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KAZAKHSTAN: "Absurd" criminal charge for praying for the sick

By Mushfig Bayram, Forum 18

Pastor Yerzhan Ushanov of the New Life Protestant Church in Taraz could face up to two years' imprisonment if criminal charges of harming an individual's health, brought by the KNB secret police, reach court. The KNB claim a visitor to the church suffered after Pastor Ushanov prayed for him using hypnosis, the second time the secret police have brought such charges against a Protestant pastor in Jambyl Region. "This is not the first time the authorities in southern regions of Kazakhstan bring such absurd accusations against pastors for allegedly using hypnosis, while in reality all they do is pray for the sick," New Life Church members complained to Forum 18 News Service. The police Department for the Fight against Extremism, Separatism and

Terrorism then raided the Church's Sunday worship after an alleged complaint of food poisoning and the KNB searched Pastor Ushanov's home. The KNB secret police, as well as the ordinary police Department for the Fight against Extremism, Separatism and

Terrorism, both refused to comment on the case to Forum 18.

In the second case known to Forum 18 News Service, a criminal case is being brought in Jambyl [Zhambyl] Region of southern Kazakhstan by the National Security Committee (KNB) secret police against a Protestant pastor for allegedly harming an individual's health by praying for them. The KNB regional branch opened the criminal case on 8 June against Pastor Yerzhan Ushanov of the New Life Protestant Church in the city of Taraz, local Church members who asked not to be identified for fear of state reprisals told Forum 18 on 30 June. Jambyl's ordinary police Department for the Fight against Extremism, Separatism and Terrorism raided the Church's Sunday worship on 19 June after an alleged complaint of food poisoning, and the following Saturday, 25 June, the KNB searched Pastor Ushanov's home.

"Why should such serious and important state bodies as the KNB secret police and ordinary police Department for the Fight against Extremism, Separatism and Terrorism be involved with churches and pastors?" one Church member exclaimed to Forum 18. "Is this how tax-payers' money should be spent?"

Religious communities Kazakhstan's government does not like often face raids, harassment and legal cases. An Ahmadi Muslim community in the southern city of Shymkent was fined in May and denied the use of its land and place of worship. One official claimed to Forum 18 in relation to the Ahmadis that "using a dwelling house for religious purposes violates the Land Code", but was unable to say where this was stated. In the southern region of Kyzylorda [Kyzylorda], three members of the Protestant Grace Church were prosecuted for unregistered religious activity, two of them being fined 100 times the minimum monthly wage each on 12 April and 6 May respectively (see F18News 7 June 2011 http://www.forum18.org/Archive.php?article_id=1577).

In Taraz in March, Baptist Pastor Pyotr Panafidin - a former Soviet-era prisoner of conscience - was fined 100 times the minimum monthly wage for leading unregistered religious worship (see F18News 31 March 2011 http://www.forum18.org/Archive.php?article_id=1557).

Prosecution

Pastor Ushanov is facing prosecution under Criminal Code Article 111 ("causing severe damage to health due to negligence") for allegedly inflicting serious harm on the health of Aleksandr Kereyev by praying for him, Church members told Forum 18. Article 111 carries punishment of a fine of between 100 and 200 times the minimum monthly wage or community service of between 180 and 200 hours, or up to two years' imprisonment for inflicting serious harm to the health of one person. Punishments are higher if the health of more than one person is harmed.

At the Jambyl regional branch of the KNB secret police, the duty officer who answered the phone (who did not give his name) on 30 June, told Forum 18 he could not comment on the case, and that Kayrat Baybarakov, the KNB branch chief, was not available to talk. "Call us back in three or four days," the official asked. Called back on 4 July, the same officer refused to put Forum 18 through to Baybarakov or anyone else, and put the phone down.

"Not the first time"

"This is not the first time the authorities in southern regions of Kazakhstan bring such absurd accusations against pastors for allegedly using hypnosis, while in reality all they do is pray for the sick," New Life Church members complained to Forum 18.

"In some cases the authorities have even demanded some of our pastors to obtain a special licence from the Health Ministry for praying to heal the sick," they complained.

In another case in Jambyl Region, the KNB secret police started a case against another local Protestant pastor, Vissa Kim, Pastor of Grace Light of Love Protestant Church. He was punished under the same Criminal Code Article 111 Part 1 for allegedly harming a woman's health by praying for her. In April 2010 Taraz City Court No. 2 fined him 100 times the minimum monthly wage, 141,300 Tenge (5,723 Norwegian Kroner, 711 Euros or 961 US Dollars), plus 5,000 Tenge (202 Norwegian Kroner, 25 Euros or 34 US Dollars) court costs. "Now it looks like pastors will get fines for praying for the sick in churches," one church member complained to Forum 18 when the verdict was handed down (see F18News 1 April 2010 http://www.forum18.org/Archive.php?article_id=1428).

Pastor Kim's appeal to Jambyl Regional Court failed and he paid the fine. However, the Church complained to Kazakhstan's Supreme Court, which heard the appeal on 14 December 2010, the court website noted. The Supreme Court overturned his conviction and cancelled the fine, Church members told Forum 18 on 5 July, but only because prosecutors brought the case when the deadline for bringing a case after the alleged offence had passed. However, so far Pastor Kim has not received back the money.

KNB search to "plant evidence"?

At 7 am on 25 June, less than three weeks after the criminal case against Pastor Ushanov was opened, five regional KNB secret police officers, including Captain Aleksandr Bychko and Captain Galymzhan Jumashev, broke into Ushanov's home and searched it, church members told Forum 18. The officers showed the Pastor the indictment with the criminal charges and complaint of a woman named Nauryzbayeva that her husband Aleksandr Kereyev "felt sick after the hypnosis" allegedly conducted by Ushanov in the Church.

