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BELARUS: "Inmates are afraid of exercising their religious freedom rights"

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

In Belarus non-Orthodox prisoners face difficulties in exercising their freedom of religion or belief, Forum 18 News Service has found. In maximum security prisons, "prison administrations make prisoners face a difficult choice whom to see once a year - either clergy or relatives", lawyer Vlasta Oleksuk told Forum 18. All prisoners sentenced to death – such as Andrei Burdyka executed in July – are denied the possibility to meet clergy before their execution, even if they request this. There are also problems in ordinary prisons, for example Muslims having no allowance made for their diet. Anatoly Tunchik of the Punishment Implementation Department, asked about visits by non-Orthodox clergy, replied: "We are very strict at not admitting any random person into prisons. Sometimes", he continued, "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". Many convicts and clergy of different religions were not even aware of the rights they had. 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 Belarus non-Orthodox prisoners face difficulties in exercising their freedom of religion or belief, Forum 18 News Service has found. Inmates in maximum security prisons, and who are not Orthodox or Catholic, face particular problems. Muslims, for example, appear to have no allowance made for their diet. Officials, lawyers, clergy and former inmates have told Forum 18 that Orthodox priests conduct religious services and visit every jail, and Catholic priests conduct religious services and visit jails in areas with a majority Catholic population.

Belarus currently has 34 jails: two maximum security prisons in Zhodino (Minsk Region) and Glubokoye (Vitebsk [Vitsyebsk] Region), 18 closed regime prisons, three open regime prisons, two juvenile correctional facilities, three ordinary prisons and six detention centres.

In four jails, Catholic priests only appear to be able to enter them on the request of prisoners. These are Volkovysk (Grodno [Hrodna] Region), Novopolotsk (Vitebsk Region), the capital Minsk's Prison No. 1, and Shklov (Mogilev [Mahilyow] Region). The same four jails are the only jails in which Protestant religious services appear to be regularly held and where Protestant clergy can regularly visit inmates.

International human rights standards Belarus has formally committed itself to protect prisoners' right to freedom of religion or belief and other human rights. Belarusian law – in Article 12 of the Criminal Enforcement Code for example – supposedly also guarantees these rights for all prisoners, for example the rights to have clergy visits, attend religious services, and possess religious books (see F18News 20 March 2008 http://www.forum18.org/Archive.php?article_id=1103). However, as lawyer Vlasta Oleksuk commented to Forum 18 on 2 August, "the question is what confession the clergy the inmate is asking for belongs to".

Political prisoners of conscience of any faith – including Orthodox - have routinely been denied their rights to freedom of religion or belief. This has been the case both in the past (see F18News 20 March 2008 http://www.forum18.org/Archive.php?article_id=1103), and in the large-scale December 2010 detentions after the presidential elections (see F18News 4 July 2011 http://www.forum18.org/Archive.php?article_id=1589).

Maximum security prisons

A pastor of the Church of Jesus Christ, Boris Chernoglaz, told Forum 18 on 22 July that he was allowed to visit an inmate sentenced to life in Zhodino maximum security prison only once a year. "The young man is an orphan and he has had no one to visit him for 10 years. It is important for the convict to know that in the outside world there is a person he can talk to", Chernoglaz said.

Minsk-based lawyer Oleksuk confirmed to Forum 18 that only life sentence prisoners have the right to be visited restricted to once a year. These prisoners are held in both maximum security prisons. In Zhodino there is an Orthodox priest who can visit inmates regularly. However, clergy of all other faiths or confessions can only visit inmates as a private individual once a year, after getting written permission from the prison administration.

"It's not true that an inmate has a right to see a priest once a year, though the number of visits depends on the nature of the crime and the regime of the prison" the Deputy Head of the Punishment Implementation Department, Anatoly Tunchik, told Forum 18 on 25 July from Minsk. However, he said that in maximum security prisons the rules are stricter. Tunchik claimed that no obstacles are in place stopping prisoners seeing a priest, or performing religious ceremonies, and that in maximum security prisons there were prayer rooms. However, he contradicted himself by stating that "access to prison is open only to the registered religions, which are Orthodox and Catholics".

Clergy who are not either Orthodox or Catholic can visit inmates only as private individuals, lawyer Oleksuk explained to Forum 18. The number of visits depends on the regime of the prison. Prison administrations can decide whether visits are allowed by clergy or relatives, as well as how many visits are allowed. "Prison administrations make prisoners face a difficult choice whom to see once a year - either clergy or relatives." This is a very cruel choice, especially if the prison administration unilaterally decides this without taking account of what the prisoner wants.

Both Pastor Chernoglaz and Alexandre Leneen, a Deacon of Gethsemane Evangelical-Christian Baptist Church from Minsk, have difficulties in gaining access to prisons. "Before around 2006 it was easier to visit prisons, but now it is impossible without a letter signed by the head of Punishment Implementation Department in Minsk," Leneen told Forum 18 on 22 July. To gain access, he said that his bishop had to go to the Head of the Punishment Implementation Department and personally ask for permission explaining the situation. Tunchik of the Punishment Implementation Department told Forum 18 that non-Orthodox clergy very seldom come to see him about visits.

Leneen said that clergy from his church visit Glubokoye Maximum Security Prison (where trusted life prisoners are transferred from Zhodino) about once a month, but visits to Zhodino are rarer.

He also noted that guards are present during meetings, but during confession they try to keep their distance from the conversation. Punishment implementation Department official Tunchik also stated that the secrecy of confession is preserved.

Death sentence prisoners

However, prisoners sentenced to death – which sentence is almost never commuted to life imprisonment – are often not allowed visits they request (see F18News 12 October 2010 http://www.forum18.org/Archive.php?article_id=1497). So far in 2011 Andrei Burdyka – who was executed on an unknown date between 13 and 19 July with Alek Gryshkavtsov - had arranged to have an Orthodox priest visit him on 20 July. But the execution took place before the visit, and no opportunity was given for the visit to be brought forward.

Fr. Sergey Lepin, Press secretary for the Orthodox Church, refused to comment on this case to Forum 18 on 3 August. He stated that the Church was as unaware of the execution date as anybody else. "We are very sorry for what has happened to these young men, as every person has the right to confess." He then commented: "Let's hope that it was done without evil intent, but because of a technical blunder".

Prisoners sentenced to death are held in Minsk's Minsk Detention Centre No 1. When asked for the reason for executing convicts before they can receive a clergy visit, an officer on duty - who would not give his name - explained politely to Forum 18 on 3 August that "such a difficult question can't be answered on the phone".

"Everything which concerns capital punishment is covered with secrecy, even the exact date is unknown", lawyer Roman Kisliak told Forum 18 on 2 August. He stated that prisoners sentenced to death have free access to religious literature in the period between sentencing and execution. "The problem is that they are informed about the execution a few minutes before it is performed, and so there's no possibility to see a priest."

The bodies of executed prisoners are not handed over to their families, the date and place of burial is kept secret, and no opportunity is given for a religious service at the place of burial (see F18News 12 October 2010 http://www.forum18.org/Archive.php?article_id=1497).

Ordinary prisons

In ordinary prisons inmates appear to have more visits from clergy, but there is still a discrimination against the non-Orthodox. A former inmate of Volkhovysk Prison from 2006 to 2010, Sergey Roslikov, who is Orthodox, told Forum 18 on 25 July that among his fellow prisoners were Muslims, Jews, Catholics and Baptists. "Some of these inmates attended our Orthodox services, and some Catholics converted to Orthodoxy because there were no Catholic services". However, Roslikov noted that a Pentecostal pastor regularly came and conducted services.

Tunchik of the Punishment Implementation Department, asked about visits by non-Orthodox clergy, replied: "We are very strict at not admitting any random person into prisons. Sometimes", he continued, "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".

Tunchik gave no examples of the "negative influence" he alleged.

"Inmates are afraid of exercising their religious freedom rights"

Forum 18 found out that many convicts and clergy of different religions were not even aware of the rights they had. "We try to support the Muslims who are in prison but I don't think it's possible to visit them since we are not their family. If some inmates are denied visits by their relatives, there's no chance for us", a member of the Brest Muslim Community, Valid Abu Anvar, told Forum 18 on 20 July. He remarked that Muslims usually meet a negative attitude from people of different religions.

