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BELARUS: Largest fine yet for unregistered religious activity

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

Belarus has imposed its largest fine yet for unregistered religious activity, Forum 18 News Service has learnt. A court in the eastern town of Osipovichi fined local Baptist Nikolai Poleshchuk the equivalent of almost three months' average salary in the town and another Baptist received a warning for running a Christian street library. However, Belarus' Supreme Court changed an earlier court order to destroy Bibles and New Testaments confiscated from Poleshchuk - they have been handed to the state instead. Asked by Forum 18 whether it is right to punish peaceful religious activity, Anna Zemlyanukhina, Head of Osipovichi District Ideology Department, replied: "I know my Constitution and human rights. It is all in accordance with the law." Separately, the co-ordinator of a rehabilitation programme for alcoholics and drug addicts, run by a Christian social organisation, has been fined for conducting unregistered religious activity. New Life Church in the capital Minsk also continues to face attempts by the authorities to stop it using its own building for worship and to evict the Church.

A court in the town of Osipovichi in the eastern Mogilev [Mahilyow] Region has handed down the biggest fine known so far to Forum 18 News Service for religious activity in Belarus the government does not like. On 28 May local Baptist Nikolai Poleshchuk was fined the equivalent of almost three months' average salary and another Baptist received a warning for running a Christian street library, local Baptists told Forum 18. However, Belarus' Supreme Court has amended an earlier court decision to destroy Bibles and New Testaments confiscated from Poleshchuk - they have been handed to the state instead. The fine and confiscations come as the authorities in the capital Minsk step up pressure to try to force the New Life charismatic church from its building.

The fine imposed on Poleshchuk was 2,100,000 Belarusian Roubles (4,750 Norwegian Kroner, 533 Euros or 745 US Dollars). Local Baptists estimate the fine to be equivalent to nearly three months' average wages for those in the town who have work.

The fine is three times the previous highest fine known to Forum 18, imposed on fellow-Baptist Vladimir Burshtyn in June 2008 for preaching on the streets in the town of Ushachi (Vitebsk [Vitsyebk] Region) (see F18News 23 June 2008 <http://www.forum18.org/Archive.php?article_id=1147>).

Poleshchuk and Burshtyn are members of the Council of Churches Baptists, who refuse to accept state registration in any of the former Soviet republics where they operate.

Heavy fine, literature confiscation and warning

The trial of Poleshchuk and fellow-Baptist Yevgeni Yegorov began at Osipovichi Administrative Court on 27 May. The two were tried on charges of violating Article 23.34 of the Administrative Violations Code, which punishes "violation of the procedure for organising or conducting mass events or pickets".

On 28 May the Judge imposed the fine on Poleshchuk and an official warning to Yegorov. Poleshchuk's fine was stated to be high because of three earlier administrative warnings against him. In addition, Christian books confiscated from him were ordered to be handed to the Commission for Work with Confiscated Property at the town's Executive Committee.

"Court officials were very polite but at the end of the day the Judge deferred the decision to the following day," a local Baptist who attended the hearing told Forum 18 on 5 June. "They were clearly waiting for someone to tell them what punishment to hand down."

Reached on 8 June, neither the Court's Chancellery nor its Deputy Head, Judge Galina Shitina, admitted to Forum 18 that the trial had taken place. They also would not confirm what Article of the Administrative Violations Code the two Baptists had been prosecuted under. "We don't give out such information by telephone," both declared. Judge Shitina refused to discuss why the Baptists had been prosecuted.

Equally unwilling to discuss the case was Anna Zemlyanukhina, the head of Osipovichi District Ideology Department. "I don't have information on such a big fine," she told Forum 18 from the town on 10 June. "You will have to ask the court. But I don't see any questions about it." She said Poleshchuk had not appealed to her in the wake of the court ruling.

Asked whether it is right or wrong for religious believers to be punished for their peaceful religious activity, given that religious freedom is guaranteed in the Constitution, Zemlyanukhina responded: "I know my Constitution and human rights. It is all in accordance with the law."

She refused to say what the Commission for Work with Confiscated Property intends to do with the confiscated books, but denied that they would be destroyed. Asked her attitude to the official destruction of religious books, given the March court ruling against Poleshchuk, she responded: "What would any normal person answer about that?"

Zemlyanukhina said the Commission is headed by the Executive Committee's first deputy head, Vasili Petrovsky. Forum 18 was unable to reach Petrovsky on 10 June to find out what the Commission will do with the books confiscated from Poleshchuk.

Court ordered book destruction overturned?

Poleshchuk has long run a Christian street library with fellow Baptists in Osipovichi. In January, Poleshchuk and another Baptist were approached by Zemlyanukhina, who told them they had no right to run a Christian street library as their church is unregistered, and called the police. Poleshchuk faced a hearing on 4 March at Osipovichi Administrative Court, which gave him an official warning and ordered that the confiscated Christian literature should be destroyed (see F18News 26 March 2009 <http://www.forum18.org/Archive.php?article_id=1273>).

Poleshchuk appealed against the ruling to Mogilev Regional Court, but that upheld the original decision on 31 March, court officials told Forum 18 on 8 June.

However, both the local Baptists and Judge Shitina told Forum 18 that Poleshchuk appealed further to the Supreme Court, which overturned the destruction order. It ruled that the books should be handed to the state instead. "We're pleased that at least they are not going to destroy the books, even if they won't hand them back," Baptists told Forum 18.

