

14 February 2012

KAZAKHSTAN: First known use of harsh new punishments

By Felix Corley, Forum 18

In Kazakhstan's first known use of expanded and increased punishments for exercising freedom of religion or belief, a Baptist in eastern Kazakhstan has been fined what local people estimate to be a year and a half's average local wages for leading an unregistered religious organisation. Shoe-repairer and father of ten Aleksei Asetov was fined 485,400 Tenge (18,725 Norwegian Kroner, 2,486 Euros or 3,273 US Dollars), for leading the small congregation that meets in a fellow church member's home, under a provision introduced in new Amending and Religion Laws local Baptists told Forum 18 News Service. The judge also banned the congregation. Elsewhere, a Pentecostal church in Petropavl in North Kazakhstan has twice been raided by the police Department for the Fight against Extremism, Separatism and Terrorism and a local official of the Agency of Religious Affairs (ARA). They confiscated New Testaments, other books, and DVDs for censorship, and want the Church punished for leaving the books on a table about ten metres (10 yards) from the entrance to a hall they rent for worship. Other fines for exercising religious freedom without state permission continue, one Baptist having been fined for unregistered worship meetings following a police operation called "Operation Legal Order".

In the first use known to Forum 18 News Service of the expanded and increased punishments for exercising rights to religious freedom in an Amending Law adopted at the same time as the harsh new Religion Law, a Baptist in eastern Kazakhstan has been fined what local people estimate to be a year and a half's average local wages for leading an unregistered religious organisation. Shoe-repairer and father of ten, Aleksei Asetov was fined 485,400 Tenge (18,725 Norwegian Kroner, 2,486 Euros or 3,273 US Dollars) for leading the small congregation that meets in another church member's home in Ekibastuz in Pavlodar Region, local Baptists complained to Forum 18 on 11 February. The judge also banned the congregation, which does not wish to gain state registration. Asetov has appealed against the fine.

Meanwhile, a Pentecostal church in Petropavl [Petropavlovsk] in North Kazakhstan Region has twice been raided by the police Department for the Fight against Extremism, Separatism and Terrorism and a local official of the Agency of Religious Affairs (ARA). They want the Church punished for leaving religious books on a table, about ten metres (10 yards) from the entrance to a hall they rent for worship.

Prosecutor, Anti-terrorism Police raid church building

Trouble began for Asetov and the Ekibastuz Baptist congregation, in north-eastern Kazakhstan, at lunchtime on 30 November 2011. Rauan Zhakupov, aide to the town Prosecutor, and two officers of the Department for the Fight against Extremism, Separatism and Terrorism raided the church building then, Baptists told Forum 18. The congregation, which meets in the home of a church member, belongs to the Baptist Council of Churches, which chooses not to seek state registration in any of the former Soviet republics where it operates. Asetov supports his family - his wife and their ten children - by working as a shoe-repairer.

The officials then called an "investigatory-operational group", which searched the building, including the parts of the house where the family live. They seized Christian literature but, church members complain, gave no record of confiscation.

Court documents in Asetov's case seen by Forum 18 describe the raid as a "check-up". The documents reveal that a case was brought against Asetov on 14 January for leading an unregistered religious organisation under the old Article 375, Part 1 of the Code of Administrative Offences ("Refusal by leaders of religious associations to register them with state bodies, carrying out of activity by religious associations not in accordance with their statute, participating in the activity of or financing political parties, violating the rules governing holding of religious events outside the location of a religious association, organising of special children's or youth meetings not related to worship, and forcing individuals to carry out religious rituals").

However, at a hearing on 19 January, Judge Aigul Kaidarova of Ekibastuz Specialised Administrative Court sent the case back to prosecutors, pointing out that the case had been brought under the old Article 375 which had been amended in October 2011. The Judge described the "mistake committed by the organs of the Prosecutor's Office" as "significant", and ordered them to reformulate the case.

New charges

Prosecutors then brought the case under the new Article 375, Part 8 of the Code of Administrative Offences ("The carrying out by religious associations of activity banned by legal acts of the Republic of Kazakhstan, as well as the failure by religious associations to remove within the designated time period violations serving as a basis for the halting of their activity"). This punishes leaders of religious associations with a fine of 300 Monthly Financial Indicators (MFIs) and religious associations a fine of 500 MFIs, plus a ban on the religious association's activity.

The MFI is set annually, and since 1 January 2012 has been 1,618 Tenge (62 Norwegian Kroner, 8 Euros, and 11 US Dollars). This is just below one tenth of the official minimum monthly wage.

