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Religious freedom survey, September 2014

Forum 18 (16.09.2014) - Before the April 2015 United Nations Human Rights Council Universal Periodic Review (UPR) of Belarus, Forum 18 News Service has observed the government's continuing desire to keep religious communities within an invisible ghetto of regulation, even though in recent years the regime has been less inclined to obstruct people exercising their religious freedom. However, people meeting together to exercise their religious freedom are still subject to state control. Officials are hostile towards followers of faiths they see as a political threat, particularly Protestantism.

While harsh actions against individuals and communities exercising their right to freedom of religion or belief have reduced in the last few years, people fear that without change to the legal framework and the attitudes of officials harsh actions could resume more widely.

Regulation

Compared with some other post-Soviet states, the relative rarity of high-profile violations of freedom of religion or belief – such as arrests of leaders of religious communities – may suggest an absence of restrictions. In fact, the state continues to keep religious communities contained within an invisible ghetto of regulation. As one young Pentecostal commented to Forum 18 in the capital, Minsk, in late 2010: "If we have to get permission to hold a service in our own church, this cannot be evidence of religious freedom."

Central to the government's web of restrictions is the 2002 Religion Law, whose restrictions include compulsory state registration of all religious communities and geographical limits upon where religious activity may take place. Foreign religious personnel invited by local religious communities require compulsory state permission for carrying out religious activity, which prevents them from carrying out any religious activity away from the one venue for which they have approval. This prevents, for example, a foreign Catholic priest saying Mass even in a neighbouring parish.

Religious gatherings in private homes must not be either regular or large scale. Houses of worship are designated by the state. All public exercise of freedom of religion or belief must have state permission. For disfavoured religious communities – usually Protestants – such regulations combine to make nothing legally possible, as they find state permission unobtainable in practice. Some communities fail to apply for state permission for public religious events they wish to hold because of the extent of detail the authorities demand.

However, the regime is apparently concerned that these controls might push the mass of believers who are still politically neutral into opposition. This concern on the regime's part may be heightened by the fact that many of the leaders of the political opposition make

no secret of the fact that they are committed Protestant or Orthodox religious believers, and that their faith is central to their opposition to the dictatorship. Since coming to power in 1994, President Aleksandr Lukashenko has crushed independent political, business, media and social organisations. In turn, faith-based political opposition to his regime by Protestant, Catholic and Orthodox Christians has grown (see below).

Lukashenko apparently fears the potential of the largest remaining independent organisations – churches – and is unlikely to act against them while his own position is less than secure. His hardest strikes at freedom of religion or belief have been the adoption of the 2002 Religion Law and a crackdown in 2006-7. These took place when the regime felt most confident, after fraudulent elections that returned Lukashenko to the presidency in September 2001 and March 2006.

But since the December 2010 presidential election, which included the arrest of seven presidential candidates, the regime's priority for repression seems to have been opposition political activity. The authorities appear to be cautious about provoking a conflict with religious believers in the run-up to the next presidential election, due by November 2015.

Minsk battleground

The state of religious freedom continues to be encapsulated by the situation of New Life Church, a 1,000-strong charismatic Pentecostal congregation in Minsk.

New Life is famous for its fight since 2002 to keep control of its private church property. This is a renovated cow barn on the edge of the city, which the authorities claim cannot have its use changed into a church. Worship by a Belarusian Orthodox Church (Moscow Patriarchate) parish in a converted railway carriage 500 metres (yards) away has not faced similar obstruction.

Minsk officials – backed by the national government – have blocked New Life's every effort to use its building in line with Belarusian law, thereby stripping the church's rights to the property. A hunger strike by New Life members, visits by foreign diplomats, and messages of support from around the world deterred the state from seizing the building in 2006.

The authorities cut off the church's electricity in 2004. Formally, New Life has not owned its land since 2005, nor its building since 2009. Yet the authorities have largely left the church alone since mid-2009. They took no action after New Life refused to pay a heavy February 2010 fine for alleged oil pollution; the church categorically rejects this charge.

Visiting in December 2010, Forum 18 found members able to organise Christmas festivities with the aid of portable generators. New Life's high-profile civil disobedience campaign appeared to push the authorities back from confrontation. A local Pentecostal pastor has characterised the church to Forum 18 as "the only territory in the country where Belarusian laws don't operate".

In November 2012, however, New Life received a fresh eviction order amid a wider crackdown against political opposition. Yet the authorities once again stepped back from conflict with the congregation; within days, the local district authority cancelled its eviction order. In June 2013 New Life again received an eviction order, which was the same month as rapidly suspended – but not cancelled. Since then, no new eviction orders have been issued.

New Life Church asked the authorities in August 2014 to resolve the Church's status. The two sides agreed to a visit by state officials which church members hoped would launch a

dialogue to resolve the problems. Not least, they hope the city authorities will finally allow the church to be reconnected to the electricity supply after ten years.

Political opposition activism

Belarusian Christians, including Protestants, have little historical record of confrontation with the state. But as religious freedom restrictions reduce their ability to act on their beliefs in public, opposition to Lukashenko's regime is growing within many churches. Uniquely in the former USSR, some Christians have adopted tactics of organised resistance in their pursuit of freedom of religion or belief that are more usually associated with secular political activism. In 2007, for example, Catholics, Orthodox and Protestants gathered 50,000 signatures in a petition calling for the Religion Law to be changed to comply with international human rights standards. Mainstream political activists are in turn drawing upon religious ideas, and a number of key opposition figures are committed Christians.

Following the fraudulent December 2010 presidential elections, the regime targeted churches and individual Christians associated with opposition activism.

In December 2011 Fr Vyacheslav Barok, a Catholic parish priest in Vitebsk [Vitsyebsk] Region, was investigated on suspicion of evading tax on earnings from pilgrimages he helped organise to religious sites in Belarus, other European countries and Israel – allegations which he strongly denies. Fr Vyacheslav's brother Yuri Barok, also a Catholic priest, participated in the revival of the Belarusian Christian Democracy movement. Although not wishing to leave Belarus, he was transferred by his bishop to Israel in 2010.

In February 2012 riot police raided a meeting to discuss historical and cultural issues held at the Minsk home of Pentecostal Pastor Antoni Bokun, whose congregation includes several prominent Christian opposition political activists.

However, such government moves appeared to stop from 2013.

Political prisoners

In violation of both Belarusian and international law, prisoners of conscience whose motivation for political opposition is their Christian faith have been denied pastoral visits, communal worship and religious literature while in detention. Ordinary prisoners may be similarly denied freedom of religion or belief (see below).

The most high-profile imprisonment was that of Fr Vladislav Lazar, priest of the Descent of the Holy Spirit Catholic parish in Borisov [Barysaw] in Minsk Region, on espionage charges on 31 May 2013. He was held almost incommunicado at the KGB secret police investigation prison in Minsk. His bishop, Archbishop Tadeusz Kondrusiewicz of the Minsk-Mogilev diocese, was interrogated by the KGB as a witness in the case. Not until six months later, on 3 December 2013, was Fr Lazar transferred to house arrest. The investigation appeared to have been dropped in June 2014 through lack of evidence, although no official announcement has been made.

During his imprisonment, Fr Lazar was not allowed to have a Bible, prayer book and rosary, nor to receive family visits. Only one visit from his fellow Catholic clergy was eventually allowed – by Apostolic Nuncio to Belarus Archbishop Claudio Gugerotti.

The KGB released almost no information about Fr Lazar's case, while the Catholic Church seemed afraid to provide many details of the accusations. Individual Catholics and the opposition Christian Democratic Party were more vocal, with the latter starting a petition for Fr Lazar's freedom. It described his arrest as "an attempt to blackmail the Catholic Church and intimidate the Belarusian public".

Andrzej Poczobut, a journalist charged with libelling President Lukashenko, was denied access to a Catholic priest while detained in Grodno [Hrodna] for three months in 2011.

Numerous Christian political opposition activists were arrested in connection with a major demonstration on the night of President Lukashenko's most recent re-election, 19 December 2010. These included:

Pavel Severinets, charged for his political activities as a leader of the Belarusian Christian Democracy Party. He was denied a meeting with an Orthodox priest for almost five months while in the KGB secret police detention centre in Minsk in early 2011.

Pentecostal Christian Zmiter Dashkevich, a Youth Front leader serving a two-year term for alleged "hooliganism" in Glubokoye Prison in Vitebsk Region, and Yevgeny Vaskovich, a Catholic and an activist of the opposition Christian Democratic Party, were denied clergy visits in 2012.

Severinets was also not allowed to receive a Bible passed from his mother. Detained in the same KGB detention centre for two months, Anastasiya Polozhanko, a Protestant and leader of the Youth Front, was not allowed to keep a Bible she was carrying when arrested. Both she and Severinets had to order Bibles from the prison; these were available only in Russian.

In August 2014 news emerged that opposition activist Vasily Parfenkov, serving a one-year sentence in Gorky-9 Prison for violating the "preventive supervision" he was under, was sent to the prison punishment cell for ten days for refusing to remove icons during an inspection. The prison administration claimed he had thereby violated hygienic requirements.

Orthodox atheism

According to official statistics presented by top state religious affairs official Gulyako in early 2012, nearly two-thirds of Belarusian citizens are Orthodox Christians, while just 12 per cent are Catholic. Gulyako did not give statistics for other beliefs. Such polling is rare, but a 2000 Belarusian sociological survey found approximately six per cent adhering to other faiths, the majority likely to be Protestant.

A total of 3,448 religious organisations had state registration on 1 January 2014, of which 3,280 were local communities. Of the figures for 2012 (the last for which details are available), 1,567 were Orthodox as well as 33 Old Believer, 972 were Protestant, 494 were Catholic, 53 were Jewish, 27 were Jehovah's Witness, 23 were Muslim, 6 were Hare Krishna, 5 were Baha'i, and 30 were from a variety of other faiths.

In view of the nominal Orthodox majority, government officials sometimes use pro-Orthodox rhetoric common in neighbouring Russia. Summarising the religious situation in Belarus over 2013, Gulyako maintained that "the Belarusian Orthodox Church takes the leading position in the religious life of the country". He stressed the government's support to the Orthodox (and to a lesser extent to the Catholics) to reconstruct churches and build educational establishments.

Despite many cultural similarities between the two nations, however, Forum 18 has found Belarus to be far less inclined than Russia to enact religious policy favouring the Belarusian Orthodox Church (Moscow Patriarchate). No individuals or communities of other confessions have complained to Forum 18 that co-operation between the state and the Orthodox Church has led to religious freedom violations in state institutions.

The Soviet atheist legacy is also far stronger in Belarus, as indicated by its retention of

government religious affairs structures (see below) and broad popular identification with atheism, typified by Lukashenko's notorious self-definition as an "Orthodox atheist".

The Belarusian state's lean towards atheism comes despite a significantly higher level of popular religious observance than in Russia. Polled in 2006, around 25 per cent of Belarusians said they attend church at least once a month; the equivalent Russian figure was only 11 per cent.

Close to their Russian counterparts, however, is Belarusian officials' characteristic hostility towards faiths they consider a threat, particularly Protestantism. Accounting for an October 2009 police visit to the Minsk home of a Protestant family, for example, a deputy police chief remarked to Forum 18: "We have Orthodox, Catholics and Muslims – these are the religions. All the others are sects."

However, on a local level representatives of some less favoured communities – such as Jehovah's Witnesses – told Forum 18 they have been able to build friendly relationships with local administrations that help to prevent raids.

Controls on foreigners

In line with state hostility to faiths it considers a threat, Belarus strictly controls foreign citizens who conduct religious activity. According to a January 2008 Cabinet of Ministers Decree, amended in July 2010, foreigners may work only within houses of worship belonging to, or premises continually rented by, the religious organisation that invited them. This must be a state-registered religious association consisting of 10 or more communities, at least one of which must have functioned in Belarus for 20 years. The transfer of a foreign religious worker from one religious organisation to another – such as between parishes of the same denomination – requires permission from a state official dealing with religious affairs, even to conduct a single worship service.

Under the 2008 decree, Belarus' top religious affairs official, Plenipotentiary for Religious and Ethnic Affairs Gulyako, has sole discretion in deciding whether religious work by a foreign citizen is "necessary". He may refuse a foreign religious worker's visit without giving any reason. Foreign citizens must also demonstrate knowledge of Belarus' state languages (Belarusian and Russian) in order to perform religious work.

In May 2009 religious affairs officials warned New Testament Pentecostal Church in Minsk it could be closed down after Ukrainian citizen Pastor Boris Grisenko, visiting from his Messianic Jewish congregation in the Ukrainian capital Kiev, preached at an evening service. Grisenko was fined 105,000 Belarusian Roubles (then 230 Norwegian Kroner, 30 Euros or 40 US Dollars) for religious activity without state permission under Code of Administrative Offences, Article 23.55, Part 1 (which punishes foreigners who break the rules governing their stay in Belarus).

More than two-thirds of the 33 foreign citizens known to have been barred from conducting religious work in Belarus since 2004 are Catholic (most of the rest are Protestant). Priests and nuns very publicly tackling social issues, such as alcoholism, appear to be particular targets.

Fear of expulsion is acute for the Catholic Church in Belarus, about 40 per cent of whose approximately 407 priests are foreign citizens. The government has expressly set out its goal of reducing the number of foreign Catholic priests.

Between the end of 2006 and the end of 2008, 12 Polish Catholic priests and eight nuns were forced to leave the country. Far fewer cases were reported before 2006, and the number again fell from June 2009. However, in 2014 Polish priest Fr Roman Schulz – who had worked in a Mogilev [Mahilyow] parish for seven years – and an unnamed priest

from the Franciscan Order who was going to serve in Ivanets, Minsk Region, were refused state permission to conduct religious work. After protests by parishioners, Fr Schulz' permission was extended until 20 December 2014.

Lukashenko appears keen to keep the Catholic Church at least neutral towards his regime. In 2009 he invited then-Pope Benedict XVI to visit Belarus. In 2013 Lukashenko renewed the invitation to current Pope Francis. In July 2009 Gulyako announced that his office and the Foreign Ministry had completed the draft of a Concordat with the Holy See; he repeated this in November 2011, stressing that the Holy See's response was awaited. The Holy See has yet to approve either a papal visit or the Concordat.

However, 2013-4 saw several moves against the Catholic Church (including the imprisonment of Fr Lazar and the denial of permission for several foreign priests to conduct religious activity) which contradicted Gulyako's claim to the June 2014 European Orthodox-Catholic Forum "Religion and Cultural Pluralism: Challenges for the Churches in Europe" that Belarus pursues a policy of tolerance.

The easing of government controls allowed Danish Diamond Way Buddhist lama, Ole Nydahl, to visit Minsk in January 2014 and hold seminars. This is despite the fact that the community abandoned its attempts to gain state registration in early 2000 and has no legal status.

Soviet nostalgia

Belarus retains a Soviet-era network of religious affairs officials charged with the close monitoring of religious communities. In addition to the Minsk office of the most senior, Plenipotentiary for Religious and Ethnic Affairs Gulyako, each of the country's six regions plus Minsk city employs one or two religious affairs officials, with further officials dealing with religious affairs in every district (approximately 20 per region). Officials of local Ideology Departments have also been instrumental in moves to restrict freedom of religion or belief.

The KGB secret police are also often involved. Pointedly retaining its Soviet title, the Belarusian KGB has made no attempt to distance itself from its past, instead proudly tracing its history back to the first Soviet secret police, the Cheka.

Defence of this record has led the KGB to discourage commemoration of Christians killed for their faith in Soviet times. KGB officers tried to have icons of them removed from Grodno's Orthodox cathedral in 2006, and continue to monitor visitors to mass graves of Stalinist repression victims at Kuropaty (Kurapaty) outside Minsk. An Orthodox chapel planned for the site has never been built.

Worship meeting restrictions

Under the Religion Law, religious activity can only take place "unobstructed" in state-approved houses of worship (Article 25). Yet the state obstructs acquisition of such houses of worship by disfavoured religious communities, as the case of New Life Church illustrates. Officials then use various legal tools to limit such communities.

Restrictions begin from the moment a community forms. Under the Religion Law, all religious organisations must be registered with the state (Article 14). The Law is silent on those with fewer than 20 members – the minimum for registration. This creates a Catch-22 situation for a new community: it cannot publicise its existence before it has 20 committed members, but must do so in order to attract such a membership.

Fledgling communities of disfavoured faiths thus meet under threat of state reprisals,

even in private homes. In January 2012 state officials warned the pastors of two such Pentecostal groups for conducting unregistered worship in villages in Brest Region.

The state formally learns such communities exist when they attempt to register. In late 2011 police raided two Jehovah's Witness communities repeatedly denied state registration in Brest and Gomel [Homyel] Regions.

State registration being compulsory, the Religion Law makes no provision for those who do not wish to register. This primarily concerns the Council of Churches Baptists, who believe registration leads to state interference. (They broke away from the Soviet Union's main Baptist Union in the 1960s over moves to limit evangelism and youth work.) A network of Pentecostal churches maintains the same approach, based on Soviet-era persecution.

The Council of Churches Baptists reported 12 fines for unregistered religious activity from June 2009 to January 2014 (see below). Some were substantial.

However, some religious communities of differing backgrounds say the authorities are turning a blind eye to groups that meet for worship without having compulsory state registration.

Administrative "offence"

Many raids before 2009 on unregistered meetings for worship led to frequent fines under Administrative Code Article 9.9, Part 1. However, a February 2010 amendment removed unregistered religious activity as an "offence" from this Article. The following month, charges of leading unregistered worship were consequently dropped against Jehovah's Witness Maksim Pyrochkin in Mogilev Region.

Following the change, however, Pastor Yuri Petrevich of an Embassy of God Protestant congregation in Grodno was fined 140,000 Belarusian Roubles in March 2010 after police and KGB secret police raided worship at his home. Forum 18 is not aware of the use of Article 9.9, Part 1 to target unregistered religious activity subsequently.

The remaining part of this Article - punishing "activity by a religious organisation not in accordance with its registered statute" - is rarely used. New Generation Full Gospel Church, in Brest Region, was fined 350,000 Belarusian Roubles (then 790 Norwegian Kroner, 90 Euros or 120 US Dollars) in July 2009 for holding a Sunday worship service that was allegedly not in keeping with its statute. It remains unclear how the service did not comply.

Administrative Code Article 23.34 was amended in November 2011 to remove "other public events" from the list of "gathering, meeting, street procession, demonstration, picket" - types of public event requiring advance state approval. Despite this, however, two Jehovah's Witnesses were fined for home worship in November 2011 and April 2012 under Article 23.34, Part 2.

Three raids took place on congregations in Gomel of the Council of Churches Baptists in 2013. Following separate raids on worship services at both of their congregations in the city in February and April 2013, three local leaders were fined under Article 23.34. Pastor Nikolai Varushin was fined about one month's average local wages, and two other church members were fined much smaller amounts. In May 2013, after the April raid, church deacon Andrei Tupalsky (and owner of the property where the church meets) was summoned to the City Executive Committee, where he was warned that next time he would face criminal prosecution.

Following the police raid during the congregation's meeting for Sunday worship on 22

December 2013, four of the Gomel Baptists were fined at the city's Soviet District Court in January 2014. One was punished under Article 23.34, Part 2, and two more under Article 23.34, Part 1. The fourth was fined for improper use of residential property under Article 21.16, Part 1. All four had their appeals rejected the following month.

While reports of fines are not common, fear of punishment forces many religious communities to keep out of sight: in principle, they could face criminal prosecution. Article 193-1 of the Criminal Code punishes "organisation of or participation in activity by an unregistered political party, foundation, civil or religious organisation" with a fine or imprisonment for up to two years. Human rights defenders have long campaigned for this provision to be abolished. However, following the May 2010 UPR, 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 has learnt of seven threats to use Article 193-1 against religious believers and communities since 2010. These were:

- in February 2011 by police detaining members of a Council of Churches Baptist congregation, who met for worship without state permission in Kostyukovich, Mogilev Region;
- in April 2011 by Gomel's Railway District Prosecutor's Office threatening a Council of Churches Baptist, Nikolai Varushin, with prosecution if he continued to lead meetings for worship without state permission;
- in November 2011 by Gomel's Central District Prosecutor's Office in issuing an official written warning to Andrei Nekrasov, leader of a local unregistered Buddhist community;
- in May and June 2012 by Mozyr District Public Prosecutor's Office, Gomel Region, warning various Pentecostal members of the Suzko family for meetings for worship without state permission. The Suzkos did not get the warnings rescinded, but their church went on to obtain registration in November 2012;
- in February and April 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 House of Mary shelter was forced to close after being stripped of its legal status in February 2014.