Church members did not remember Nauryzbayeva's first name, as the KNB officers did not give Pastor Ushanov copies of the indictment and complaint. "Kereyev visited our Church only 3-4 times within a period of 6 months, the last time being sometime in March," one Church member told Forum 18.

The case is fabricated, Church members complained, insisting that the KNB secret police searched Ushanov's home "with the purpose to plant evidence" against him. "The officers asked the Pastor at one point during the search to go out and tell the people from the Church who came to see him not to disturb him," they told Forum 18. "When he came back into the room he saw on the shelf the book entitled 'Modern Hypnosis' in Russian, which does not belong to him."

KNB secret police officers confiscated two laptop computers, an external computer hard drive, about 150 DVDs with Christian films and materials, and about 20 Christian books along with the book "Modern Hypnosis". They also confiscated cards of 85 Church members containing personal data such as names, history of their Church attendance, phone numbers and addresses.

Threat to Pastor

During the raid, Captain Jumashev and his colleagues warned Pastor Ushanov to "change his profession, and leave Taraz for good, if he does not want to get into trouble," church members told Forum 18.

Reached on 4 July about the raid and threats to Pastor Ushanov, Captain Jumashev asked Forum 18 to call back later: "I cannot talk at the moment as I am driving." Subsequent calls went unanswered.

Church members told Forum 18 that Captain Jumashev regularly visited the New Life Church and "kept tabs on believers".

Police raid

On 19 June, six days before the KNB secret police raid on Pastor Ushanov's home, Jambyl police's police Department for the Fight against Extremism, Separatism and Terrorism raided New Life Church's Sunday worship service. The officer leading the raid, Lieutenant Colonel Serik Khalykov, told the Church that the "reason of their visit was that Olesya Kotlyarova complained that she was poisoned when she ate at the Church cafeteria recently". The Police made Pastor Ushanov write a statement, explaining whether or not he knew Kotlyarova and how she could have been poisoned.

"These are outrageous and biased allegations against our Church," one member complained to Forum 18. "We are only renting those premises, and do not serve food to people there."

Lt Col Khalykov declined to comment on the case, saying it had been initiated by the regional KNB secret police. "Please talk to the KNB," he told Forum 18 on 30 June. Asked why a body dealing with such serious issues as the police Department for the Fight

against Extremism, Separatism and Terrorism should target a Church and its pastor, for alleged food poisoning, he responded: "I can only talk to you in my office."

As the KNB secret police has refused to discuss the case, Forum 18 has been unable to enquire about Khalykov's claim that the KNB initiated the police action.

Will authorities consider complaints?

On 28 and 29 June, Pastor Ushanov personally delivered complaints to regional KNB head Baybarakov and Regional Prosecutor Bagban Taimbetov, New Life Church members told Forum 18.

Yernat Sybankulov, Deputy Prosecutor of Jambyl Region, told Forum 18 on 4 July that he "will look up the complaint, and inform you tomorrow what action we will take." Called back on 5 July, his secretary - who did not give her name - told Forum 18 that Sybankulov is not in the office and will be back in two days.

Earlier raids on New Life

In late April and early May, KNB secret police and the ordinary police Department for the Fight against Extremism, Separatism and Terrorism raided or intervened in the activity of four New Life congregations in different parts of Kazakhstan. The interventions appeared designed to obstruct planned meetings of local New Life Churches with Maksim Maksimov, Senior Pastor of New Life Church in Almaty (Kazakhstan's commercial capital), Church members told Forum 18.

On 29 April the KNB and the police Department for the Fight against Extremism, Separatism and Terrorism raided the New Life Church in Aktobe [Aqtobe]. Police broke in, filmed the Church meeting and told the attendees that New Life is a "dangerous sect". The Pastor, his wife and their three young children were put in a police car, and taken to the police station for questioning which lasted several hours (see F18News 6 May 2011 http://www.forum18.org/Archive.php?article_id=1568).

In response to the Church's subsequent complaint, Aktobe city Police responded in an official letter that the actions of their officers were "not appropriate and they were reprimanded", the New Life Church told Forum 18 on 5 July. The Police also told the Church that no measures against the Church or its Pastor will be taken.

In south-eastern Kazakhstan, Aktau [Aqtau] city police Department for the Fight against Extremism, Separatism and Terrorism on 28 April raided the Church's meeting after it had finished. Officers asked the local Pastor and Ivan Kryukov, visiting from Almaty, to go with them to a police station to write statements, but the two refused to go.

In northern Kazakhstan, the Kokshetau city branch of the KNB secret police on 3 May pressured the Director of a Culture House to cancel its agreement with the local New Life Church to hold a meeting in their premises. After this local New Life church members tried to hold their meeting at another church's building. However, the Pastor of that Church was summoned by the Regional Administration's Religious Affairs officials and pressured not to allow the meeting in their premises. And so the meeting did not take place.

Also in northern Kazakhstan, the Petropavl [Petropavlovsk] city branch of the KNB secret police on 4 May pressured the Director of a private art school to cancel its agreement with the local New Life Church to hold a meeting in their premises. The Church then arranged an agreement to rent a local cafe. However, about one hour before the meeting was due to start its Manager received a phone call with threats from the KNB. However, unlike in Kokshetau, the New Life Church members in Petropavl were able to hold their meeting at another venue. (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://education.nationalgeographic.com/education/mapping/outline-map/?map=Kazakhstan>.

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