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BELARUS: Time running out for Minsk church

By Geraldine Fagan, Forum 18 News Service <<http://www.forum18.org>>

New Life Church in Belarus' capital Minsk could lose its worship premises as early as mid-August, the charismatic church's lawyer, Sergei Lukanin, has told Forum 18 News Service. Minsk City Economic Court has ruled that New Life must sell - at a low price - the disused cowshed it worships in, following official insistence that the city Development Plan requires that the building be demolished. No new evidence for this claim was presented at the most recent hearing, which Forum 18 attended, one official eventually agreeing that the church "could be sited anywhere in the city." Minsk's main religious affairs official, Alla Ryabitseva, has previously told Forum 18 that the Development Plan was the reason why New Life was not given permission to convert the building into a church. Because it does not have state-approved worship premises, New Life was not given the compulsory re-registration demanded by the Religion Law, which bans all unregistered religious activity - against international human rights standards. The church could therefore be liquidated under the Religion Law.

Following Minsk City Economic Court's 21 July decision forcing New Life Church to sell the disused cowshed where it worships, the charismatic church's lawyer believes that there is, in practice, only one appeal left before the local authorities can seize the building. Speaking outside the courtroom in the Belarusian capital after last Friday's hearing, Sergei Lukanin explained to Forum 18 News Service that the church's appeal must be filed within 15 days. In the likely event that the appeal will fail, the forced sale must take place within a further 10 days, so New Life could lose its worship premises as early as mid-August.

After reluctantly agreeing to the presence of 11 people - including Forum 18 - in his tiny courtroom on 21 July, Judge Aleksandr Karamyshev announced that the case against New Life could continue, in view of his receipt of additional materials from Minsk's Architecture Committee. Judge Karamyshev stopped the case indefinitely on 16 May when state representatives failed to demonstrate that the city Development Plan, for the area where the cowshed is situated, must involve the building's removal (see F18News 24 May 2006 <http://www.forum18.org/Archive.php?article_id=788>).

The state's first representative to address the court on 21 July, the chief specialist of Minsk Property Fund's Legal Department, Aleksandr Kazyatnikov, failed to advance any new arguments, however. Amongst other accusations, Kazyatnikov claimed that New Life had carried out unauthorised reconstruction of its building and that, despite having the designation of cowshed, it was now "a completely different object, a church." He admitted to being unable to refer to any documentation confirming or detailing unauthorised construction work on the building, however.

In the course of his response, New Life's lawyer Sergei Lukanin maintained that evidence had still not yet been put forward demonstrating the necessity for the cowshed's removal and thus its forced sale, as is required under Article 240 of the Belarusian Civic Code.

The state's second representative to address the court, building engineer Aleksandr Oganesen noted that he had worked on New Life Church's 2003 architectural plan to turn the cowshed into a social centre, but that this had been rejected by Minsk's Architecture Committee because it did not have prior approval from the city's Committee for Religious Affairs. Oganesen is currently working on the details of Minsk's city Development Plan, he told the court, in which "there is unfortunately no provision for this church." Rolling out charts of the area where New Life's building is located, he pointed out two multi-storey housing blocks due to be built on the site of the cowshed.

Asked by Sergei Lukanin whether the lack of approval by Minsk's Religious Affairs Committee was the reason why New Life's 2003 project was rejected, Oganesen replied "absolutely right" before eventually agreeing that there was technically no reason why that plan could not be executed if it had the relevant state permission, "technically it could be sited anywhere in the city."

In 2005, however, Minsk's main religious affairs official Alla Ryabitseva told Forum 18 that the city Development Plan was the reason why New Life had not been granted the relevant permission to change the designated usage of its building and convert it into a church (see F18News 21 February 2005 <http://www.forum18.org/Archive.php?article_id=516>).

When Forum 18 began to ask, on 24 July, why state representatives were citing each other as being responsible for the confiscation of New Life's building, fellow Minsk religious affairs official Yelena Radchenko said that Alla Ryabitseva was currently away on

holiday and that without her authorisation she could not answer any questions: "We have a certain procedure here."

Following approximately 35 minutes' deliberation on 21 July, Judge Karamyshev ruled that New Life's cowshed must be sold, according to the state's demand, for 37,581,476 Belarusian Roubles (108,656 Norwegian Kroner, 13,762 Euros, or 17,497 US Dollars), a sum which New Life Church estimates to be 35 times lower than the building's true value.

Arguing that the building is still technically a cowshed, Minsk officials have also refused to grant New Life permission - required by the 2002 Religion Law - to use it for services. The 1000-strong congregation has been worshipping at the building 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, New Life 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 all 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 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.

Jews, Reformed Baptists and other evangelical Christians are amongst the individuals and communities who have been targeted, in continuing state attempts to confine all religious activity to already-state-approved places of worship (see F18News 13 June 2006 <http://www.forum18.org/Archive.php?article_id=798>). (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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