At Ekibastuz Specialised Administrative Court the case was then handed to Judge Galliya Rakhmatullina. She found Asetov guilty at a hearing on the afternoon of 8 February and handed down the heavy fine of 300 MFIs. Asetov appealed against the sentence, local Baptists told Forum 18, insisting that his right to religious freedom is guaranteed by Article 39 of Kazakhstan Constitution.

First known use of harsh new punishments

Asetov is the fourth Baptist – and the fifth member of a religious community - known to have been fined since the harsh new Religion Law and associated punishments were adopted, but the first to be tried under the new penalties. He was punished under the greatly expanded Article 375 of the Code of Administrative Offences ("Violation of legislation on religious activity and religious associations"). The new version was adopted as part of an Amending Law signed by President Nursultan Nazarbaev on 11 October 2011. It came into force on 25 October 2011 (see F18News 19 October 2011 http://www.forum18.org/Archive.php?article_id=1627). None of the restrictive provisions breaking Kazakhstan's international human rights obligations, in either the Religion or Amending Laws, were altered (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

A Muslim was fined and ordered deported in November 2011, for occasionally leading prayers in his local mosque without being personally registered as a "missionary", but under the provisions of the old Administrative Code Article 375 Part 3 ("Carrying out missionary activity without local registration") (see F18News 13 December 2011 http://www.forum18.org/Archive.php?article_id=1646).

The other three Baptists were all fined under Article 374-1 Part 2 ("Participation in the activity of a banned religious organisation") of the Administrative Code (see F18News 13 December 2011 http://www.forum18.org/Archive.php?article_id=1646). This was not changed in the October 2011 Amending Law.

"The law required her to do this"

The woman who answered the phone at Ekibastuz Prosecutor's Office on 13 February refused to put Forum 18 through to Deputy Prosecutor Erzhan Dyusekenov, the only senior official present. She also refused to put Forum 18 through to Zhakupov, the aide who took part in the November 2011 raid.

The Court refused to put Forum 18 through to Judge Rakhmatullina on 13 February. "She's not authorised to speak to journalists," the Court secretary – who did not give her name - said. Asked how the judge could punish an individual merely for meeting for worship in a privately-owned home, the secretary responded: "What else could she do? The law required her to do this."

The duty number at Ekibastuz Police was engaged or went unanswered each time Forum 18 called on 13 and 14 February.

Refusal to pay fines

Council of Churches Baptists have a policy of not paying fines handed down to punish them for exercising the right to freedom of religion or belief. In response, the authorities give some short terms of imprisonment. Baptist leader Nikolai Popov from the town of Balkhash in Karaganda [Qaraghandy] Region was imprisoned for 48 hours in early December 2011 for refusing to pay fines handed down in October 2011 for leading meetings for religious worship (see F18News 13 December 2011 http://www.forum18.org/Archive.php?article_id=1646).

In other such cases, court bailiffs have confiscated property including washing machines, or the value of the fines has (for those in work) been taken direct from individuals' wages. This happened to Viktor Gutyar, who works in a coal mine (see F18News 27 September 2011 http://www.forum18.org/Archive.php?article_id=1618).

Anti-terrorism Police against a book table

Elsewhere, the New Life Pentecostal church in the northern city of Petropavl has twice been raided by the police Department for the Fight against Extremism, Separatism and Terrorism and a local official of the Agency of Religious Affairs (ARA). They want the Church punished for leaving religious books on a table, about ten metres (10 yards) from the entrance to a hall they rent for worship

in a House of Culture.

"There is no logic to their actions," the church's pastor Valery Rudoy complained to Forum 18 from Petropavl on 13 February. "The local ARA Department took it on itself to enforce the new Religion Law and turned to other state organs to help them. But there is no mechanism yet to enforce the new Religion Law."

Drafts of Regulations to implement the Religion Law – such as censorship regulations which break international human rights law – exist, but none have been promulgated (see F18News 24 November 2011 http://www.forum18.org/Archive.php?article_id=1639).

The raid

The Protestant New Life Church was raided during its Sunday worship on 29 January, church members told Forum 18. Leading the raid was Abu-Bakir Karmenov, an official of North Kazakhstan Region Department of the ARA. He was accompanied by two officers of the police Department for the Fight against Extremism, Separatism and Terrorism. The officials gave no written reason for what they described as a "check-up".

They confiscated several New Testaments, books by the American Christian author Josh McDowell, and DVDs of a film on Mary Magdalene, which they found on a table in the foyer. Pastor Rudoy pointed out that the literature was for personal use by church members and a notice stating this was on the table.

