

22 May 2012

KAZAKHSTAN: Baptist convicted on evidence "fabricated" by police

By Mushfig Bayram, Forum 18

Kazakhstan continues to punish people exercising their internationally recognised right to freedom of religion or belief without state permission, Forum 18 News Service notes. Raids, often without search warrants, have continued on members of the Baptist Council of Churches, who on principle do not seek state registration. In a particularly serious development, Baptist Vasily Stakhnev appears to have been framed by police and then given a large fine for the "offence" of distributing religious literature - which he vehemently insists that he did not do. Police apparently pressured his neighbours to write false testimonies against him, one neighbour telling Forum 18 that they are "not even sure what I signed for the police". Stakhnev insisted to Forum 18 that he had not distributed any literature, and that he was only "guilty" of possessing Christian literature in his private home. Local police chief Serikhan Tozhigitov of Serebryansk Police claimed to Forum 18 that: "We did not force anyone to sign anything".

Kazakhstan has continued to punish people exercising their internationally recognised right to freedom of religion or belief without state permission, Forum 18 News Service notes. Raids have continued on members of the Baptist Council of Churches, who on principle do not seek state registration and hence in Kazakhstan permission to exist for their churches. In a particularly serious development, Baptist Vasily Stakhnev appears to have been framed by police and then fined for the "offence" of distributing religious literature, which he vehemently insists that he did not do. Stakhnev was fined 161,800 Tenge (6,485 Norwegian Kroner, 860 Euros, or 1,095 US Dollars) – a very large amount given his income - after police apparently pressured his neighbours to write false testimonies against him.

Also, in early May the legally-registered Jesus Methodist Church in Taldykorgan, in Almaty Region, has been forced under pressure by the authorities to cancel its registration and close (see F18News 30 May 2012 http://www.forum18.org/Archive.php?article_id=1708). Pressure on the Methodists, using the Land Code as a pretext, follows the forced closure of all Ahmadi Muslim mosques in Kazakhstan and pressure on other religious communities (see F18News 24 April 2012 http://www.forum18.org/Archive.php?article_id=1692).

"Fabricated" case

Baptist Vasily Stakhnev told Forum 18 on 15 May that on the night of 27 / 28 February police in Serebryansk, in East Kazakhstan Region, raided the three private flats of himself and two other Baptists. Police confiscated Christian booklets from all three homes.

Following the raids during a court hearing on 27 May, Stakhnev found that the police had "fabricated", as he described it, a case against him by forcing neighbours to sign false statements. Two neighbours from the same building had signed statement for the police claiming that Stakhnev had "stuck religious literature in the door handles or under the doors of their flats". This was interpreted by Zyryanovsk District Specialized Administrative Court in East Kazakhstan Region as unregistered missionary activity and unauthorized spreading of religious materials.

The hearing took place 600 kilometres (375 miles) away from Stakhnev's home.

An Inspector calls..

Stakhnev told Forum 18 that neighbours had told him that local police Inspector Yernar Kaliyev had come to their homes, and pressured to write statements against him.

One neighbour told Forum 18 on 16 May that "it is true that I told the police that sometimes I found religious literature at my door". "But", they continued, "I never said that Stakhnev had done it". They added that the police presence in their home was "uncomfortable", and that they are "not even sure what I signed for the police".

Stakhnev insisted to Forum 18 that he had not distributed any literature, and that he was only "guilty" of possessing Christian literature in his private home.

Inspector Kaliyev refused to talk to Forum 18 on 16 May and referred Forum 18 to local police chief Serikhan Tozhigitov of Serebryansk Police.

"We did not force anyone to sign anything"

Asked on what basis police raided the homes of the three Baptists, Tozhigitov on 16 May claimed to Forum 18 that the Police had evidence from witnesses that "Stakhnev distributed religious literature among people". He also claimed that the police knew that the Baptist Church is not registered.

Tozhigitov also claimed that: "We did not force anyone to sign anything". He also stated that "the law demands that they [the Baptists] be registered. They cannot distribute religious literature unless they register". He also stated that police will in future raid private homes of Baptists "if we find that they continue distributing literature".

