

# UNIVERSAL PERIODIC REVIEW 2009

## REPUBLIC OF BELARUS

NGO: European Centre for Law and Justice  
4, Quai Koch, 67000 Strasbourg, France.

### RELIGIOUS FREEDOM IN THE REPUBLIC OF BELARUS

#### SECTION 1: *Legal Framework*

##### I. Constitutional Provisions

The Constitution of the Republic of Belarus states that the country's laws are based on democracy and the rule of law.<sup>1</sup> However, the “republic” resembles a dictatorship<sup>2</sup> that has been under the governance of President and Chief of State Aleksandr Lukashenko since 1994.<sup>3</sup> The Belarusian Constitution of 1994 was revised by national referendum in 1996, greatly expanding powers of the President; it was revised again in 2004, removing presidential term limits.<sup>4</sup>

Article 31 of the Constitution guarantees citizens the right to freedom of conscience and religious belief,<sup>5</sup> and each citizen is also guaranteed the freedom of expression, information, association, and assembly.<sup>6</sup> Article 4 guarantees that no religion or ideology may be compelled; article 5 prohibits political parties or public associations from propagandizing religion.<sup>7</sup> “Although the Constitution affirms the equality of religions and denominations before the law; however, it contains restrictive language stipulating that cooperation between the state and religious organizations ‘is regulated with regard for their influence on the formation of spiritual, cultural, and state traditions of the Belarusian people.’”<sup>8</sup> In addition, the Office of the Plenipotentiary Representative for Religious and Nationality Affairs (“OPRRNA”) regulates all religious matters.<sup>9</sup>

The Constitution recognizes no state religion; however, the Belarusian Orthodox Church (“BOC”), a branch of the Russian Orthodox Church (“ROC”), is the only officially recognized Orthodox denomination.<sup>10</sup> According to OPRRNA, 80 percent of the religious citizens of Belarus

---

<sup>1</sup> CONST. OF BELARUS pmb1.

<sup>2</sup> U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS & LABOR, 2007 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES, BELARUS, *available at* <http://www.state.gov/g/drl/rls/hrrpt/2007/100549.htm> [hereinafter 2007 HUMAN RIGHTS PRACTICES].

<sup>3</sup> CENTRAL INTELLIGENCE AGENCY, THE WORLD FACTBOOK, BELARUS, <https://www.cia.gov/library/publications/the-world-factbook/geos/bo.html> (last visited Oct. 30, 2009) [hereinafter CIA WORLD FACTBOOK]; *see also* CONST. OF BELARUS pmb1.

<sup>4</sup> CIA WORLD FACTBOOK, *supra* note 3.

<sup>5</sup> CONST. OF BELARUS art. 31.

<sup>6</sup> *Id.* art 34-36. Belarus also ratified the International Covenant on Civil and Political Rights (“ICCPR”) in 1976, and article 18 guarantees the freedom of thought, conscience, and religion guaranteed in Article 18. General Comment 22 on Article 18 of the ICCPR.

<sup>7</sup> CONST. OF BELARUS art. 4-5.

<sup>8</sup> U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS & LABOR, INT'L RELIGIOUS FREEDOM REPORT 2009 BELARUS, § II, *available at* <http://www.state.gov/g/drl/rls/irf/2009/127300.htm> [hereinafter 2009 RELIGIOUS FREEDOM REPORT].

<sup>9</sup> *Id.* §§ I-II.

<sup>10</sup> *Id.* § 1.

belong to the BOC; 14 percent belong to the Roman Catholic Church, 4 percent belong to Eastern religious groups, and only 2 percent belong to Protestant groups (including Old Believers and Jehovah's Witnesses).<sup>11</sup> Only 18 percent of the members of the only recognized denomination, the BOC, report that they are religiously active.<sup>12</sup> Despite facial constitutional neutrality, a 2003 concordat between the BOC and the Belarusian government grants the BOC privileged status. The concordat guarantees the BOC autonomy in its internal affairs, freedom to perform religious rites and other activities, and a special relationship with the state.<sup>13</sup> This recognizes the BOC's "influence on the formation of spiritual, cultural, and national traditions of the Belarusian people."<sup>14</sup> The Government and the BOC must cooperate in "implementing policy in various fields, including education, development, protection of cultural legacies, and security," and while it should not limit the religious freedom of other religious groups, the "concordat calls for the Government and the BOC to combat unnamed 'pseudoreligious structures that present a danger to individuals and society.'"<sup>15</sup> In addition, President Lukashenka in June 2009 made highly offensive remarks against Protestant groups such as Baptists, referring to some groups as "criminally negligent"<sup>16</sup> and "ambiguous religious sects."<sup>17</sup>

## II. Legislation

The bicameral National Assembly consists of the Council of the Republic (which holds 64 seats; including 56 members elected by regional councils and eight members appointed by the president, to serve four-year terms) and the Chamber of Representatives (110 seats; members are elected by popular vote to serve four-year terms).<sup>18</sup>

A 2002 religion law recognizes the role of the BOC in the development of the traditions of the Belarusian people; the traditional faiths mentioned in the law do not include religious groups such as the Priestless Old Believers and Calvinist Churches, which have had historical roots in Belarus since the seventeenth century.<sup>19</sup> Moreover, although the 2002 law guarantees religious freedom, it works only to allow governmental control of religion by requiring all previously registered groups to re-register by 2004, and it bans all religious activity by unregistered groups. In addition, the law requires all religious groups to "receive prior governmental approval to import and distribute literature"; it "prevents foreigners from leading religious organizations"; and it "denies religious communities the right to establish schools to train clergy."<sup>20</sup>

The law also requires that religious "communities" include at least twenty members over the age of eighteen. Religious "associations" must include at least ten religious communities, one of which must have been active in Belarus for at least 20 years. Only a national-level religious association may form such an association of communities, and national religious associations can be formed only when there are active religious communities in a majority of the country's six

---

<sup>11</sup> *Id.* § I.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* § II.

<sup>14</sup> *Id.* (internal quotations omitted).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> CIA WORLD FACTBOOK, *supra* note 3.

<sup>19</sup> 2009 RELIGIOUS FREEDOM REPORT, *supra* note 8, § II.

