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BELARUS: Political prisoners' freedom of religion or belief restricted

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

The regime's many political prisoners are frequently denied clergy visits and access to religious literature, against both Belarusian law and the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). Arrested in March, Olga Zolotar repeatedly requested a visit from a Catholic priest, but the Investigative Committee refused. Finally, in June officials allowed a visit by the Vatican nuncio. "The denial of access of priests to political prisoners who are religious, and the use of discriminatory and repressive measures against them are unacceptable .. and grossly violate one of the fundamental human rights," Christian Vision notes.

Since opposition emerged to the falsified 2020 presidential elections, the regime has arrested hundreds of individuals and handed down many long or short jail terms to punish them for opposition or perceived opposition to the regime. Once in jail, prison authorities have often restricted political prisoners' freedom of religion or belief and other human rights.

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After her 18 March arrest, Olga Zolotar repeatedly requested a visit from a Catholic priest, as did Catholic representatives. However, the Investigative Committee which is handling the criminal case against her refused such permission. Finally, on 2 June the prison administration allowed a visit by the Vatican nuncio, Archbishop Ante Jozic, "thanks to his special diplomatic status", Christian Vision noted. Her mother earlier tried to hand in a prayer book for her, but the prison administration refused it (see below).

After a Judge jailed a political prisoner and they were transferred to prison, a relative asked the Judge in mid-2021 for permission for an Orthodox priest to visit the political prisoner. The Judge agreed verbally. However, when the prisoner's relative, accompanied by a priest, visited the Judge the following day to collect the written permission the Judge refused, saying that the priest was not a relative and could not therefore visit the prisoner (see below).

A human rights defender told Forum 18 in July 2021 that prison authorities had allowed some prisoners to receive visits, but other visits were arbitrarily refused using coronavirus as an excuse. "When they didn't want to allow a visit they could use Covid regulations as an excuse," the human rights defender, who is unnamed for fear of state reprisals, stated. The regime's actions do not suggest it has any genuine concern about coronavirus in prisons (see below).

The administration of Prison No. 4 in Mogilev refused to allow political prisoners it was holding to subscribe to the monthly newspaper of the Vitebsk Catholic diocese, although it appears in the catalogue of publications distributed through the post office (see below).

Prison authorities also insist on removing all jewellery and neck crosses – such as baptismal crosses – from prisoners. On 16 November 2020, an Orthodox Christian from Minsk, Roman Abramchuk, recounted how police had cut jewellery and crosses from the necks of those they detained, including himself. He had asked the police officer to at least leave his cross. "So he cut it off with particular harshness and threw it under his feet" (see below).

Christian Vision, a group of Orthodox, Roman Catholic, Greek Catholic and Protestant clergy and laypeople which documents human rights violations, has repeatedly called for them to end. It points out that denials of prisoners' freedom of religion or belief often violate the rules covering conditions in Investigation Prisons, Temporary Detention Centres, and Labour Camps.

No one at the Department for the Implementation of Punishments of the Interior Ministry in Minsk, which oversees prisons, or the government's Plenipotentiary for Religious and Ethnic Affairs in Minsk would discuss with Forum 18 why prisoners' freedom of religion or belief are restricted (see below).

The regime has jailed numerous political prisoners

(<https://www.hrw.org/news/2021/07/15/belarus-unprecedented-raids-human-rights-defenders>) since protests broke out against the falsified presidential elections of August 2020. Many have been tortured (<https://www.hrw.org/news/2020/09/15/belarus-systematic-beatings-torture-protesters>).

The Viasna (Spring) human rights group counted 566 people it recognised as political prisoners as of 15 July 2021. Viasna was among the at least 23 human rights and civil society organisations the police raided (<http://spring96.org/en/news/104291>) in at least ten cities on 15 July. Police arrested at least 10 of its members then and raids and detentions continue (<http://spring96.org/en/news/104322>), Viasna noted.

In her May 2021 report to the United Nations Human Rights Council, Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, noted "reports of beatings and ill-treatment, including the torture of arbitrarily detained persons in a seemingly premeditated way by police and affiliated forces". She also noted "poor sanitary conditions in detention centres" which facilitated the spread of coronavirus among prisoners (see below).

No answers as to why political prisoners' human rights violated

The duty officer at the Department for the Implementation of Punishments of the Interior Ministry in Minsk, which oversees prisons, refused on 15 July to put Forum 18 through to any official who could answer questions on prison conditions. He said all questions had to be sent in writing.

The same day Forum 18 asked in writing why prison administrations deny prisoners' (particularly political prisoners) freedom of religion or belief, including the right to have clergy visits and to receive and have religious literature and objects, such as neck crosses. Forum 18 received no reply by the middle of the working day in Minsk of 16 July.

Maksim Shcherbatsevich of the Religious Department of the government's Office of the Plenipotentiary for Religious and Ethnic Affairs in Minsk refused to discuss anything. "I'm just an ordinary official," he told Forum 18 on 15 July. He referred all enquiries to the Plenipotentiary Aleksandr Rumak or his deputy Yelena Radchenko. However, his colleagues said Rumak was on holiday and Radchenko was out at an event. Radchenko's phone went unanswered on 16 July.

Prisoners' freedom of religion or belief in Belarusian law

Article 12 of the Criminal Enforcement Code guarantees prisoners serving sentences freedom of religious belief, where prisoners "are allowed individually or with other prisoners" to profess, express and share any faith "and participate in carrying out religious worship, rituals and rites not banned in law". They are also allowed to have and use religious objects and literature.

However, Article 12 restricts the ability to exercise this freedom by this statement: "In conducting religious worship, rituals and rites, the Rules for internal order of prisons or the rights of others who have been sentenced must not be violated."

Under Article 174 of the Criminal Enforcement Code, prisoners sentenced to death are allowed visits from a priest. However, against the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)), such prisoners may not be granted pastoral visits they request (https://www.forum18.org/archive.php?article_id=2612). Death-row prisoners are informed of their executions only minutes beforehand, making final meetings with families and others such as clergy impossible.

Paragraphs 116 and 117 of Interior Ministry Decree of 13 January 2004 (most recently amended on 30 June 2021) on the rules for investigation prisons, and a similar Interior Ministry Decree of 30 November 2016 related to Temporary Detention Centres, make provision for prisoners on remand to have religious literature and other objects, as well as receive visits from clergy.

"Persons on remand are allowed to have with them and use religious literature, objects of religious cult for individual use for body or pocket wear, except for piercing and cutting objects, items made of precious metals, stones or of cultural and historical value," declares Paragraph 116 of the 2004 Interior Ministry Decree.

"In order to provide spiritual assistance to persons on remand, at their request and with the permission of the body conducting the criminal proceedings, it is allowed to invite representatives of religious denominations registered in the Republic of Belarus to the pre-trial detention centre. The services of the ministers of religious confessions are paid at the expense of the persons who are held on remand," declares Paragraph 117.

Rules for prisoners serving sentences in prisons (as set out in a 20 October 2000 Interior Ministry Decree, most recently amended in 2019) and in open prisons (as set out in a 13 January 2017 Interior Ministry Decree) note that prisons can have places of worship. However, the rules contain no guarantees of freedom of religion or belief for prisoners.

Human rights defenders told Forum 18 that prisoners in open prisons can generally visit nearby places of worship if they wish to in non-working time.

Jailed political prisoners: Denial of clergy visits

Prison administrations or, in criminal cases, the Investigative Committee have often denied visits by clergy to political prisoners on remand. This is despite provisions in the 2004 and 2016 Interior Ministry Decrees covering persons on remand (see above) that "at their request and with the permission of the body conducting the criminal proceedings, it is allowed to invite representatives of religious denominations registered in the Republic of Belarus to the pre-trial detention centre".

(This provision would not allow leaders of unregistered religious communities to make such prison visits.)

Similarly, Article 12 of the Criminal Enforcement Code (see above) allows those serving sentences to have clergy visits with the approval of the prison administration.

The entire period since the August 2020 presidential election has coincided with the coronavirus pandemic, which has particularly hit prisons. The Interior Ministry, which controls prisons, enacted some restrictions on prison visits, though these were lifted on 30 June 2021.

A human rights defender told Forum 18 in July 2021 that prison authorities had allowed some prisoners to receive visits, but other visits were arbitrarily refused using coronavirus as an excuse. "When they didn't want to allow a visit they could use Covid regulations as an excuse," the human rights defender, who is unnamed for fear of state reprisals, stated. "When they wanted to, they gave [permission]."

The regime's actions do not suggest it has any genuine concern about coronavirus in prisons. The United Nations Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, received "numerous and concurring testimonies about systematic violation of detainees' right to health (for example, of how all detainees in an overcrowded cell were made to drink water from the same bottle)," she stated in her 4 May report to the UN Human Rights Council (A/HRC/47/49 (<https://undocs.org/A/HRC/47/49>)) for 2020 and early 2021.

Marin observed that "the authorities did not introduce consistent anti-COVID measures and continued to allow mass events", and that "poor sanitary conditions in detention centres has made the impact that the COVID-19 pandemic has had on human rights in Belarus particularly severe for persons deprived of liberty".

