

31 March 2016

KAZAKHSTAN: Good Friday in Almaty

By Felix Corley, Forum 18

Police and officers of other security agencies raided 11 church premises and homes of the leaders of New Life Pentecostal Church in Kazakhstan's commercial capital Almaty on 25 March, the day the Church was commemorating Good Friday. This was the first the Church knew of a criminal case of alleged large-scale fraud opened against it in May 2015. The criminal investigation follows alleged complaints from individuals "about the fraudulent appropriation by the pastors of the local religious organisation of large financial sums, as well as moveable and immovable property, received under the guise of offerings", police claimed in a statement. "We're not fraudsters," one church member told Forum 18 News Service following the raids. "On the contrary, we help people. We've been working here in Kazakhstan for 26 years." Asked by Forum 18 if any other criminal cases have been opened against the Church, Adet Doskeyev of the city's Religious Affairs Department responded: "It's a secret."

On 25 March, as New Life Pentecostal Church in Kazakhstan's commercial capital Almaty was commemorating Good Friday, police launched simultaneous raids on five church-owned buildings and the homes of six pastors and church workers, Forum 18 News Service has learned. Although a court approved the searches in January, it remains unclear why the authorities waited for two months before conducting the raids. The raids came eight months after prosecutors opened a criminal case against the Church on charges of large-scale fraud, charges the Church vigorously rejects.

"We're not fraudsters," one church member told Forum 18 from Almaty following the raids. "On the contrary, we help people. We've been working here in Kazakhstan for 26 years." The church member expressed concern about widespread hostile reporting of the criminal case and raids in the local and foreign Russian-language press. "You can understand the impact this is having on children of church members, especially of the leaders, in school."

A member of another Protestant Church elsewhere in Kazakhstan expressed concern over the wider impact of the media coverage of Almaty's New Life Church. "This has an impact on all Christians across Kazakhstan," the church member told Forum 18 on 30 March. "People will be afraid to come to any church or to have anything to do with churches."

During the 25 March raid on the Church, police seized 54 computers, as well as financial documents and 94,650 Tenge of church money, Pastor Maxim Maximov, who now lives in the United States, wrote on his Facebook page. In addition, small amounts of personal money were taken from some of the pastors, church members told Forum 18. No religious literature was seized.

Church members describe as "a lie" an Almaty police statement of 29 March that "an unlicensed weapon and ammunition" had been found in the searches, without specifying where it was found and what the "weapon and ammunition" consisted of. "No weapon – whether licensed or unlicensed – or ammunition was found in the church building," church members told Forum 18 on 31 March. "We have the record of the confiscations and these make no mention of any confiscated weapon or ammunition."

This is not the first time police in Kazakhstan have launched searches and made strongly disputed allegations against churches repeated by local media with no right of reply given. On October 2012 masked police searched Astana's Grace Church and seized computers, valuables and religious books they insisted were "extremist" (though they could not explain what was "extremist" or who had declared them so). Police requested church members to give blood specimens to see if the Church uses "hallucinogenic" substances for Communion – local media carried the same allegations. The alleged "hallucinogens" were a commonly drunk local red tea used as a non-alcoholic communion wine. Church members noted that police displayed a curious lack of interest in the allegations they were supposedly investigating (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

In July 2015 about 20 police officers, Prosecutor's Office officials and Education Department officials raided a church-run children's summer camp near Almaty. Officials frightened the children and "behaved like they were detaining some criminals", Pastor Sergei Li of Kapshagai Baptist Church told Forum 18. "One seven-year old girl was frightened and cried, and after that I told them to stop questioning the children", he stated. Asked why Almaty TV channel and its subsidiary Almaty News attacked the Baptist Church without a right of reply and to the distress of members, Deputy Chief Editor Tatyana Lisitskaya responded: "The authorities gave us the materials for broadcast" (see F18News 13 August 2015 http://www.forum18.org/archive.php?article_id=2089).

Criminal case opened July 2015

Almaty Police opened a criminal case against Almaty's New Life Church on 29 July 2015, according to a Police Press Service statement of 25 March. The statement was published on its social media accounts once the raids were completed. It said the Church was being investigated on suspicion of violating Article 190, Part 3, Point 1 of the Criminal Code. This punishes large-scale fraud with prison terms of three to seven years, as well as confiscation of the fraudulently-obtained property.

The 25 March Police Press Service statement claimed the criminal case had been launched in response to three complaints from individuals "about the fraudulent appropriation by the pastors of the local religious organisation of large financial sums, as well as moveable and immovable property, received under the guise of offerings". However, it did not identify those who had allegedly lodged the complaints.

A 29 March Police Press Service statement claimed five "former parishioners" had lodged such complaints against the Church. The statement insisted that the Police had to investigate such complaints and rejected suggestions that any religious motivation lay behind the criminal case and searches.

At the same time, the statement added, "we warn that anyone giving knowingly false information will be subject to prosecution under Criminal Code Article 274".

An official of the Police Press Service, who would not give her name, told Forum 18 on 31 March that the information in the statements came from the Police Investigation Department. She refused to explain where the weapon and ammunition had allegedly been found and refused to put Forum 18 through to the Investigation Department. "Everything we have to say is in the statements," she added.