"Guilty"

Judge Anuarkhan Kalenov of on 27 April fined Stakhnev the maximum fine of 161,800 Tenge (6,485 Norwegian Kroner, 860 Euros, or 1,095 US Dollars) or 100 minimum Monthly Financial Indicators (MFIs). He was found "guilty" under the Code of Administrative Offences' Article 375 Part 3, which was changed at the same time that the harsh 2011 Religion Law was brought in.

Article 375 Part 30 bans: "The carrying out of missionary activity by citizens of the Republic of Kazakhstan, foreigners and persons without citizenship without registration (re-registration), as well as the use by missionaries of religious literature, informational materials of religious content or objects of religious significance without a positive assessment of a religious studies expert analysis".

The penalty fine for this "offence" under Article 375 Part 3 is for citizens 100 MFIs. Article 375, Part 9, punishes such offences committed again within a year with fines of 200 MFIs. The punishment for foreigners and stateless persons under Article 375, Part 3, is 100 MFIs with deportation (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

According to Judge Kalenov's verdict, seen by Forum 18, "on 28 February at 17:30 hours it was established that physical person Stakhnev was involved in unauthorised missionary activity, namely spreading among the population religious literature without the approval of religious expertise." Stakhnev is claimed to have "admitted" that he sometimes gave out some Christian booklets in the yard of the building where he lives, and that according to the information received from Serebryansk City Administration the Baptist Church, of which Stakhnev is a member, is not officially registered, Judge Kalenov concluded that this constituted violation of the Religion Law.

The verdict takes no account of claims that statements given to police were fabricated under pressure.

The fine imposed on Stakhnev is very large given his low income. The MFI is set annually, and since 1 January 2012 has been 1,618 Tenge (62 Norwegian Kroner, 8 Euros, or 11 US Dollars). This is just below one tenth of the official minimum monthly wage.

Kazakhstan has recently published stringent Censorship Regulations, banning all religious literature that has not passed state censorship. Officials have been confiscated religious books – including children's books on the lives of Russian Orthodox saints – from libraries for checking (see F18News 8 May 2012 http://www.forum18.org/Archive.php?article_id=1698).

"An appeal will be heard.."

Judge Kalenov on 18 May refused to say why he gave such a huge fine to Stakhnev, for possessing Christian literature in his private home. Stakhnev "already complained to the Regional Court," he told Forum 18 from Zyryanovsk, "and an appeal will be heard there".

An official of East Kazakhstan Regional Court Appeal Board (who would not give her name) on 18 May said that the appeal will be heard on 24 May. But she refused to comment on the case. "It will be an open hearing, you may observe it," she told Forum 18 from Oskemen, the central city of East Kazakhstan Region.

Frequent raids continue

Council of Churches Baptists have complained to Forum 18 that from March police from the ordinary police, police Criminal Investigation Department, police Department for the Fight against Extremism, Separatism and Terrorism, as well as Public Prosecutor's Office officials have raided private homes where they meet for worship. Such raids have taken place in the capital Astana, Temirtau, Petropavl, Balkhash, and other places.

Baptists complained that "normally without warrants, police film and question those present during the raids, and take statements

against church pastors and ordinary members". They complained that this was against the Constitution, and that the authorities "in every place opened all the rooms and cupboards, and confiscated Christian literature and other items without drawing up confiscation records". Cases, they said, are often brought under Part 8 of Administrative Code Article 375 for leading unregistered religious activity.

Part 8 of the new Article 375 bans: "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". Leaders of religious associations can be punished for this "offence" with a fine of 300 Monthly Financial Indicators (MFIs), and religious associations themselves can be fined 500 MFIs with a ban on their activity. This Article was changed under an Amending law brought in at the same time as the Religion Law (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

"They even looked in the refrigerator"

In one such case on 2 March, Police and Prosecutor's Office officials in Rudny in Kostanai [Qostanay] Region, in northern Kazakhstan, raided the private home of an unregistered Baptist Timur Aliyev, Baptists who wished to remain unnamed for fear of state reprisals told Forum 18 on 20 April. Aliyev's home is also used as a place of worship for local Baptists. Present during the raid were only Aliyev and his family members, Baptists said.

"12 officials arrived in five different cars, broke into the home and began to take photographs of not only the meeting hall but also all the living rooms", Baptists told Forum 18. "They even looked in the refrigerator." The officials asked Aliyev whether he had permission to conduct religious meetings in his home, and from where he received religious literature.

The officials made a detailed inventory of the property, and demanded that Aliyev and his family write statements that they conducted unregistered religious activity in their private home. The family refused to do this, as they considered what the authorities were doing to be "illegal", Baptists stated.

Officials had, however, brought along their own witnesses to sign police records. They then left.

Baptists told Forum 18 that among the officials on the raid were: Almat Yeslyalov, Assistant to Rudny's Prosecutor, Captain Yerkin Dyusembin and Senior Lieutenant Altnat Bakenov of Rudny Police, and Muratkhan Zhumabayev, Director of the Kostanai regional Department of the Agency of Religious Affairs (ARA).

"Orders from above"

Officials "did everything on orders from above", Yeslyalov of the Prosecutor's Office told Forum 18 on 20 April. He would not explain who had ordered the raid. Asked which law exactly the Baptists had violated, and whether officials raided Aliyev's home without an official warrant, Yeslyalov did not answer and put the phone down.

In a similar case, officials have been trying in 2012 to stop the activity of the Protestant Grace Church which meets in a private home in the suburb of Kentau in Turkestan in South Kazakhstan Region (see F18News 24 April 2012 http://www.forum18.org/Archive.php?article_id=1692). In that case, officials admitted that the action was initiated by the National Security Committee (KNB) secret police (see F18News 29 February 2012 http://www.forum18.org/Archive.php?article_id=1673). The Church is still meeting for worship.

ARA regional Director Zhumabayev claimed that the officials will not take any measures against the Baptists in Rudny. "We are not against any religion," he told Forum on 20 April from Kostanay, the central city of the Region. "But the Religion Law requires all religious communities to register officially."

Cicero said..

The Religion Law explicitly bans all exercise of freedom of religion or belief without state permission, in defiance of the universal human rights Kazakhstan has solemnly undertaken to implement (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617). Asked why religious communities cannot meet for worship in private homes, Zhumabayev quoted the ancient Roman political theorist and politician Marcus Tullius Cicero (106 – 43 BC): "Cicero said that 'We are all servants of the laws in order that we may be free'". Zhumabayev then claimed that "every Kazakh citizen – even the President – must obey the laws".

For some reason Zhumbayev of the ARA did not discuss the applicability of another quotation from Cicero to Kazakhstan's systematic violations of universal human rights: "True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions".

Forum 18 noted that the Religion Law's ban on exercising religious freedom without state permission contradicts the statement in the

Constitution that "everyone shall have the right to freedom of conscience" (Article 22). When ARA regional Director Zhumabayev was asked by Forum 18 what he thinks of this contradiction, he replied: "Please send us your questions in writing". He then refused to discuss the issue further with Forum 18.

"The absence of elements of crime"

Judge Akyltai Kasimov, the Chair of a panel of judges on Kazakhstan's Supreme Court on 24 April has acquitted Yerzhan Ushanov, Pastor of a Protestant Church in Zhambyl Region of breaking Criminal Code Article 111, Part 1 ("causing severe damage to health due to negligence"). He had been found guilty on 5 September 2011 for praying for someone's health, after a case initiated by the KNB secret police (see F18News 29 September 2011 http://www.forum18.org/Archive.php?article_id=1619).

The Supreme Court verdict, which Forum 18 has seen, states it reached its verdict "due to the absence of elements of crime in his actions".

No action is known to have been taken against officials responsible for Ushanov's prosecution and conviction.

In April police detained two Hare Krishna devotees in Oskemen in East Kazakhstan Region for handing out what police claim was "extremist literature" on the street. Their identity documents were seized (see F18News 30 April 2012 http://www.forum18.org/Archive.php?article_id=1695). However, on 16 May Hare Krishna devotees told Forum 18 that the identification documents were returned. Oskemen authorities have stated that no charges will be brought against the two.

No action is known to have been taken against the police responsible. (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