The leader of the Grodno Muslim community, Rafail Rezyapov, complained that it was difficult for Muslims to visit prisons. "Once we made an attempt to visit our adherents in Grodno prison but we were told that we were not in the list", he told Forum 18 on 18 July. "The prison administration did not explain that there was any procedure for visits." An official of the in Grodno Punishment Implementation Department - - who did not give his name – told Forum 18 on 18 July that there was no prejudice against Muslims, but no applications to visit were sent by them.

Abu Usuf, a Muslim who spent 12 months in 2003 in Shklov Prison (Mogilev Region) insisted to Forum 18 on 20 July that: "Neither today nor in the time of my imprisonment had I ever heard of any visits by muftis". He remembered that Muslims experienced some problems such as the shaving off of their beards, and frequent hunger when pork was on the menu. He reported no problems with receiving religious literature sent to him by relatives. "More problems to Muslims were caused by too aggressive Christians," he stated. However, Muslim inmates could meet together for religious discussions.

"Inmates are afraid of exercising their religious freedom rights, as they fear that the prison staff's attitude will be tougher", Pastor Chernoglaz told Forum 18. He pointed to the state's concordat-style 2003 Co-operation Agreement with the Belarusian Orthodox Church, which recognises provision of Orthodox pastoral care to prisoners and detainees among its priorities (see F18News 20 March 2008 http://www.forum18.org/Archive.php?article_id=1103). "Other religions and denominations have no place there", he lamented. Non-Orthodox prisoners have to request a clergy prison visit from prison administration to bring a clergyman. "This procedure is not legally regulated, and it's up to each prison administration to decide what they do", he remarked.

Ruslan Egorchenko, Head of the Ideology Department of the Punishment Implementation Department in Grodno, confirmed to Forum 18 on 22 July that non-Orthodox and non-Catholic clergy did not have easy access to prisons. He claimed that there must be agreements signed by the Punishment Implementation Department and the confession concerned. "Even if an inmate requests a meeting with a clergy of a confession, but that confession didn't sign an agreement, we won't allow him to come to the prison", he stated.

Fr. Valery Dyakovskiy, a Catholic priest in Grodno, told Forum 18 on 19 July that there were no prison visits by non-Orthodox and non-Catholic clergy. He stated that Muslim and Jewish inmates talked to him as "the commitment of a priest is not only to conduct religious rituals, but also to talk to people and discuss religious issues".

Orthodox access

As an Orthodox Christian inmate of Volkhovysk Prison from 2006 to 2010, Roslikov never had problems seeing a priest. The procedure he and other inmates had to follow was to write a request to the prison administration, and after that they were allowed to come to Orthodox worship and talk to a priest three times a week. Roslikov said that in the prison there is a prayer room and an Orthodox church built by the inmates.

Fr. Oleg Shulgin, Orthodox chaplain to Prison No. 1 in Minsk, told Forum 18 that inmates were allowed regular times of access to a priest. He said that liturgies were held once a month, but priest assistants came to prison twice a week and made a list of people who would like to attend the services. Additional time for religious purposes was given at the request of the convicts. Fr. Shulgin confirmed to Forum 18 that the secrecy of confession was observed by the guards and prison administration.

Fr. Shulgin also pointed out that a Pentecostal pastor came regularly to hold worship services in prison. "It was quite peculiar when on Sunday half of the prisoners went to an Orthodox service, and the other half to the Baptist service which was carried out in the room next to ours", he remarked. Visits by Catholic priests only take place at the request of individual prisoners.

Tunchik of the Punishment Implementation Department in Minsk stated that their policy was to let Orthodox priests come and talk to convicts. "Visits by priests won't do any harm, on the contrary they ease the atmosphere", explained Tunchik. He said that there were chapels and prayer rooms in prisons, but mostly for Orthodox and Catholics, and rarely for Protestants. (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://education.nationalgeographic.com/education/mapping/outline-map/?map=Belarus>.

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