<sup>20</sup> *Id.*

regions.<sup>21</sup>

To gain recognition under the law, a religious community must submit a detailed document listing various types of information, such as its founders' names, their places of residence and citizenship, and signatures; copies of its founding statutes; the minutes of its founding meeting; and permission from the regional authorities confirming the community's right to occupy or use any property indicated in its founding statutes.<sup>22</sup> No previously "unknown" religious communities were registered in 2008 or 2009 (such communities must give details regarding their faith to the registering authority). A religious association must provide biographical member data, proof of permission for the association to use its designated location, and the minutes from its founding meeting. All applications to establish associations and national associations must go through OPRRNA, which may deny registration without any explanation.<sup>23</sup>

### III. Judicial System

The court system in Belarus consists of district courts, regional courts, and the Supreme Court. Higher courts serve as appellate courts but also serve as courts of first instance. There are also economic courts, and a Supreme Economic Court.<sup>24</sup> Trials are generally public<sup>25</sup> unless closed on grounds of national security. The President appoints all district level and military judges, as well as the judges of the Supreme Court.<sup>26</sup> The 1996 constitution gives the President the power to appoint 6 of the 12 members of the Constitutional Court, including the chief justice.<sup>27</sup> The President appoints half of the judges to the Constitutional Court while the Chamber of Representatives appoints the other half.<sup>28</sup>

Although the Constitution provides for an independent judiciary, the executive maintains the most control. "[P]rosecutors and courts convict[] individuals on false and politically motivated charges,"<sup>29</sup> and although "[t]he Constitutional Court is empowered to adjudicate constitutional issues and to examine the legality of laws . . . in practice it [is] wholly subservient to the executive branch."<sup>30</sup> Prosecutors are organized at the district, regional, and national levels and answer to and serve the prosecutor general, who the President appoints. "Prosecutors are not independent and do not have authority to bring charges against the president or members of his executive staff."<sup>31</sup>

#### SECTION 2: *Selected Recent Incidents of Religious Persecution and Discrimination*

The government of Belarus continually abuses the religious freedom of members of several religious groups—usually due to the organization of unauthorized meetings—which

---

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Main Objectives and Directions of Economic Justice of Belarus, <http://www.court.by/en/economic-justice/tasks/> (last visited Nov. 2, 2009).

<sup>25</sup> CONST. OF BELARUS art. 114.

<sup>26</sup> 2007 HUMAN RIGHTS PRACTICES, *supra* note 2, § II(e).

<sup>27</sup> CIA WORLD FACTBOOK, *supra* note 3; *see also* The court system in Belarus, <http://www.belarus.by/en/government/courts>.

<sup>28</sup> *Id.*

<sup>29</sup> 2007 HUMAN RIGHTS PRACTICES, *supra* note 2.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

restricts the constitutionally guaranteed freedom of assembly.<sup>32</sup> Although citizens are not expressly prohibited from proselytizing, in practice, authorities often interfere with or punish individuals who proselytize or speak freely about their beliefs.<sup>33</sup> The following examples describe recent incidents of religious persecution in Belarus. Excerpts from specific news stories providing more detailed information about these abuses may be found in the Appendix, attached hereto.<sup>34</sup>

1. The Belarusian Ideology Department raided a private Protestant home church October 25, 2009 to “prevent [members] from continuing their worship service.” After breaking down the door, cutting off the electricity, and confiscating eight boxes of literature and films, the officials claimed the event was not a raid and that no interrogations took place (although each congregant was questioned, including a minor with no parents present).<sup>35</sup>
2. The prosecution of a Jehovah’s Witness under the Belarusian criminal code is the first known prosecution of a religious conscientious objector to compulsory military service in nine years. Punishment could result in a fine or imprisonment of up to two years. A Constitutional Court ruling indicating that this law should be changed has been ignored by the Belarusian legislature.<sup>36</sup>
3. The day the event was set to begin, Belarusian Ideology Department officials banned a Christian music festival even after the Catholic Church in charge of the festival obtained written state permission. The officials claimed the permission was no longer valid.<sup>37</sup>
4. Two Baptists were fined a month’s pay each for using their home for religious worship. Such fines are common and are levied in punishment for passing out religious literature or even singing hymns on public streets.<sup>38</sup>
5. On July 14, 2009, a judge in the Baranavichy district fined a Full Gospel church 350,000 rubles for “non-charter activit[y]” The Judge ruled, based on a pamphlet published by the church, that the Full Gospel church has a “non-charter activity”. In fact, the pamphlet gave the program of a prayer meeting. When the prayer meeting took place neither witnesses nor persons filling the protocol (document of violations) were present. The procedural norms have not been respected. But even the Supreme court has not paid attention to this fact while examining the appeal. On August 12, a judge in Homel fined a Jehovah’s Witness leader 1,050,000 rubles after a search of a private house where the congregants were

---

<sup>32</sup> 2009 RELIGIOUS FREEDOM REPORT, *supra* note 8, § II.

<sup>33</sup> *Id.*

<sup>34</sup> The numbered articles in the Appendix correspond to numbers 1-10 in this list. Numbers 11-13 in this list are recent incidents detailed in the 2009 RELIGIOUS FREEDOM REPORT, *supra* note 8, § II.

<sup>35</sup> Felix Corley, “*To prevent them from continuing their worship service*”, FORUM 18 NEWS SERVICE, Oct. 30, 2009, available at <http://wwwn.org/article.php?idd=31803>.

<sup>36</sup> *Id.*; *Prosecutions of conscientious objectors resume*, Forum18, Oct. 20, 2009, available at [http://www.forum18.org/Archive.php?article\\_id=1364](http://www.forum18.org/Archive.php?article_id=1364).

<sup>37</sup> Geraldine Fagan, *Christian music festival banned*, FORUM 18 NEWS SERVICE, Sept. 25, 2008, <http://www.forum18.org/Archive.php?query=christian+music+festival+banne3d&religion=all&country=all&results=10>.

<sup>38</sup> Felix Corley, *Fines on religious activity continue as pastors complain to president of restrictions*, Forum 18 News Service, Aug. 25, 2009, available at <http://www.forum18.org>; see also 2009 RELIGIOUS FREEDOM REPORT, *supra* note 8, § II.

worshipping.<sup>39</sup>

6. A registered Protestant congregation in western Belarus has been fined holding a special prayer service in its registered building. Another registered Protestant congregation in western Belarus was fined in July for similar “unlawful” activity, such as holding a morning prayer service.<sup>40</sup>
7. Belarus has recently consolidated its tight regulations on foreign religious workers; foreign citizens must attest knowledge of Belarus’ state languages (Belarusian and Russian) in order to perform religious work. Jewish and Catholic congregations are vulnerable to controls on foreign religious workers as many of their clergy are foreign citizens.<sup>41</sup>
8. Three Catholic priests and three nuns were banned from any religious work in January 2009. Officials claim the clergy were not preaching in one of the state languages.<sup>42</sup>
9. Two Danish visitors to Belarus were detained by police and are being deported since they expressed “ideas of a religious nature,” such as praying and reading from the Bible. The deportation of the two Danes—who are banned from Belarus for one year—brings to 31 the number of foreign citizens barred from Belarus in recent years for their religious activity.<sup>43</sup>
10. Ideology Department officials targeted Baptist leaders operating a Christian street library on January 2009 and ordered the literature’s removal since the church was “unregistered” and did not have state permission to run such a library. When the Baptists refused to comply, the police detained the pair and confiscated their literature.<sup>44</sup>
11. On June 17, 2009, Horki town authorities fined local Protestant activist Pyotr Malanachkin \$60 for distributing religious literature, and they destroyed literature and property in front of his home.<sup>45</sup>
12. On May 12, 2009, a district court fined the coordinator for a Christian social organization’s rehabilitation program for using illegal “Christian techniques” in running the program<sup>46</sup>

---

<sup>39</sup> The Human Rights Center, Review: Chronicle of human rights violations in Belarus in July-August 2009, available at <http://spring96.org/en/publications/29618/> (last visited Oct. 30, 2009).

<sup>40</sup> Felix Corey, *Church fined for activity “not according to its statute”*, FORUM 18 NEWS SERVICE, Aug. 25, 2009, Jul. 16, 2009, available at <http://www.forum18.org/Archive.php?query=fined+for+activity+%22not+according+to+its+statute&religion=all&country=all&results=10>.

<sup>41</sup> Geraldine Fagan, *Belarus places severe restrictions on foreign religious workers*, FORUM 18 NEWS SERVICE, Feb. 20, 2008, [http://www.forum18.org/Archive.php?article\\_id=1090](http://www.forum18.org/Archive.php?article_id=1090).

<sup>42</sup> Felix Corley, *Four Catholic priests and three nuns banned*, FORUM 18 NEWS SERVICE, Dec. 23, 2008, [http://www.forum18.org/Archive.php?article\\_id=1235](http://www.forum18.org/Archive.php?article_id=1235).

<sup>43</sup> Geraldine Fagan, *Danes deported for praying in church*, *Forum 18 News Service*, Feb. 11, 2008, [http://www.forum18.org/Archive.php?article\\_id=1253](http://www.forum18.org/Archive.php?article_id=1253); see also 2009 RELIGIOUS FREEDOM REPORT, *supra* note 8, § II.

<sup>44</sup> Geraldine Fagan, *Belarus places severe restrictions on foreign religious workers*, FORUM 18 NEWS SERVICE, Jan. 26, 2009, [http://www.forum18.org/Archive.php?article\\_id=1244](http://www.forum18.org/Archive.php?article_id=1244); see also 2009 RELIGIOUS FREEDOM REPORT, *supra* note 8, § II.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

# UNIVERSAL PERIODIC REVIEW 2009

## REPUBLIC OF BELARUS

### RELIGIOUS FREEDOM IN THE REPUBLIC OF BELARUS

#### APPENDIX

1. **Felix Corley, “To prevent them from continuing their worship service”, FORUM 18 NEWS SERVICE, Oct. 30, 2009, available at <http://wwrn.org/article.php?idd=31803> (excerpt):**

Asked why she and four police officers spent six hours raiding a private house where a Full Gospel Protestant church was holding its Sunday worship on 25 October, Ideology Department official Anna Danisevich told Forum 18 News Service: “To prevent them from continuing their worship service. They have no right to meet.” Despite this, she insisted: “We live in a democratic state.” The church’s pastor, Irina Marshalkovskaya-Grik, told Forum 18 the raid in the village of Gorbovich in Mogilev [Mahilyow] Region left church members frightened and in tears.

The Prosecutor who sanctioned the raid refused to explain why he authorised it. “It was an official action and I can’t discuss it,” Vitaly Kovalev, Prosecutor of the Chausy District, told Forum 18 on 28 October. He refused to say where the boxes of Bibles, Christian books and films confiscated during the raid are being held or what will be done with them, or whether Pastor Marshalkovskaya-Grik will face further action.

Chausy District Ideology Department official Danisevich arrived at the private home accompanied by four police officers and three “witnesses” at about noon on 25 October, when about twenty church members were singing hymns, Marshalkovskaya-Grik told Forum 18 from Gorbovich on 26 October.

The pastor complained that the Prosecutor’s warrant authorising the “inspection” gave no reason. “They came in without my permission, turning off the electricity,” she told Forum 18. “They photographed every room in the house.” She said one of the rooms in the house was locked and she did not have the key, but police merely broke down the door.

Marshalkovskaya-Grik complained that each individual church member was questioned separately, with a 17-year-old girl questioned in a police car without her parents being present. When the pastor and several other church members refused to sign what the police described as “interrogation records,” they threatened charges of “resisting the authorities”, she said. Some church members were so intimidated by threats to oust them from their jobs or—if pensioners—to take away their homes that they signed.

Marshalkovskaya-Grik said that police confiscated eight boxes of Christian books, including New Testaments, and films.

Ideology official Danisevich denied categorically that the raid was a raid. “There were no threats,

no interrogations—this was not a raid,” she told Forum 18 from Chausy on 27 October. “All this was sanctioned by the District Prosecutor.

....

Under the 2002 Religious Law, all religious activity requires state approval.

Danisevich refused to tell Forum 18 why five officials and three witnesses were needed to raid a private home just because a religious meeting was underway. Asked why the officials left church members feeling frightened after six hours of interrogation, Danisevich responded: “Frightened? That’s ridiculous. We’re not here to make people frightened.”

Asked repeatedly why eight boxes of books and films were confiscated, Danisevich refused to comment. She also refused to say where they are being held or whether they will be returned.

District Prosecutor Kovalev insisted to Forum 18 that if Marshalkovskaya-Grik is not happy with what happened, “she can complain.” He then put the phone down.

### ***Registration denials***

Pastor Marshalkovskaya-Grik told Forum 18 that despite being refused state registration her congregation was not touched before the 25 October raid. “I don’t want to hide,” she insisted. “People know we meet.”

She said the congregation’s registration application of some four years ago was approved by Chausy District but vetoed by Mogilev Region. “The KGB went round all those who signed the registration application questioning them on what doctrine we believe. Some of the people didn’t know exactly everything on doctrinal questions – it takes time for them to learn.” She maintained officials used this as a pretext to deny registration.

Despite being denied registration, the district authorities told the church at the time that it could meet, Marshalkovskaya-Grik added. “But officials in the District Ideology Department have changed recently.”

**2a. Felix Corley, “To prevent them from continuing their worship service”, FORUM 18 NEWS SERVICE, Oct. 30, 2009, available at <http://wwrn.org/article.php?idd=31803> (excerpt):**

### ***Conscientious objector’s trial to continue***

[T]he trial of Jehovah’s Witness conscientious objector Dmitry Smyk—which began in the south-eastern town of Gomel [Homyel] on 8 October—is set to resume on 6 November. He told Forum 18 that ahead of the 29 October hearing scheduled at Gomel’s Central District Court, the Jehovah’s Witnesses submitted a document affirming that the group “helps people to understand their faith and the Bible” and does not order individuals what to do.

Smyk said that when he arrived at the courthouse on 29 October, Judge Grigory Dmitrenko came

out and said he had received no letter from the Military Commissariat to say whether the army unit they were proposing to send him to “has the conditions for people who cannot serve for religious reasons.” The Judge therefore set a new date of the afternoon of 6 November for the next hearing.

Smyk is being tried under Article 435 Part 1 of the Criminal Code, which punishes refusing the compulsory call-up to military service with a fine or imprisonment of up to two years. First time offenders can be absolved of criminal responsibility in the case of “serious circumstances” . . . .

. . . .

The prosecution of Smyk is the first known prosecution of a religious conscientious objector to compulsory military service in the past nine years. Several other Jehovah’s Witnesses who have also refused compulsory military service on grounds of religious faith are being prosecuted, including Aleksei Boinichev and Aleksandr Belous, also from Gomel. Smyk reports that their cases are “quiet” at the moment.

**2b. *Prosecutions of conscientious objectors resume, FORUM18, Oct. 20, 2009, available at [http://www.forum18.org/Archive.php?article\\_id=1364](http://www.forum18.org/Archive.php?article_id=1364) (excerpt):***

***Constitutional Court ruling that law should be changed ignored***

Article 57 of Belarus’ Constitution declares: “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.” Article 36 of the Law on Military Obligation and Military Service requires call-up commissions to offer alternative service.

In a key ruling of 26 May 2000 (decision R-98/2000), Belarus’ Constitutional Court examined how Article 57 should be applied to those who seek to do alternative service “on religious grounds.” It called for the “urgent” adoption of an Alternative Service Law or an amendment to the Law on Military Obligation and Military Service to introduce a mechanism for alternative service. It said that before such legal changes are made, the authorities must allow citizens to perform service “that does not violate their religious convictions.” The Constitutional Court made no reference to refusing military service on non-religious conscientious grounds.

The right to refuse to perform military service is part of the 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.

Despite Belarus’ international human rights obligations, the Constitutional guarantees, and the 2000 Constitutional Court ruling, no mechanism for conducting alternative service has been introduced. Parliament most recently rejected a draft Law on alternative service in December 2004. 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.



However, no conscientious objectors are known to have been prosecuted since the Jehovah's Witness Valentin Gulai was given a suspended sentence in the south-eastern town of Rechytsa in 2000.

Oleg Gulak of the Belarusian Helsinki Committee told Forum 18 in March 2008 that in the absence of alternative military service, the Ministry of Defence struck a compromise whereby an estimated several dozen conscientious objectors serve in its transport division: "They don't have to swear an oath or bear arms—in effect they're just unpaid labourers" . . . .

3. **Geraldine Fagan, *Christian music festival banned*, FORUM 18 NEWS SERVICE, Sept. 25, 2008, <http://www.forum18.org/Archive.php?query=christian+music+festival+banned&religion=all&country=all&results=10> (excerpt):**

Belarus has banned a Christian music festival, initiated by Catholics, minutes before it was due to begin, Forum 18 News Service has learnt. The organisers had obtained written state permission for the festival. But, ten minutes before the first concert was to begin, local Ideology Department head Lyudmila Gornak arrived at the festival and announced that it was banned. Gornak refused to explain to Forum 18 why the event was banned, claiming—falsely—that she had told the organisers of unspecified "mistakes." Asked repeatedly by Forum 18 for examples of the "mistakes," she would not name any. The six-day free festival—a local Catholic initiative in conjunction with Orthodox and Protestants—"was to be our joint witness to Borisov, to show we're not just on our own, but believe in one God," one of the organisers, Fr. Zbigniew Grygorcewicz, told Forum 18 on 24 September.

More than 30 Catholic, Orthodox and Protestant bands from across Belarus whose music mostly touches on Christian themes had agreed to play for free at the festival, Fr Zbigniew told Forum 18. Three concerts a day were planned for children, adults and young people, 20,000 invitations had been sent out and 5,000 balloons ordered for the children, he said.

The organisers obtained written state permission for the festival—in accordance with the 2003 Demonstrations Law—a week beforehand, Fr Zbigniew stressed to Forum 18. According to Article 6 of that Law, the authorities must notify the organisers in writing no later than five days in advance should they not permit an event, giving reasons for their decision.

Just ten minutes before the first concert was to begin, however, the head of Borisov Municipal Executive Committee's Ideology Department, Lyudmila Gornak, arrived at the marquee venue, announced the event was banned and then left, Fr Zbigniew told Forum 18. Following prayer by church leaders, Psalmyary [Psalmists] —the band due to open the festival—played one song called "There is a God in Belarus." The organisers then distributed copies of St John's Gospel to the approximately 500 people in the audience before winding up the event, said the Catholic priest.

Subsequently, state representatives claimed that the original permission was no longer valid, that they had made a mistake in granting it, and that not everything was in order with the event's preparations, but did not specify further, said Fr Zbigniew. "When you organise something like

this you also need approval from the police, fire service, health and safety officers,” the priest explained to Forum 18. “But we had all of that.”

**4. Felix Corley, *Fines on religious activity continue as pastors complain to president of restrictions*, FORUM 18 NEWS SERVICE, Aug. 25, 2009, available at <http://www.forum18.org> (excerpt):**

The official in the western town of Baranovichi who arranged for two local Baptists to be fined about one month’s average wages each for using their home for religious worship defends his action. “They violated the Religion Law,” ideology official Sergei Puzikov insisted to Forum 18 News Service. Told that the two point to Belarus’ Constitution, which guarantees religious freedom, he responded: “In any country there is not only the Constitution, but individual laws.” Puzikov was also involved in a fine handed down to another Baranovichi church in July. Police in nearby Malorita tried to have Baptists punished for singing hymns on the street, but the judge threw out the case. Fifty Protestant pastors – many of whom have been punished for religious activity—wrote to President Aleksandr Lukashenko on 20 August complaining of long-standing restrictions. The office of Belarus’ senior religious affairs official refused to discuss their complaints with Forum 18.

Authorities in the western Brest Region have continued their harassment of religious communities, local believers have told Forum 18 News Service. Two Protestant congregations in the town of Baranovichi [Baranavichy] were given large fines in July, while in early August police in the town of Malorita tried to have six Baptists punished under the Administrative Violations Code for singing hymns and giving out Christian literature on the street without state permission. However, in that case the judge threw out the accusation, insisting that singing hymns does not fall under the auspices of the Law on Demonstrations.

On 20 August, fifty Protestant pastors from across Belarus signed a letter to President Aleksandr Lukashenko defending the embattled New Life Full Gospel Church in the capital Minsk and complaining about long-standing restrictions on religious activity.

However, Forum 18 has been unable to discuss these complaints or the harassment in Brest Region with Leonid Gulyako, the government’s Plenipotentiary for Religious and Ethnic Affairs. His assistant, who had told Forum 18 on 24 August that he was in an urgent meeting, told Forum 18 on 25 August that she would not put the call through and would not discuss the concerns raised by the pastors or the harassment in Brest Region with Forum 18. She then put the phone down.