Religious property

Under President Lukashenko, Protestant communities have generally found it impossible to get property redesignated so that it can be used for worship in line with the law. If a building is not a designated house of worship, advance state permission is needed for religious activity, and anti-Protestant officials typically refuse to grant it. Orthodox and Catholic communities are rarely affected, partly due to the state's more positive attitude towards them, but also because they are more likely to occupy historically preserved, designated worship buildings.

Of the 61 applications for land for religious buildings submitted in 2012, the Plenipotentiary's Office approved only 35. The main reasons for the refusals were the number of half-finished religious buildings and the alleged failure of some of the applications to comply with the law, Gulyako noted. In 2013, only 22 of 49 applications were approved, he noted a year later, citing similar grounds.

Reflecting New Life's experience in Minsk, Stepan Lugovsky, the Jehovah's Witness homeowner in the July 2009 Gomel raid (see above), was fined 700,000 Belarusian

Roubles (then 1,400 Norwegian Kroner, 170 Euros or 260 US Dollars) for "using living premises not for their purpose" (Administrative Code, Article 21.16, Part 1).

In July 2009 Stepan Paripa and Nikolai Pestak, two Council of Churches Baptists, were each fined 700,000 Belarusian Roubles under the same provision because their unregistered congregation in Baranovichi (Brest Region) meets in a private home.

Another element of New Life's situation is a similar penalty involving "misuse" of land for religious worship. In June 2010 two Pentecostal village churches in Minsk Region were each fined 700,000 Belarusian Roubles for using private homes remodelled for worship, thereby allegedly violating the procedure for using a land plot (Administrative Code, Article 15.10, Part 3).

In October 2009 a village Baptist church in Vitebsk Region was fined 700,000 Belarusian Roubles under the same provision.

One of the Council of Churches Baptists fined in Gomel in 2014 was punished for allegedly using his home "improperly" (see above).

Especially in villages, some religious communities – including Jehovah's Witnesses and independent Pentecostals – find it difficult to get the authorities to agree the use of a building as a legal address necessary to lodge a registration application. Using a private home as a legal address is against the law. "This is a chicken and egg situation," Vladimir Bernadsky of the Jehovah's Witnesses' congregation in the town of Lida in Gomel Region complained to Forum 18 in October 2011. "You can't get registration without a legal address and you can't obtain a legal address without registration." His congregation has been seeking registration in vain since 2000.

No right to appeal

Under the Religion Law, a religious organisation found to have violated Belarusian law must correct the alleged violation within six months and not repeat it in the course of a year. If it fails to do so, the authorities may seek to shut the organisation down (Article 37). No legal provision exists to challenge such warnings.

On 5 April 2007 the Constitutional Court highlighted the Religion Law's failure to give religious organisations the right to challenge warnings in court (Decision R-199). Yet Jehovah's Witness congregations given official warnings since that decision have repeatedly tried, but failed, to establish the legal right to challenge them.

The Jehovah's Witness community in Mogilev was warned in February 2010 when one of its members offered literature on the street without advance state permission. Mogilev Regional Court and the Supreme Court rejected the Jehovah's Witnesses' complaint on the grounds that Belarusian law does not envisage the possibility of challenging such warnings. In October 2010 Belarus' Deputy General Prosecutor rejected their appeal against the courts' refusals, on the same grounds.

Jehovah's Witnesses have also tried but failed to challenge a ban on importing religious literature – a time-consuming and burdensome procedure even when import is permitted. While approving the import from Germany of other Jehovah's Witness texts - including issues of the same magazine - the "Expert Council" attached to Minsk's Office of the Plenipotentiary for Religious and Ethnic Affairs rejected the 1 May 2012 issue of "The Watchtower" for containing allegedly "religious/political" material.

In September 2012 the Jehovah's Witnesses requested a copy of the Council's "expert analysis" from Plenipotentiary Gulyako, pointing out that by law such analyses must be

provided to the relevant religious community within 10 days. They also asked how such a decision might be challenged.

In his 22 December 2012 response to the Jehovah's Witnesses, Deputy Plenipotentiary Vladimir Lameko relayed the reasoning behind the Expert Council's rejection. This was that the material "examines issues of the political socialisation of the personality" and "argues for a position of refusing participation in political events on the basis that Satan and 'evil spiritual forces' govern the world". However, continued Lameko, the Religion Law states that religious organisations are formed "to fulfil religious, and not political, needs". He dismissed the possibility of challenging this conclusion: "There is no basis for changing the decision on the given question."

No other individuals or communities have complained to Forum 18 about government censorship of religious literature.

In May 2007 the secretary of a Lutheran Union from Vitebsk identified only as V.S. lodged an appeal to the UN Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR). The Lutheran complained that various Belarusian courts – including the Supreme Court and the Higher Economic Court - had repeatedly rejected suits challenging official warnings from the Plenipotentiary, again citing the Religion Law's failure to set out a procedure for protesting against such decisions.

Although the original warning to the Lutheran community was about their seal and headed paper, the Lutheran noted that it had serious consequences. Once the Plenipotentiary had issued the warning, his Office refused to process any further requests from the community. Thus, it would not consider a request to allow Lutherans from the United States to visit the community in Belarus.

The UN Committee's 30 October 2011 finding noted that the question was repeatedly passed back to the Plenipotentiary whenever the Lutheran appealed to various state agencies to incorporate a procedure for challenging official warnings into the Religion Law. However, while the Committee also recognised that restrictions on a religious community affect individuals, it rejected the Lutheran's complaint because it had been lodged individually, not from the community itself (CCPR/C/103/D/1749/2008).

Conscientious objectors

In defiance of Belarus' international human rights obligations to respect religious freedom, no mechanism exists for conscientious objectors to compulsory military service to perform a genuinely civilian alternative service.

(Other Organisation for Security and Co-operation in Europe (OSCE) participating States without a civilian alternative service possibility for conscientious objectors and where objectors are imprisoned are Azerbaijan, Turkey and Turkmenistan.)

With a few exceptions, or deferments due to health problems or family circumstances, all Belarusian men aged between 18 and 27 are required to do 12 or 18 months' military service. Those who refuse military service on grounds of conscience are sometimes allowed to serve in the Railway Troops without taking the military oath. But this is not acceptable for some, notably Jehovah's Witnesses.

This lack of a civilian alternative service is also despite Belarus' 1994 Constitution (Article 57), and a requirement for call-up commissions to offer alternative service in the 1992 Law on Military Obligation and Military Service (Article 36). A 2000 Constitutional Court ruling called for "urgent" amendment of the 1992 Law or adoption of an Alternative Service Law.

A draft Alternative Service Law was among 34 draft laws to be considered in 2013. However, almost as soon as a draft was sent to Parliament in December 2013 it was recalled, allegedly for "technical" corrections. The draft Law returned to parliament on 6 February 2014. If adopted in current form, it would allow only religious-based objections to military service, and alternative civilian service would be two-thirds longer than military service.

Elena Tonkacheva of the Lawtrend Legal Transformation Centre told Forum 18 in February 2014 that the proposed Law will disappear, as "even in this current form, the authorities see it as a threat". She claimed in September 2014 that parliament "was only pretending to be working on it" and was not optimistic that it would be adopted soon.

Earlier similar proposals stalled. Draft alternative service laws were rejected by parliament in 2004, and removed from the 2010 legislative programme at the last minute. After President Lukashenko ordered the drafting of such a law in February 2010, a government working group was set up, but it did not meet the September 2012 target for submitting a draft to the Council of Ministers.

Under the Criminal Code, conscientious objectors may be fined or imprisoned for up to two years for "refusal of call-up to military service" (Article 435, Part 1).

In the first Article 435, Part 1 prosecution since 2000, Jehovah's Witness Dmitry Smyk was fined 3,500,000 Belarusian Roubles (then 7,230 Norwegian Kroner, 860 Euros or 1,290 US Dollars) in November 2009, and banned both from leaving Belarus and travelling within the country without notifying the authorities. However, he was eventually acquitted in May 2010.

Messianic Jew Ivan Mikhailov was sentenced to three months in prison under the same article in February 2010; he served almost all of this term before acquittal.

In 2010 pacifist Yevhen Yakovenko received a one-year sentence of restricted freedom under the same article, but automatically fell under an amnesty to mark the 65th anniversary of the end of the Second World War.

More recent cases failed to reach court. In late 2011 Jehovah's Witness Aleksandr Belous was threatened with criminal prosecution, but the charges were dropped in April 2012. Pacifist Andrei Chernousov was forcibly confined to a psychiatric hospital for five days in May 2012 in order to establish if his convictions leading him to refuse call-up accorded with "norms of psychiatric health".

Young men may also be denied their right to freedom of religion or belief while conscripted. Youth Front activist Pavel Sergei – whose opposition to both the regime and military service is motivated by his Christian faith – was forcibly conscripted in November 2012. He was prevented from attending church during his service.

Prisoners' religious freedom

Convicts in ordinary prisons have fewer problems gaining access to religious representatives, worship services and religious literature than inmates of pre-trial detention centres and maximum-security prisons, which usually share a building or complex.

However, this often depends on the prisoner's religious affiliation and the prison's location. The state's concordat-style 2003 Co-operation Agreement with the Belarusian Orthodox Church recognises provision of Orthodox pastoral care to prisoners and detainees among its priorities, and Orthodox priests have access to every prison for visits and religious services. Catholic priests have access to prisons in majority Catholic areas.

Protestant pastors report difficulties in accessing prisons, particularly since 2006. Imams are never allowed to visit Muslim prisoners. The deputy chief of Minsk's Punishment Implementation Department – which controls pastoral visits – told Forum 18 that it is "very strict at not admitting any random person into prisons. Sometimes they disguise themselves as other religions and have a negative influence over the inmates. For this reason access is only possible for Orthodox and Catholic priests, which means registered religions." He gave no examples of the "negative influence" he alleged.

Many convicts and clergy of different religions are unaware that the possibility for such visits exists. Also, "inmates are afraid of exercising their religious freedom rights, as they fear that the prison staff's attitude will be tougher", Protestant Pastor Boris Chernoglaz told Forum 18 in July 2011.

In Belarus' two maximum-security prisons, non-Orthodox Christian inmates are permitted one visit by a cleric each year as long as the prison administration approves it, according to Minsk-based lawyer Vlasta Oleksuk. In Zhodino's maximum-security prison, an Orthodox priest can visit inmates regularly.

Death-row prisoners

The problem of pastoral visits is acute in the case of death-row prisoners. Belarus is the only country in Europe that carries out the death penalty.

The Criminal Enforcement Code guarantees death-row prisoners the right "to have meetings with a priest" (Article 174). However, prisoners sentenced to death – which sentence is almost never commuted to life imprisonment – may not be granted visits they request.

Prison sources say that death-row prisoners are informed of their executions only minutes beforehand. In 2011 Andrei Burdyka – executed sometime between 13 and 19 July – had arranged for a visit by an Orthodox priest on 20 July. No opportunity was given for this visit to be brought forward.

The mother of Andrei Zhuk – convicted of murder and executed on 18 March 2010 – told Forum 18 that his lawyer had asked if he wanted a visit from a priest but that he had declined, as he did not expect the death sentence immediately.

Some death-row prisoners – all of whom are held at Minsk Investigation Prison No. 1 – adopt religious beliefs. However, if they are not Orthodox, arranging a clergy visit is all-but impossible. Convicted murderer Pavel Selyun – executed in April 2014 – was allowed to conduct a correspondence course with a Protestant Bible study centre. However, he was not allowed a visit from a pastor.

Andrei Paluda, co-ordinator of the campaign Human Rights Defenders against the Death Penalty, told Forum 18 in June 2014 that Orthodox priests generally can have access to death-row prisoners. Occasionally an exception is made for Catholic priests, but never for leaders of other religious communities.

The bodies of executed prisoners are not given to their families, the date and place of burial is kept secret, and no opportunity is given for a religious burial service.

The mother and sister of Vladislav Kovalev complained to the UN Human Rights Committee that their right to freedom, thought and conscience (among other rights) was violated by his state execution in March 2012. In refusing to give Kovalev's family his body for an Orthodox burial, the women argued, the state violated their right to religious freedom.

Kovalev was convicted of aiding another defendant in carrying out the April 2011 terrorist attack on the Minsk metro. He, his family and human rights defenders rejected the charges.

On 29 October 2012 the UN Committee concluded that the state's refusal to hand over death-row prisoners' bodies for burial and to disclose the place of burial "have the effect of intimidating or punishing the family by intentionally leaving it in a state of uncertainty and mental distress". Viewing this as amounting to inhuman treatment in violation of the ICCPR (Article 7 – Freedom from torture and cruel, inhuman or degrading treatment or punishment), the Committee did not examine the women's claim that the ICCPR's Article 18 on freedom of religion or belief had also been violated (Communication No. 2120/2011).

Pavel Selyun's mother Tamara is similarly battling to try to recover his body. "I want to read the last rites over my son's body and bury him as a Christian," she told Forum 18. "But I was told that the body could not be handed over." In a May 2014 letter seen by Forum 18, prison head Colonel Vikenty Varikash told her: "Bodies are not handed over for burial and the place of burial is not communicated." Both she and Lyubov Kovaleva separately insisted to Forum 18 that they are not going to give up.

"I want to read the last rites over my son's body"

Forum 18 (12.06.2014) - Eight weeks after Pavel Selyun's mid-April execution, his mother Tamara Selyun is not giving up her campaign to recover his body or at least try to find out where his body was buried. "I want to read the last rites over my son's body and bury him as a Christian," Tamara Selyun complained to Forum 18 News Service from Vileika in Minsk Region. "But I was told that the body could not be handed over." Relatives of executed prisoners in Belarus have long campaigned in vain to be handed the bodies for burial or at least be told where they are buried. Nor are relatives told beforehand or afterwards when the executions take place.

Meanwhile, the authorities have rejected applications by the Catholic Church for two foreign priests to be allowed to serve in Belarus. One has been a parish priest in Mogilev [Mahilyow] for the past seven years (see below).

Also, the KGB secret police appears to have dropped its criminal case against Catholic priest Fr Vladislav Lazar, who was held in a KGB prison on spying charges for six months in 2013 (see below).

"Bodies not handed over for burial, place of burial not communicated"

The 24-year-old Pavel Selyun was executed on about 18 April, apparently together with another death-row prisoner, 45-year-old Grigory Yuzepchuk. Both had been sentenced to death for murder and both were being held in Investigation Prison No. 1 in the capital Minsk. Belarus is the only country in Europe that still applies the death penalty.

Tamara Selyun first learnt that her son had been executed on 18 April, when Pavel Selyun's lawyer tried to visit him in **prison but was told he had "left"**.

Tamara Selyun then sought the body from Minsk Investigation Prison No. 1. However, in a 22 May response, seen by Forum 18, prison head Colonel Vikenty Varikash told her that in accordance with Article 175, Part 5 of the Criminal Enforcement Code "Bodies are not handed over for burial and the place of burial is not communicated." Varikash used the standard formulation about executed prisoners.

For people in Belarus it is very important to perform all the traditional funeral rituals and be able to visit the grave, Andrei Paluda, coordinator of the campaign Human Rights Defenders against the Death Penalty in Belarus, told Forum 18 on 5 June.

On behalf of Tamara Selyun, Paluda sent letters to the Interior Ministry's Punishment Implementation Department, which handles bodies after executions, the Prosecutor's Office and the Supreme Court which reviewed Pavel Selyun's appeal, he told Forum 18. The Punishment Implementation Department's interim response recommended to appeal to the Supreme Court. "I can't believe my son is dead and it's unbearable to be left dangling," Tamara Selyun complained to Forum 18.

Earlier denials

Vladislav Kovalev was executed in March 2012 after being sentenced to death for alleged involvement in the April 2011 bombing in the Minsk metro. He, his family and human rights defenders rejected the charges. After his execution, his mother, Lyubov Kovaleva, tried to claim her son's body for a Christian burial, telling Forum 18 at the time that "it is important to give Vladislav - like other people - a Christian burial".

Despite all the family's efforts, her son's body was never released for funeral, nor was his burial place disclosed to the family, Lyubov Kovaleva lamented to Forum 18 from Vitebsk [Vitsyebsk] on 4 June 2014.

In response to her and her family's complaint, in October 2012 the United Nations (UN) Human Rights Committee concluded that the state's refusal to hand over death-row prisoners' bodies for burial and to disclose the place of burial "have the effect of intimidating or punishing the family by intentionally leaving it in a state of uncertainty and mental distress". Viewing this as amounting to inhuman treatment in violation of the International Covenant on Civil and Political Rights (ICCPR) (Article 7 – Freedom from torture and cruel, inhuman or degrading treatment or punishment), the Committee did not examine the women's claim that the ICCPR's Article 18 on freedom of religion or belief had also been violated (Communication No. 2120/2011).

On 7 May 2012, Lyubov Kovaleva lodged a request to justify the necessity of not releasing the body to the family and of concealing the place of burial, to both houses of Parliament, the Interior Ministry's Punishment Implementation Department, Supreme Court, General Prosecutor and the President. None of the institutions could give a good reason why this provision should be in the legislation.

Clergy visits denied

Many death row prisoners awaiting execution adopt religious beliefs, Paluda observes. He noted that Selyun's attitude to religion changed dramatically from occultism to Protestantism. However, he never had a visit from a Protestant pastor. Paluda confirmed to Forum 18 that there was long and regular correspondence between Selyun and a Protestant Bible study centre. "He even received a certificate on Bible studies," Paluda told Forum 18.

Orthodox priests find it easier to visit inmates in Minsk Investigation Prison No. 1, Paluda told Forum 18. He said sometimes an exception is made for Catholic priests, but never for Protestant pastors.

The duty officer at Investigation Prison No. 1 – who did not give his name – refused to discuss difficulties over clergy visits to prisoners with Forum 18 on 6 June.

Eduard Lykov – a man with no fixed abode – was sentenced to death on 26 November 2013. He remains in Minsk Investigation Prison No. 1. He became a Catholic in prison

and even changed his name, Paluda told Forum 18. He complained that only after much effort was Lykov allowed to see a Catholic priest, and then only once. Paluda lodged Lykov's appeal to the United Nations.

Forum 18 notes that death row prisoners are kept in Minsk Investigation prison No. 1, the same place where pre-trial detainees are kept. They are similarly known to be denied clergy visits as permission from the prison administration, the investigator or the court has to be obtained.

In violation of both Belarusian and international law, prisoners of conscience whose motivation for political opposition is their Christian faith have been denied pastoral visits, communal worship and religious literature while in detention. Ordinary prisoners may be similarly denied freedom of religion or belief .

No confession before execution

In addition to Selyun, Yuzepchuk and Lykov, at least one other man is known to have been sentenced to death in Belarus in 2013. Death row prisoners are not told until the last minute that they are about to be executed. For this reason, they do not have the chance to receive a visit from a priest, or make a last confession and take communion if they wish to do so.

Tamara Selyun complained to Forum 18 that for her it was a blow to find out that her son was unexpectedly executed on 18 April, right before Easter. She said she was scheduled to visit him on 24 April.

Further struggle

Both Lyubov Kovaleva and Tamara Selyun separately insisted to Forum 18 that they are not going to give up and will continue to appeal to the authorities to be shown the burial place or permission to re-bury their sons' bodies. The mothers declared that they will do whatever they can to prevent similar situations in future.

"Amid such secrecy and lack of information, many rumours abound about where they might be buried – if they were. I'm really concerned that our children might not even have a grave," Lyubov Kovaleva lamented to Forum 18. "If I had my son's body returned I would bring him home for burial."

Human right defender Roman Kisliak – who has long campaigned for the abolition of the death penalty - expressed hopes that in the long perspective they expect some amendments in the Criminal Enforcement Code regarding body recovery for the relatives, a five-year suspension of execution to allow death-row prisoners to lodge appeals to the UN Human Rights Committee. "So far our initiative has been rejected, but we don't give up," he insisted to Forum 18 from Brest.

Two Catholic priests denied permission to serve

Two Polish Catholic parish priests were denied permission to carry out religious activity in Belarus, Archbishop of Minsk-Mogilev Tadeusz Kondrusiewicz announced at a pre-Easter press conference on 15 April. He identified the two as Fr Roman Schulz, a priest of the Dominican Order who has served in St. Kazimir and Yadviga church in Mogilev for seven years, and an unnamed priest from the Franciscan Order who was going to serve in Ivanets, Minsk Region.

The spokesman for the Belarusian Catholic Bishops' Conference, Fr Yury Sanko, said officials gave no reasons for the refusals. He explained to Forum 18 on 30 May that besides the visa, which is the prerogative of the Interior Ministry, foreign religious

workers have to obtain permission to carry out religious activities from the Office of the Plenipotentiary for Religious and Ethnic Affairs in Minsk. Such permission is given on the basis of an invitation from a registered religious community.

Asked by Forum 18 on 10 June why the Catholic Church had had the applications for the two priests to serve in Belarus rejected, the Head of the Religious Affairs Department of the Plenipotentiary's Office Yelena Radchenko absolutely refused to give comments. She claimed any comments would be "wrongly interpreted" and referred all questions to her superiors, Leonid Gulyako or Vladimir Lameko. She said both were available in the office. However, the secretary told Forum 18 the same day that they were both out of the office.

"They should pray to God"

Vladimir Martynovsky, head of the Religious and Ethnic Affairs Department of Mogilev Region, insisted that the decision not to extend Fr Schulz's permission to conduct religious work had not been taken locally. Asked by Forum 18 on 12 June who was responsible for the parishioners of St Kazimir and Yadviga church losing their resident priest after seven years' service, he responded: "Gulyako's not guilty – he took a decision." Martynovsky noted that five other Polish citizens are licensed to conduct religious work in Mogilev Region.

Asked what parishioners should now do given that the state has deprived them of their parish priest's service, Martynovsky told Forum 18: "They should pray to God. They should apply to their leadership. It's nothing to do with the authorities." He then put the phone down.

Telephones at the Religious and Ethnic Affairs Department of Minsk Region went unanswered each time Forum 18 called on 10 and 11 June.

Under the Regulation governing the procedure for inviting foreigners to carry out religious activities in Belarus, approved by the Council of Ministers on 30 January 2008 (and amended in July 2010), the Plenipotentiary defines the period of permission, has the right to shorten it and is not obliged to communicate the reasons for a refusal.

Fr Sanko confirmed that Fr Schulz can stay in Belarus until his visa expires. "Fr Schulz's visa will not be prolonged and he'll have to go back to Poland," he told Forum 18. "As for the other priest, he hasn't even come to Belarus." He pointed out that the diocese is looking for replacements. He declined to discuss the inconveniences the denials have caused to parishioners in either location.

Forum 18 was unable to reach Fr Schulz for comments. However, a member of St Kazimir and Yadviga's parish, who preferred not to be named, told Forum 18 on 5 June that officials prolonged Fr Schulz's permission to conduct religious activity for 10 days to allow him to conduct services on Easter Sunday, 20 April. Although Fr Schulz is still in Belarus, the authorities no longer allow him to conduct religious services.

Weekday Masses have had to stop in his church, and services are performed only on Sundays by another priest. The member of the parish noted to Forum 18 that there are two other Catholic churches in Mogilev and parishioners are recommended to go there. "For true believers the personality of a priest should not be important, as they come to church to God."

The authorities have long expressed an intention to reduce the number of foreigners conducting religious activity in Belarus. One priest refused state permission to continue religious work in Belarus in 2009, Fr Jan Bonkowski, had been with his parish for 20 years.

In its report for 2013, the Plenipotentiary's Office proudly remarked that the Catholic Church managed to decrease the number of foreign priests. Asked to comment on this statement, Fr Sanko told Forum 18 that due to the fact that there are two seminaries, the number of Belarusian priests has increased and the need for foreign priests – including from Poland - has diminished.

"Spying" case dropped?

The KGB secret police has dropped the criminal case of espionage against Fr Vladislav Lazar due to lack of evidence, Pavel Severinets, Deputy Head of the Christian Democratic Party, told Forum 18 from Minsk on 11 June. He said he doubted that the abandonment of the case will be officially announced, maintaining that it will be suppressed as "it's a failure of the KGB". The state has made no apologies to Fr Lazar, he added.

Forum 18 was unable to reach anyone at the KGB in Minsk on 11 or 12 June to find out whether the case against Fr Lazar has indeed been dropped. KGB spokesperson Artur Strehk insisted to Forum 18 in January that the KGB's investigation against Fr Lazar was continuing and he "will be brought to trial".

"Who is responsible for the imprisonment of an innocent person without informing his family and for blackening his good name?" Severinets asked. "The so-called 'criminal case' has fallen apart without reaching the court." He is convinced that the criminal case against Fr Lazar was an attempt to intimidate the Catholic Church.

The KGB arrested Fr Lazar, priest of the Descent of the Holy Spirit parish in Borisov [Barysaw] in Minsk Region, on espionage charges on 31 May 2013. They detained him for six months in the KGB Investigation Prison in Minsk before transferring him to house arrest.

Belarus: Homeless shelter officially closed; Baptists fined

Forum 18 (06.03.2014) - Officials have stripped the legal status from the House of Mary shelter for homeless people, run by young Catholic layman Aleksei Shchedrov in his village home in western Belarus. The 13 residents he cares for might end up back on the streets. The head of the Village Council, the tax authorities and the local police had all made visits looking for faults, he told Forum 18 News Service. "We're not monsters and we understand everything, but for us people's safety is the priority," Village Council head Tamara Zubritskaya claimed to Forum 18, but refused to discuss why she had pressured Shchedrov to register the shelter as part of the Catholic Church. Meanwhile, four Baptists from Gomel, whose church's Sunday worship was raided by police in December, were fined in January.

The House of Mary shelter for homeless people, run by young Belarusian Catholic layman Aleksei Shchedrov in his home in the village of Aleksandrovka in the western Grodno [Hrodna] Region, was deprived of its legal status on 7 February, Forum 18 News Service has learnt. The shelter had only been able to acquire legal status less than six months earlier.

Shchedrov had faced daily pressure from the authorities - including visits from either the local police or the head of the Village Council, he told Forum 18 from the village on 24 February. The object of the visits, he stated, seemed to be to find faults in the shelter. He continues to care for 13 people who would otherwise be likely to have to live on the streets.

However, an official from the local Shchuchin District Executive Committee denied to Interfax West news agency on 19 February that Shchedrov had been pressured. "It was his private decision to annul the organisation and terminate its activities," the official claimed.

Meanwhile, after a December 2013 raid on a Council of Churches Baptist meeting for worship in the south-eastern city of Gomel [Homyel] because it did not have state permission, a local court fined four church members in January, local Baptists told Forum 18. All four had their appeals rejected in February (see below).

Criminal charges, smear campaign

A 29-year-old primary healthcare worker who grew up an orphan, Shchedrov helps homeless people in accordance with his Christian beliefs. "I give them food, a bed, a bath and clothes and I pray together with them. But this is no religious organisation, just charity," he told Forum 18 in June 2013. Pressure on him was also brought by the authorities via the Catholic Church.

Following repeated police raids, criminal charges were brought against Shchedrov in June 2013 for praying in the shelter in his home. He obtained official registration for his shelter on 27 August 2013.

On 11 September the criminal charges were dropped, but he was formally told of this only on 24 September.

After wide publicity in Belarus for the problems the authorities caused for the shelter, local television and radio launched a campaign against Shchedrov in June 2013, alleging that he was an alcoholic and drug addict who had established a "sect". He was given no chance to defend himself.

Catholic priest Fr Yury Gritsko from the neighbouring village of Pervomaisky totally refuted the allegations. "I haven't noticed anything indecent about him, I've never seen him drink or smoke," he told Forum 18 on 26 February.

Inspections

"First, I had a visit in late January from a tax office official who threatened to impose such taxes that I wouldn't be able to pay them," Shchedrov complained to Forum 18. "He then said I should seek registration under the Catholic Church."

Shortly afterwards, village council officials carried out fire and sanitary inspections, looking for alleged violations. The fire inspection fined Shchedrov 39,000 Roubles (25 Norwegian Kroner, 3 Euros or 4 US Dollars) for improper electric wires outside the house and a chimney without bricks on the exterior of the summer kitchen.

"We changed the wires straight away, but we don't have bricks for the chimney," Shchedrov said. He noted that the fine was a "heavy burden" for the shelter as this is equivalent to the amount it spends on bread for two weeks.

Shchuchin District Emergency Situations Department, which initiated the inspection, refused to speak to Forum 18 on 28 February.

The "sanitary inspection" criticised the short distance between the shelter's well and a poultry shed. "They didn't give me any written recommendations, but stated that the shelter should be closed," Shchedrov lamented to Forum 18.

Local police and the village council claimed that the inspection findings were serious enough to rescind the shelter's state registration, thus depriving it of official status.

A state sanitary inspector's view

A qualified Belarusian state sanitary inspector, asked by Forum 18 to comment on the inspections, noted that decisions about wells are usually taken after water analysis – which did not happen in this case. "The requirement concerning a well's location is 50 metres [55 yards] from household buildings," the inspector told Forum 18. "But if a well is located closer than this, and the water analysis is OK, I don't see any problems in using the well."

The inspector added that the reason the village council inspection gave for closing the shelter was not sufficient. "If the well water is found after analysis not to be drinkable, we would just recommend that bottled water be used instead," the inspector explained.

The shelter in the eyes of visitors

Belarusian opposition Christian Democrat activist Pavel Severinets, who recently visited Shchedrov, told Forum 18 from Minsk on 22 February that the shelter is an ordinary village house, "except that it's very clean there". Severinets also noted that the houses are equipped with bathrooms and indoor toilets, which is rare in the countryside.

The shelter has three houses, one of which is used as a canteen. Shchedrov equipped a prayer room with statues, icons and religious books, which he reads to the shelter residents. He also has a vegetable garden and keeps goats, hens and pigs.

Grodno Catholic priest Fr Aleksandr Shemet and Fr Gritsko both on 4 March praised to Forum 18 the order and cleanliness inside the shelter.

"I've been visiting the shelter for six months," Fr Gritsko told Forum 18. "Each time I'm overwhelmed with joy that I can see not only my parishioners but also those who are really in need and who receive love." He added that an Orthodox priest and a Protestant pastor also attend to the residents.

Since its start on 1 December 2011, the shelter has given refuge to more than 97 homeless people, Shchedrov told Forum 18. Guests are given washing facilities and medical treatment, and Shchedrov reads the Bible to them.

Shchedrov noted that people who come to the shelter are grateful. "We have an ex-colonel who has had his legs amputated, and he always says thank you and tries to kiss my hands," he told Forum 18.

"We're not monsters"

"We're not monsters and we understand everything, but for us people's safety is the priority," the head of the Village Council Tamara Zubritskaya insisted to Forum 18 on 4 March. She absolutely refused to give a direct answer why registration had been given to Shchedrov's shelter and then revoked. "I'm not discussing it on the phone as I don't know who you are," she told Forum 18.

Asked why she and other authorities will not help to improve the shelter's conditions and support Shchedrov to make his work legal, and why she recommended him to seek registration via the Church, Zubritskaya said she was late for a meeting and could talk no longer.