Marin also notes: "Overcrowded cells, with no sanitation or safety measures, and the transfer of detained persons from one facility or cell to another have been described as factors facilitating the spread of the virus among detainees". She pointed out that "a majority of those detained in 2020 tested positive for the virus after their release".

On 30 June, the Interior Ministry announced that it had opened up prisons again to visitors from outside, claiming that the coronavirus situation had improved.

While awaiting trial in Minsk's Investigation Prison No. 1 up till April 2021, Pavel Severinets requested a visit from an Orthodox priest in writing on at least five occasions, while his wife Volha requested such a clergy visit on three occasions, Christian Vision noted on 4 May. Representatives of religious organisations also requested visits with him. "However, over nine months not one such pastoral visit was permitted." In late April the prison authorities transferred Severinets to Prison No. 4 in Mogilev.

Only after Severinets' conviction and sentencing in May (he received a seven-year jail term) did a Judge allow an Orthodox priest to visit him at Mogilev's Prison No. 4. However, he and the priest were separated by a glass panel and had to speak through a phone. Severinets was therefore unable to make a confession or receive communion.

After a Judge jailed a different political prisoner and they were transferred to prison, a relative asked the Judge in mid-2021 for permission for an Orthodox priest to visit the political prisoner. The Judge agreed verbally. However, when the prisoner's relative, accompanied by a priest, visited the Judge the following day to collect the written permission the Judge refused, saying that the priest was not a relative and could not therefore visit the prisoner.

After the regime arrested Irena Bernatskaya in Lida on 25 March, they transferred her to Minsk's Investigation Prison No. 1. She applied at least twice for a visit from a Catholic priest but these were refused. "The request for a priest was rejected," Bernatskaya's daughter Veronika Piuta wrote on Facebook on 16 April. "In their refusals, the investigating authorities refer to the epidemic situation associated with the coronavirus," Christian Vision noted on 4 May. (On 25 May, as a condition of her release, Bernatskaya had to leave for Poland.)

Similarly, another prisoner at Minsk's Investigation Prison No. 1, Olga Zolotar, who was arrested on 18 March, several times requested a visit from a Catholic priest, as did Catholic representatives. However, the Investigative Committee which is handling the criminal case against her refused such permission. Finally, on 2 June the prison administration allowed a visit to Zolotar by the Vatican nuncio, Archbishop Ante Jozic, "thanks to his special diplomatic status", Christian Vision noted. (Since then, Zolotar has

contracted coronavirus.)

The telephone of Minsk's Investigation Prison No. 1 was not answered each time Forum 18 called on 15 and 16 July.

"The denial of access of priests to political prisoners who are religious, and the use of discriminatory and repressive measures against them are unacceptable in a democratic and legal state and grossly violate one of the fundamental human rights," Christian Vision declared on 4 May. "Believers are left for many months without access to the sacraments of confession and communion, and without the spiritual support they need."

Such denials of clergy visits are in violation of the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)). Rule 65 includes the provision: "Access to a qualified representative of any religion shall not be refused to any prisoner."

Jailed political prisoners: Religious literature denied

Prison administrations have refused to allow those on remand to receive or have religious literature with them. This is despite provisions in the 2004 and 2016 Interior Ministry Decrees covering persons on remand (see above) that they "are allowed to have with them and use religious literature". Similarly, Article 12 of the Criminal Enforcement Code (see above) guarantees prisoners serving sentences the right to have and use religious literature.

After Pavel Severinets was arrested in June 2020, prison warders took his Bible and all other possessions from him, his wife Volha noted on her Facebook page.

In October 2020, Artyom Tkachuk sent Catholic publications to three political prisoners, Maksim Znak, Dmitry Furmanov and Eduard Palchis. However, the prison authorities returned the publications, saying that individuals can receive journals only via subscription. Similarly, the following month the administration of Minsk's Investigation Prison No. 1 returned 42 of the 70 New Testaments Dmitry Dashkevich had sent to political prisoners there. It declared that "those being held on remand have the right to use literature from the prison library".

After Olga Zolotar's 18 March 2021 arrest, her mother Yanina tried to hand in a prayer book for her, but the prison administration refused it.

While Irena Bernatskaya was being held at Minsk's Investigation Prison No. 1, the prison rejected religious literature handed over for her, her daughter Veronika Piuta wrote on Facebook on 16 April.

The administrations of the Temporary Detention Centre at Zhodino and Minsk's Investigation Prison No. 1 have refused to accept Bibles handed in by relatives and friends of those held there, Christian Vision noted on 31 March 2021. It added that there is no bar on handing in literary works for detainees.