Rudoy told Forum 18 that the church does not know exactly how many books and discs were seized as officers refused to give them a record of confiscation. He added that these books and discs had belonged to the church for at least 18 months, long before the harsh new provisions of the October 2011 Religion Law.

Religious affairs official Karmenov told the church that all religious literature was subject to an "expert analysis" by Agency officials, regardless of when a religious community had acquired it.

The wide-ranging censorship and other powers contained in the new Religion and Amending laws, which break Kazakhstan's international human rights obligations, have been strongly criticised by local human rights defenders. One legal expert described the laws as a "legal nonsense", noting that the ARA will require "hundreds of cupboards to store thousands of Korans and Bibles" (see F18News 13 October 2011 http://www.forum18.org/Archive.php?article_id=1624).

After confiscating the religious material, officials then drew up a document recording an administrative offence of distributing illegal literature. However, Pastor Rudoy refused to sign it. He maintains that if the authorities are planning to bring an administrative case against him, the documents allowing them to do so were not properly prepared. "If they wanted to do this, they should have prepared a protocol of an offence, which has to be done at the time and duly signed," he told Forum 18. "Instead they drew up a record."

Rudoy added that officials again visited the church during Sunday worship on 12 February.

"The Church violated the Religion Law"

The head of the North Kazakhstan Regional Department of the ARA, Nurislyam Gabdullin defended his subordinate's actions. "There was no raid – we work in accordance with the law," he insisted to Forum 18 from Petropavl on 6 February. "The Church violated the Religion Law by distributing religious literature."

Gabdullin said the Church has the right to distribute literature which the state has approved to church members in the place where it worships. "But they rent only the hall in the former Culture House, not the foyer. The hall and the foyer are separate." He admitted that the table in the foyer was between ten and 20 metres (or yards) from the entrance to the hall. Asked by Forum 18 if religious literature which was legal in the hall suddenly became illegal when it was taken out of the hall and into the foyer, he responded: "Yes."

Books and discs "being checked"

Gabdullin of the North Kazakhstan ARA insisted to Forum 18 that Pastor Rudoy did not have a list of the confiscated books because he refused to accept it. He said the Department is holding the books and discs and will "check" them within a two-month period. "If we don't find anything negative in them we will return them." Asked why the New Testament for example needed to be examined as he must have seen copies of it before, Gabdullin said all religious literature needed to be checked.

"We have experts here in Petropavl, even though it is a small town, but if further questions arise the books and discs will be sent to the capital," he explained. He said the local "experts" are scholars from the university ready to conduct such analyses without pay. "They want to preserve the purity of religion." Gabdullin found it difficult to explain what he meant by "purity", speaking of "non-traditional faiths". Asked to identify such faiths he spoke of "Protestants who act under the mask of religion". However, he

then insisted that not all Protestants should be banned.

"Extremism" and "non-traditional" are terms used by officials in relation to people exercising their right to freedom of religion or belief in ways officials dislike. For example, a Military Affairs Directorate in Almaty wrote to local religious communities, ordering them to "provide information on citizens on record as followers of non-traditional religions and radical religious views". Yet officials were unable to define what these religions and views are when asked by Forum 18 (see F18News 20 September 2011 http://www.forum18.org/Archive.php?article_id=1614).

Asked whether it is the role of the state to determine which religious literature is "pure" and whether this did not constitute state censorship, Gabdullin of North Kazakhstan ARA insisted it was not censorship. "I read [Aleksandr] Solzhenitsyn during the Soviet period," he claimed. "No one punished us."

The ARA in the capital Astana has prepared draft Censorship Regulations to implement the harsh censorship provisions of the new Religion Law (see F18News 24 November 2011 http://www.forum18.org/Archive.php?article_id=1639). However, as of 14 January, the Censorship Regulations are not known to have been formally adopted and have not been published. Therefore no "legal" mechanism exists for officials to implement this state censorship, which brakes international human rights law.

Is New Life Church "extremist" or "terrorist"?

North Kazakhstan Region Police refused to put Forum 18 through to the Department for the Fight against Extremism, Separatism and Terrorism, referring all questions to the police Press Office. However, press officer Inspector Dinara Sagandykova asked that all questions be submitted in writing. Forum 18 asked in writing on 6 February why officers of the Department for the Fight against Extremism, Separatism and Terrorism had taken part in the 29 January raid on New Life Church, whether police consider the Church "extremist" or "terrorist" and whether any prosecution is likely to follow.

Despite Forum 18 re-sending the questions several times, Sagandykova told Forum 18 they did not arrive until late on 14 February. She had not responded the end of the working day in Kazakhstan on 14 February.

Will New Life face prosecution?

Pastor Rudoy stated to Forum 18 that officials still want to punish him and the church with a massive fine and a three-month ban on the church. He says officials have tried to get him to visit the Religious Affairs Department because they want him to sign falsified documents on the raid which would allow a prosecution to proceed. He has refused to visit the Department.

Despite saying that New Life Church violated the Religion Law, Gabdullin insisted to Forum 18 that no-one is trying to punish or ban it. Asked why his Department repeatedly calls Pastor Rudoy to invite him to visit, Gabdullin claimed he merely wants to discuss the situation with him and resolve any problems.

Fines, fines

Other Council of Churches Baptists continue to be fined. Ivan Yantsen, from Temirtau in Karaganda Region, was fined on 21 December 2011 for participating in unregistered religious worship after at least six court hearings (see F18News 13 December 2011 http://www.forum18.org/Archive.php?article_id=1646).

The verdict seen by Forum 18 notes that on 17 November 2011 as part of "Operation Legal Order", three named local police officers visited the private home where Yantsen's church meets. They established that the 62-year-old took part in the Church's activity, a claim Yantsen confirmed in court. He said the Church has been meeting in the same building since 1991 and denied any wrongdoing.

Judge Yelena Kirillova of Temirtau City Specialised Administrative Court found Yantsen guilty under Administrative Code Article 374-1, Part 2 ("Participation in the activity of a banned religious organisation"). In line with the prosecutor's demands she fined him 50 MFIs, 75,600 Tenge (2,916 Norwegian Kroner, 387 Euros or 510 US Dollars).

On 11 January 2012, Judge Adilkhan Talas of Karaganda Regional Court rejected Yantsen's appeal, according to the verdict seen by Forum 18.

Another Council of Churches Baptist from Karaganda Region was also fined, this time for leading unregistered religious meetings. On 11 January, the Specialised Administrative Court in the town of Shakhtinsk fined Yevgeni Savin, according to the verdict seen by Forum 18. The case followed a raid on his home (where his church meets) on the evening of 9 November 2011 when he was not present and no service was underway. He was summoned and officials came in and photographed the church meeting room and began preparing the case against him.

Savin told the court that his church has met in a room specially fitted out for religious meetings in his home since 1998 and is "open

for free access". The Court was shown a photo of the Church's meeting room with benches and a piano. However, Savin said that the beliefs of his community do not allow it to seek state registration. He insisted that meeting for worship without legal status does not constitute a crime.

Judge Aliya Mardanova found him guilty of violating Administrative Code Article 374-1, Part 1 ("leading, participating in or financing an unregistered, halted or banned religious community or social organisation"). She fined him 100 MFIs, 161,800 Tenge (6,242 Norwegian Kroner, 829 Euros or 1,091 US Dollars).

Savin then appealed to Karaganda Regional Court but, on 25 January, Judge Nadezhda Kuznetsova rejected his appeal, according to the verdict seen by Forum 18.

Continuing pattern

Fines on those who lead and take part in meetings for religious worship without registration have been common across Kazakhstan for many years. Victims have included Protestants, Muslims, and Jehovah's Witnesses.

Another Council of Churches Baptist, Aleksey Buka from the village of Kievka in Karaganda Region, was fined on 1 December 2011 for participating in unregistered meetings for worship. Charges against Buka and two other Baptists were brought under the still current Article 374-1, Part 2 ("Participation in the activity of a banned religious organisation") of the Administrative Code (see F18News 13 December 2011 http://www.forum18.org/Archive.php?article_id=1646). Karaganda Regional Court rejected Buka's appeal on 25 January 2012, according to the decision seen by Forum 18.

A Muslim was fined and ordered deported back to his home country elsewhere in Central Asia for occasionally leading prayers in his local mosque without being personally registered as a "missionary". A Judge found him guilty in mid-November 2011 of violating the old Article 375, Part 3 of the Code of Administrative Offences ("Carrying out missionary activity without local registration"). The Judge sentenced him to a fine of 7,560 Tenge (298 Norwegian Kroner, 39 Euros or 51 US Dollars) and deportation from Kazakhstan. He was deported in mid-December 2011 after his appeal was rejected (see F18News 13 December 2011 http://www.forum18.org/Archive.php?article_id=1646). (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>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY