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BELARUS: Case against Minsk church stalled

By Geraldine Fagan, Forum 18 (<https://www.forum18.org/>)

The court case brought by Belarusian authorities to force the sale of the charismatic New Life church's worship building – a disused cowshed - has been halted, Forum 18 News Service has learnt. Judge Aleksandr Karamyshev "promised to investigate our situation after he saw that the city authorities' arguments just don't stand up," New Life church administrator Vasily Yurevich told Forum 18. "We feel that people's prayers are making a difference – we have reached a turning-point." During the court hearing, Aleksei Vaga of Minsk's Architecture Committee insisted under oath that city religious affairs officials have no influence over his committee. But in a letter which Forum 18 has a copy of, the Architecture Committee withdraws permission for the church to change the designated usage of its building, "taking into account a 24 November 2003 written conclusion from the Religious Affairs Department." In a separate development, New Life is also "very pleased" about the acceptance of their appeal against a refusal to review a decision upholding curtailment of the church's land rights. No date has yet been set for this hearing.

In what he described on 18 May as "a very good step forward," New Life church administrator Vasily Yurevich told Forum 18 that the Minsk City Economic Court case brought to force the sale of the congregation's worship building has been halted indefinitely: "We feel that people's prayers are making a difference – we have reached a turning-point."

According to Yurevich, Judge Aleksandr Karamyshev on 16 May "promised to investigate our situation after he saw that the city authorities' arguments just don't stand up" - in particular that New Life's worship building must be demolished as part of municipal development plans. "There is no finalised plan to this day," the church administrator maintained, "and if Minsk City Executive Committee can review its plans at any stage, why don't they do so for us?"

Yurevich also told Forum 18 that Aleksei Vaga of Minsk's Architecture Committee insisted to the court under oath that the city's religious affairs officials have no influence over his committee. In a 22 December 2003 letter to New Life, however – of which Forum 18 has received a copy - the Architecture Committee withdraws permission for the church to change the designated usage of its building, "taking into account a 24 November 2003 written conclusion from the Religious Affairs Department."

A secretary at Minsk City Economic Court directed Forum 18 to its press service on 24 May, but its telephone went unanswered, as did that of Aleksei Vaga of Minsk's Architecture Committee.

In a separate development, New Life is "very pleased" about the supervisory body of the Higher Economic Court's 17 May acceptance of an appeal filed by the church, Yurevich told Forum 18. The appeal is against the Higher Economic Court's 3 May refusal to review a lower decision upholding curtailment of the church's land rights. No date has yet been set for a hearing.

In hearings in October 2005 in Minsk City Economic Court, New Life tried unsuccessfully to challenge the validity of the city authorities' 17 August 2005 instruction both curtailing the church's land rights and ordering the sale of its building, a disused cowshed it purchased in 2002 (see F18News 1 September 2005 http://www.forum18.org/Archive.php?article_id=640 and 7 December 2005 http://www.forum18.org/Archive.php?article_id=700). The authorities' instruction was based upon the church's alleged violation of Article 49, Part 4 of the Land Code, which states that rights to land may be curtailed if it is not used in accordance with its designation.

The Minsk municipal authorities have consistently refused to grant New Life permission to change the designated usage of its building and reconstruct it as a church, latterly maintaining to Forum 18 that this is because it does not feature in the Belarusian capital's general development plan. Arguing that the building is still technically a cowshed, they have also refused to grant the church permission – required by the 2002 Religion Law - to use it for services (see F18News 21 February 2005 http://www.forum18.org/Archive.php?article_id=516).

New Life has been worshipping at the disused cowshed ever since being barred from renting a local house of culture in September 2004. As church administrator Yurevich told public prosecution officials in December 2004, the church 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).

Precisely because of its lack of state-approved worship premises, New Life has been unable to obtain the compulsory re-registration demanded by the 2002 Religion Law, which bans unregistered religious activity. The church has now received five official warnings from Minsk City Executive Committee for continuing to hold consequently illegal worship meetings at its building. The fourth and fifth warnings were issued on the basis of large fines imposed on Yurevich - which he has refused to pay - as the alleged organiser of "religious gatherings with the reading of prayers and sermons" (see F18News 28 September 2005 http://www.forum18.org/Archive.php?article_id=661 and 25 October 2005 http://www.forum18.org/Archive.php?article_id=676). Under the 2002 Law, two such warnings are sufficient to liquidate a religious organisation.

Several sources in Minsk have told Forum 18 that a frequent barrier to securing rented premises in the city – and hence to obtaining the compulsory registration the Religion Law demands – is the Soviet-style practice of "telephone law". When a religious community finds available premises and cites the address in its registration application to the local district administration, the landlord typically withdraws agreement citing "pressure from above" (see eg. F18News 12 May 2005 http://www.forum18.org/Archive.php?article_id=560).

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).

Amongst recent religious freedom violations in Belarus have been: the banning of a Jewish Passover celebration on the grounds that children might be present (see F18News 27 April 2006 http://www.forum18.org/Archive.php?article_id=770); threats to fine a Pentecostal for leading a bible study (see F18News 18 April 2006 http://www.forum18.org/Archive.php?article_id=762); and the jailing of a religious freedom lawyer (see F18News 27 March 2006 http://www.forum18.org/Archive.php?article_id=750). (END)

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

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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