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BELARUS: Fines, car park worship ban for New Life Church

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

On 25 September, police banned Minsk's New Life Church from meeting for Sunday worship in the car park of the building from which officials forcibly evicted it in February 2021. Police detained the Church's pastor Vyacheslav Goncharenko and another pastor Antoni Bokun. A judge fined each two months' average wage for leading the 18 September service which police had observed. Minsk City Executive Committee refuses to return the seized church building or allow the Church to meet for worship in the car park.

Officials have forced Minsk's New Life Pentecostal Church to halt the worship meetings it has held in the church car park every Sunday whatever the weather since officials forcibly evicted it from its church building in February 2021. A court fined the Church's pastor Vyacheslav Goncharenko and a pastor of another Church Antoni Bokun two months' average wage for participating in the 18 September 2022 service. Police banned the 25 September service, threatening to detain anyone who did not leave.

Police held Pastor Bokun overnight after detaining him on 22 September. Police seized the mobile phones from both pastors, telling them they would get them back only when the fines have been paid. Both told Forum 18 they intend to appeal against the fines (see below).

Asked what was wrong in holding an hour-long worship meeting outside the building from which officials had evicted New Life Church, and about the size of the fines she had imposed on the two pastors, Judge Yuliya Bliznyuk of Frunze District Court absolutely refused to respond. "I do not give comments on the phone, make an appointment," she told Forum 18 before putting the phone down (see below).

Artyom Tsuran, a Deputy Chair of Minsk City Executive Committee, has rejected all New Life Church's attempts to seek permission to hold meetings either in the car park or to have their church building returned to them. He earlier threatened the Church with liquidation, which would render all its activity illegal and subject to punishment (see below).

Forum 18 was unable to reach Tsuran at Minsk City Executive Committee. His telephone went unanswered each time Forum 18 called. The official who drafted all the letters to the Church on behalf of Tsuran was Chemodanova. The woman who answered her phone hung up as soon as Forum 18 began to introduce itself (see below).

Pastor Goncharenko insists that the Church needs and ought to be able to hold face to face worship meetings. "As the Bible says: 'For where two or three are gathered together in my name, there am I in the midst of them'" (see below).

Meanwhile, an official of the lower chamber of parliament told Forum 18 that no date has yet been set for it to consider a draft Law proposed by the Council of Ministers to strip individuals from Belarus of the possibility to complain to the United Nations Human Rights Committee about violations of their rights under the International Covenant on Civil and Political Rights (see below).

The official confirmed that the law requires only one reading in the lower chamber as it relates to an international agreement. She said if approved it would then go to Parliament's upper chamber. "It is logical that it would then go to the Constitutional Court," she added. It would then need presidential approval (see below).

Seven local human rights groups have been among those to criticise the draft Law and call for it to be abandoned (see below).

Meetings for worship allowed only with state permission

The regime imposes tight restrictions on all aspects of the exercise of freedom of religion or belief. Only registered religious organisations are allowed to hold meetings for worship or for other religious purposes and only at state-approved places.

Those who hold unapproved meetings for any purpose can be brought to court for "Violation of the procedure for organising or conducting a mass event or demonstration" under Administrative Code Article 24.23. Punishments are a fine of up to 100 base units (about two months' average wage), or community service, or 15 days' imprisonment.

On 28 July, a court in the south-eastern city of Gomel fined Protestant Pastor Dmitry Podlobko two weeks' average wage (https://www.forum18.org/archive.php?article_id=2764) under this Administrative Code Article for holding outdoor baptisms in a pool on family-owned property without seeking official approval. This was his second fine within a year to punish him for conducting baptisms. His assistant was also fined. In early August, a court in Gomel similarly fined two members of another local Protestant community (https://www.forum18.org/archive.php?article_id=2771) the same amount for holding public baptisms without seeking state permission.

On 22 January, amendments to the Criminal Code came into force which restored almost unchanged Article 193-1 (https://www.forum18.org/archive.php?article_id=2764), which had been removed in July 2019. The restored Article once more punishes "organisation of or participation in activity by an unregistered political party, foundation, civil or religious organisation" with a fine or imprisonment for up to two years.

Activities by unregistered or liquidated religious communities could lead to prosecutions under Criminal Code Article 193-1.

Some religious communities face official obstruction to opening or maintaining places of worship. After struggling since 1998 for a church, Minsk's Pomore Old Believers were in March 2022 denied building permission (https://www.forum18.org/archive.php?article_id=2739). Minsk District Executive Committee Head Vladimir Yurgevich claimed it was "inexpedient", and that completed building plans were not lodged by an August 2021 deadline.

After Russia's February 2022 renewed invasion of Ukraine, police in Minsk refused to say why they and OMON riot police were present in and around the city's main Orthodox cathedral on 3 March when about 100 soldiers' mothers attended regular evening prayers to pray for peace in neighbouring Ukraine. Officers checked the identity and photographed some of them before the service. Afterwards they detained four and questioned them at Central District Police Station for four hours (https://www.forum18.org/archive.php?article_id=2724). A journalist and her husband were detained at the cathedral and jailed for 15 days.

Years of state pressure, expulsion from church building

The Minsk authorities have long exerted pressure on New Life Pentecostal Church, which has been functioning since 1992. It bought its building - a former cowshed in Frunze District on the western edge of Minsk - in 2002. Officials forcibly evicted the Church from its building (https://www.forum18.org/archive.php?article_id=2639) in February 2021. Some 30 bailiffs, police, and Housing Repairs and Utilities Association officials took part in the eviction. Bailiffs used an angle grinder to cut the door lock to gain entry.

The New Life community counts about 1,500 members who, from February 2021 until now, have held Sunday services at the car park in front of the evicted building whatever the weather. The Church carries out more than 20 social and charity projects cooperating closely with social services of local executive committees.

"Without the building we lost the opportunity to worship in appropriate conditions," Pastor Vyacheslav Goncharenko complained to Forum 18. "It has become more complicated to carry out social projects as we have no place to have meetings and discuss humanitarian issues. All the good provided by the Church to society has not been noticed and acknowledged."

Requests for permission denied

In an official letter on 1 August, seen by Forum 18, Artyom Tsuran, a Deputy Chair of Minsk City Executive Committee, warned the Church that it had broken the law by holding Sunday services in the church car park (https://www.forum18.org/archive.php?article_id=2771) on 26 June and 24 July without official permission. It warned that if the "violation" is repeated within a year, the regime's senior religious affairs official, Plenipotentiary for Religious and Ethnic Affairs Aleksandr Rumak, could go to court to liquidate the Church, with a possible ban on its activity as the court considers the suit.

Liquidating the Church as a religious organisation would make any exercise of freedom of religion or belief by the Church illegal (https://www.forum18.org/archive.php?article_id=2612) and punishable under Criminal Code Article 193-1 (see above).

During a meeting with the Bishop of the Full Gospel Churches Union Leonid Voronenko on 24 August, Tsuran of Minsk City Executive Committee reproached New Life Church for allegedly not seeking dialogue with the authorities (https://www.forum18.org/archive.php?article_id=2771).

On 1 September, New Life Church sent a letter to Minsk City Executive Committee (seen by Forum 18) requesting permission for Sunday worship meetings at the car park. "We are not law-breakers, we are the best citizens of this country," the letter insists. "We would like to have equal rights with other confessions and officials' respect, as well as support for exercising our rights to freedom of religion and conducting worship meetings." The letter concluded that the "most just" decision would be to hand back the Church's seized place of worship.

In a response signed by Tsuran on 15 September (seen by Forum 18), officials denied permission for the Church to hold worship meetings. It referred to Decree No. 49 of the Council of Ministers "On the procedure of payment for public security provided by Police, for healthcare services, for cleaning venue after the public event". The Decree requires payment in advance for police, healthcare and cleaning services (https://www.forum18.org/archive.php?article_id=2612) and sets the price list depending on the number of participants.

Tsuran pointed out that New Life Church had failed to supply information required by the Mass Events Law. "Please note that your application does not meet the requirements of Articles 5, 6 and 9 of the Law [Mass Events Law] and the above-mentioned Decree of the Council of Ministers," the letter concluded.

Pastor Goncharenko complained to Forum 18 that instead of a direct answer they received a list of formal unconformities to the request. "We took this into consideration and sent another letter with all the requested information about our meetings," he told Forum 18. The letter (seen by Forum 18) was sent on 16 September. Police came on 25 September to prevent the Church from holding its regular worship meeting (see below).

In its answer of 28 September (also seen by Forum 18), Tsuran again referred to Decree No. 49 and the requirements it sets out for seeking approval for meetings. Though Pastor Goncharenko guaranteed to provide security, order and medical support by church members' efforts, the official insisted on signing contracts with and paying the relevant authorities prior to the meetings. He added that as Pastor Goncharenko had been punished for leading an unapproved mass meeting, he could not organise any meetings.

Forum 18 was unable to reach Tsuran at Minsk City Executive Committee. His telephone went unanswered each time Forum 18 called. The official who drafted all the letters to the Church on behalf of Tsuran was Chemodanova. The woman who answered her phone on 3 October hung up as soon as Forum 18 began to introduce itself. Subsequent calls went unanswered.

Summoned, detained, fined

On 18 September, Frunze District Police observed but did not intervene when New Life Church community held its regular Sunday worship meeting in the Church car park. One police officer present to observe the worship meeting was local police inspector Sergey Deshko, according to the subsequent court decisions.

Forum 18 was unable to get comments from him as his office phone went unanswered each time it called between 28 and 30 September. The man who answered Deshko's mobile phone on 3 October said it was a wrong number.

However, the following day, 19 September, Frunze District Police summoned Pastor Vyacheslav Goncharenko and detained him for several hours. During his detention, police officers asked him "provocative questions", he recounted in a video posted on New Life Church's Telegram channel on 20 September. Officers also did not allow him to use his phone for the whole detention period while they examined it for "extremist content".

The same day, Frunze District Court held an online court hearing in Pastor Goncharenko's case. Judge Yuliya Bliznyuk found him guilty of violating Administrative Code Article 24.23, Part 1. This punishes "Violation of the procedure for organising or conducting a mass event or demonstration" with a fine of up to 100 base units, or community service, or 15 days' imprisonment.

Judge Bliznyuk fined Pastor Goncharenko 100 base units (3,200 Belarusian Roubles). This represents about two months' average wages.

The detention and online court hearing was unexpected for New Life's leader. "I thought that it would be just a usual communication like last time when I had a meeting with the Head of Frunze District Police, and he told me that we were on his territory," Pastor Goncharenko told Forum 18. "That's why we changed the location and moved to the opposite site of the church building, which is in [Minsk's] Soviet District."

Pastor Goncharenko pointed out that there were some omissions in the records which was convenient to the authorities. "For our people this place has become a holy and sacred place significant to our lives, where people come with their faith and hope to get answers to their questions and to pray for the present and the future," he explained to Forum 18.

Also summoned, detained overnight, fined

Pastor Antoni Bokun of Minsk's John the Baptist Pentecostal Church, who regularly supported New Life Church, participated in New Life Church's Sunday worship on 18 September.

Pastor Bokun has experienced the authorities' pressure when his home was raided during a meeting for worship, and he was detained and fined for unapproved mass meetings in May 2007 (https://www.forum18.org/archive.php?article_id=1672) and February 2012 (https://www.forum18.org/archive.php?article_id=1311).

Frunze District Police detained Pastor Bokun on 22 September 2022. After holding him in custody overnight, Frunze District Court held an online hearing in his case on 23 September. The same Judge Bliznyuk, who had fined Pastor Goncharenko three days earlier, similarly found Pastor Bokun guilty of violating Administrative Code Article 24.23, Part 1 ("Violation of the procedure for organising or conducting a mass event or demonstration"). She fined him 100 base units (3,200 Belarusian Roubles). This represents about two months' average wages.

Asked whether this incident will have any negative effect on John the Baptist Church which he leads, Pastor Bokun insisted that he was punished only for leading the worship meeting together with Pastor Goncharenko in New Life Church. "But you never know what repercussions there may be," he commented to Forum 18 on 27 September. He pointed out that being under pressure from their superiors, the local authorities aim at persecuting the Church.

Judge says "I do not give comments on the phone"

Both cases were considered by Judge Yulia Bliznyuk of Minsk's Frunze District Court, and almost identical decisions (seen by Forum 18) were handed out separately to Vyacheslav Goncharenko and Antoni Bokun.

Under Article 10 of the 1997 Mass Events Law, the Judge accused the pastors of "participating in an unauthorised meeting and discussing with the residents exercise of their religious needs". She based her findings on the report of local police inspector Sergey Deshko, and the testimony of witness Talkachev, who is a police officer in the same department.

The same officer Talkachev testified in a 7 September case at the same court under the same Judge Bliznyuk against human rights defender Anastasiya Loiko of Human Constanta, who was jailed for 15 days, Viasna (Spring) human rights group noted on Telegram on 22 September.