Members of a variety of religious communities have been fined this year for religious activity the authorities regard as illegal. The highest fine so far was of 2,100,000 Belarusian Roubles (4,750 Norwegian Kroner, 533 Euros or 745 US Dollars), three months’ average wages, handed down on Council of Churches Baptist Nikolai Poleshchuk in the town of Osipovichi in the eastern Mogilev [Mahilyow] Region in May . . . .

Council of Churches Baptists refuse on principle to register their congregations with the state, insisting that registration should not be needed for religious worship. However, Belarus’ highly restrictive Religion Law—in defiance of the country’s international human rights

commitments—makes registration compulsory before religious activity is legal. The law also restricts legal religious worship to state-approved premises and bans regular religious worship—whether by registered or unregistered congregations—in private homes.

The latest moves to punish peaceful religious activity come as the authorities prepare once again to try to confiscate from the New Life Full Gospel Church its place of worship in Minsk . . . .

In their letter defending the New Life congregation, of which Forum 18 has seen the text, the fifty Protestant pastors also complained to President Lukashenko of tight restrictions on religious activity. “We don’t understand why officials at various levels obstruct our activity, which we carry out on the basis of the Constitution of the Republic of Belarus and current law,” they wrote. They also expressed concern that many laws themselves unfairly restrict religious activity.

In particular, the pastors complain that “for various reasons,” Protestant congregations are refused permission to build places of worship and are then denied permission to rent premises for worship. They say this has been going on for many years. The pastors complain of “humiliating surveillance” by the KGB secret police, and repeated punishments under the Administrative Violations Code. They claim that judges interpret the Code arbitrarily and often act under direct orders from the KGB and other state agencies.

Among the signatories to the letter are many pastors who have been punished or whose churches have been punished in recent years. Pastor Leonid Voronenko leads one of the two Protestant churches in Baranovichi fined in July and his church has faced harassment before. Pastor Boris Chernoglaz leads a Minsk Full Gospel congregation which has faced obstruction finding premises for worship.

Pastor Andrei Sidor has been fined for leading worship in his own home near Minsk. Pastor Dmitry Podlobko was given an official warning for holding services in a building he owns in Gomel [Homyel]. Pastor Antoni Bokun’s church in Minsk has been raided by police and he has been fined and imprisoned for three days for leading worship. Minsk-based Pastor Ernst Sabilo—who spent 13 years in Soviet labour camps for his faith—has had his congregation liquidated in court.

### ***Baranovichi Baptists fined***

On 7 July, Judge Vasily Petriv of Baranovichi Town and District Court handed down massive fines on two members of a local Council of Churches Baptist congregation because it meets for worship in a private home, local Baptists and court officials told Forum 18. Stepan Paripa and Nikolai Pestak were found guilty of violating Article 21.16 Part 1 of the Administrative Violations Code, which punishes “using living premises not for their purpose” with a fine on individuals of between ten and thirty base units. Each was fined twenty base units, 700,000 Belarusian Roubles (1,483 Norwegian Kroner, 173 Euros or 248 US Dollars).

Local Baptists say that Paripa and Pestak did not appeal against the fines, but they refused to pay them. “We believe they are not guilty of anything and so they have not paid,” one church member told Forum 18 on 24 August from Baranovichi. The church member added that so far officials have taken no further action against Paripa and Pestak or the church. “All is quiet at the

moment.”

Court officials told Forum 18 on 24 August that Judge Petriv was away on leave, but insisted the fines had been handed down on the basis of documentary evidence. They said the two had forty days to pay the fines voluntarily. Failure to do so would lead to attempts by court executors to recover the money. Court officials confirmed that the fine on each amounted to about a month’s average wages locally.

Church members say officials are trying to pressure the congregation to apply for registration, which they fear will bring with it state interference in the internal life of the congregation and restrictions on its activity. They point to Article 31 of Belarus’ Constitution, which guarantees religious freedom to all without mentioning registration. “Registering a church and gaining legal status is the right of believers, not an obligation,” church members maintain.

The latest trouble for the congregation began on 19 June, when local Ideology Department official Sergei Puzikov ordered an administrative case to be launched against the two. Paripa and Pestak were both fined on the same charge in December 2007 . . . .

Puzikov defends the decision to fine Paripa and Pestak. “They violated the Religion Law,” he insisted to Forum 18 on 24 August. Told that the Baptists point to Article 31 of the Constitution, which makes no reference to state registration before religious activity can be undertaken, Puzikov responded: “In any country there is not only the Constitution, but individual laws.” He refused to answer any further questions and put the phone down.

#### ***Another Baranovichi church loses appeal against fine***

The fines on the two Baptists came one week before another Protestant church in the town was fined by the same court. The New Generation Full Gospel Church led by Pastor Voronenko was fined 350,000 Belarusian Roubles on 14 July for holding a Sunday morning prayer service on 21 June which the same Puzikov of the town’s Executive Committee claimed was activity “not according to the statute” of the church . . . .

The church appealed against the fine to Brest Regional Court. However, in a 20 August decision seen by Forum 18, Judge Anatoly Pastukhov rejected the appeal. The judge upheld the decision that the prayer service represented “activity outside the statute” but failed to explain why holding a Sunday morning prayer service was not in accordance with the church’s statute.

Protestants told Forum 18 that the church has not paid the fine so far because the appeal has been underway and now intends to lodge a supervisory appeal against the decision. The church also complains that it was never given the written text of the 14 July court decision.

- 5. The Human Rights Center, *Review: Chronicle of human rights violations in Belarus in July-August 2009*, available at <http://spring96.org/en/publications/29618/> (last visited Oct. 30, 2009) (excerpt):**

#### ***Freedom of expression and the right to disseminate information***

On 14 July Aksana Sarakhman, judge of the court of Baranavichy and Baranavichy district, fined the New Generation, church of the association of denominations of Full Gospel Christians 350,000 rubles for ‘non-charter activities.’ The violation report under part 1 of Article 9.9 of the Administrative Code was drawn up on 21 June by Siarhei Puzikau, leading specialist of the ideological department of Baranavichy city executive committee solely on the basis of an advertising pamphlet.

On 12 August the judge of Homel district court Vital Kozyrau fined 1 050 000 rubles (about \$365) the head of the religious community Jehovah’s Witnesses Yury Rashetnikau after a search of a private house where the believers held their gatherings. The search was conducted on 21 July. Participants of a religious meeting refused to let in the police in the absence of the owner. Then the police officers called to the local rescuers, who sawed the lock. They confiscated the musical equipment and drew up a report on violation of the orders of organizing the mass event by Yu. Rashetnikau.

On 20 August it became known that Minsk city prosecutor’s office dropped the criminal case against Yauhen Volkau, brought under Article 193.1, ‘because of absence of corpus delicti.’ In June Volkau was accused of actions on behalf of the unregistered Movement of Unity (Mun’s Church), which was the first criminal case against representative of an unregistered religious organization since the enforcement of Article 193.1 in 2006.

- 6. Felix Corey, *Church fined for activity “not according to its statute”*, FORUM 18 NEWS SERVICE, Aug. 25, 2009, Jul. 16, 2009, available at <http://www.forum18.org/Archive.php?query=fined+for+activity+%22not+accordin+g+to+its+statute&religion=all&country=all&results=10> (excerpt):**

A registered Protestant congregation in western Belarus has been fined for activity which officials claim was “not according to its statute,” local Protestants told Forum 18 News Service. The church held a special prayer service in its registered building, which church members insist was within its statute. Trouble for the New Generation Church began when Baranovich local Ideology Department officials saw posters in the town advertising the service. One official and two “witnesses” arrived at the church 30 minutes before the service, but left 10 minutes before it began without witnessing it. The official, Sergei Puzikov of the Ideology Department, refused to explain to Forum 18 what activity was outside the church’s statute, as did the Department’s head. In defiance of international human rights standards, Belarus bans all unregistered religious activity—including both unregistered communities and unregistered activity by registered communities. Religious activity is kept under close surveillance by the KGB secret police, and officials often issue warnings for activity they claim is illegal. Two such warnings can lead to a religious organisation being closed down.

A registered Protestant congregation in the western Brest Region of Belarus was fined on 14 July, for activity which officials claim to be “not according to its statute,” local Protestants have told Forum 18 News Service. Officials objected to a special Sunday morning prayer service at the New Generation Full Gospel Church in the western town of Baranovich [Baranavichy], which church members insist fell inside the list of activities in their statute.

In defiance of the country’s international human rights commitments, Belarusian law bans all

unregistered religious activity—including both unregistered communities and unregistered activity by registered communities. Religious organisations are kept under close surveillance by the KGB secret police, and officials often issue warnings for activity that they deem to be illegal. For two “offences”, the registration body can apply to a court to have a religious organisation liquidated, and also has the power to halt the organisation’s activity in the run-up to the court’s decision.

Just such a warning was issued to the New Testament Pentecostal Church in Minsk in late May, after it invited a visiting Ukrainian pastor to preach at one service without specific state approval....

Officials may complain about any activity religious organisations undertake that is not specifically listed within organisations’ statutes, which have to be approved at the time registration is granted. This allows officials wide scope for questioning the legality of any religious activity they do not like, especially if it takes place outside a religious organisation’s registered legal address.

Marina Tsvilik of the government’s Office of the Plenipotentiary for Religious and Ethnic Affairs said she was not familiar with the fine imposed on the Baranovichi church, but said she would be “surprised” if they had been fined merely for holding a prayer service in their own church building. “I don’t see any violation in this,” she told Forum 18 from Minsk on 15 July.

### ***Ideology Department targets New Generation***

The official record, of which Forum 18 has seen a copy, notes that the advertisement indicated that the service would take place and that the service was a violation of Article 9.9 Part 1 of the Code of Administrative Violations. “Such forms of activity are not the activity as in the statute of the New Generation religious community of Full Gospel Christians,” it records.

Article 9.9 Part 1 punishes “creation of a religious organisation or leadership of it without registration under the established procedure or activity of a religious organisation outside the statute.”

On 14 July, Judge Oksana Sarahman of Baranovichi Town and District Court found that the New Generation Church had violated Article 9.9 Part 1 of the Code of Administrative Violations. The judge handed down the maximum fine under this Article of 10 base units or 350,000 Belarusian Roubles (786 Norwegian Kroner, 87 Euros or 122 US Dollars).

### ***Are churches banned from holding prayer services?***

Church members insisted to Forum 18 that a prayer service is within the terms of the church’s statute. They told Forum 18 that the statute describes the church’s basic religious activity as “religious services, prayer meetings, religious rites, rituals and ceremonies.” Church members noted that many religious communities conduct activities that are not specifically identified in their statutes. These often only describe their activity as religious services and rites, without identifying the exact forms of services and rites used.

Church members also pointed out that Puzikov of the Ideology Department and the two “witnesses” had not witnessed the prayer service, as they had left ten minutes before it started and only had information about it from the advertisements.

Puzikov refused to explain to Forum 18 why he and the Court regarded the nature of the service as being “not in accordance with the statute.” He claimed from Baranovichi on 15 July that the country’s Law on State Service banned him from speaking to the media without permission from his superiors.

Puzikov’s boss, the head of the Ideology Department Tatyana Zhidko, refused absolutely to discuss the case with Forum 18 on 16 July. Asked what activity the church had conducted that was not included in its statute, she responded firmly and repeatedly: “I have no information at all about this—ask the Court.” Asked how a prayer service in a church’s own premises could constitute activity outside its statute, she repeated her response. When Forum 18 pointed out that Puzikov, who had determined that a “violation” had taken place, was an official of her department, she put the phone down.

No other Ideology Department official would explain to Forum 18 why holding a religious prayer service was outside the terms of the church’s statute.

Church members told Forum 18 that they have not yet received the Court’s written verdict, but say they intend to challenge the fine at Brest Regional Court.

### *New Generation’s earlier problems*

New Generation Church—which is led by Pastor Leonid Voronenko—has faced earlier pressure from the authorities over alleged incorrect land use . . . and the presence of a visiting foreign pastor . . . .

### *Activity “outside the statute” punished*

The authorities have frequently used very tight definitions of what constitutes activity within the terms of a religious organisation’s statute to restrict peaceful religious activity. Organisations registered as social, rather than religious, can be deemed to be acting illegally if they allow any religious activity.

A rehabilitation programme for alcoholics and drug addicts in the eastern city of Mogilev [Mahilyow] run by a Belarusian Christian social organisation, Cliff House, was raided in March by a local Ideology Department official accompanied by police officers. They accused the organisation of conducting “illegal” religious activity. In May, Lyudmila Batyuk, the co-ordinator of the programme, was fined 140,000 Belarusian Roubles (315 Norwegian Kroner, 35 Euros or 50 US Dollars) under Article 9.9 Part 1 of the Administrative Violations Code for conducting unregistered religious activity.

Irina Batishcheva, the head of the District Executive Committee’s Ideology Department who led the raid, refused to discuss the case with Forum 18 . . . .

**7. Geraldine Fagan, *Belarus places severe restrictions on foreign religious workers*, FORUM 18 NEWS SERVICE, Feb. 20, 2008, [http://www.forum18.org/Archive.php?article\\_id=1090](http://www.forum18.org/Archive.php?article_id=1090) (excerpt):**

Belarus has consolidated its tight regulations on foreign religious workers, Forum 18 News Service has learnt. The changes—which shadow elements of the restrictive 2002 Religion Law—come as Catholics, Orthodox and Protestants prepare to submit over 50,000 signatures petitioning for changes to that Law to the state authorities.

The country's top religious affairs official now has sole discretion in deciding whether religious work by foreign citizens is necessary, according to a new Council of Ministers decree. The Plenipotentiary for Religious and Ethnic Affairs, currently Leonid Gulyako, also has the right not to give reasons for refusing a foreign religious worker's visit. The Plenipotentiary can also shorten the visit "if the period of time required for realisation of the aims for which the foreign citizen is invited does not correspond to that requested."

In line with the Religion Law, the 30 January 2008 decree . . . states that only registered religious associations have the right to invite foreign religious workers. These consist of ten or more communities, at least one of which must have functioned in Belarus for 20 years.

The new decree's application procedure for inviting foreign religious workers is much more detailed than its 1999 predecessor, amended in 2000, 2001, 2002 and 2006. If invited to teach religion, for example, a foreign citizen's work experience and the timetable and syllabus of the relevant religious educational institution must be submitted.

Foreign citizens must also now attest knowledge of Belarus' state languages (Belarusian and Russian) in order to perform religious work. The only types of religious work not requiring such knowledge, or work experience, are making contact with religious organisations and "participation in charitable or other mass events by religious organisations whose primary aim is the fulfilment of citizens' religious needs."

In other respects, however, the 30 January decree duplicates the earlier one. Foreign citizens may conduct religious work for up to a year at a time—but only within houses of worship belonging to or premises continuously rented by an association's affiliate organisations. The transfer of a foreign religious worker from one religious organisation to another – such as between parishes—still requires state permission, even for a single worship service.

A Polish Catholic priest was detained after celebrating Mass in breach of this rule while passing through Minsk in September 2006 . . . .

The new decree "differs significantly" from its predecessor in the view of Vladimir Lameko, assistant to the Plenipotentiary for Religious and Ethnic Affairs. The application procedure has become stricter, he noted to Forum 18 on 19 February, with different documents now required when requesting permission for various types of religious activity. Not stipulated previously, he maintained, "different places could make different demands." And while national religious affairs officials used to rely on the reasoning of their regional colleagues when issuing refusals, he said, "we are more responsible for decisions now—locally they could make mistakes."



Rejecting an invitation to a foreign religious worker without explanation could happen previously, however, Lameko assured Forum 18. “There are always reasons—it isn’t down to the whim of the Plenipotentiary. But they might be serious—related to state secrets. This is usual in many states.”

Belarus’ National Security Concept, signed by President Aleksandr Lukashenko on 17 July 2001, includes “the activation of the activity of foreign religious organisations and missionaries to monopolise the spiritual life of society” among fundamental factors posing a threat to national security in the humanitarian sphere. It also calls for the counteraction of their “negative influence.” Two Protestants were expelled in 2007, after being accused of harming national security . . . . “National security” is not a permissible reason to restrict freedom of thought, conscience or belief under either the International Covenant on Civil and Political Rights or the Universal Declaration of Human Rights - both of which Belarus is party to.

Minsk-based religious rights lawyer Dina Shavtsova similarly suggested to Forum 18 on 19 February that curtailing or refusing a visa without explanation is a generally accepted practice. However, she agreed that whereas previously Belarus tended to give reasons for refusals—albeit with flimsy reasons—the new decree’s provision specifically authorising the Plenipotentiary for Religious and Ethnic Affairs to refuse invitations without explanation will bolster such initiatives.

Shavtsova sees the more detailed invitation procedure, particularly the different documents required for activities such as teaching or studying religion, or acting as a cleric (*svyashchennosluzhitelj*), as the decree’s main innovation. In line with a general trend in Belarusian law over the past five years, however, she suggested that a lack of precision in the new detail will result in more selective application. “The decree doesn’t define necessary knowledge of state languages. And what is a cleric? Different religions have different criteria; some require theological qualifications, others don’t. There is great potential for entirely subjective decisions.”

The Catholic Church is particularly vulnerable to controls on foreign religious workers as more than half of its approximately 350 clergy in Belarus are foreign citizens. Fr Alyaksandr Amyalchenya, press secretary to the Catholic Bishops’ Conference of Belarus, suggested to Forum 18 that the 30 January decree simply gathers elements already present in different laws, however. While systematising the application procedure for inviting foreign religious workers, he remarked to Forum 18 on 19 February, “in principle it is nothing new—we already live according to these rules.”

The Jewish community is the only other confession with a significant contingent of foreign religious workers. Vladimir Malinkin, who heads Belarus’ Hassidic Union of Jewish Religious Communities, similarly maintained to Forum 18 on 19 February that the new decree combines existing provisions in various laws. Identifying one new element as the requirement that proof of education be translated into one of Belarus’ state languages and notarised, he said this was already requested in practice.

Malinkin’s Union currently has six rabbis from Israel, the USA and France working in Belarus.

Previously based in Bobruisk, a seventh ended up leaving the country in early 2007 after his permission to conduct religious activity was not extended, Malinkin confirmed. Israeli rabbi Borukh Lamdan is not barred from Belarus, however, and his Union's chairman is hopeful that he will be able to return to his post. Bobruisk currently has no rabbi.

Rabbi Lamdan told Forum 18 that his permission for religious work was not renewed in September 2006 on the grounds that he was conducting commercial activity—a charge he denies . . . . Foreign religious workers invited by local religious communities of various confessions are increasingly being barred . . . .

Fr Grzegorz Chudek, the most recent Polish Catholic priest forced to leave the country, did so before Christmas, according to a Catholic source in the south-eastern city of Gomel [Homyel']. Unable to overturn the decision not to extend his religious work permit, she told Forum 18 on 5 February, the Catholic Church has replaced him with another Polish priest not previously in Belarus.

Fr Chudek originally had to leave by 1 December 2007, apparently due to his criticism of Belarus' social problems in the Polish press. Although he obtained a two-month visa extension, this did not include the right to work in his parish of the Holy Trinity in Rechytsa (Gomel Region) . . . .The decree controlling religious work by foreign citizens is separate from the visa regime.

Ten Polish Catholic priests and five nuns have been forced out of Belarus since late 2005 . . . . Vice-premier Aleksandr Kosinets told a 19 September 2007 round table of Belarus' religious leaders that the Catholic Church should end the use of foreign clergy over the next few years . . .

Shortly after the new decree's publication, "the largest non-political, civil campaign in Belarusian history"—a petition to change the 2002 Religion Law—reached its target of 50,000 signatures, Protestant lawyer Sergei Lukanin told Forum 18 on 14 February. Campaigners now intend to hand copies of the petition over to President Aleksandr Lukashenko, parliament and the Constitutional Court.

