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BELARUS: 'Forbidden Christ' and right to legally challenge warnings forbidden

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

'Forbidden Christ', a Belarusian film documenting Soviet-era persecution of Protestant churches, was banned from a Catholic film festival by the Belarusian State Plenipotentiary for Religious and Ethnic Affairs, Forum 18 News Service has learned. It was seized from film director Aleksei Shein and sent for an "expert analysis" to the KGB secret police. However, the KGB told Forum 18 that it would be returned to Shein. He told Forum 18 that "perhaps the authorities fear that some believers will see a parallel with what is happening in our country now". Separately, the latest attempts by Jehovah's Witnesses to establish the right to legally challenge official warnings against literature distribution have failed. Both the Supreme Court and Gomel Regional Prosecutor's Office have rejected the right to make such legal challenges - despite a Constitutional Court decision upholding the right to make them. One Jehovah's Witness community has been warned that it faces liquidation if it continues to distribute literature.

'Forbidden Christ', a Belarusian film documenting persecution of Protestant churches in the Soviet period, was in September banned from being shown at a Catholic film festival by order of Leonid Gulyako, the Belarusian State Plenipotentiary for Religious and Ethnic Affairs, Forum 18 News Service has learned. In February it was seized from the film's director, Aleksei Shein, as he was leaving Belarus and sent for an "expert analysis" to Grodno [Hrodna] regional KGB secret police, according to a 21 October Customs Committee document seen by Forum 18. Grodno Regional KGB told Forum 18 on 4 November that it found nothing against the law in the film and it has been returned to the customs for it to be handed back.

'Forbidden Christ' is based on archive footage of trials of Protestant leaders during the Soviet period, and 20 interviews with victims of Soviet anti-religious policies and historians. The 52-minute film took Shein six years and 4,540 Belarusian Roubles (8,690 Norwegian Kroner, 1,080 Euros, or 1,500 US Dollars) to make. (The first section can be viewed at <http://www.youtube.com/watch?v=0YEfaR7Xmdc>).

Why is the state hostile to the film?

Film director Shein says two reasons could lie behind the state's attitude to his film. "One is that the film not only recounts the Soviet repression of Protestants, but also shows believers' refusal to compromise and give in to the communist system," he told Forum 18 on 30 October. "It shows Soviet reality – the authorities' total control over information, elections and the absence of freedom of expression and religion. Perhaps the authorities fear that some believers will see a parallel with what is happening in our country now."

He maintains that the Belarusian authorities would prefer that people do not know about Soviet-era repression of religious communities, as they regard themselves as the heirs of the Soviet regime.

Belarus discourages the commemoration of Orthodox Christians killed for their faith by the Soviet Union, the KGB secret police – which retains the Soviet-era name - has sought to have icons of them removed from Grodno Cathedral. KGB officers also often monitor visitors to mass graves of Stalinist repression victims. An Orthodox chapel planned for the site has never been built (see F18News 12 May 2008 http://www.forum18.org/Archive.php?article_id=1127).

Shein also pointed to the authorities' dislike of his role as a leader of the opposition Christian Democrat Party. "Perhaps that's enough of a reason for the authorities to obstruct the showing and distribution of this film."

"Countering extremist activity"

The authorities did not obstruct the film's launch on 26 January at the Crowne Plaza Hotel in the capital Minsk. Shein told Forum 18 at the time that he thought the authorities would not seek to obstruct showing of the film because it was about the Soviet period, not about current developments.

However, on the morning of 11 February, Shein was stopped on the border with Latvia and held for five hours. Six DVDs of the

film, as well as Christian Democrat leaflets, were confiscated. The Department of Customs Investigation of Oshmyany Customs began an investigation under Article 14.5 of the Code of Administrative Offences ("undeclared goods"). "The protocol records that these materials will be examined as to whether they contain testimonies which could slander the honour and dignity of the Republic of Belarus," Shein's Christian Democrat Party said at the time.

Pavel Skrobko, head of the Ideology Department at Grodno Regional Administration, told Forum 18 on 4 November that Oshmyany Customs had sent the confiscated materials to his office for an expert analysis. But he had had to return them, as "it is not within our competence – there's a Religious Affairs Office in Minsk".

On 15 March, the Customs Service ended its investigation, after finding that no crime had been committed.

Shein returned to the customs post on 12 October to collect the films and documents confiscated from him in February, but was asked to submit a written request for their return. On 21 October, in a letter seen by Forum 18, Gennady Kuzyuk, deputy head of Oshmyany Customs, wrote back to him to say that the items have been sent for a decision by Grodno regional KGB secret police.

Kuzyuk cited regulations requiring state agencies to work together "with the aim of countering extremist activity in relation to printed or audiovisual materials brought through customs containing information which could cause harm to the political or economic interests of the Republic of Belarus, its state security or the health and morals of its citizens".

"It is a completely normal film"

"I didn't need to declare these items, as they were being taken abroad for personal, not commercial use," Shein told Forum 18. "The materials were confiscated for the simple reason that the authorities did not like the theme."

He added that as one of the Christian Democrat leaflets had already been cleared of extremist content by the KGB, after being confiscated from another Christian Democrat, the authorities must be targeting the discs of 'Forbidden Christ'.

Kuzyuk of Oshmyany Customs was not answering his phone each time Forum 18 rang on 4 November. However, his assistant Gennady Andrushkevich, who drafted the letter to Shein, insisted to Forum 18 that the confiscated materials "will be returned" to Shein. "Printed and audiovisual material which has not been produced by a state firm must be checked," he maintained. "Then the KGB will return it." He denied that the material had been confiscated, insisting it had simply been "removed".

However, Natalya Baklaga, spokesperson for Grodno regional KGB, said it had checked the film and the leaflets and found nothing against the law. "It is a completely normal film," she told Forum 18 on 4 November. She said that the materials have already been returned to the customs for them to be returned to the owner.

She stressed that the materials had not been taken by the KGB. "The customs were suspicious that these items contained extremist material," she told Forum 18. "Different agencies send us all kinds of things."

'Forbidden Christ' forbidden

'Forbidden Christ' was due to be presented on 9 September in Glubokoe in Vitebsk [Vitsyebsk] Region at the Catholic-run Magnificat 2010 festival of Christian documentary films. Although the festival's opening ceremony on 7 September was addressed by State Plenipotentiary for Religious and Ethnic Affairs Gulyako, he subsequently ordered the festival's leadership to remove 'Forbidden Christ' from the programme. Otherwise, he threatened, they risked having the festival closed down. Press reports said that Gulyako had personally telephoned festival organiser Yuri Gurulev to issue the order. The festival removed 'Forbidden Christ' from the programme.

"Religious affairs official Gulyako told Gurulev that my film had not been approved by state religious affairs experts, that is it had not successfully passed some kind of expert analysis," film director Shein told Forum 18.

Forum 18 was unable to reach Gulyako on 4 and 5 November. Officials told Forum 18 he was in a meeting or out of the office.

In 2008 Belarus banned a Christian music festival, initiated by Catholics, minutes before it was due to begin (see F18News 25 September 2008 http://www.forum18.org/Archive.php?article_id=1193). Fr Zbigniew Grygorcewicz, who helped initiate the festival, was expelled with four other priests and three nuns from Belarus in December 2008 (see F18News 7 January 2009 http://www.forum18.org/Archive.php?article_id=1237).

"Mass quantities"?

One of State Plenipotentiary for Religious and Ethnic Affairs Gulyako's assistants, Marina Tsvilik, insisted to Forum 18 on 4 November that permission is needed from her office to export religious literature or films "in mass quantities". Asked whether six copies represented "mass quantities" she said she did not know. She denied that requiring such permission represented censorship.

"We have to make such that such materials contain no calls, for example to religious hatred," she claimed.

Right to legally challenge warnings forbidden

Two Jehovah's Witness congregations, given official warnings after some of their members offered religious literature to passers-by on the street, have failed to legally establish a right to challenge such warnings through the courts.

The community in Gomel [Homyel] received a written "final warning" from Aleksandr Prusov of the Religious Affairs Department of Gomel Regional Executive Committee in September 2009, shortly after it had been heavily fined. Both Gomel Regional Court and the Supreme Court in late 2009 rejected their attempt to challenge the warning - despite a 2007 Constitutional Court decision upholding religious organisations' right to make such challenges (see F18News 18 January 2010 http://www.forum18.org/Archive.php?article_id=1396).

Similarly, the Jehovah's Witness community in Mogilev [Mahilyow] received a written warning on 23 February, seen by Forum 18, from Vladimir Martynovsky, the religious affairs official at Mogilev Regional Executive Committee, that one of their members had been caught offering their literature on the street on 19 January. He warned that this violated Article 26 of the 2002 Religion Law, which states that such literature can be distributed only at a religious organisation's premises, or in places for which permission has been granted by the authorities. "The Jehovah's Witness community in Mogilev had not received such permission from the local Executive Committee for its members to distribute religious literature on the streets of Mogilev."

Martynovsky warned that if the Jehovah's Witnesses failed to stop this "violation", the community's activity would be legally halted and an application would be made to the courts to liquidate the community.

As in Gomel, the Mogilev community tried to challenge the warning through the courts, equally unsuccessfully. On 16 July, in a decision seen by Forum 18, Judge Irina Maimusova of Mogilev Regional Court ruled that neither the Civil Procedure Code nor the Religion Law allows for civil suits against such warnings.

On 23 August, in decision seen by Forum 18, a collegium of the Civil Division of the Supreme Court in Minsk, chaired by Judge Valeri Samolyuk, rejected the Mogilev Jehovah's Witnesses' further appeal. The Supreme Court cited the same arguments as Judge Maimusova, and copied its decision to the General Prosecutor's Office.

On 6 October, in a letter also seen by Forum 18, Aleksei Stuk, Belarus' Deputy General Prosecutor wrote to the Gomel Jehovah's Witnesses to reject their complaint against the refusal of the courts to allow them to challenge the warning. "No basis exists for a supervisory complaint to the General Prosecutor's Office," he wrote. This was after Gomel Regional Prosecutor's Office on 29 June had rejected the Gomel community's complaint, and the Jehovah's Witness then taking their complaint to the General Prosecutor.

Separately, Jehovah's Witnesses told Forum 18 from Minsk on 5 November that the authorities had finally registered their community in Kostyukovich, where members had been fined for meeting for worship without state registration (see F18News 9 April 2010 http://www.forum18.org/Archive.php?article_id=1430). (END)

For a personal commentary by Antoni Bokun, Pastor of a Pentecostal Church in Minsk, on Belarusian citizens' struggle to reclaim their history as a land of religious freedom, see F18News 22 May 2008 http://www.forum18.org/Archive.php?article_id=1131.

For more background information see Forum 18's Belarus religious freedom survey at http://www.forum18.org/Archive.php?article_id=1311.

Full reports on freedom of thought, conscience and belief in Belarus can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=16>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Belarus is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=belaru>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY