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BELARUS: Charismatic church's fight pushed back to square one

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

Members of Minsk's charismatic New Life Church have vowed to fight on to retain their building after the Higher Economic Court threw out their appeal against moves to seize it. The state argues that the building is a cowshed and is not being used for its legal purpose, despite church attempts to have its usage changed. As the court decision comes into force immediately, the Minsk authorities have the right to demand the building "at any moment", church member and lawyer Sergei Lukanin pointed out to Forum 18 News Service. He said the church has been "deceived" as it only went to court after it was advised to do so by a senior Presidential Administration official. Another official there, Lyudmila Vorovka, refused to discuss the court decision. "The court decides this [issue], not us," she told Forum 18. Meanwhile, a Baptist leader Aleksandr Yermalitsky was fined on 8 January for hosting "a religious event at which the Bible was read" at his home, while other Baptists running street libraries have had literature confiscated and received court warnings for "singing songs of a Christian nature without permission". Catholics told Forum 18 there has been no progress in having the recent bar on seven Polish priests and nuns overturned.

After more than two years of delays, the Higher Economic Court on 13 January threw out an appeal by the Minsk-based New Life Church against state moves to seize its building. "The authorities have deceived us yet again," church lawyer and member Sergei Lukanin commented to Forum 18 News Service on 22 January. A senior presidential administration official had suggested the church go to court in the first place. The Presidential Administration has no response to the decision, Lyudmila Vorovka, an official dealing with religious affairs there, told Forum 18 on 22 January. A spokesperson for the Higher Economic Court refused to comment to Forum 18 the same day, even to confirm the decision.

The latest ruling takes New Life's position back to October 2006, when the Minsk authorities dispatched a bulldozer with the apparent intention of razing the charismatic congregation's building, and the church embarked on a high-profile hunger strike in its defence (see F18News 20 October 2006 http://www.forum18.org/Archive.php?article_id=858).

The verdict also suggests that the government's underlying policy of containment towards religious communities has not changed, even while it has made fewer moves to restrict religious activity during recent efforts to forge ties with the European Union.

As the Higher Economic Court's decision comes into force immediately, the Minsk authorities have the right to demand the building "at any moment", Lukanin pointed out to Forum 18. But if they do, he said, church members have decided they will refuse to give it up: "We won't submit." No move has been made against the church since the verdict.

On 22 January New Life returned to the state the money it received for its building in its forced sale (see F18News 6 October 2006 http://www.forum18.org/Archive.php?article_id=851).

The appeal to which the 13 January verdict relates was originally lodged in December 2006, and challenged Minsk City Executive Committee's 17 August 2005 instruction curtailing New Life's land rights and ordering the sale of its building (see F18News 1 September 2005 http://www.forum18.org/Archive.php?article_id=640). The instruction was based upon the church's alleged violation of the Land Code, which states that rights to land may be curtailed if it is not used according to its designation (Article 49, Part 4).

Purchased in 2002, New Life's building – a spacious, modern barn-like structure on the edge of Minsk – is legally still a cowshed. The state authorities refuse to allow the church to legalise its position by changing the building's designation to a house of worship, or to use it for services (see F18News 21 February 2005 http://www.forum18.org/Archive.php?article_id=516). The congregation's defiant worship at the building has resulted in multiple large fines in addition to its formal confiscation (see most recently F18News 17 August 2006 http://www.forum18.org/Archive.php?article_id=832).

The congregation has nowhere else to meet, having been barred from public facilities by district administrations throughout Minsk (see F18News 16 December 2004 http://www.forum18.org/Archive.php?article_id=477). It toyed with the idea of keeping several cows at the church, but animal husbandry is now banned in Minsk (see F18News 28 July 2005 http://www.forum18.org/Archive.php?article_id=619).

By the time of the October 2006 hunger strike, New Life had already exhausted the appeals procedure. But after letters of support from all over the world began pouring in to President Aleksandr Lukashenko, the church's pastor, Vyacheslav Goncharenko, was invited to see a top-ranking presidential administration official, Oleg Proleskovsky, who hinted that a legal resolution was possible (see F18News 20 October 2006 http://www.forum18.org/Archive.php?article_id=858).

