



This article was published by F18News on: 27 January 2005

BELARUS: Uncertain fate of non re-registered communities

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

After the deadline for compulsory state re-registration, it is uncertain what will happen to religious communities who are either still in the process of re-registering or who have been refused re-registration, Forum 18 News Service has found. Amongst examples of problems experienced by communities, that Forum 18 knows of, are that a non re-registered Hare Krishna community has been given an official warning, after police saw Krishna devotees praying without state permission. Two warnings are sufficient for the authorities to begin proceedings to liquidate a religious community. A Baptist church has had bank accounts closed, as bank staff told the church that it has to be re-registered to have an account, and a Reformed Baptist Church has been refused permission by the local architecture department to use a private house for worship. Without state re-registration, it is legally impossible for religious communities to meet for worship, or to engage in other religious activities. There are also other ways in which the state monitors, restricts and prevents the activity of religious communities.

Following the deadline for compulsory state re-registration on 16 November 2004, under the religious law, it is uncertain what will happen to a number of religious communities who are either still in the process of re-registering or who have been refused re-registration, Forum 18 News Service has found.

Without state re-registration, it is legally impossible for religious communities to meet for worship or to engage in other religious activities. Registered religious organisations cannot, for example, engage in activities outside the place where they are registered and violations of the law can result in a religious community being formally liquidated. There is a network of officials monitoring religious communities, atheism and negative views of religion are formally taught within the education system and there are other ways - such as fire, health and safety, and planning regulations - also used to monitor, restrict and prevent the activity of religious communities.

On 24 January the Belarusian Supreme Court upheld a 21 December ruling by Minsk City Court, stating that the Minsk Society for Krishna Consciousness had rightly been refused re-registration under the 2002 law. Having thus failed in its appeal against the refusal, Sergei Malakhovsky of the Society explained to Forum 18 on 24 January, the community will now lodge an appeal with the United Nations Human Rights Committee.

Similar to the charismatic New Life Church (see F18News 25 January 2005 http://www.forum18.org/Archive.php?article_id=498), the Minsk Krishna Consciousness Society does not have the state approval required by the 2002 religion law to use its own premises for worship, and was refused re-registration as a result. On 3 November 2004 Minsk's Central District Court also issued an official warning after a police officer observed Krishna devotees praying at their temple without state permission (see F18News 10 November 2004 http://www.forum18.org/Archive.php?article_id=450). Two violations of Belarusian law would be sufficient for the state authorities to file for the Society's liquidation.

Two other Krishna Consciousness communities in Bobruisk [Babruysk] (Mogilev [Mahilyow] region) and Mogilev cannot re-register and register respectively, Sergei Malakhovsky also told Forum 18. He maintained that the state authorities keep changing the reasons for not re-registering the Bobruisk group: "First they say the legal address is not in order, then the charter, then that the application was too late - but we obtained the necessary approval to use a home address, changed the charter repeatedly after consulting officials and submitted before the deadline." The authorities insist that the Mogilev group seeking initial registration must first pass expert analysis, said Malakhovsky, and will not accept confirmation from the Minsk Society that it belongs to the same religious confession.

Speaking to Forum 18 on 24 January, Mogilev regional religious affairs official Valeri Vankovich initially claimed that there were no Krishna devotees in his region. He then said that the Bobruisk community had been denied re-registration because it had failed to submit a timely re-registration application despite being requested to do so and because its documents did not correspond with the law. "They didn't have the right legal address," explained Vankovich, "under the old law, it could be in a block of flats, but that is forbidden now." He added, however, that the Bobruisk community could apply for registration as a new religious organisation. Vankovich also stated that the Mogilev group was deemed to be liable for expert analysis, although the 2002 religion law stipulates that this is the case only for religious confessions new to Belarus, since the applicants had described themselves as "Vaishnavis" rather than Krishna devotees. These terms are in fact synonymous.

The authorities in Brest have now returned re-registration applications to six autonomous Baptist churches in the region, Pastor Viktor Zdanevich of the congregation on Brest's Fortechnaya Street told Forum 18 on 18 January, "they won't re-register us." The banks where two of the six have accounts have closed them at the request of the authorities, he added, "bank staff said we would have to be re-registered in order to have an account." Otherwise, he told Forum 18, there have been no consequences as yet. The six congregations had refused to accept a provision in the 2002 religion law stipulating that a religious organisation may function only within the limit of the territory upon which it is registered (see F18News 1 December 2004 http://www.forum18.org/Archive.php?article_id=465).

Contacted by Forum 18 on 24 January, Brest regional religious affairs official Vasili Marchenko confirmed that the problem with the six autonomous churches' re-registration applications was that they refused to accept the restriction to the territory of religious activity. Maintaining that a similar restriction exists for all legal personalities in Belarus, Marchenko specified that the territory in question constituted the limits of a town or city if that was where an organisation was registered or the several neighbouring small settlements or villages where founder members live in other cases. As he was "still trying to explain this" to the autonomous Baptists, he told Forum 18, he could not say what the consequences for them of rejecting it would be.

Two Reformed Baptist congregations denied re-registration (see F18News 17 November 2004 http://www.forum18.org/Archive.php?article_id=454) are so far able to gather without obstruction, their pastors told Forum 18 on 17 January. Pastor Georgi Vyazovsky of Minsk Reformed Baptist Church explained that he had received legal advice to the effect that, since the church previously held registration, this remained valid until the local executive committee filed for liquidation, "whereas they consider that we have already 'self-liquidated'." Speaking from the settlement of Gatovo outside Minsk, Pastor Vladimir Bukanov told Forum 18 that his Reformed congregation had become caught in a vicious circle. "We couldn't get approval from the local architect to use a private house as worship premises - he said he wouldn't give it to us as we were apostates and chased me out of his office." On appealing at the district level, Bukanov continued, various officials simply referred him back to the architectural department.

The pastor of a Calvinist congregation in Minsk which refused to re-register "as our form of protest, we have not agreed with the new religion law ever since its draft stage," Lyavon Lipen told Forum 18 on 19 January that, although there had been no consequences so far, "I think there will be, but it is only a short time since the deadline" (see F18News 17 November 2004 http://www.forum18.org/Archive.php?article_id=454). The outcome of re-registration applications by a second Calvinist church and the Zion-Jerusalem Messianic Jewish community are still being decided by the Minsk city authorities, their pastors told Forum 18 on 24 January.

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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f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY