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KAZAKHSTAN: 48-hour jail terms for refusing to pay "unjust" fines

By Felix Corley, Forum 18

Two Baptists were imprisoned for 48 hours each in Kazakhstan's northern Akmola Region for refusing to pay fines handed down in 2013 to punish them for exercising their right to freedom of religion or belief. Vyacheslav Cherkasov and Zhasulan Alzhanov were freed in the evening of 11 January. Cherkasov was held with about ten other prisoners in one cell. Asked about conditions, he laughed grimly. "Not very good," he told Forum 18 News Service. More than 150 such administrative fines to punish individuals for exercising their right to freedom of religion or belief are known to have been handed down in 2013. Anatoly Lazarenko, a 79-year-old Council of Churches Baptist from West Kazakhstan Region, became the second-oldest known victim when fined in November 2013. Officials chose to fine Yuri Rudenko on 25 December, the day his congregation celebrated Christmas. He was punished for leading a meeting for worship raided by police. "Police never raid our citizens," Nurdilda Oraz, head of the Interior Ministry press service, claimed to Forum 18.

Shoe-repairer Vyacheslav Cherkasov and plumber Zhasulan Alzhanov were each sentenced to 48-hour prison terms at evening court hearings in Kazakhstan's northern Akmola Region on 9 January, according to the court verdicts seen by Forum 18 News Service. The two Baptists were imprisoned for refusing to pay fines handed down in 2013 to punish them for exercising their right to freedom of religion or belief. The two were freed on Saturday evening, 11 January, Cherkasov told Forum 18 on 13 January. "We haven't lodged appeals," he added. "There's no point."

Cherkasov appeared to show no resentment over his prison term. "The Bible says that Christ was persecuted and we will be also."

The two were among more than 60 Council of Churches Baptists fined in Kazakhstan in 2013, all of whom refused to pay the fines as part of their civil disobedience. They insist that the state is wrong to punish them for meeting for worship and sharing their faith without the compulsory state permission.

"Not only are our Christian services interrupted, church members questioned at the police station, Christian books confiscated and large fines handed down, now our fellow church members are being arrested," Baptists lamented to Forum 18 on 10 January. They call the 2013 fines on Cherkasov and Alzhanov "unjust" and demand an end to state harassment of their communities.

Council of Churches Baptists reject state registration in all the former Soviet republics, including Kazakhstan. About half the more than 150 known administrative fines in Kazakhstan in 2013 to punish exercising the right to freedom of religion or belief fell on their members. Other victims include other Protestants, Muslims, Jehovah's Witnesses and commercial booksellers (see F18News 11 November 2013 http://www.forum18.org/archive.php?article_id=1895).

Administrative punishments in 2013 have also included deportation for foreigners legally resident in Kazakhstan who have exercised their right to freedom of religion or belief. The most recent known victims have been Jehovah's Witnesses (see F18News 23 January 2014 http://www.forum18.org/archive.php?article_id=1919).

Six similar 2013 cases

Six individuals are known to have been brought to court in 2013 for refusing to pay fines handed down to punish them for exercising their right to freedom of religion or belief. All were punished under Code of Administrative Offences Article 524 ("Failure to carry out court decisions"). This carries a punishment on individuals of up to 10 Monthly Financial Indicators (MFIs) or up to 10 days in jail.

Four of the six were Council of Churches Baptists and two were Muslims. Four received small fines, but one received a 3-day jail term and the last a one-day jail term (see F18News 11 November 2013 http://www.forum18.org/archive.php?article_id=1895).

Punishment for earlier fines

Cherkasov and Alzhanov had each been fined by Burabai Specialised Administrative Court under Article 375, Part 1. Article 375, Part 1 punishes "Violation of the demands established in law for the conducting of religious rites, ceremonies and/or meetings;

carrying out of charitable activity; the import, production, publication and/or distribution of religious literature and other materials of religious content (designation) and objects of religious significance; and building of places of worship and changing the designation of buildings into places of worship".

Both fines were of 50 MFIs, 86,550 Tenge (3,500 Norwegian Kroner, 400 Euros or 560 US Dollars). Cherkasov's fine had been handed down on 5 March 2013, Alzhanov's on 9 August 2013. Both fines were upheld on appeal, but in Cherkasov's case the court-ordered destruction of religious literature – including Bibles – was overturned amid widespread public outrage (see F18News 10 April 2013 http://www.forum18.org/archive.php?article_id=1822).

Since the fines were handed down, both Cherkasov and Alzhanov were summoned repeatedly by bailiffs at the Burabai District Specialised Administrative Court because of their refusal to pay. Bailiffs threatened them with a new administrative case, Baptists told Forum 18. On the morning of 9 January 2014 they were again summoned and handed records of the opening of cases under Administrative Code Article 524.