Sergei Lukanin, the lawyer for the New Life Church in Minsk and a campaigner for religious freedom, says he is not aware of court orders in Belarus to destroy bona fide religious literature. "I have heard only of genuinely extremist literature being ordered destroyed by the court," he told Forum 18 on 10 June. He said he is not surprised that the March order to destroy books confiscated from Poleshchuk - of which he was unaware until Forum 18 told him - was overturned.

New Life resists latest expulsion order

The latest trouble for the New Life Church in Minsk's Moscow District - which the authorities have long been trying to oust from the building they bought in 2002 - came on 22 May, when the church received an instruction to vacate the building by 1 June. The Church has for some years been in a high-profile struggle with the authorities to establish its legal right to use its own building as a house of worship (see most recently F18News 26 January 2009 <http://www.forum18.org/Archive.php?article_id=1244>).

The latest letter from the authorities, dated 14 May and which Forum 18 has seen, was from Dmitry Shashok, the head of the Property Maintenance and Repair Department (PMRD) of the Moscow District. The letter said the Church had lost all the legal cases it had brought and concluded by threatening that in the case of "wilful failure" to carry out the instruction, his office "will be forced to take measures to resolve this question in accordance with the current legal procedure".

Lukanin, the Church's lawyer, told Forum 18 on 29 May that the Church would not be vacating the building, as they think the authorities' moves against them are not justified.

Told the same day that church members had pledged not to vacate the building they own, Shashok insisted to Forum 18 that his Department was fulfilling a decision lawfully reached by the city authorities. He said it was "not persecution". Told that the Church had lawfully bought their building, he told Forum 18: "You don't have the full information."

Asked what he would do once the 1 June deadline had passed, Shashok insisted: "No one will send in the bulldozers. We're not the kind of state which sends in bulldozers. We'll resolve this in a civilised way - on a state level." Asked specifically what would happen, he said he would pass the issue to a "higher level". Reached again on 10 June, Shashok refused to talk to Forum 18 and put the phone down.

More than 500 church members and other Christians from across Belarus came to the church on 1 June. They resolved not to give up the building they had bought and restored with their own funds, time and hard work.

After a further meeting on 5 June the Church wrote to the Deputy Mayor of Minsk not only rejecting the attempt to expel them, but also asking for extra land to be allocated for a Bible College and a rehabilitation centre. On 9 June, the Church received a letter from the Deputy Head of Minsk Executive Committee, Nikolai Ladutko. He insisted the Church's land is needed for a new residential district and asked the Church to reconsider an offer of another plot of land some distance away.

Lukanin, the church's lawyer, insisted to Forum 18 on 10 June that the city's plan for the district where the Church is located leaves plenty of room for the proposed kindergarten as well as the Church. However, the authorities propose to build kindergarten on the same site as the Church. "Why can't they build the kindergarten next door, where nothing is planned? They don't have real plans to build new flats round here. All they want to do is destroy our church."

A disused railway carriage is located 500 metres (yards) away from New Life's building and this is used by a Russian Orthodox (Moscow Patriarchate) community, without the authorities raising any questions about its legal status or use as a place of worship. One official told Forum 18 in 2005 that an Orthodox church was planned to be built as part of the new suburb (see F18News 21 February 2005 <http://www.forum18.org/Archive.php?article_id=516>).

Lukanin also dismissed the level of compensation the church has been offered for losing its building - 37,500,000 Belarusian Roubles (84,370 Norwegian Kroner, 9,470 Euros, or 13,290 US Dollars). "This is far, far below what the building is worth or what it would cost us to build an equivalent church," he complained to Forum 18.

Forum 18 repeatedly tried to reach Ladutko at the city Executive Committee on 10 June. He was either out or, on the occasion when his voice could be heard in the background, his staff told Forum 18 he was just leaving the office.

Christian project co-ordinator fined

Meanwhile, the co-ordinator of a rehabilitation programme for alcoholics and drug addicts in Mogilev run by a Belarusian Christian social organisation, Cliff House, has been fined, Protestants told Forum 18. On 11 May Judge Irina Teplova of the city's October District Court fined Lyudmila Batyuk 140,000 Belarusian Roubles (315 Norwegian Kroner, 35 Euros, or 50 US Dollars) under Article 9.9 Part 1 of the Administrative Violations Code for conducting unregistered religious activity.

Accompanied by police officers, Irina Batishcheva, the head of October District Executive Committee's Ideology Department, raided an 11 March Cliff House session at a private house in the city, accusing the organisation of conducting "illegal" religious activity. Batishcheva refused to discuss the raid with Forum 18 (see F18News 30 March 2009 <http://www.forum18.org/Archive.php?article_id=1275>). (END)

For a personal commentary by Antoni Bokun, Pastor of a Pentecostal Church in Minsk, on Belarusian citizens' struggle to reclaim their history as a land of religious freedom, see F18News 22 May 2008 <http://www.forum18.org/Archive.php?article_id=1131>.

For more background information see Forum 18's Belarus religious freedom survey at <http://www.forum18.org/Archive.php?article_id=1311>.

Full reports on freedom of thought, conscience and belief in Belarus can be found at <<http://www.forum18.org/Archive.php?query=&religion=all&country=16>>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at <http://www.forum18.org/Archive.php?article_id=806>.

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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