Asked what was wrong in holding an hour-long worship meeting outside the building from which officials had evicted New Life Church, and about the size of the fines, Judge Bliznyuk absolutely refused to respond. "I do not give comments on the phone, make an appointment," she told Forum 18 on 29 September from Frunze District Court before putting the phone down.

Neither Pastor Goncharenko, nor Pastor Bokun admitted any guilt. At the court hearings they insisted that there was "no intention to violate the law but the meeting was held out of necessity due to the absence of premises".

Both pastors are going to appeal against the court decisions to Minsk City Court. "I doubt that it will change anything, but I'll appeal anyway," Pastor Bokun told Forum 18.

Police officers took away both pastors' mobile phones when they were detained, they told Forum 18. Officials told them they will return the phones after each has paid their fine.

"We were not disturbed while we did not write and ask permission from the authorities," Pastor Goncharenko observed to Forum 18.

Police prevent Church's Sunday worship service

On the morning of Sunday 25 September, Minsk's Frunze District Police arrived at New Life Church car park as Church members were preparing for their weekly worship meeting. Police told church members the meeting could not go ahead and threatened to detain people if they did not leave. A police officer warned Pastor Goncharenko of an unauthorised meeting, an encounter a church member filmed.

"The church administrator called me on my way to the meeting and said that the police were waiting for me," Pastor Goncharenko told Forum 18 on 27 September. "It turned out that officers had already shouted in the microphone for people to leave."

The Church hastily had to organise a worship service in an indoor venue without a congregation later in the day, which it broadcast on its YouTube channel.

Online meetings only

Sunday 25 September was the first time in New Life Church's 20-year history when the community was not allowed to meet in person for a Sunday service. From now on the community is having to hold online meetings and it is unclear for how long this will have to continue.

"We had to organise meetings online," Pastor Goncharenko complained to Forum 18. "But surely there should be real life communication. As the Bible says: 'For where two or three are gathered together in my name, there am I in the midst of them'."

New Life Church was for the second time forced to cancel its Sunday meeting for worship on 2 October after the authorities rejected

its official request for permission to hold its worship service in the car park of the church building from which officials evicted it in February 2021.

No date yet set for parliament to strip individuals of right to appeal to UN

The lower chamber of Parliament, the House of Representatives, has not yet set a date to consider a draft Law to strip individuals from Belarus of the possibility to complain to the United Nations Human Rights Committee about violations of their rights under the International Covenant on Civil and Political Rights (ICCPR), a parliamentary official told Forum 18.

The Council of Ministers proposed this in a draft Law (https://www.forum18.org/archive.php?article_id=2770) on the denunciation by the Republic of Belarus of the Optional Protocol to the International Covenant on Civil and Political Rights, presented to parliament on 5 August.

Belarus acceded to the ICCPR Optional Protocol in 1992. The Human Rights Committee has considered more than 175 complaints from Belarus (https://ccprcentre.org/database_decisions) – many of them involving more than one complainant - since 2000. The Committee is still considering other complaints from Belarus. Some of these relate to violations of individuals' rights to freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2770).

On 22 August, seven local human rights groups – including Viasna (Spring), the Belarusian Helsinki Committee and Human Constanta – condemned the proposed withdrawal from the Optional Protocol (<https://spring96.org/ru/news/108775>) and called for it to be abandoned. They noted that "although the authorities consistently ignored the Committee's decisions, the state was under an obligation to respond to the Committee, explaining the relevant issue and providing information on measures taken".

"When it will be considered depends on the House of Representatives' timetable," Olga Smagina, the designated official for the draft Law from the House of Representatives secretariat, told Forum 18 on 3 October. She confirmed that the law requires only one reading in the lower chamber as it relates to an international agreement. She said if approved it would then go to Parliament's upper chamber, the Council of the Republic. "It is logical that it would then go to the Constitutional Court," she added. It would then need presidential approval.

Smagina declined to comment on whether stripping individuals of the right to complain to the UN Human Rights Committee is right. "I can't comment on the content," she insisted to Forum 18. "Let's not discuss this. I'm only an official. The deputies will decide."

The regime does not allow opposition parties to win election to Parliament. The Organisation for Security and Co-operation in Europe found that the November 2019 elections for the House of Representatives "did not meet important international standards for democratic elections". (END)

More reports on freedom of thought, conscience and belief in Belarus (<https://www.forum18.org/archive.php?country=16>)

For background information, see Forum 18's Belarus religious freedom survey (https://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 (https://www.forum18.org/archive.php?article_id=1351)

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