military Conscription Office call without good reason (see F18News 24 September 2015 http://www.forum18.org/archive.php?article_id=2104).

The police initially declined to open a second such case against Chorba, but after pressure from Osipov they opened a case on Article 25.1 charges prepared by legal specialist Larisa Rochnyak of Rechitsa Military Conscription Office.

However, on 29 January 2016 Rechitsa District Court found Chorba not guilty under Article 25.1. "The Judge was a good person without any prejudice and ignored Lieutenant Colonel Osipov's claim that I should be punished," Chorba told Forum 18. "Outside the courtroom I greeted Lieutenant Colonel Osipov twice, but he didn't answer."

Constitution "nonsense", international human rights treaties "not important"

During the 29 January court hearing, Lieutenant Colonel Osipov claimed that "everyone should go to the army as a solemn duty", Chorba told Forum 18. Osipov also claimed that the Constitution is "nonsense" and international human rights treaties are "not important", insisting that people in the military "only obey the orders of the President [Aleksandr Lukashenko]".

Call up continues

On 8 February, which will be ten days after being found not guilty in court, Chorba has again been summoned for a further medical examination for another round of the call up procedure. He has also been summoned to the military conscription office again on 18 February, he told Forum 18.

Rechitsa Military Conscription Office was not answering its phones on 5 February. So Forum 18 was not able to ask legal specialist Rochnyak or Lieutenant Colonel Osipov why they do not accept Chorba's wish to do civilian alternative service, continue to prosecute him, and why Osipov publicly stated in Court that the Constitution is "nonsense" and international human rights treaties are "not important".

Colonel Makarov of the Defence Ministry in Minsk saw no concerns about the repeated attempts to call up Chorba and Osipov's statements in court. "There's no problem in this!" he told Forum 18. "At the moment the Military Service Law applies."

Chorba told Forum 18 that he is tired and added: "Now I understand those who committed suicide, there's no alternative but to go to the army."

Chorba does not personally know anyone who has committed suicide, but the World Health Organisation rates Belarus as having

one of the highest suicide rates in the world. Although not common, cases of Belarusian conscripts committing suicide as they do not want to do military service or have been bullied in the military have occurred.

Officials claim "we don't have the right to read the Bible together"

On 22 December 2015, police and other officials raided a meeting of a local congregation of Council of Churches Baptists in Gorki. The Baptists were reading and discussing the Bible. "It was not even a worship service, but a friendly meeting of people who shared the same beliefs," the leader of the Gorki congregation Mikhail Shulgan told Forum 18 on 4 February. He noted that they had never been raided before.

During the raid, the Head of the Ideology Department of the Regional Executive Committee, Aleksandr Belyatsky, accused house owner Mikhail Shulgan of holding a meeting without state permission. "Our great concern is that in a private house, our own house, the officials said we don't have the right to read the Bible together," Shulgan complained. "I suppose that this action was a fact-finding visit, as the authorities ought to react if they find out about a meeting of an unknown organisation."

All Council of Churches Baptist congregations refuse to seek state permission to meet to exercise freedom of religion or belief, or pay fines imposed for this "offence". In defiance of international human rights law, Belarus makes state permission compulsory to exercise freedom of religion or belief (see Forum 18's Belarus religious freedom survey http://www.forum18.org/archive.php?article_id=1997).

Why?

During the raid Ruslan Androsov, Senior Specialist of the Housing and Utilities Department, drew up a record of the alleged "violation". He claimed to Forum 18 on 13 January 2016 that he did not know whether the record has been submitted to a court. Asked why he took part in the raid, he replied: "It is the court which makes the final decision whether to fine them or acquit them."

The Head of the Youth Liaison Service, Svetlana Ivanova, who was also present during the raid, recorded the details of young people under 18 who were there. Asked on 3 February why she did this and whether she thought it was bad for young people to participate in such meetings, she told Forum 18: "I don't talk about such things on the phone."

Asked by Forum 18 on 13 January why the meeting had been raided and whether Mikhail Shulgan will be prosecuted, Head of the Ideology Department Belyatsky refused to answer. "I don't give any comments on the phone," he claimed before putting the phone down.