"Unexpectedly", Baptists told Forum 18, Cherkasov and Alzhanov were summoned to court at 6 pm the same evening, 9 January. There, Judge Damir Shamuratov found them guilty in separate hearings and sentenced each to 48-hours' imprisonment in the district police holding cells. Both verdicts, seen by Forum 18, note that the two Baptists "categorically refuse" to pay the fines.

Cherkasov said he and Alzhanov were taken to different cells. Cherkasov was with about ten other prisoners in one cell. Asked about conditions there, he laughed grimly. "Not very good," he told Forum 18.

Forum 18 was unable to reach Judge Shamuratov on 13 and 14 January. An official at the court bailiffs' office in Burabai, who did not give his name, defended the further prosecutions to Forum 18 on 13 January.

Why do police arrest, raid religious believers?

Press officials of the Interior Ministry in the capital Astana appeared unable to explain why police – including officers of Departments for the Struggle Against Extremism – take part in raids on meetings for worship and detain individuals talking about their faith with others on the street.

"Police never raid our citizens," Nurdilda Oraz, head of the Interior Ministry press service and spokesperson for the Interior Minister, claimed to Forum 18 from Astana on 14 January. "Police officers can only protect the rights of society and defend the interests of the people." Asked what people he had in mind, given that the overwhelming majority of those present at raided religious meetings and those arrested on the streets are Kazakh citizens, Oraz repeated his answer.

Asked about police raids on religious meetings – including a 13 October 2013 raid on a Baptist Sunday worship meeting in Taldykorgan near the commercial capital Almaty – Oraz said he did not have materials on this to hand.

Second-oldest known 2013 fine victim

Anatoly Lazarenko, a 79-year-old Council of Churches Baptist from West Kazakhstan Region, became the second-oldest known victim in 2013 of fines to punish individuals for exercising the right to freedom of religion or belief. He was fined 50 MFIs, 86,550 Tenge, on 28 November 2013 by Judge Aynur Kadyrova at Oral (Uralsk) Specialised Administrative Court under Administrative Code Article 374-1, Part 2.

Article 374-1, Part 2 punishes "Participation in the activity of an unregistered, halted, or banned religious community or social organisation".

The record for the oldest known victim of religiously-motivated fines in Kazakhstan in 2013 is held by fellow Baptist Yegor Prokopenko, who was 86 when fined in April 2013. Three other pensioners in their seventies in addition to Lazarenko are known to have been fined in 2013 (see F18News 11 November 2013 http://www.forum18.org/archive.php?article_id=1895).

Six other church members in addition to Lazarenko were each fined 50 MFIs at Oral Specialised Administrative Court under Article 374-1, Part 2, according to the verdicts seen by Forum 18: Sergei Krasnov on 3 December 2013; Vladimir Nelepin and his younger brother Aleksandr Nelepin on 5 December 2013; Nikolai Novikov and Andrei Labinsky on 18 December 2013; and Vladimir Trifonov on 20 December.

Similar cases against church members Serkali Kumargaliev, Kenzhetai Baytinov and Ivan Isayev were rejected in separate hearings in December 2013 as they failed to turn up to the hearings and the judges insisted their presence was required.

The seven church members were fined after up to 16 police officers and journalists – led by the local religious affairs official – raided their church's meeting for Sunday worship on 10 November 2013 in Oral (see F18News 21 November 2013 http://www.forum18.org/archive.php?article_id=1898).

Further punishment?

On 21 November 2013, in a record seen by Forum 18, court bailiffs also brought a case against Novikov under Administrative Code Article 524 for refusing to pay one of the two fines handed down on him earlier in 2013. But his failure to attend successive hearings in December 2013 resulted in the case being returned to bailiffs.

Novikov was twice fined 50 MFIs by Akzhaik District Court in April and May 2013. Like other Council of Churches Baptists he refused to pay (see F18News 11 November 2013 http://www.forum18.org/archive.php?article_id=1895). He was then added to the Justice Ministry list of citizens banned from leaving Kazakhstan.

Bailiff Yerkebulan Andakulov, who prepared the new case, defended the decision to bring Novikov to trial and the ban on him leaving Kazakhstan. "Novikov failed to fulfil a court decision," he told Forum 18 from Oral on 14 January. Asked why he should be punished for exercising his right to freedom of religion or belief, Andakulov responded: "That's not a question for me. I just carry out court orders." He declined to say if and when the new case will return to court.

Raid

Meanwhile, police raids have continued on meetings for worship, often followed by fines. On 13 October 2013, about 10 police officers raided a Baptist Sunday worship meeting in Taldykorgan in Almaty Region, Council of Churches Baptists complained to Forum 18 on 27 December 2013. The raid was led by Andrei Sorokin, an officer of the Regional Police's Department for the Struggle with Extremism. Among the raiders was local police officer Captain Yerlan Turusbekov.

"After the meeting ended, officers selected several church members and took written statements from them," Baptists recounted. Yuri Rudenko, who had led the service, was summoned to the police on 21 October 2013 and told that a case had been launched against him under Administrative Code Article 374-1, Part 1.

Article 374-1, Part 1 punishes "Leading, participating in, or financing an unregistered, halted, or banned religious community or social organisation".

Captain Turusbekov defended the raid on the church meeting. "They did nothing wrong, but the law demands that they have registration," he insisted to Forum 18 from Taldykorgan on 14 January 2014. Asked why, given that Kazakhstan's Constitution guarantees freedom of religion or belief with no mention of compulsory state registration, Turusbekov repeated that the law demands it. He then declined to answer any other questions, saying he needed permission from his superiors.

Forum 18 was unable to reach Sorokin at the Department for the Struggle with Extremism.

Christmas Day fine follows raid

Rudenko was brought to Taldykorgan Inter-District Specialised Administrative Court on 25 December 2013. Judge Zharas Arystanbekov found him guilty under Article 374-1, Part 1 and fined him 100 MFIs, 173,100 Tenge, according to the verdict seen by Forum 18.

"Officials knew 25 December was our festival of Christ's birth," Rudenko told Forum 18 from Taldykorgan on 14 January. "It was a normal working day, but we don't know if they specially chose it for the hearing." Church members came to the hearing to support him. The church celebrated Christmas that evening without disturbance from the authorities.

Saule Arzanbekova, head of Taldykorgan Akimat's Internal Policy Department, confirmed to Forum 18 on 13 January that she had attended the court hearing and confirmed that Rudenko's church has no state registration. However, she then claimed that she could hear none of Forum 18's other questions as to why the community needs state registration and why he should have been fined. Forum 18's end of the line was clear. When Forum 18 called back the line had been switched to a fax machine.

Rudenko lodged an appeal against the ruling. He told Forum 18 that Almaty Regional Court has not yet set a date to hear the appeal.

Local Baptists reject the fine as "unjust" and call for it to be overturned. They also call for the Church "to be able to praise God unobstructed".

Sharing faith obstructed

A group of Council of Churches Baptists were obstructed sharing their faith in the village of Komarovka on 15 August 2013, as they told Forum 18 on 11 January 2014. The village is in Kostanai Region of northern Kazakhstan a few kilometres (miles) from the border with Russia.

Baptists said that Galina Sarina, chief specialist of the village Akim (administration chief) demanded that they halt their meeting and threatened to call the police. They ignored her demands and completed their meeting.

Baptists say that on the way home by car, police followed them from the village. Some 40 kms (25 miles) away, police stopped them and ordered them to go to Denisovka District Police. Officers questioned one of the Baptists, Mikhail Milkin who is from Shchuchinsk in Akmola Region. They took several books from him before releasing him.

Sarina denies that she threatened the Baptists. "No-one threatened them – I simply told them they weren't allowed to hold a meeting," she told Forum 18 from Komarovka on 14 January 2014. "They must have registration to hold a religious meeting – that's the law." Asked why religious meetings need permission, she responded: "You need permission from the authorities - for any meeting."

Sarina insisted that she had not called the police, but declined to say who had. "I told my bosses – that's all I did."

Fine

Back at home in Shchuchinsk 700 kms (450 miles) away, Milkin received a summons to Denisovka Prosecutor's Office on 9 November 2013. Because of the distance he did not go, Baptists told Forum 18. About a week later he was informed a case had been launched against him under Administrative Code Article 375, Part 1.

On 9 December 2013, Judge Vladimir Leleka of Denisovka District Court found Milkin guilty in his absence under Article 375, Part 1 and fined him 50 MFIs, 86,550 Tenge, according to the verdict seen by Forum 18.

Strangely, the verdict describes Milkin as spreading the Jehovah's Witness faith. However, Judge Leleka seemed unconcerned. "Materials in the case, which weren't cited in court, belonged to Jehovah's Witnesses," he told Forum 18 on 14 January. "But if I committed a mistake the Regional Court will correct it."

Judge Leleka declined to discuss whether it was right or wrong that individuals are punished for exercising their right to freedom of religion or belief. "I'm governed by the law," he insisted.

Appeal

Milkin appealed against the decision, explaining that he was unable to attend the December 2013 hearing for family reasons and protesting his innocence of any wrongdoing. He pointed out that Article 20 of Kazakhstan's Constitution guarantees that "Everyone has the right freely to receive and distribute information by any means not banned by law." "So it is my right as a citizen of Kazakhstan to use any of many possibilities not banned by law to give out literature," he told the Regional Court.

Milkin also complained that the verdict inaccurately claimed that he had "spread the Jehovah's Witness teachings and distributed religious literature of this faith to villagers". He insisted he had never belonged to that community and had never distributed its literature.

Kostanai Regional Court is due to hear Milkin's appeal on 15 January, the court website notes. (END)

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>.

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

For a personal commentary from 2005 on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

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.

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