**8. Felix Corley, *Four Catholic priests and three nuns banned*, FORUM 18 NEWS SERVICE, Dec. 23, 2008, [http://www.forum18.org/Archive.php?article\\_id=1235](http://www.forum18.org/Archive.php?article_id=1235) (excerpt):**

Three Catholic priests in the western Grodno Diocese, and one priest and three nuns in the Minsk-Mohilov Archdiocese face a ban on religious work in Belarus from 1 January 2009 . . . . Archbishop Tadeusz Kondrusiewicz of Minsk-Mohilov told Forum 18 that "this makes me deeply sad. Who has been punished for this? Our faithful, citizens of Belarus who pay their taxes. As a bishop, I have a duty to take care of my flock." It is unclear why the priests and nuns have been banned. However, Catholic clergy have previously been expelled for being active on social issues, and state officials have repeatedly expressed particular hostility to foreign Catholic priests.

Archbishop Kondrusiewicz said that, of the 430 or so Catholic priests in Belarus, about 160 are foreign citizens. "We are working to get more local priests and we have about 140 seminarians, but this takes time," he told Forum 18. "We need foreign priests and nuns to be able to offer our

faithful a full religious life.”

Marina Tsvilik of the government’s Office of the Plenipotentiary for Religious and Ethnic Affairs defended the moves. “These are not bans,” she told Forum 18 from Minsk on 23 December. “They’ve just not had their permission to work extended.”

Diocese deserved a ban because they failed to preach in either of the state languages, Belarusian or Russian. “Why does the Diocese not understand this?” she exclaimed. Asked how she knew this, she said her office had received about ten complaints through the post about Fr Krawczyk. She said that the local authorities had told her that Fr Bronowski and Fr Skonieczny did not preach in Belarusian or Russian. “We have the right to check up on religious communities.” The KGB secret police closely monitor all religious communities . . . .

Asked why it is the state’s concern what language sermons are in, Tsvilik said foreign religious workers must abide by the Law on Languages. “We have to respond to complaints from believers,” she insisted. Asked why, given that the Constitution establishes the separation of the state and religious communities, she told Forum 18: “If religious leaders won’t deal with complaints, then it becomes an issue for the state.”

Tsvilik insisted to Forum 18 that the state does not require religious communities to pray in a state language. “So Russian Orthodox can pray in Old Church Slavonic, Muslims can pray in Arabic and so on,” she claimed. “It’s just that the sermon has to be in a state language.”

However, this was contradicted by Fr Yan Kuchynski, the dean of Grodno’s Catholic cathedral. “Officials constantly tell us priests that Masses have to be comprehensible, and so should not be in Polish,” he told Forum 18 from Grodno on 23 December. “They don’t say this to the Orthodox or the Muslims.” He said that in Grodno Diocese, where there is a large ethnic Polish minority, Mass is generally in Polish or Belarusian with a sermon often in Russian.

Archbishop Kondrusiewicz said that in his archdiocese, Mass is mostly in Belarusian with some Masses in Polish, Lithuanian or Italian. “Officials have a desire that Mass should be in a state language, but here at least there’s no direct pressure.”

The refusal to renew the priests’ permission to conduct religious work came as the Office of the Plenipotentiary for Religious and Ethnic Affairs was renewing its attack on foreign Catholic priests working in Belarus. Tsvilik told the Permanent Commission for Human Rights, Ethnic Relations and the Media of the lower chamber of Parliament on 9 December that the “problem” of lack of local Catholic priests remains “unresolved.”

In remarks cited by the state news agency Belta, Tsvilik complained that Catholic seminary education was too long and that the Catholic Church “actively invites priests, mainly from Poland.” “Indeed, the invited priests often don’t know the state languages of Belarus [Belarusian and Russian] and are bearers of a different mentality and culture and do not always understand social and political processes which have taken place in the country.”

Tsvilik defended her comments to Forum 18, insisting that all foreign religious workers need permission from the Office of the Plenipotentiary for Religious and Ethnic Affairs. “This means

that those arriving here will be theologians and not those deploying hypnotic skills.”

The regulations on foreign religious workers closely follow the highly restrictive Religion Law, which contravenes the International Covenant on Civil and Political Rights (ICCPR) . . . . In comments that caused outrage among many Belarusian Catholics and human rights defenders, the Holy See’s Secretary of State, Cardinal Tarcisio Bertone, conveyed the thanks of Pope Benedict XVI to the state “for the religious liberty that Belarus enjoys.” He also told a 22 June 2008 press conference in Belarus that the Religion Law was “a good law reflecting the necessary protection and respect for the rights of the five main confessions traditional to Belarus” . . . .

**9. Geraldine Fagan, *Danes deported for praying in church*, FORUM 18 NEWS SERVICE, Feb. 11, 2008, [http://www.forum18.org/Archive.php?article\\_id=1253](http://www.forum18.org/Archive.php?article_id=1253) (excerpt):**

Two Danish visitors to Belarus were detained by police and are being deported as they expressed “ideas of a religious nature,” in the words of the deportation order, Forum 18 News Service has learnt. “We were praying, reading and speaking from the Bible, greeting the people, and praying together,” one of the two, Erling Laursen, told Forum 18. Neither were leading the worship service they attended. Police took video footage of the two praying in Gomel’s charismatic Living Faith Church, but refused to say who had recorded it “to protect our colleague.” The KGB secret police closely monitors all religious communities. The deportation of the two Danes—who are banned from Belarus for one year – brings to 31 the number of foreign citizens barred from Belarus in recent years for their religious activity. The most recent people expelled were four Catholic priests and three nuns, banned at the end of 2008 . . . .

Bergen’s 7 February deportation order, which Forum 18 has seen, states that he expressed “ideas of a religious nature,” although not invited to Belarus to conduct religious activity. While this is said to be in violation of the restrictive 2002 Religion Law, no article of the Law is cited.

**10. Geraldine Fagan, *Belarus places severe restrictions on foreign religious workers*, FORUM 18 NEWS SERVICE, Jan. 26, 2009, [http://www.forum18.org/Archive.php?article\\_id=1244](http://www.forum18.org/Archive.php?article_id=1244) (excerpt):**

[T]he state authorities continue to target the activity of the Council of Churches Baptists, who refuse compulsory state registration on theological grounds. On 11 January, two of its members operating a Christian street library in Osipovichy [Asipovichy] (Mogilev [Mahilyow] Region) were approached by Anna Zemlyanukhina, who heads the local district Ideology Department. Arguing that the church is unregistered and does not have state permission to run such a library, Zemlyanukhina ordered the literature’s removal, according to a 24 January Council of Churches statement. When the Baptists refused to comply, she called the police, who detained the pair and confiscated their literature and a “Christian Library” sign.