Accused wrongly accused

On 29 December 2015 Mikhail Shulgan and his wife Liliya were summoned to the Regional Executive Committee. There they were told to sign a record accusing Liliya Shulgan (who was not present during the raid), as part-owner of the house, under Administrative Code Article 21.16, Part 1. This punishes among other things "not using living premises for their designated purpose". "We signed the record with a note of our disagreement," Mikhail Shulgan told Forum 18.

Belarus has in the past occasionally used Administrative Code Article 21.16 against people exercising freedom of religion or belief without state permission (see Forum 18's Belarus religious freedom survey http://www.forum18.org/archive.php?article_id=1997).

Urged to prove themselves innocent of exercising human rights

The Shulgans described the charges as irrelevant and lodged a complaint with Gorki District Court. On 5 January 2016 the court stated that it is the Regional Executive Committee's responsibility to monitor the situation in the Region and that "they can review the issue and stop prosecution or proceed with the administration charge". The Judge urged the Shulgans to prove their innocence to Regional Executive Committee officials.

Mikhail Shulgan told Forum 18 that he thinks the reason for the raid and charge is that "one or two officials in the Regional Executive Committee won't let this go", because "they want to demonstrate their power". He insists that he and his wife are innocent. "According to the Constitution, everyone has the right individually or in a group to profess any religion, express and preach their belief."

Trial

The administrative case against Liliya Shulgan was handed to Gorki District Court. A hearing led by Judge Yelena Vorobyeva on 3 February reached no conclusion. The date of the next hearing is unknown.

"The matter is not finished yet, there are some difficulties but we believe that everything will turn out well. We are praying," Mikhail Shulgan told Forum 18. He hopes the case will be closed. "Even our President [Lukashenko] quotes the Holy Scripture and

the Bible is not an illegal book in our country", he told Forum 18.

Pastor stopped from using car

A bailiff from the Enforcement Department of Svetlogorsk Region, Olga Medvedeva, ruled on 12 December 2015 that Council of Churches Baptist Pastor Daineko's car should be put under a restraining order in settlement of his unpaid fine, as he is unemployed. (Daineko's role as a pastor is unpaid and voluntary.) This means that he cannot use or sell it, and after the time for appeals is over the authorities can confiscate and sell it.

Asked on 26 January 2016 why she imposed the restraining order, Bailiff Medvedeva refused to answer. "What kind of questions are these and on what grounds do you ask them on the phone? I'm not going to talk to you", she told Forum 18 before hanging up.

On 3 February the authorities confiscated Daineko's computer, he told Forum 18 on 4 February. Bailiffs told him that - if the sale of the computer raises enough money to cover a fine imposed on him - the restraining order on the car will be lifted.

Pastor Daineko leads the Council of Churches Baptists in Svetlogorsk in Gomel Region. On 8 June 2015, Daineko and another church member were each fined 3,600,000 Belarusian Roubles (about 1,900 Norwegian Kroner, 210 Euros, or 235 US Dollars) for leading a religious meeting without state permission, under Administrative Code Article 23.34 ("Violation of the procedure for organising or conducting a mass event or demonstration"). The average monthly salary in Gomel Region is about 3,700,000 Roubles.

Eight other Baptists were fined later that month for refusing to testify against the first two fined. The fines followed an armed police raid on the church's Sunday worship meeting in a home on 17 May 2015. In August 2015 their appeals against the fines were rejected (see F18News 2 September 2015 http://forum18.org/archive.php?article_id=2096).

Asked if the value of the computer and car together to cover the fine, Pastor Daineko commented that "they have their own prices". The value of the car alone should be enough to cover the fine.

"Now we appeal to our supreme authority"

Pastor Daineko told Forum 18 that he has lodged appeals and complaints to "every authority possible", but everywhere the response was "his punishment was just". No officials have been prepared to talk to Forum 18 about the case. For example, Liliya Dudko, Senior Specialist of the Ideology Department of Svetlogorsk Regional Executive Committee, refused to comment on the case to Forum 18 on 22 January.

Daineko does not think it is worth making any more appeals to officials, "as it is useless".

"Now we appeal to our supreme authority – God who will not leave us", Daineko 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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY