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BELARUS: When will legal foot-dragging end for charismatic church?

By Geraldine Fagan, Forum 18

New Life charismatic church in Belarus is no nearer securing the use of its own building and land for worship, Forum 18 News Service has learnt. This is due to Belarusian state procrastination, even though the church ended a hunger strike in October 2006 after a senior state official strongly indicated that a resolution could be reached through the courts. However, "the judge had all the necessary information to make a decision two months ago," the church's lawyer Sergei Lukanin told Forum 18. "There are no objective reasons for this delay." The Higher Economic Court has postponed its ruling five times since December 2006, with the next hearing being due on 19 March. Lukanin points to two possible reasons for the delays. Firstly, the late 2006 gas price dispute with Russia gives Belarus less reason to support institutions associated with Russia, such as the Belarusian Orthodox Church. Secondly, Lukanin thinks, the government is "hoping that international attention will go away." Tight state controls on property use by religious communities - particularly in the capital, Minsk - have markedly restricted Protestants and Hare Krishna devotees.

Four months after members of Minsk-based New Life Church ended their hunger strike, due to a senior state official's indication that a resolution was reachable through the courts, the congregation appears no nearer to securing its own building and land for worship. "The judge had all the necessary information to make a decision two months ago," the charismatic church's lawyer Sergei Lukanin told Forum 18 on 2 March. "There are no objective reasons for this delay." The Higher Economic Court has postponed its ruling five times since 22 December 2006. The next hearing is slated for 19 March.

Various reasons have been given for the delays. When concluding a 100-minute late January hearing and postponing further consideration until 20 February, Judge Yekaterina Karatkevich pointed to the need to take further account of "the social significance of the case under review". While acknowledging in the court's 23 January resolution that she has already examined the case materials and heard representatives of both sides, Karatkevich puts the delay down to a need "for more complete and objective scrutiny of the dispute in its essence, examination of additional documentation presented by the parties and acquisition of additional documents." Forum 18 has seen a copy of the resolution.

Sergei Lukanin sees two possible reasons for the Court's foot-dragging. Following the late 2006 dispute with Russia over gas prices, Belarus now has less reason to support institutions associated with Russia, such as the Belarusian Orthodox Church - which comes under the Moscow Patriarchate and is a prominent supporter of the restrictive 2002 Religion Law. In addition, he suggested, increased - if reluctant - recent contact with the European Union means that Belarus "doesn't need another problem in the area of human rights." On the other hand, a decision in New Life's favour "would inevitably lead to religious policy changes for all non-Orthodox," Lukanin remarked - something that would represent a seismic shift for the Soviet-style state. Thus, he suggested to Forum 18, "the government hasn't yet decided what to do with us."

The second reason for the government's inaction, continued Lukanin, is that "they are hoping that international attention will go away." He acknowledged that this is patently unlikely, however, as New Life members have repeatedly stated that they will resume their high-profile hunger strike should the authorities move against the church. Although bulldozers began manoeuvres near New Life's building last October, no further physical threat has followed (see F18News 20 October 2006 http://www.forum18.org/Archive.php?article_id=858).

Four thick files of correspondence with municipal officials and 18 months of court cases having failed to secure the right to use their own land and building for worship, members and supporters of the Minsk-based charismatic New Life Church began their hunger strike on 5 October 2006. Within just two weeks the church's pastor, Vyacheslav Goncharenko, was invited to see a top-ranking presidential administration official, who hinted that a legal resolution was possible (see F18News 20 October 2006 http://www.forum18.org/Archive.php?article_id=858). On 26 October a senior judge cancelled a 27 October 2005 decision against New Life and called for the church's case to be heard again (see F18News 3 November 2006 http://www.forum18.org/Archive.php?article_id=865). On 4 November the Higher Economic Court cancelled every court decision issued against New Life since 27 October 2005 and confirmed that it would reconsider the church's case on 27 November. The church's protests attracted public support from both Protestant and Catholic Christians (see F18News 29 November 2006 http://www.forum18.org/Archive.php?article_id=880).

Since then, however, no further progress has been made. During a preliminary hearing at the Higher Economic Court on 7 December both church and state set forth their positions. According to New Life's website, the Minsk authorities' arguments remain unchanged, while the church filed an additional request for the court to consider not only the legality of Minsk City Executive Committee's 17 August 2005 decision curtailing the church's land rights and forcing the sale of its building, but also a change of the building's designation to a house of worship and a corresponding change of land use.

At the next hearing on 22 December 2006, the Court agreed to examine several of New Life's additional demands: a change of the building's designation to a house of worship, a corresponding change of land use and reimbursement of court fees totalling approximately 2,000,000 Belarusian Roubles (5,750 Norwegian Kroner, 700 Euros or 900 US Dollars). Deciding that they had no direct bearing upon the case, however, Judge Karatkevich refused to examine two more of the church's demands: to oblige the city authorities to re-register New Life at the address of its worship building or to recognise as illegal the state's refusal to allow worship there. As a result of these extra requests and the illness of Igor Kasperovich, a legal consultant to Minsk's Land Use Committee, she postponed further examination of the case until 19 January 2007.

At the three-hour 19 January session, both sides presented additional materials to the court, leading Judge Karatkevich to postpone her verdict until 23 January.

Both sides again set forth their positions at the 23 January hearing, following which Judge Karatkevich postponed her decision until 20 February.

The 20 February hearing did not take place, however, due to a request from Igor Kasperovich. New Life's website reported that Yelena Radchenko, a specialist at Minsk's municipal Department for Religious and Ethnic Affairs, told the court that the Passport and Visa Service urgently required Kasperovich's passport, without which he would be unable to pass the Higher Economic Court's strict entry pass regime. The hearing was consequently postponed to 22 February.

However, in 2006 the Higher Economic Court allowed foreign journalists to be present on the strength of their Belarusian foreign journalist accreditation, and did not require them to show passports. So it is odd that Kasperovich, a Belarusian state official, apparently faced more stringent barriers than foreign journalists. On 2 March, the church's lawyer Sergei Lukanin confirmed that any form of official identification is still sufficient to enter the courthouse.

On 22 February, Kasperovich again asked for the case to be postponed so that he could invite a state property expert, competent to give evidence about whether New Life Church had used its land in line with its official designation. He claimed that this would "help the City Executive Committee construct its line of defence correctly." This request was granted, and a further hearing has been set for 19 March.

Arguing that New Life's building is legally a barn or cowshed, Minsk officials have refused to grant the 1000-strong congregation permission to use it for services. The state authorities simultaneously refuse to allow the church to legalise its position by changing the building's designation to that of a house of worship (see F18News 21 February 2005 http://www.forum18.org/Archive.php?article_id=516). New Life has been worshipping at the disused barn ever since being barred from renting a local house of culture in September 2004. As church administrator Vasili Yurevich told public prosecution officials in December 2004, the congregation was earlier refused requests to rent other public facilities by district administrations throughout Minsk (see F18News 16 December 2004 http://www.forum18.org/Archive.php?article_id=477). The church's continued use of its building for services has resulted in multiple large fines (see most recently F18News 17 August 2006 http://www.forum18.org/Archive.php?article_id=832), in addition to the authorities' decision to confiscate the building.

A March 2000 analysis of one of New Life's sister congregations by an expert at the State Committee for Religious and Ethnic Affairs concludes that it is a "neo-mystical religious-political destructive sect" whose growth poses "a significant threat to the individual, society and state" (see F18News 4 November 2003 http://www.forum18.org/Archive.php?article_id=186).

Tight state controls on property use by religious communities - particularly in the capital, Minsk - have markedly restricted Protestants and Krishna devotees (see most recently F18News 28 July 2005 http://www.forum18.org/Archive.php?article_id=619 and 3 August 2006 http://www.forum18.org/Archive.php?article_id=822). Last year they even resulted in the ten-day imprisonment of a Reformed Baptist pastor (see F18News 6 March 2006 http://www.forum18.org/Archive.php?article_id=737). (END)

For more background information see Forum 18's Belarus religious freedom survey at http://www.forum18.org/Archive.php?article_id=888.

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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