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KAZAKHSTAN: Women's prayers lead to massive fine – and more?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Kazakhstan has fined Zhanna-Tereza Raudovich 100 times the minimum monthly wage for hosting a Sunday morning worship service in her home, attended by local Baptist women and their children, Forum 18 News Service has learned. Police who raided Raudovich's home drew up an official record that "they had discovered an illegally functioning religious community", local Baptists complained to Forum 18. An appeal is due to be heard on 11 February. It remains unclear how Raudovich could pay the fine, as she has six children and does not have paid work. She has been warned that she will face criminal charges if she does not pay the fine. Meanwhile, Kazakh police have told Forum 18 that Kazakh-born Baptist Viktor Leven will be deported for "illegal missionary activity" unless an appeal to Kazakhstan's Supreme Court against his conviction is successful. As the Supreme Court has refused to even consider an appeal, it is unclear what will happen to Leven. "I just want to be able to remain here," Leven told Forum 18. "I don't want to go anywhere else."

Unless she succeeds in her appeal on 11 February, Zhanna-Tereza Raudovich will be due to pay a massive fine for hosting a Sunday morning service in her home attended by several local Baptist women and their children, Baptists and court officials told Forum 18 News Service. Meanwhile, the Migration Police have told Forum 18 that fellow-Baptist Viktor Leven will be deported for "illegal missionary activity" unless a final appeal to Kazakhstan's Supreme Court is successful.

Also, the government version of a new Code of Administrative Offences, now in Parliament, continues almost unchanged the penalties for religious activity in the current Code and adds a new offence of "inciting social, racial, national, religious, class and clan superiority" (see F18News 10 February 2010 http://www.forum18.org/Archive.php?article_id=1407).

Police discover "an illegally functioning religious community"

The 17 January worship service in Raudovich's home was raided by local police and she was fined three days later. She belongs to the Council of Churches Baptists, who reject state registration in all the former Soviet republics where they operate. They insist that such registration represents unwarranted state interference in their internal affairs.

Forum 18 was unable to reach anyone at the Justice Ministry's Religious Affairs Committee in the capital Astana on 8 February. Officials either put the phone down or passed Forum 18 to other officials.

The police who raided Raudovich's home in the village of Ayteke Bi in Kazaly District of Kyzylorda Region drew up an official record that "they had discovered an illegally functioning religious community", local Baptists complained to Forum 18 on 5 February.

Raudovich was found guilty on 20 January by Judge Meirambek Zhubanganov at Kazaly District Court of violating Article 374-1 Part 1 of the Code of Administrative Offences (leadership or participation in the activity of an unregistered social or religious organisation) by conducting the Sunday service, according to the verdict seen by Forum 18. She was fined 100 times the minimum monthly wage or 141,300 Tenge (5,713 Norwegian Kroner, 699 Euros or 955 US Dollars). She appealed against the fine to Kyzylorda Regional Court, where her appeal will be heard on 11 February, a court official told Forum 18 on 8 February.

Even though her appeal has not been heard, Baptists told Forum 18 that on 21 January she received a written warning from court executor Gulzira Sermagambetova that if she does not pay the fine she will face criminal trial.

It remains unclear how Raudovich could pay the fine. She has six children and does not have a job, Baptists pointed out to Forum 18. "This is the sixth such fine she has faced. The family has no items of value, so court executors have not been able to confiscate anything up till now to pay off the earlier fines."

Police and Prosecutor defend raid and prosecution

Defending the police raid on Raudovich's home was a man at the Kazaly District Police who did not identify himself when Forum 18 asked to speak to the Chief. "No-one raided her home," he insisted on 8 February. Asked whether several police officers entering a private home to break up a religious meeting constituted a raid, the man responded: "The court said all the police actions were legal." He then put the phone down.

Kazaly District Prosecutor Amandyk Aybosynov, who was also involved in the case, defended the prosecution of Raudovich. "The Law says she must have registration with the Justice Ministry to be able to function," he told Forum 18 on 8 February. Asked who she had harmed by meeting with friends to pray in her own home, Aybosynov responded: "It's the Law. Anyway, the Regional Court is hearing her appeal and they will take the final decision." Asked why Raudovich had been warned that she risks criminal trial if she fails to pay the fine, he replied: "Who said she will be imprisoned?" He then put the phone down.

Citizenship application rejected

Viktor Leven – who lives in the town of Esil in Akmola Region - was ordered deported after being found guilty under Article 375 Part 3 of the Code of Administrative Offences (carrying out missionary activity without local registration), which prescribes a fine and deportation for foreigners or people without citizenship found guilty under this Article. Although he succeeded in overturning the punishment on appeal, it was reinstated after prosecutors complained (see F18News 1 December 2009 http://www.forum18.org/Archive.php?article_id=1380).

The Kazakh-born Leven lived in Germany between 1992 and 2000, when he returned with his wife to live in his homeland. Their six children were all born in Kazakhstan. He has insisted that he was not sent as a missionary by anyone and is merely practising his faith with his fellow-Baptists in accordance with Kazakhstan's Constitution. Like Raudovich, Leven belongs to the Council of Churches Baptists, who reject state registration.

In early 2009 Leven and his family applied for Kazakh citizenship. The Department of Migration Police of the Interior Ministry of Akmola Region gave him a certificate to say they did not oppose granting citizenship. On 4 January 2010 he received confirmation that his renunciation of German citizenship, required before he could gain Kazakh citizenship, had been processed by the German authorities.

The following day – on which his residence permit to live in Kazakhstan expired – Leven went to the Migration Police to lodge all his documents to gain citizenship. They took his documents, but refused to grant him citizenship, telling him they had instructions to remove him from the register and deport him to Germany. "So from that moment Viktor has been deprived of any citizenship and has no identity documents," Baptists complained to Forum 18.

How can a Supreme Court appeal be made?

Leven told Forum 18 from Esil on 8 February that he had tried to lodge his appeal to Kazakhstan's Supreme Court in Astana in person on 14 December 2009, but the Court had refused to accept the appeal. It told him that his only avenue was to appeal to the General Prosecutor's Office in Astana.

On 29 January Leven received a reply from the General Prosecutor's Office rejecting his complaint. It insisted that on 9 September 2009, when he was caught preaching at a Baptist service in a private home in Esil and thus conducting unlawful missionary activity, he was a German citizen. "In such circumstances, the conclusions of the court of the presence in your actions of the given violation of the Law are correct," it declared. "There are no reasons to uphold your complaint."

Bulat Iskakov of the Deportation Department of the Akmola regional Migration Police told Forum 18 on 8 February that he has information that Leven has appealed against the deportation order to the Supreme Court. "As long as the case continues there, he has the right to remain and we have no right to take action to remove him. But if he loses in the Supreme Court his deportation will happen."

As the Supreme Court refused to accept Leven's appeal, it remains unclear what will happen now. "I just want to be able to remain here," Leven told Forum 18 on 8 February. "I don't want to go anywhere else."

Deportation "will happen"

The Department of Citizenship Questions at the Akmola Regional Migration Police told Forum 18 on 8 February that Leven's citizenship application was rejected because of the court-ordered deportation. The official said that it knows that he has already renounced German citizenship and thus has no citizenship. The official then referred Forum 18 to the Deportation Department.

Iskakov of the regional police Deportation Department told Forum 18 the same day that it has copies of the court verdict ordering Leven's deportation. "Our Constitution guarantees freedom of conscience, but conducting missionary activity is something else," he insisted. "But we don't decide on what basis to act. Courts are independent and they took the decision."

Only Leven is subject to deportation, Iskakov told Forum 18, not Leven's wife or their children. Asked whether this means he will have to live apart from his family, he responded: "He could take his family with him." He declined to say what country Leven could be deported to, given that he has no citizenship. (END)

For a personal commentary on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1352.

More reports on freedom of thought, conscience and belief in Kazakhstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=29>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Kazakhstan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kazakh>.

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