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BELARUS: "We are relying on God, not the courts"

By Geraldine Fagan, Forum 18

In Minsk, the embattled charismatic New Life Church has yet to receive the written verdict of a July court decision forcing it to sell the building where its thousand members worship. Neither was the church informed about another recent court hearing to consider its right to use the land beneath the building. Now, however, "we are relying on God, not the courts," the church's lawyer told Forum 18 News Service. New Life has still not been given any explanation why a city Development Plan – offered, apparently against Belarusian law, as the reason why the church must sell its building to the state – may not be altered to include a Protestant church, except that this is "not envisaged". Once New Life receives what it believes is a greatly reduced price for its building, it has ten days in which to move out.

Despite secure delivery of every previous item of correspondence from state departments and courts, the 1000-strong charismatic New Life Church will not insist upon a replacement copy of a significant 21 July decision by Minsk City Economic Court – the original of which it has still to receive. "We are relying on God," New Life Church's lawyer Sergei Lukanin remarked to Forum 18 News Service on 18 September, "not the courts."

The absence of the written verdict meant that, on 22 August, New Life was obliged to appeal the same court's 21 July decision without being familiar with the motivations behind it. At the July hearing – witnessed by Forum 18 – Judge Aleksandr Karamyshev ruled that New Life must sell its building to the Minsk state authorities in return for a sum estimated by the church to be 35 times lower than its true value (see F18News 28 July 2006 http://www.forum18.org/Archive.php?article_id=819).

In their six-page rejection of New Life's appeal – a copy of which has been viewed by Forum 18 – Judges Viktor Kurilo, Aleksandr Bragin and Tamara Lapotko belatedly set out Minsk City Economic Court's reasons for approving the forced sale. Dated 22 August, the document explains – in a 25-line single sentence – that the city Development Plan for the land beneath New Life's building was not the direct cause of Minsk City Executive Committee's 17 August 2005 decision to curtail its right to that land, but the church's use of the building not according to its designation of cowshed; that the Development Plan renders "impossible" the church's continued use of the building as a house of worship; and that Sergei Lukanin has not disputed the method by which the sale price was calculated.

As observed by Forum 18 at the 21 July hearing, Sergei Lukanin did dispute the sale price as being 35 times lower than the building's true value. While Belarusian law does allow the state to curtail land rights, it must demonstrate in court that the reason for curtailment (solely, according to the 17 August 2005 decision, use not according to designation) necessitates curtailment of rights to private property situated on the land if also seeking to confiscate that property. At the 21 July hearing, Sergei Lukanin argued that this had not been demonstrated, and while the 22 August appeal verdict rejects his conclusions as "mistaken", the document itself acknowledges that the Development Plan is being offered as grounds for confiscation of New Life's building - a reason quite different from that given for the curtailment of land rights.

Just like the 21 July court hearing, the 22 August appeal verdict fails to address the key issue of why, while New Life is not using the building according to its designation (something in any case illegal due to a ban on the keeping of cattle within Minsk city limits), the state authorities have denied the church permission to change its designation to that of a house of worship. The document does confirm, however, that a state representative told the court that a change of designation would require a positive evaluation by the State Committee for Religious and Ethnic Affairs.

In 2005, Minsk's main religious affairs official Alla Ryabitseva told Forum 18 that the city Development Plan was the reason why New Life had not been granted permission to change the designated usage of its building (see F18News 21 February 2005 http://www.forum18.org/Archive.php?article_id=516). Her subordinate Yelena Radchenko has declined to respond to Forum 18's query of why state representatives are thus citing each other as responsible for the confiscation of New Life's building (see F18News 28 July 2006 http://www.forum18.org/Archive.php?article_id=819). Alla Ryabitseva's telephone went unanswered when Forum 18 rang on 21 September.

The 22 August appeal verdict also fails to explain why the city Development Plan may not be altered to include a Protestant church, other than that this is "not envisaged". State building engineer Aleksandr Oganesen told the court on 21 July that two multi-storey

housing blocks would be built on the site of New Life's building. Forum 18 observed, however, that several luxury homes are already being constructed a short distance from the church.

According to New Life's website, a Minsk Property Department official informed the church office on 20 September about Minsk City Executive Committee's 14 September decision to make available the court-approved sale price. The sum – 37,581,476 Belarusian roubles (108,656 Norwegian Kroner, 13,762 Euros, or 17,497 US Dollars) – has already been transferred from the Executive Committee's bank account to that of the Property Department, according to the official, who was telephoning to ask church office staff to bring him confirmation of New Life's bank details for subsequent payment. In response, New Life's website states, "it was explained to him that since the actions of Minsk Property Department are unlawful, the church will not co-operate with it on the issue of the forced sale of its building."

According to the 22 August appeal verdict, Minsk City Economic Court's 21 July decision involved the conclusion of a sale contract no later than ten days after which the sum for New Life's building should be transferred by the city authorities. Sergei Lukanin had thought that payment would thus be made no later than ten days after the failure of the church's 22 August appeal, or by 1 September. The contract stipulates that New Life must vacate its building no later than ten days after receipt of payment.

On 28 August the church's website reported that a Minsk Property Department official had telephoned that day to confirm the church's bank details. On Thursday 7 September the church reported that at approximately 4pm two police officers and a man and woman in civilian clothing demanded but were refused entry to its building. On 18 September Sergei Lukanin confirmed that the church has not received any payment, but that no further action has been taken regarding its building.

In other recent developments reported by New Life, Minsk City Economic Court held a second hearing on 22 August about which the church was not informed, according to its website. This considered - and rejected – New Life's appeal against Minsk City Court's 13 July decision refusing the church's separate demand that Minsk City Executive Committee allocate the plot of land where the disused cowshed is situated for it to build a house of worship.

On only 19 September, Pastor Vyacheslav Goncharenko received a 5 September demand from Minsk's Central District Court that he pay a fine of 930,000 Belarusian roubles (2,806 Norwegian kroner, 349 Euros or 449 US Dollars) before 17 September, "or the decision of the court will be implemented by force." Pastor Goncharenko was fined the sum on 28 June for conducting a worship service without state permission at the church's building on Sunday 4 June (see F18News 17 August 2006 http://www.forum18.org/Archive.php?article_id=832). (END)

For more background information see Forum 18's Belarus religious freedom survey at http://www.forum18.org/Archive.php?article_id=478.

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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY