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BELARUS: Religious freedom petition delivered, but Protestant fines continue

By Geraldine Fagan, Forum 18

Belarus seems to be increasing its use of technical building regulations to harass Protestant churches, Forum 18 News Service notes. The fire safety demands for which one church was fined would have involved moving walls, Pastor Mikhail Kabushko, a Pentecostal in Brest Region, told Forum 18. "Every time they check, there is something new. Even if we were to fulfil everything now, there's no guarantee they won't come up with something more." Separately, the pastor of a Minsk-based charismatic church, who also thinks health and safety demands are being used to oppress Protestants, faces prosecution for refusing to admit state inspectors onto church property. Officials have avoided answering Forum 18's questions. A 50,000-signature, 3,442-page long petition from across Belarus calling for a change to the Religion Law has been submitted to the Constitutional Court, Parliament and Presidential Administration. The Constitutional Court has replied that appeals should be submitted via President Aleksandr Lukashenko, Parliament or other authorised state bodies. These state bodies now have a month to reply to the petition.

Belarusian authorities appear to be increasing their use of technical building regulations to harass Protestant churches, Forum 18 News Service notes. "Orthodox churches are full of wood and use open flame during services, yet we're supposed to be the most dangerous in terms of fire risks!" a Pentecostal pastor in Brest Region fined for fire safety violations pointed out to Forum 18 in late February. The pastor of a Minsk-based charismatic congregation, who also thinks health and safety demands are a pretext for oppressing Protestants, now faces prosecution for refusing to admit state inspectors onto church property.

Baranovichi [Baranavichy] Emergencies Department in January fined Pastor Mikhail Kabushko and Administrator Oleg Loiko of New Life Pentecostal Church a total of 490,000 Belarusian Roubles (1,180 Norwegian Kroner, 150 Euros or 228 US Dollars) – the equivalent of almost three weeks' average wages. While the pair have paid the fines, Pastor Kabushko believes the unrealistic nature of the fire safety demands means they are a less obvious way of putting pressure on the church. Built in 2000, the interior of the congregation's 525 square metre [5,650 square feet] building has a bare floor and walls, he pointed out to Forum 18: "There isn't anything to burn!"

The Baranovichi congregation – 300 adults and approximately 200 children - was first fined for fire safety violations a year ago. Significant funds have already gone into putting right much of what the state authorities then demanded, Pastor Kabushko told Forum 18. "But we can't do everything – we're not a commercial organisation." The demands for which the church was fined for failing to implement would have involved moving walls, he said. "It would be easier to build something new."

Pastor Kabushko rejects the whole approach of trying to keep up with the fire safety demands, however. "That path is a blind alley. Every time they check, there is something new. Even if we were to fulfil everything now, there's no guarantee they won't come up with something more."

Registered in 1993, New Life Church belongs to Belarus' main Pentecostal Union. Salvation, a sister congregation in Baranovichi, was heavily fined in 2006 for performing baptisms in a local lake (see F18News 28 September 2006 http://www.forum18.org/Archive.php?article_id=847). Also in Baranovichi, the charismatic New Generation Church was recently fined for incorrect land use (see F18News 7 February 2008 http://www.forum18.org/Archive.php?article_id=1084).

New Life's problems are compounded by the fact that its church is technically a private home, Pastor Kabushko believes. The authorities rejected his November 2006 request for the building to be transferred from housing stock, arguing that "the location of a house of worship in the given district was never envisaged." Following media attention, however, as well as 22 and 27 February meetings with the head of Baranovichi's Ideological Department, the Pentecostal pastor is optimistic that this issue may soon be resolved in the church's favour.

Contacted on 4 March, the head of Baranovichi's Ideological Department maintained she could not hear due to the quality of the line. Forum 18 then said very loudly who was calling, but Tatyana Zhidko still claimed she could not hear well. When Forum 18 then tried to call again, her telephone repeatedly went unanswered.

Forum 18 has found that getting property formally redesignated for non-residential use is almost impossible for many Protestant communities (see F18News 30 May 2007 http://www.forum18.org/Archive.php?article_id=966). The 1998 Civil Code and the 1999 Housing Code both prohibit an organisation from being located at a residential address unless it has been redesignated as non-residential premises. The restrictive 2002 Religion Law allows a religious organisation to meet at residential premises with special state approval, as long as they are free-standing. This is the case with New Life in Baranovichi. Even state registration has not spared others from being fined or having their leaders detained if they meet for worship at residential premises without state permission, however (see most recently F18News 5 June 2007 http://www.forum18.org/Archive.php?article_id=969).

Pastor Vyacheslav Goncharenko also thinks that health and safety check-ups by the Minsk authorities are a way of pressurising his charismatic New Life Church. Pastor Goncharenko now faces a fine of almost a month's wages for refusing to admit government inspectors to church property. Summoned by Assistant Public Prosecutor Dmitri Zyryanov of the city's Moscow District on 19 February, he received a written protocol for the relevant administrative violation, the church's lawyer, Sergei Lukanin, told Forum 18 on 4 March. Moscow District Court will soon hear the case, according to Lukanin, but a date has yet to be set. The maximum punishment for obstructing state inspectors is a fine of 700,000 Belarusian Roubles (1,760 Norwegian Kroner, 220 Euros or 325 US Dollars) - almost the average monthly wage - under Article 23, Part 1 of the Administrative Violations Code.

New Life's members voted in April 2007 to start a civil disobedience campaign after the authorities' indefinite adjournment of the court case to decide the fate of the church. The authorities have long tried to deny the church the use of its own building. Church members voted not to allow state representatives with the authority to issue fines onto their property (see F18News 7 February 2008 http://www.forum18.org/Archive.php?article_id=1084).

On 8 February Central and Frunze District Tax Inspectorates also ordered Pastor Goncharenko and his wife Irina to submit declarations about their income and property, New Life stated. On asking why he was being instructed to provide a declaration for property acquired over a lengthy period, Pastor Goncharenko was told "on orders from above," according to the church.

Contacted recently by Forum 18, different officials now appear in disarray over which state body is responsible for resolving New Life's predicament (see F18News 7 February 2008 http://www.forum18.org/Archive.php?article_id=1084).

The Belarusian state tends to regard Protestant communities particularly negatively. It views them both as ideologically and spiritually damaging (see 8 August 2006 http://www.forum18.org/Archive.php?article_id=824) and as the major source of religious-political dissent (see 29 November 2006 http://www.forum18.org/Archive.php?article_id=880).

Dissent, however, is not limited to Protestants, as Catholics, Orthodox and Protestants have joined together in a nationwide campaign gathering signatures to call for a change to the Religion Law (see F18News 16 May 2007 http://www.forum18.org/Archive.php?article_id=957). The campaign recently achieved its target of 50,000 signatures from across Belarus, shortly after the tightening of already restrictive regulations on foreign religious workers (see F18News 20 February 2008 http://www.forum18.org/Archive.php?article_id=1090).

On 26, 27 and 28 February campaign organisers submitted copies of the completed 3,442-page petition to the Constitutional Court, Parliament and Presidential Administration. While citizens are legally unable to appeal directly to the Constitutional Court, the petitioners had hoped that it might nevertheless choose to review the constitutionality of the 2002 Law on seeing the extent of support for their campaign. On 1 March, however, they received a response from the Constitutional Court pointing out that appeals should be submitted via President Aleksandr Lukashenko, the Parliament or other authorised state bodies. These now have a month in which to respond to the petition, Sergei Lukanin told Forum 18. (END)

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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