Christian Democrat Severinets worries that the House of Mary shelter is now vulnerable without registration. "Without state registration Shchedrov can be charged again under the same Article 193-1 of the Criminal Code – organisation of or participation in the activities of an unregistered organisation," he warned.

Asked if the criminal case against Shchedrov might be re-opened, the deputy head of the local police public order department Vladimir Vazovsky refused to discuss the situation with Forum 18 on 24 February.

Why does state want church control?

Village Council head Zubritskaya – like the tax inspector and the local police – pressured Shchedrov to seek registration under Catholic Church auspices. "When you are within the Church structure we'll leave you alone," Shchedrov quoted her as saying.

It is unclear why this is relevant to the alleged "insanitary conditions".

It is also unclear why state officials suggested that an individual cannot run a homelessness shelter on their own initiative, but can carry out the same activity if they are under the control of a church.

Both Zubritskaya and Grodno Assistant Bishop, Iosif Stanievsky, separately acknowledged to Forum 18 on 4 March that the shelter and its charitable activities are a good initiative and homeless people should be helped. They both insisted that registration either with the state or with the church requires the shelter to provide the residents with a certain level of living conditions in compliance with the law.

Fr Gritsko, who is assigned by Grodno's Bishop Aleksandr Kashkevich to visit the shelter, explained that if the shelter had registration under the Church, the authorities' attitude would be different. "At the moment Aleksei is on his own and there's nobody to defend him," he remarked.

The Vice Chancellor of Grodno Diocese, Fr Antony Gremza, confirmed to Forum 18 that the Diocese has no possibility to register the shelter and expressed its concern about taking financial responsibility for it.

Assistant Bishop Stanievsky similarly told Forum 18 that the Church is helping the shelter "in a private way", but is not currently ready to take the responsibility to register it. He said that legal procedures needed to be followed and that the Church cannot register with the state an organisation that does not have legal status and is run by an individual.

Shchedrov optimistic

Meanwhile Shchedrov and Fr Gritsko point out that in the nearby village of Novy Dvor is a former monastery, one of whose buildings could be used. "The monastery grounds contain a well-preserved building with a good roof and functioning water supply, which would suit the shelter nicely," Fr Gritsko told Forum 18. He added that the Bishop should issue a resolution to make it happen.

However, the Assistant Bishop doubts that this building would be appropriate. "The building's condition is not as good as they [Shchedrov and Fr Gritsko] think," Stanievsky maintained to Forum 18.

Grodno priest Fr Shemet concluded to Forum 18 that for the authorities the shelter is a source of unwanted trouble. For the Church it represents responsibility and a financial burden because it would need to invest in providing proper living conditions.

Fr Gremza rejected suggestions that the Bishop is under pressure from the authorities, explaining to Forum 18 that the shelter has nothing to do with the Church.

Yet Shchedrov remains optimistic about the future of his shelter. "A lot of people in Belarus know and support me," he told Forum 18. "I wrote to the Pope, to the Nuncio in Belarus. All we need is registration with the Church to solve all our problems."

He added happily that the religious literature confiscated during previous raids had been returned.

Fines follow raids

Four members of the Gomel Council of Churches Baptist congregation were fined at the city's Soviet District Court in January, local Baptists told Forum 18. All four had their appeals rejected in February. The fines followed the police raid during the congregation's meeting for Sunday worship on 22 December 2013.

Council of Churches Baptists reject state registration on principle, pointing out that they have the right to meet for worship without such restrictions. Belarus insists – in violation of its international human rights commitments – that all unregistered religious activity is illegal.

On 28 January Judge Sergey Shevstruk found the pastor, Aleksandr Zolotaryev, guilty of violating Administrative Code Article 23.34, Part 2. The Judge fined him 25 base units, 3,250,000 Roubles (2,000 Norwegian Kroner, 240 Euros or 330 US Dollars).

In the verdict the Judge stated that Pastor Zolotaryev had "organised religious worship of a Council of Churches of Evangelical Christian Baptists without Gomel Executive Committee's permission and violated the established procedure of organising mass events provided by the Law on mass events".

The same day church members Oleg Danilevsky and Dmitry Sidorenko were found guilty of participation in unauthorised worship under Administrative Code Article 23.34, Part 1. Each was fined 10 base units, 1,300,000 Roubles (800 Norwegian Kroner, 100 Euros or 130 US Dollars).

At a separate hearing on 30 January, Judge Viktor Kupratsevich convicted the owner of the house where the church meets, church deacon Andrei Tupalsky. He was found guilty under Administrative Code Article 21.16, Part 1 – improper use of residential property – and also fined 10 base units, 1,300,000 Roubles.

The authorities refused to discuss the verdicts and punishment with Forum 18. On 20 February the secretaries of both Soviet District Court judges separately refused to transfer the calls to Judges Shevstruk and Kupratsevich, saying that they do not give comments by phone.

Appeals fail

All four Baptists appealed against their punishments to Gomel Regional Court. In his appeal, Tupalsky rejected accusations of improper use of private accommodation, insisting that "according to the Constitution I have the right to profess my religion, which is vital both for me and my follow believers".

He insisted that any place where religious meetings take place can be called a prayer house, regardless of the number of believers, and the Law cannot restrict his right "to place as many benches and clothes hangers for my follow believers as I want".

Council of Churches Baptists insist that the only condition to be considered when exercising the religious rights is respecting the rights of other citizens and compliance of religious practice and rituals with the law.

The chancellery for administrative cases at Gomel Regional Court told Forum 18 on 6 March that all four appeals were rejected, Tupalsky's on 19 February and those of the other three on 26 February.

Third 2013 raid

The December 2013 raid was the third on Council of Churches Baptists in Gomel in 2013. Following separate raids on worship services at both of their congregations in the city in February and April 2013, three local leaders were fined. Pastor Nikolai Varushin was fined about one month's average local wages, and two other church members were fined much smaller amounts.

In May 2013, after the April raid, Tupalsky was summoned to the City Executive Committee, where he was warned that next time he would face criminal prosecution.

No other religious communities reported to Forum 18 any raids or severe pressure from the authorities.

Long-awaited Alternative Service Law abandoned?

Forum 18 News Service (03.02.2014) - Nearly 20 years after Belarus' 1994 Constitution enshrined a right to an alternative to compulsory military service for young men, an Alternative Service Law was drafted and sent to Parliament. The draft Law would have allowed only religious-based objection, and alternative civilian service would have been two-thirds longer than military service. But no sooner had it arrived than it was recalled, allegedly for "technical" corrections. "We didn't see it as it was withdrawn on about 20 December last year [2013]", Valentina Goshko of the parliamentary staff told Forum 18. "As soon as the corrections are made, the draft will be sent back for work in Parliament," Vera Chaushnik of the National Centre for Legislation and Legal Research told Forum 18. Elena Tonkacheva of the Lawtrend Legal Transformation Centre fears the proposed Law may now disappear, as "even in this current form, the authorities see it as a threat".

Hopes of Belarusian human rights defenders and conscientious objectors to military service for the adoption of a long-awaited Alternative Service Law – however imperfect – have been set back. The draft Law was withdrawn from Parliament in mid-December 2013 almost as soon as it reached it, Forum 18 News Service has learned. It appears to have been returned for corrections to the Labour and Social Security Ministry which drafted it, though the Ministry spokesperson refused to confirm or deny this to Forum 18. No date for its return to Parliament has been given.

"It might take a long time before the Alternative Service Law is adopted and implemented," Elena Tonkacheva, Head of the Lawtrend Legal Transformation Centre – which has campaigned for such a law – in the capital Minsk told Forum 18. She has concerns that the latest draft Law proposed that alternative service would not be open to non-religious conscientious objectors, and that its length – two-thirds longer than military service – would be punitive.

All men between 18 and 27 (with a few exceptions or deferments on grounds of health or family circumstance) are required to do 12 or 18 months' military service. Belarus remains one of the few participating States of the Organisation for Security and Co-

operation in Europe (OSCE) with no legal possibility for conscientious objectors to compulsory military service to do a civilian alternative service (see below). Previously announced plans to adopt such a law in Belarus have failed to happen. The most recent draft Law was supposed to be adopted "at the earliest by summer 2014".

When the draft Law reached the lower chamber of Parliament, the House of Representatives, in December 2013, it was supposed to be assigned to its Labour and Social issues Committee. But no sooner had the draft Law reached Parliament than it was withdrawn, apparently by the Council of Ministers.

The Head of the Department responsible for the work of the Labour and Social issues Committee, Valentina Goshko, declared that the Committee had not even started working on the draft. "We didn't see it as it was withdrawn on about 20 December last year," she told Forum 18 from Minsk on 20 January. "Maybe now it is in the Government."

Draft "will be sent back to Parliament"

However, the Deputy Head of the Social Legislation Department at the National Centre for Legislation and Legal Research, Vera Chaushnik, assured Forum 18 on 20 January that occasions when a draft law is recalled from Parliament for improvement are not unusual. "As soon as the corrections are made, the draft will be sent back for work in Parliament and to be accepted it doesn't have to be approved in the Legislative Programme," she explained.

Chaushnik added that a withdrawn draft law should be returned to the institution responsible for its preparation, which in this case is the Labour and Social Security Ministry.

The spokesperson of the Labour and Social Security Ministry, who would not give her name, refused to give any information to Forum 18 on 29 January. "Please send an official inquiry with all signatures. This is the rule."

Citing her private source, Tonkacheva of Lawtrend confirmed that the draft Law had been returned to the Labour and Social Security Ministry for some "technical details" to be reworked. She was promised that soon it would be back in Parliament. "It was not explained to me what technical details are to be revised," she told Forum 18 on 27 January.

State views alternative service "as a threat"?

Tonkacheva of Lawtrend is convinced that the recall of the draft Law from Parliament demonstrates that the state is not ready to introduce a civilian alternative service. "I think that it happened not because someone decided that the draft should be more modern or humane," she insisted to Forum 18. "It means that even in this current form, the authorities see it as a threat."

She would not predict whether the draft Law will be returned to Parliament, pointing to her experience of similar situations. "This is a soft move which avoids having to give any explanations to the public, because here [in Belarus] nobody is obliged to inform the public," she told Forum 18. "The authorities hope that the draft Law will be forgotten."

International human rights obligations

The right to refuse to perform military service is part of everyone's right to freedom of thought, conscience and religion guaranteed in Article 18 of the International Covenant

on Civil and Political Rights (ICCPR), which Belarus ratified in 1976. This is clearly stated in General Comment 22 on Article 18 of the ICCPR, by the then United Nations (UN) Human Rights Committee. International human rights law rulings have repeatedly underlined this.

Included in 2013 Legislative Programme

The latest draft Alternative Service Law was included in the Legislative Programme for 2013, approved by presidential decree on 3 January 2013. It assigned preparation of the Law to the Council of Ministers and to the National Centre for Legislation and Legal Research. It envisaged completion of work on the draft text in July 2013 and its presentation to the Lower House of Parliament in October 2013.

The text of the draft Law on Alternative Civilian Service was published on the government's legal website pravo.by in December 2013 at about the same time that the draft was handed over to Parliament and then recalled.

Only religious objectors, punitive length

Article 3 of the proposed Law would have allowed applications for alternative civilian service only for those for whom "the taking of the military oath, the bearing and use of weapons or direct participation in the production and servicing of weapons, ammunition and military equipment contradict their religious convictions to such an extent that undergoing military service becomes impossible".

This would thus have excluded those with non-religious conscientious objection to military service. It might also have been interpreted to exclude individuals who belong to religious communities which do not tend to oppose all forms of military activity.

University professor Grigory Vasilevich, a member of the Council on Issues of Legal and Judicial Activity and former General Prosecutor, argued to Forum 18 in April 2012 that alternative service should be introduced gradually and "it's too early to talk about alternative civilian service for all ethical objectors".

The campaign For Alternative Civilian Service, initiated by Lawtrend, complained that the Law would be applied only to those who have religious objections and can prove it.

Article 15 of the proposed Law would have allowed applications for alternative service only within 10 days of the call-up to military service or to reserve military service. It thus does not envisage the possibility for those already conducting military service to apply to be transferred to alternative civilian service if they change their conscientious views during military service.

Article 19 of the draft Law would have set alternative service at 20 months for those with higher education and 30 months for those without, compared with 12 and 18 month military service respectively. Alternative service would thus be punitive in length. Other Articles specify that those doing alternative service have a 48-hour working week, 10 days' holiday per year and a small financial allowance.

Though formally alternative service is supposed to be socially beneficial labour, it is not regulated by the Labour Code which provides for a 40-hour working week, 24 days' holidays annually and a salary according to qualifications and position. To compensate for the minimum allowance to those performing alternative service, the state would provide accommodation and pay for utilities for the whole term of alternative service.

Alternative service would be performed in the least popular working sectors, such as public health organisations, social establishments, city maintenance and agricultural sectors, road construction organisations and emergency situations divisions.

Tonkacheva of Lawtrend complained to Forum 18 that these conditions would put conscientious objectors at a disadvantage compared with those who undertake military service. "Provisions in the draft Law would humiliate conscientious objectors, making them look for other income opportunities (which is prohibited by law) or slack work", the For Alternative Civilian Service campaign has warned.

She noted only one positive provision of the draft Law – the opportunity to get an education. "We know that this provision was the subject of disputes with the Defence Ministry, but as we see a compromise was reached," she told Forum 18.

No public debate?

Tonkacheva of Lawtrend is worried that the public will have no chance to influence the draft Law's content. "The authorities are not interested to hold open public discussions on the one hand, while on the other the state has all the protective mechanisms to ignore public opinion," she lamented.

The campaign group For Alternative Civilian Service submitted an analytical report comparing different alternative service models. "We consider the model of alternative service in Moldova the most successful in the region and most suitable for the countries with transitional economies," Tonkacheva explained. She assured Forum 18 that though the chances to contribute amendments to the draft are low, For Alternative Civilian Service activists will address members of Parliament again.

In July 2010 a group of non-governmental organisations drew up and publicly presented proposals for an Alternative Service Law. The government has as yet made no response to these proposals.

Is proposed alternative service acceptable?

Asked if they would choose alternative service under the provisions offered by the draft Alternative Service Law, three conscientious objectors separately expressed their doubts to Forum 18.

"Under such conditions I wouldn't use the law but would have tried to find some other ways," Andrei Chernousov told Forum 18 on 27 January. In May 2012 Chernousov, a pacifist from Lida, was confined to a psychiatric hospital to establish if his convictions which led him to refuse call-up accord with "norms of psychiatric health".

Minsk-based Messianic Jew Ivan Mikhailov said that when he had problems with Conscription Offices, he would have found such a Law useful. "It's not that I like it [the draft Law], but back then due to the absence of other alternatives I'd have taken civilian service," he told Forum 18 on 27 January. He admitted that the financial factor and his family status would influence his decision. Mikhailov served nearly three months in prison for refusing military service before eventually being acquitted in May 2010.

Jehovah Witness Aleksandr Belous, who was threatened with criminal persecution after declaring his religious objections to military service in the Conscription Office, told Forum 18 from Gomel on 28 January that he would have applied for alternative service to free himself from pressure he had experienced with every call-up for nine years because "there was no other way out".

Ivan Mikhailov, Dmitry Smyk and Yevhen Yakovenko - who have all been convicted since late 2009 of refusing compulsory military service on grounds of conscience - separately told Forum 18 in June 2010 that they want a proposed Alternative Service Law to introduce a fully-civilian service and not of punitive length. They also stated that a genuine alternative service should be and open to all conscientious objectors, whether religious or not.

Alternative service less attractive "on purpose"?

"I'm sure that the law is made in such a way which makes it less attractive for young people. And it is done on purpose," Tonkacheva of Lawtrend insisted to Forum 18.

Jehovah's Witness leader Pavel Yadlovsky was cautious over whether he believes the draft Law would be acceptable for Jehovah's Witnesses. "The law in practice will show if it is acceptable or not," he told Forum 18 from Minsk on 20 January.

Yadlovsky insists that "it is the right of every individual to choose whether to take alternative service and put up with discriminatory conditions, or serve a term in prison." However he admitted that the draft Law reaching Parliament should be considered progress. "The state itself should decide when it's ready to introduce alternative service and we'd better not push it," he maintained philosophically to Forum 18.

He remarked that currently Military Conscription Offices make concessions to those who refuse military service on religious grounds. "We handed out about 50 references confirming applicants' religious affiliation last year and so far no one reported any problems," he told Forum 18.

By contrast, the pacifist Chernousov remarked that neither he nor his friends sharing the same pacifistic views found understanding in local Conscription Offices. "Having the same problems with the conscription office we are looking for a hook to avoid military service," he confessed to Forum 18.

While there is no legal framework for an alternative service, those who refuse military service on grounds of conscience are offered as an alternative to serve in the Military Transport Division or Military Construction Division without taking the military oath.

Mikhailov, Belous and Chernousov separately declared that they found such service unacceptable. "It is not only the oath, in the Transport and Construction Troops it is obligatory to wear a military uniform, which is also a direct link to the army," Chernousov told Forum 18. Belous expressed his willingness to work in the railway or construction sectors but only provided they are outside the military structure.

20-year wait

For almost 20 years, young men cannot exercise their constitutional right to undertake an alternative to military service. Article 57 of Belarus' 1994 Constitution states: "Defence of the Republic of Belarus is the obligation and sacred duty of a citizen of the Republic of Belarus. The procedure for undergoing military service, and the bases and conditions for exemption from military service or the substitution of it by an alternative are determined by law." However, no legal mechanism regulating alternative civilian service has yet been introduced.

As a result, a conscript claiming his Constitutional right to alternative service can be charged with evasion of regular call-up to active military service under Article 435, Part 1

of the Criminal Code. Punishments under this Article are a fine, or imprisonment of up to two years.

The first attempt to adopt an Alternative Service Law was in 1992 when a draft passed its first reading in Parliament, but failed to go further. A similar attempt failed in 2004 when the Defence Ministry refused to approve it.

Little progress was made despite two Constitutional Court rulings on the issue. In its 26 May 2000 ruling (decision R-98/2000), the Constitutional Court stressed that the gap in the legislation gives ground for conflicts between some citizens and the state ignoring the rights guaranteed by the Constitution. It called for the "urgent" adoption of a legal mechanism for alternative service.

The Chair of the Constitutional Court, Pyotr Miklashevich, supported the adoption of an Alternative Service Law during an online press conference with the official news agency Belta on 15 March 2013. This repeated an earlier appeal Miklashevich made just before a conscientious objector was jailed in January 2010.

In 2009, according to the campaign For Alternative Civilian Service, 25 applications for alternative service were lodged of which five remained unanswered. "The chances for the adoption of the law appeared after many cases initiated by citizens who would like to apply for alternative service," Tonkacheva of Lawtrend told Forum 18.

In February 2010 President Aleksandr Lukashenko ordered the Secretary of the Security Council Leonid Maltsev to prepare a draft Law on Alternative civilian service. "There is an alternative to military service," Maltsev told national television station ONT at the time. "It is possible to get military training which lasts only six months in military facilities. But there is another category, about 50-60 young men per conscription period, who can't touch arms for so-called religious reasons."

A draft Alternative Service Law was included in the 2010 Legislative Programme but was soon removed without explanation.

In July 2010 a group of non-governmental organisations publicly presented their proposals for an Alternative Service Law. The government made no response to these proposals.

In February 2012, the Council on Issues of Legal and Judicial Activity under the President began work on a legal procedure to introduce a fully civilian alternative service. The Council was made up of representatives of courts, the General Prosecutor's Office, lawyers and university professors.

For many years the draft Law was handled by the Labour and Social Security Ministry classified for internal use only and unavailable for the public discussion and criticism.

Conscientious objection deniers

Azerbaijan, Turkey, and Turkmenistan are the other OSCE participating States which do not formally offer a full civilian alternative to compulsory military service. In contrast, Armenia in 2013 freed all its jailed conscientious objector prisoners of conscience and introduced a genuinely civilian alternative service.

In Azerbaijan an 18-year-old conscientious objector, Kamran Shikhaliyev, has been forcibly sent to a military unit. A trial before a military court is due on Thursday 13 February. "Despite physical abuse, verbal humiliation, and psychological pressure,

Shikhaliyev has refused to wear a military uniform, perform military duties, or take the military oath", Forum 18 has been told.

Turkish military court decisions concerning conscientious objection claims have shown a selective and not complete recognition of the right to conscientious objection, after Council of Europe pressure on the Turkish government to implement European Court of Human Rights (ECtHR) judgments.

Turkmenistan currently has nine known conscientious objector prisoners of conscience. The latest known jailed conscientious objector is a Jehovah's Witness, 18-year-old Suhrab Rahmanberdiyev, sentenced to an 18-month jail term in November 2013.

The unrecognised breakaway entity of Nagorno-Karabakh in the south Caucasus also imprisons conscientious objectors. Jehovah's Witness Karen Harutyunyan was sentenced in December 2011 to 30 months' imprisonment and is still in jail.

Baptist worship raided, Catholic priest "will be tried"

Forum 18 News Service (13.01.2014) - Three Baptist leaders are likely to face administrative punishments after a police raid on a Council of Churches meeting for worship in Gomel in south-eastern Belarus, Forum 18 News Service has learned. Police interrupted the pre-Christmas service, took names of all those present, interrogated some and seized a Bible, Baptists complained. Reached by Forum 18, police officer Mikhail Yezepenko, who led the raid, declined absolutely to explain why he and other police officers raided the service. Meanwhile, KGB secret police spokesperson Artur Strehk has insisted to Forum 18 that the KGB's treason investigation into Catholic priest Fr Vladislav Lazar is continuing and he "will be brought to trial". And at least four employees of a state-run building company objected to being forced to work on the day they celebrated Christmas, 25 December 2013.

Police have resumed raids on meetings for worship by unregistered Baptist communities in Belarus, Forum 18 News Service has learned. On 22 December 2013, just days before it marked Christmas, police raided Sunday worship of one of their congregations in the south-eastern town of Gomel [Homyel]. Three church leaders are likely to face administrative punishment.

Mikhail Yezepenko, Deputy Head of Gomel's Soviet District Police's Preservation of Order and Crime Prevention Department who led the raid, declined absolutely to explain why he and other police officers raided the Baptist service. Reached on 10 January 2014, he put the phone down as soon as Forum 18 asked.

Meanwhile, KGB secret police spokesperson Artur Strehk has insisted to Forum 18 that the treason investigation by the KGB against Catholic priest Fr Vladislav Lazar is continuing and he "will be brought to trial". The priest has told local journalists he cannot discuss the investigation, but has again asserted his innocence. He remains under travel restrictions (see below).

And at least four employees of a state-run building company objected to being forced to work on the day they celebrated Christmas, 25 December 2013 (see below).

Raid

On 22 December 2013, ten police officers and two attesting witnesses broke into the private home in Gomel's Soviet District where local Baptists regularly meet for worship,

church members complained on 25 December 2013. The house belongs to Andrei Tupalsky.

The police took pictures and filmed the meeting for worship. After the second sermon preached by Oleg Danilevsky, the police officers demanded the religious meeting be stopped and interrupted the communal prayer.

As soon as the worship service finished, police began recording the internal passport details and home addresses of those present and interrogating some of them. The police drew up protocols of an offence on the Church leaders - Pastor Aleksandr Zolotaryev, second preacher Danilevsky and deacon Tupalsky, charging them with holding an "unauthorised mass public event".

Danilevsky's personal Bible was confiscated, though officers failed to give him a record of the confiscation, church members complained.

Zolotaryev and another pastor Pyotr Yashchenko separately declined to discuss details of the raid with Forum 18, explaining that they "don't want to get involved in politics". Yashchenko told Forum 18 on 8 January: "With God's help we'll survive the difficult times, but the detailed information is available only for Council of Churches Baptists for them to pray."

The head of the Ideology Department of Soviet Region administration, Yulia Sobol, insisted that the Baptist community faces no problems. "Nobody sent us any complaints," she told Forum 18 on 3 January. "If there is information on police raids please ask the police."

Third 2013 police raid

The December 2013 raid was the third on Council of Churches Baptists in Gomel in 2013. Following separate raids on worship services at both of their congregations in the city in February and April 2013, three local leaders were fined. Pastor Nikolai Varushin was fined about one month's average local wages, and Yashchenko and Valentin Shchedrenok were fined much smaller amounts.

Yashchenko declined to tell Forum 18 in January 2014 whether religious literature confiscated during the April 2013 police raid had been returned to the community. Another local Baptist told Forum 18 the confiscated literature has not been returned.

In Belarus state registration of religious organisations is compulsory and the Religion Law makes no provision for those who do not wish to register. This primarily concerns Council of Churches Baptists, who believe registration leads to state interference.

Three to be fined?

Forum 18 has been unable to find out which Article of the Code of Administrative Offences is being used to punish Zolotaryev, Danilevsky and Tupalsky. A secretary at Soviet District Court, who did not give her name, told Forum 18 on 13 January that she had no information. One Gomel-based Baptist told Forum 18 the administrative cases against the three church members have not yet reached court.

Generally unregistered religious activity is punished under Article 23.24, Part 2 of the Code of Administrative Offences, which punishes organisers who violate regulations for holding demonstrations or other mass public events. It carries a penalty of fines of between 20 and 40 base units or administrative arrest. From 1 October 2013 each base

unit is 130,000 Roubles, making the minimum fine 2,600,000 Roubles (1,700 Norwegian Kroner, 200 Euros or 275 US Dollars).

In the case of the December 2013 raid, Part 3 of the same article could be applied, although none of the three individuals was fined following the earlier 2013 raids. Part 3 states that "violations provided by Parts 1 and 2 committed within a year after the punishment for similar deeds attract fines of 20 to 50 base units or administrative arrest".

KGB continues investigation of Fr Lazar

KGB spokesperson Strehk insisted to Forum 18 on 13 January from Minsk that the criminal investigation of Catholic priest Fr Lazar on treason charges continues and he will be brought to trial. But he was unable to say when any trial will be.

Asked by Forum 18 how the prosecution investigation is proceeding, Strehk said he could not discuss it. "If there are any significant procedural moves, the public will be informed in accordance with established procedures," he told Forum 18. "Please be reminded that the pre-trial restrictions were changed," he added, a reference to Fr Lazar's release from prison in December 2013 and transfer to living at home under restrictions.

Fr Lazar's 3 December 2013 release from the KGB secret police detention centre in Minsk came six months after his unannounced arrest and six days after his 46th birthday. Among those interrogated in the case was Fr Lazar's diocesan bishop, Archbishop Tadeusz Kondrusiewicz of the Minsk-Mogilev diocese.

"The only thing I'll say is that I am innocent"

Fr Lazar himself confirmed he remains under investigation to a journalist of "Nasha Niva" newspaper who visited him in the town of Vileika in the north-west of Minsk Region on 11 December 2013. "The investigation is going on. I can't say anything concerning the case otherwise I'll be taken back to prison. The only thing I'll say is that I am innocent." The journalist said he made no complaints about the way he had been treated.

Fr Aleksandr Barilo, parish priest of the Exaltation of the Holy Cross parish in Vileika, confirmed to "Nasha Niva" that the Church had assigned Fr Lazar to the parish.

Lyubov Lunyova, a journalist of "Narodnaya Volya" (People' Will) newspaper and the Lazars' family friend confirmed that Fr Lazar is serving in Vileika and remains under restrictions on his movement. "It's good that his family lives in Molodechno, an easy distance from the priest's current location, so they can visit him," she told Forum 18 on 8 January.

Fr Lazar is cheerful and energetic, though looking a bit thinner, Lunyova added. "The detention has not at all changed him, he is not hardened and has preserved his sense of humour."

Enforced Christmas working

In the south-western city of Brest, Catholic and Protestant workers of state-owned company Construction Trust No. 8 were forced to work on their Christmas Day, 25 December, Forum 18 has learned. Unidentified senior managers announced that 25 December was to be a working day instead of 8 January (not itself a public holiday but the day after the Orthodox Christmas public holiday). In some company divisions it was apparently done on the basis of a written directive, in others just by word of mouth.

In Belarus both western Christmas (25 December) and Orthodox Christmas (7 January) are official public holidays.

Roman Kisliak, a Brest-based human rights defender of the For Freedom Movement, told Forum 18 on 3 January that when checking on Construction Trust No. 8 on 25 December in response to complaints he found people at work. "It seems that their working day [25 December] was not even shortened," Kisliak told the praca-by.info on 30 December. He said he had been unable to obtain any written instructions for employees to work on this day.

National legislation allows an employer to shift working days, but in this case no need existed, Kisliak insisted. "This is the tyranny of the bosses," he complained to Forum 18. "It appears that at Catholic and Protestant Christmas people were working, while at Orthodox Christmas they will be off for several days."

On 24 December 2013, Kisliak wrote to the government's Plenipotentiary for Religious and Ethnic Affairs Leonid Gulyako, the Prosecutor General and the Architecture and Construction Ministry demanding to countermand the "illegal" instructions. He insisted that the demand to work on a religious holiday (also a public holiday) was a violation of individuals' rights under Article 18 of the International Covenant on Civil and Political Rights. This guarantees the right to freedom of "thought, conscience and religion", including the right to manifest any religion or belief "in worship, observance, practice and teaching".

"I consider forcing people to work on this day outrageous and infringing basic human rights and religious feelings," Kisliak complained in the letters seen by Forum 18. "Such actions of Construction Trust No. 8's management can lead to religious enmity, as Orthodox Christians will have more days off at Christmas while Catholic and Protestant employees will have to work."

The Prosecutor General replied to Kisliak that the complaint had been forwarded to the Regional Prosecutor's office.

A 10 January 2014 reply from First Deputy Architecture and Construction Minister Irina Arkhipova - seen by Forum 18 - insists that operational reasons required work on 25 December 2013. It claimed that it was in response to workers' requests as the Trust was committed to finish a construction project by the end of 2013. Arkhipova insists that recommendations were issued "not to ask Catholic and Protestant employees to work on their holiday, which was done".

Kisliak also wrote to the Director General of Construction Trust No. 8, Mikhail Vodchits, asking him to clarify who and why issued such an order. A 30 December 2013 reply from his deputy Igor Silchenko, seen by Forum 18, similarly claimed that the leadership had issued an instruction "to exempt from work persons of Catholic and Protestant confession on the day of their festival".

Forum 18 called Vodchits at the Trust on 10 January, but officials said he was not available on the phone. No other Trust official would comment.

Kisliak noted that Construction Trust No. 8 has about 4,000 employees and many are of Catholic or Protestant background who wished not to work on this day. "People are very upset and nervous. Their families are waiting for them at home. They have been preparing for this major religious holiday in advance", he told the Belarus news service pyx.by on 24 December.

Only four workers complained to human right activists about the required working, but asked not to be identified. "People are afraid of being sacked, but two of those who

complained didn't show up [on 25 December]," Kisliak told Forum 18. "I don't know the consequences."