This was the reason the church returned to the courts in December 2006, Lukanin, the lawyer, explained to Forum 18. "It wasn't our initiative, it was due to [Proleskovsky's] advice to resolve our problem that way – we assumed positively." New Life now intends to take its appeal higher, he added. "Although we know that the decision wasn't taken in the courtroom, or even the courthouse. It was a political decision taken in the presidential administration, and until the position there changes, nothing will happen in the courts."

Proleskovsky's telephone went unanswered on 22 January. His assistant had previously referred Forum 18 to Lyudmila Vorovka, whose brief at the presidential administration includes religious affairs.

Vorovka refused to comment on the court decision on 22 January, even after Forum 18 explained that it was only due to her colleague Proleskovsky's advice that New Life had lodged the appeal at all. "The court decides this [issue], not us," she replied when Forum 18 asked whether the presidential administration would take measures to resolve the church's problems. "We can't interfere with the decision of the court."

Minsk's senior religious affairs official has staunchly defended the city's actions against New Life to Forum 18 (see F18News 21 February 2005 http://www.forum18.org/Archive.php?article_id=516).

Meanwhile, the 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.

Also in Mogilev Region, a court in Bobruisk fined Aleksandr Yermalitsky 175,000 Belarusian Roubles (445 Norwegian Kroner, 50 Euros or 65 US Dollars) on 8 January after he hosted "a religious event at which the Bible was read" at his home on 5 December, the Council of Churches reported. The 5 December home worship service was visited by three officials of the local district Ideology Department, a police officer and KGB officer, who asked why the Baptists were meeting without state registration and why there were children present without their parents.

On 20 December 15 Baptists running a street library in Kobrin (Brest Region) were detained by police and referred to Kobrin District Court for "singing songs of a Christian nature without permission from Kobrin District Executive Committee," the Council of Churches reported on 2 January. The group was issued an official warning – but not fined – by the court on 6 January, a Baptist representative in Kobrin told Forum 18 on 21 January.

Police in Kobrin earlier detained the Baptists, confiscated their literature and told them "to clear off" (see F18News 23 December 2008 http://www.forum18.org/Archive.php?article_id=1235).

On 15 January the European Parliament passed a resolution calling upon Belarus "to respect freedom of religion." The state authorities are "denying a growing number of Protestant and Roman Catholic priests and nuns the right to practice a preaching and teaching ministry," it noted.

Fr Zbigniew Grygorcewicz, until the end of December 2008 a Catholic parish priest in Borisov [Barysaw] (Minsk Region), told Forum 18 from Poland on 23 January that the presidential administration still has until 10 February to respond to a letter from parishioners asking why he is not allowed to work in Belarus: "So we are waiting."

Fr Grygorcewicz was one of four Polish Catholic priests as well as three nuns who had their permission to continue religious work in Minsk-Mohilov Archdiocese and Grodno [Hrodna] Diocese revoked at the end of December. The bans brought to 29 the number of foreign religious workers - including Protestants and Jews as well as Catholics - banned from working with local religious communities since 2004 (see F18News 7 January 2009 http://www.forum18.org/Archive.php?article_id=1237). For Catholics in Borisov, it is the second time in recent years that their parish priest has been ousted (see F18News 13 January 2006 http://www.forum18.org/Archive.php?article_id=715).

Fr Yan Kuchynski, the dean of Grodno's Catholic cathedral, told Forum 18 on 23 January that he had no news concerning his Church's attempts to return to Belarus the three priests from that Diocese barred at the end of 2008. Likewise the chancellor of the Minsk-Mohilov Archdiocese, Fr Yuri Kasabutsky, told Forum 18 from Minsk on 26 January that he was unaware of any progress in seeking the return of the three Polish nuns and one priest to the Archdiocese. (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=888.

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 survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

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

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