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BELARUS: "Why should we pay the state .. to pray in our own church?"

By Olga Glace, Forum 18 (<https://www.forum18.org>)

Minsk's historical Catholic Red Church parish faces large financial demands from the state for building work it did not agree to and which it cannot afford. It is unclear why this parish is facing these demands, as no other religious community has faced them. City officials refused to explain to Forum 18 the large sums demanded. Catholics in Mogilev, Grodno and Bobruisk have failed to regain ownership of historical churches they use.

In Belarus' capital Minsk, the Catholic Church of Saints Simon and Helena (known locally due to its brickwork as the Red Church) is facing a large financial bill from the state, as well as just under 13,000 Belarusian Roubles (47,500 Norwegian Kroner, 4,500 Euros, or 5,300 US Dollars) a month. As Red Church parish priest Fr Stanislav Stanevsky asked independent news agency Naviny.by on 13 July: "Why should we pay the state 13,000 Belarusian Roubles a month to pray in our own church?"

The Red Church is a historical Catholic church built in central Minsk in 1910 and which was confiscated during the Soviet period. Catholics were allowed to use the building again from 1990. The state still owns it, and Minsk city authorities claim to have spent more than 5,000,000 Belarusian Roubles (18,240,000 Norwegian Kroner, 1,725,000 Euros, or 2,030,000 US Dollars) restoring the Church building (see below).

People associated with the Red Church told Forum 18 that the authorities did not agree the work to be done with the parish. For example, Forum 18 was told that from at least 2015 onwards the authorities have been told that the basement regularly floods with rainwater, causing structural damage. This is the most serious problem the building has, yet neither this nor various other problems the authorities have been told of have been dealt with (see below).

It is thought that the authorities only did the work to make the outside of the building look good for tourists, for example visitors to the 2019 European Games, an athletics tournament held in June 2019 (see below).

Also, the parish was not told before the work how much the authorities would charge the parish. People associated with the Red Church think that it would take them at least 75 years to pay the authorities the current amount they are demanding. "It looks like the state without asking the parish decided to give us a large debt, and now demands that we pay them," Catholics told Forum 18 (see below).

The Red Church is an unusual case, and it is unclear why Minsk authorities have decided to impose such an enormous financial burden on the Church. The authorities have refused to explain their reasons. Minsk Heritage told Forum 18: "Minsk Heritage does not give comments" (see below).

Fr Yuri Sanko of the Catholic Bishops' Conference told Forum 18 that "we are not going to take any formal legal steps until we try to clear up the situation by negotiation" (see below).

However, Maksim Kovalev, a lawyer from Minsk who knows the situation, told Forum 18 that discussion of the issue since 2019 between the Catholics and the authorities "reminds me of a ping pong game". The authorities are also, most recently in June 2020, still refusing to transfer ownership of the Red Church back to its original owners, the parish (see below).

The state returned many confiscated places of worship to their original owners at the request of Orthodox, Catholic, Muslim, and Jewish communities during the 1990s. These communities have all told Forum 18 this month (August 2020) that only a few historical places of worship remain in the state's possession, as their return was not requested in the 1990s. In these cases, the state pays for continued maintenance of the building, and the religious community which uses the building pays a small amount as rent and for utility charges. There is no time limit set to these agreements (see below).

Catholics in Mogilev, Grodno and Bobruisk are all trying without success to regain ownership of historical churches they use. On 21 July 2020, Red Church parishioners launched a petition asking the Presidential Administration to return ownership of the Red

Church to the parish. More than 5,000 people had signed within the first week. Parishioners were still signing the petition on Sunday 9 August (see below).

"Why should we pay the state .. to pray in our own church?"

In Belarus' capital Minsk, the Catholic Church of Saints Simon and Helena (known locally due to its brickwork as the Red Church) is facing a large financial bill from the state.

On 12 July the parish priest Fr Stanislav Stanevsky announced after Mass that Minsk city has given the church a bill for 2019 of more than 160,000 Belarusian Roubles (585,000 Norwegian Kroner, 55,000 Euros, or 65,000 US Dollars) for restoration work and tax. In addition to this demand and utility charges, the city Executive Committee (local authority) also wants to continue to charge the parish just under 13,000 Belarusian Roubles (47,500 Norwegian Kroner, 4,500 Euros, or 5,300 US Dollars) a month as rent.

The parish was originally informed of the city's demands in December 2019, and only announced it publicly in July 2020. As Red Church parish priest Fr Stanevsky asked independent news agency Naviny.by on 13 July: "Why should we pay the state 13,000 Belarusian Roubles a month to pray in our own church?"

The Red Church is a prominent Catholic church in central Minsk, built in 1910. It was confiscated during the Soviet period. Although Catholics have used it again from 1990, it was not returned to the Church and remains state property.

By a Presidential decree of 13 September 2013, the Church was handed over to Minsk Executive Committee with the understanding that Catholics would continue to use the Church free of charge. The Executive Committee designated its own building agency Minsk Heritage to be responsible for maintenance of the Church.

The authorities claim to have spent more than 5,000,000 Belarusian Roubles (18,240,000 Norwegian Kroner, 1,725,000 Euros, or 2,030,000 US Dollars) restoring the Church building. On 16 July, Minsk Executive Committee claimed that 94 per cent came from the Minsk city budget, and Minsk Heritage financed the remaining 6 per cent.

"It looks like the state without asking the parish decided to give us a large debt"

Although people associated with the Red Church parish are not prepared to publicly discuss the work done, they have told Forum 18 that the authorities did not agree the work to be done with the parish.

For example, Forum 18 was told that from at least 2015 onwards the authorities have been told that the basement regularly floods with rainwater, causing structural damage. This is the most serious problem the building has, yet neither this nor various other problems the authorities have been told of have been dealt with.

It is thought that the authorities only did the work to make the outside of the building look good for tourists, for example visitors to the 2019 European Games, an athletics tournament held in June 2019.

Also, the parish was not told before the work how much the authorities would charge the parish. People associated with the Red Church think that it would take them at least 75 years to pay the authorities the current amount they are demanding. "It looks like the state without asking the parish decided to give us a large debt, and now demands that we pay them," Catholics told Forum 18.

Unusual case

Under Civil Code Article 587 ("Duties of parties with regard to maintenance of leased property"), Part 1.1.2, a property owner must carry out major structural repair work at their own expense. The tenant is responsible for carrying out and paying for routine maintenance work. Yet despite this, Minsk city claimed that "according to the applicable legislation the organisation which uses state property on a free use basis must pay for land tax, property tax, and depreciation".

The city therefore claims the parish owes them the claimed amount for 2019 and the ongoing claimed monthly bill.

According to the Tax Code, religious buildings owned by religious communities are exempt from property tax. Council of Ministers Decree No. 1194 of 22 December 2012 frees historical and cultural buildings in the State list of historical and cultural value from land tax for land owned by the state. However, the Red Church parish is not exempt from these taxes as if does not own its own building. This means that - against the Constitution, Catholics state - the Red Church parish is not exempt from land and property taxes.

Maksim Hacak, a Catholic journalist in Minsk, considers that the Red Church is an unusual case, as it is unclear why the authorities have imposed such high taxes on this particular church. Catholic Bishops' Conference spokesperson Fr Yuri Sanko told Forum 18 on 20 July that it is very unusual for such charges to be imposed. He noted that the state similarly owns the Co-Cathedral of the Assumption of the Blessed Virgin Mary and St Stanislaus in Mogilev, but the rent charged to that parish is nominal.

Similarly, Fr Sergi Lepin, Head of the Information Department of the Belarusian Orthodox Church, told Forum 18 on 24 July that he did not know of any Orthodox parishes which have had to pay high taxes or rent to the state. He also could not think of any historical Orthodox churches which are currently owned by the state.

However, some communities have to pay rent for using buildings temporarily while church buildings are under construction. "My church is also a historical building, but the ownership was handed over to the community. So under the law we do not pay any taxes," Fr Lepin commented to Forum 18.

Protestant communities - which generally do not use historical buildings - have often found it impossible to get property re-designated so that it can be used for worship in line with the law. If a building is not a designated place of worship, advance state permission is needed for religious activity, and this is often refused (http://www.forum18.org/archive.php?article_id=2612).

Orthodox and Catholic communities are rarely affected, partly due to the state's more positive attitude towards them, but also because they are more likely to occupy historically preserved, designated buildings.

"Minsk Heritage does not give comments"

Minsk Heritage refused to explain why the Red Church now faces this large payment demand. "Minsk Heritage does not give comments," an official who refused to give her name told Forum 18 on 20 July. She also refused to put Forum 18 through to other officials for comments.

The Tax and Duties Ministry refused to explain how it has calculated the tax it is now demanding from the Red Church parish. "If my phone number was given to you by reception, go back to them and ask for comments," a responsible official who refused to give her name told Forum 18.

Minsk Executive Committee's Office for the Disposal and Use of State Property did not answer its phones when Forum 18 called on 7 August to ask why the parish should pay for building work it has not agreed to.

"A ping pong game"

Fr Sanko of the Catholic Bishops' Conference told Forum 18 that the Red Church has no outstanding debts for utilities. He also confirmed that the Red Church parish has no possibility of paying the enormous bill for other charges. The Church has asked Minsk Heritage and the Head of Minsk Executive Committee about the extremely large amount being claimed.

However, Fr Sanko told Forum 18, "we are not going to take any formal legal steps until we try to clear up the situation by negotiation". He thinks that negotiations with the authorities could resolve the situation.

Maksim Kovalev, a lawyer from Minsk who knows the situation, says that after the state handed ownership of the church to Minsk city, the 5,000,000 Belarusian Roubles repair bill could come from the city budget. "This situation was not discovered yesterday, but was already known in 2019," he told Forum 18 on 24 July. However, he observed that discussion of the issue since then between the Catholics and the authorities "reminds me of a ping pong game".

The Red Church parish has repeatedly asked for the state to hand back ownership of its church, but the authorities have refused each time. After the most recent request, in May 2020, Minsk Executive Committee responded on 18 June 2020, claiming that there were no grounds for transferring the church building into parish ownership.

Confiscated places of worship returned in the 1990s, not now

Many confiscated places of worship were returned to their original owners at the request of Orthodox, Catholic, Muslim and Jewish communities during the 1990s.

These communities all told Forum 18 in August 2020 that only a few historical places of worship remain in the state's possession, as their return was not requested in the 1990s. In these cases, the state pays for continued maintenance of the building, and the religious community which uses the building pays a small amount as rent and for utility charges. There is no time limit set to these agreements.

Many of these religious communities repeatedly but unsuccessfully apply for ownership to be restored to them. The restitution process is complex, and relies upon the local Executive Committee agreeing that the building should be returned to its original owners. Normally this does not now happen. The final stage in the long process is a Presidential decree transferring the ownership of the confiscated building back to its original religious community.

Catholic journalist Maksim Hacak suggested to Forum 18 on 10 August that the authorities are not now willing to transfer ownership

back as "it's always easier to blackmail the communities using property they do not own".

Red Church petition

On 21 July 2020, Red Church parishioners launched a petition asking the Presidential Administration to return ownership of the Red Church to the parish. More than 5,000 people had signed within the first week. Parishioners were still signing the petition on Sunday 9 August. The petition states that the monthly payment being demanded by the authorities is beyond the parish's financial means. It also reiterates that the Red Church was originally built and owned by the parish.

Catholic Co-Cathedral in Mogilev

The state owns the Catholic Co-Cathedral of the Assumption of the Blessed Virgin Mary and St Stanislaus in the eastern city of Mogilev. Fr Sanko of the Catholic Bishops' Conference told Forum 18 that the parish pays Mogilev Executive Committee utilities charges and a nominal rent. He also stated that the parish finances all restoration works.

However, an official of Mogilev Executive Committee claims that the city's Housing Repair Utilities Association pays all the utility bills and taxes. "We repeatedly send them claims for payment and could have initiated a lawsuit," the official told Forum 18 on 4 August. "But it is embarrassing arguing with the Catholic Church."

The official pointed out that in their personal opinion, all confessions bear equal responsibilities and pay rent and taxes without any complaints. Only Catholics, the official said, state that their rights are violated.

The official also commented that the state still owns the Co-Cathedral as a way to influence the Church. "If they [the Catholics] keep the church building in a poor state, as they do with another historical construction they own in the city centre, we can take it away," the official told Forum 18.

The official noted that the Church had asked the Executive Committee to transfer ownership of the Co-Cathedral to it. "The Executive Committee replied that this may be possible," the official told Forum 18. "But only after a historical building the Catholic Church has owned from 2005, which they use as an educational centre, is restored. When that is done the status of the Cathedral may be re-considered."

Grodno Catholic Church ownership "a very complicated issue"

The state similarly owns the Catholic Church of the Discovery of the Holy Cross in the western city of Grodno. Catholics have asked for its return. Officials will not say why they have denied this request. "This is a very complicated issue which involves our Department and the Culture Department," an Ideology Department official at the Regional Executive Committee told Forum 18 on 4 August. "Please send us a written enquiry."

Bobruisk Catholics trying to restore their Church

Catholics in the south-eastern town of Bobruisk are trying to restore the Church of the Immaculate Conception of the Virgin Mary, which was built in 1903. It was confiscated during the Soviet period, and in the 1960s its bell tower was demolished to be replaced by a five-storey modern building attached to and across the Church's entrance.

A joint stock company owns the Soviet-era five-storey building, while the city Executive Committee owns the church building. They have taken no action to stop water flooding the basement, or to restore the Church to its historical appearance.

Parishioners would like to acquire the Soviet building and restore the entire church. But, as parish priest Fr Andrei Yarkovets told the local news agency Commercial Courier in March 2019, the parish is worried that it cannot afford the costs involved.

"The last time negotiations with the authorities took place was in 2019, and since then there's no movement," a parishioner who wished to be anonymous told Forum 18 on 24 July 2020. (END)

Full reports on freedom of thought, conscience and belief in Belarus
(<http://www.forum18.org/archive.php?query=&religion=all&country=16>).

For more background, see Forum 18's Belarus religious freedom survey (http://www.forum18.org/archive.php?article_id=2612).

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351).

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