The Temporary Detention Centre at Zhodino responded by insisting that religious literature – including the Bible – is available in its library. However, Christian Vision points out that copies of the Bible in prison libraries are limited. Getting access in the prison library to a Bible or New Testament in Belarusian, the language many of the political prisoners would prefer, is also difficult.

The telephones of Minsk's Investigation Prison No. 1 and the Temporary Detention Centre at Zhodino were not answered each time Forum 18 called on 15 and 16 July.

Christian Vision condemned the denial of access to prisoners' personal copies of the Bible, especially in the run-up to Easter (celebrated this year by the Russian Orthodox on 2 May and by most other Christians in Belarus on 4 April) when "in conditions of the impossibility of participating in worship, reading the Bible is one of the ways to participate in religious life and practice religious beliefs".

In March, after prisoners in one cell at the Police Detention Centre in Minsk's Okrestina Street complained about conditions, the prison administration seized all their personal possessions, including a prayer book.

The telephone of Minsk's Police Detention Centre was not answered each time Forum 18 called on 15 and 16 July.

Such denials of religious literature are in violation of the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)). Rule 66 declares: "So far as practicable, every prisoner shall be allowed to satisfy the needs of his or her religious life by attending the services provided in the prison and having in his or her possession the books of religious observance and instruction of his or her denomination."

Jailed political prisoners: Subscribing to religious publications blocked

The administration of Prison No. 4 in Mogilev refused to allow political prisoners it was holding to subscribe to the monthly newspaper of the Vitebsk Catholic diocese, although it appears in the catalogue of publications distributed through the post office.

"Relatives of political prisoners wishing to subscribe to this publication report that prison officials deleted the newspaper 'Catholic Herald' from the catalogue, as well as the independent publication 'Belarusians and the Market,'" Christian Vision noted on 31 May. "The right to use religious literature and the press is part of the right to freedom of religion and belief and cannot be arbitrarily restricted."

The telephone of Mogilev's Prison No. 4 was not answered each time Forum 18 called on 15 and 16 July.

Christian Vision called on prison administrations to allow those serving jail terms or those held awaiting trial to be allowed to subscribe freely to religious organisations' publications. It also called on the prison service and the government's Plenipotentiary for Religious and Ethnic Affairs to ensure an end to the obstruction for prisoners to subscribe to religious publications.

Jailed political prisoners: Forced removal of neck crosses

Prison authorities also insist on removing all jewellery and neck crosses – such as baptismal crosses – from prisoners. This is despite provisions in the 2004 and 2016 Interior Ministry Decrees covering persons on remand (see above) that they are allowed to have with them "objects of religious cult for individual use for body or pocket wear, except for piercing and cutting objects, items made of precious metals, stones or of cultural and historical value".

Following his short-term jailing in September 2020, Dmitry Korneyenko, an Orthodox Christian from Vitebsk, described the removal of his cross as the "greatest unhappiness in the conditions of my detention, as a believer", he wrote on his Facebook page on 7 October 2020. While noting that he understood the need to remove sharp metal objects and laces from prisoners, he questioned why the prison authorities had not worked out a way to deal with prisoners' neck crosses.

"At almost all stages of my detention, I tried to find out how this prohibition could be circumvented, which greatly disturbed my religious feelings," Korneyenko added. "Sometimes I even started to accuse the warders of atheism, but it was useless."

The prison authorities similarly demanded the removal of Korneyenko's cross during a subsequent short-term jail term handed down in January 2021, Christian Vision noted on 28 February. His cross was taken and held with his other property during his entire jailing.

On 16 November 2020, an Orthodox Christian from Minsk, Roman Abramchuk, recounted how police had cut jewellery and crosses from the necks of those they detained, including himself. He had asked the police officer to at least leave his cross. "So he cut it off with particular harshness and threw it under his feet."

"Reports of beatings and ill-treatment"

As well as noting the lack of care for prisoners during the coronavirus pandemic, the UN Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, noted widespread reports of maltreatment of detainees and prisoners.

"Repression .. continues to the present day," she noted in her May 2021 report to the UN Human Rights Council, "with reports of beatings and ill-treatment, including the torture of arbitrarily detained persons in a seemingly premeditated way by police and affiliated forces." (END)

Full reports on freedom of thought, conscience and belief in Belarus
(<https://www.forum18.org/archive.php?query=&religion=all&country=16>)

For more background, see Forum 18's Belarus religious freedom survey (https://www.forum18.org/archive.php?article_id=2612)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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