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BELARUS: Another massive fine, right to worship on own property denied

By Felix Corley, Forum 18

New Life Pentecostal Church in Belarus' capital Minsk has had a massive fine imposed on it today (29 July), for alleged "environmental damage", Forum 18 News Service has learned. Added to an earlier fine, the two fines and "compensation" total 265,750,000 Belarusian Roubles (542,850 Norwegian Kroner, 68,250 Euros, or 89,300 US Dollars). Sergei Lukanin, the church's lawyer, told Forum 18 that the Church will pay neither fine, arguing that if there is any pollution at the site it dates from the time before the church owned the property. He insisted that the church has kept the building and site in good order, a contention which Forum 18's own observations on visits support. A city environmental official claimed in an official report on the Church before the fines that grass growing for a children's playground damaged the environment. Meanwhile, two small Pentecostal churches in villages near Minsk have been fined for using the properties they own for worship. Officials claim the properties are registered for domestic use and therefore worship is illegal. The small congregations will struggle to pay these fines, a church member said. "The fear is that officials could do this again – the mechanism is there," Forum 18 was told.

After a court decision today (29 July) against New Life Church in the Belarusian capital Minsk, the Pentecostal church now faces two massive fines for alleged "environmental damage" to the church's car park. Sergei Lukanin, the church's lawyer, told Forum 18 News Service that the church will pay neither fine, arguing that if there is any pollution at the site it dates from the time before the church owned the property. He insisted that the church has kept the building and site in good order. Forum 18's own observations during visits to the church support Lukanin's contention.

Meanwhile, two small Pentecostal churches in villages near Minsk have been fined for using the properties they own for worship services. Officials claim the properties are registered for domestic use and that use of the land they stand on to facilitate worship in the properties is illegal. A member of the Pentecostal Union handling these two cases says that the small congregations – each has 20 to 30 members – will struggle to pay these fines. "Raising such sums is difficult for such a small community," the Union member told Forum 18 from Minsk on 28 July. "The fear is that officials could do this again – the mechanism is there."

Protestant communities in particular have long faced great difficulties in rebuilding properties they own for worship, and have found that it is nearly impossible to get property officially re-designated so that it can be legally used for worship buildings. This problem mainly affects Protestant communities, as unlike the other major communities in the country - Orthodox and Catholic - they are much less likely to own their own worship buildings (see F18News 30 May 2007 http://www.forum18.org/Archive.php?article_id=966).

Communities who do not own their own property have long found that the state places great obstacles in the way of them renting premises to meet in (see F18News 29 May 2007 http://www.forum18.org/Archive.php?article_id=965).

Elsewhere, the pastor of a Belarusian village Pentecostal church has been fined three times in one day for sharing his faith outdoors in a nearby village as he did not receive "appropriate permission". Also, courts have refused to acquit one person for the "crime" of conscientious objection to compulsory military service, but two others have been acquitted. Fears have been expressed that at least one of the three may be prosecuted again for the same "crime". A coalition of civil society groups has published proposals for an Alternative Service Law (see F18News 30 July 2010 http://www.forum18.org/Archive.php?article_id=1472).

Massive "environmental damage" fine imposed

Officials have long sought to oust the New Life church from its building – a former cowshed which the church bought in 2002 and converted for worship – on the edge of Minsk. The latest case against New Life began at Minsk City Economic Court on 12 May, seeking compensation for alleged oil pollution on church land. The case was suspended as an earlier pollution case was considered separately, but resumed later.

At the final hearing on 29 July, Judge Oleg Klyuko found the church guilty and fined it 249,000,000 Belarusian Roubles to pay for what the state claims would be the cost of cleaning the alleged damage. In addition, 8,000,000 Roubles were imposed in costs, in

"compensation" for the state's costs in bringing the case – bringing the total to 257,000,000 Roubles (524,850 Norwegian Kroner, 66,000 Euros, or 86,400 US Dollars).

New Life argues that officials are using environmental claims as part of their long-running campaign against the church. The head of Minsk's City Natural Resources and Environmental Protection Committee has claimed that grass being grown for a children's playground at the church might also cause environmental damage, and was uninterested when Forum 18 raised concerns about accumulated rubbish - including rotting vehicles and old washing machines - dumped within 500 metres of the church (see F18News 1 June 2010 http://www.forum18.org/Archive.php?article_id=1452).

The congregation has adopted a policy of civil disobedience, refusing to allow state officials into the building.

"No one ordered us to do this"

However, Aleksandr Borovikov, head of Minsk City Natural Resources and Environmental Protection Committee which brought the case, defended the massive fine. "The court established that the church is guilty – they took the decision," he told Forum 18 from Minsk in the wake of the hearing. He brushed aside any comparison between the size of the penalty in New Life compared to those in Brest Region.

Borovikov once again vigorously rejected the church's claims that environmental measures are deliberately being used to target the church. "No one ordered us to do this – we are an independent agency."

Church lawyer Lukanin told Forum 18 that the church will appeal against the fine to the Appeals Section of the Economic Court. The Church has 15 days to do so from receipt of the verdict in writing, though it must pay 4,000,000 Belarusian Roubles (8,100 Norwegian Kroner, 1,000 Euros, or 1,300 US Dollars) in costs to lodge the appeal.

Lukanin added that officials are now alleging that the track that leads from the nearest road to the church car park was built illegally. He insisted that the track was already there when the church building was a cowshed long before New Life bought it.

Borovikov of the Natural Resources and Environmental Protection Committee told Forum 18 that the track is still being investigated and no conclusion has yet been reached. "The report from the experts has not yet reached my desk for signature."

Earlier "environmental damage" fine

In the earlier case, on 12 July New Life received in writing the decision of the Supreme Court upholding a fine handed down on the church for "environmental damage" to its car park, the church told Forum 18. The decision was signed by one of the Court's deputy chairs, Valeri Kalinkovich.

Minsk District Court had fined the church 8,750,000 Belarusian Roubles (18,000 Norwegian Kroner, 2,250 Euros, or 2,900 US Dollars) on 26 February for damage environmental officers claimed had been caused to the land in the car park. An appeal against the fine was rejected on 26 March by Minsk City Court, after which the Church took its case to the Supreme Court (see F18News 9 April 2010 http://www.forum18.org/Archive.php?article_id=1430).

The two fines and "compensation" total 265,750,000 Belarusian Roubles (542,850 Norwegian Kroner, 68,250 Euros, or 89,300 US Dollars). Church lawyer Lukanin contrasts the fines imposed on New Life with the situation in Brest Region. According to a 24 July Belapan article citing the Regional Prosecutor Sergei Khmaruk, penalties totalling 88,000,000 Belarusian Roubles – just under one third of the total imposed on New Life - were imposed in 281 separate cases involving environmental damage in the entire Brest Region in the first six months of 2010.

Churches can't use own property for worship

On 8 June, Soligorsk [Salihorsk] District Court in Minsk Region found two Pentecostal churches guilty of using their plots of land not for their true purpose. The church in the village of Gavrilchitsy and the church in the village of Krasnaya Sloboda each use a private home they have bought and remodelled for worship. In each case, the registered congregations have certificates from the Village Executive Committees certifying their "permanent use" of the properties.

Each congregation was fined 700,000 Belarusian Roubles (1,449 Norwegian Kroner, 181 Euros or 235 US Dollars) under Article 15.10, Part 3 of the Administrative Violations Code ("violation of the procedure for using a land plot"). The fine was the minimum laid down for legal entities found guilty of this offence.

Both churches appealed against the decisions, but Judge Lyudmila Astreiko of Minsk Regional Court upheld the fines in separate hearings on 6 July, according to the almost identical verdicts seen by Forum 18. The court ruled that both buildings were private homes and that the land on which they stood could only serve to support domestic use of the home.

"They can't use them as places of worship"

Leonila Belitskaya, head of Soligorsk District Land Use Geodesic Department, who testified against both churches in the District Court, told Forum 18 on 28 July from Soligorsk that "these are recorded as private houses – they can't use them as places of worship." She said they had to change their official use before they could use them as churches. She defended the fines, insisting that they were handed down in accordance with the law, not to punish people for religious practice.

Belitskaya added that the Pentecostals can gather as friends in the houses and pray. Asked how that differed from what they have been doing, she responded: "They've been using them as places of worship when they are not."

"Legal vacuum"

The deputy head of the Pentecostal Union, Sergei Tsvor, expressed concern over the rulings. He pointed out that for many small congregations, buying anything other than a private home to use as a church is beyond their means. He insisted that congregations abide by the law and all sanitary and fire requirements. He complained of a "legal vacuum" which made it all but impossible to transfer such properties from domestic use to use as places of worship. "Earlier the stress was on the alleged misuse of the building," he complained, "while now it is on the use of the land that they stand on."

Tsvor said the Union is preparing a set of documents to present to the Supreme Court in a bid to clarify and resolve the issue.

It has long been nearly impossible to get property officially re-designated so that it can be legally used for worship buildings (see F18News 30 May 2007 http://www.forum18.org/Archive.php?article_id=966). (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>.

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