Told that the Church vigorously denies the claim that an unlicensed weapon and ammunition had been found, the official responded: "Everything we published is true."

Searches approved

An Inter-Agency Investigatory/Operational Group was formed. Almaty Deputy Prosecutor Zharkynbek Bakashbayev approved applications to court to search all the Church's six properties and the homes of five senior pastors and church workers, according to court records made public by Almaty's Almaty District Court and seen by Forum 18.

On 19 January 2016, Judge Raykhan Ashkeyeva of Almaty District Court approved the applications to search the Church properties, as well as the homes of Pastors Maximov, Sergei Zaikin, Vadim Martynov, Erkin Nurmanov and Natalya Nefedova. Among the Church-owned properties ordered searched was the Church's rehabilitation centre for people dependent on drugs and alcohol.

The court orders approving the searches – in identical wording – identify the criminal case number. They claim: "In the course of pre-trial investigation of the case, precisely through the questioning of a range of people as witnesses and victims, it has been established that the above-named religious organisations engage in commercial activity, receive illegal income, send money abroad, and take money, jewellery and precious stones, as well as moveable and immovable property from parishioners by means of the use of illegal techniques of psycho-therapeutic and psychological influence".

The assistant to Deputy Prosecutor Bakashbayev told Forum 18 each time it called on 30 and 31 March that he was out of the office in a meeting. The assistant to Judge Ashkeyeva declined to put Forum 18 through to her on 30 March and refused to give any more information about the cases.

Adet Doskeyev, the acting head of Almaty City Religious Affairs Department, referred all questions about the criminal case and the raid to the police. "The complaints were given to the police, not to us," he told Forum 18 on 31 March. Asked whether his Department is represented in the Inter-Agency Investigatory/Operational Group, he said: "No – it's the police and their Department for the Struggle with Extremism." Asked if the National Security Committee (KNB) secret police were also included, he responded: "Why them?"

Raids

At 10 am on 25 March, at least 70 officers in all in various uniforms launched raids on 11 properties. "Eight officers, including from the KNB, are raiding my home at the moment," Pastor Zaikin told Forum 18 from his home during the raid. The Church-linked television channel CNL broadcast live pictures from the Church's security cameras of police officers searching the premises.

Police subsequently gave their own film of the raids on his and on Maximov's home to local television station KTK, which broadcast them the same day and again on 28 March, marking the film as "operational video". The KTK reporter on both stories was Natalya Kunina.

Church members declined to tell Forum 18 about the raids, as many of them were forced to sign statements that they would face criminal prosecution if they reveal any details of the pre-trial investigation.

Forum 18 was unable to reach Kunina at KTK to find out whether the police had given her television station the operational video of the raids and whether the Prosecutor had authorised her use of the material as required under Article 201 of the Criminal Procedure Code. A colleague, Altynai Amanbayeva, told Forum 18 on 31 March that Kunina was out of the office and that only she had information about the footage.

Amanbayeva declined to say whether – had her own home been searched by police – she would have been happy to see pictures of the search shown on television.

Exit denial

Two of those whose homes were raided, Pastor Zaikin and Pastor Larissa Maximova, flew out of Kazakhstan in the night of 27 to 28 March. Although KTK in its 28 March broadcast claimed they had fled the country, church members insisted to Forum 18 that their tickets had been bought on 18 January, the day before the court ordered the searches of their homes. Although the two were thoroughly searched, border guards found nothing to confiscate, church members added.

However, another of those whose home was searched, Pastor Martynov, was prevented from leaving the country at the land border with Kyrgyzstan on 27 March. He had offered to drive Pastor Ivan Kryukov, who leads the New Life Church in Oral [Uralsk], to Kyrgyzstan, where he was due on a long-planned visit. Although the KNB allowed Pastor Kryukov to leave Kazakhstan, he chose to remain at the border and await the release of Pastor Martynov from the KNB. After being stopped for one hour, Pastor Martynov was freed. The two pastors then returned to Almaty.

A certificate issued to Pastor Martynov by the KNB Border Service – shown on KTK television and seen by Forum 18 – merely informed him that he was not allowed to leave the country because restrictions had been imposed on his departure from the country.

"We knew nothing of the criminal case"

Although the criminal case against the Church was opened as long ago as July 2015 and despite the claim in the January 2016 court approval for the searches that "a range of" witnesses and alleged victims had been questioned, church members say they knew nothing about the criminal case until the 25 March raids. "We knew nothing of the criminal case until then," one church member told Forum 18.

The church member added that no church leader has yet been questioned by investigators in the case.

Forum 18 has been unable to find out from the Prosecutor's Office who is leading the criminal investigation.

Other criminal cases?

Forum 18 has been unable to establish if New Life Church faces any other criminal cases or investigations. No one at the Prosecutor's Office or the City Police was prepared to discuss this with Forum 18.

Asked by Forum 18 if any other criminal cases had been opened against the Church, Doskeyev of the Religious Affairs Department responded: "It's a secret."

Earlier raids on New Life Church

Almaty's New Life Church has the compulsory state registration, as a local religious organisation. It is in a "spiritual union" with other similar churches elsewhere in Kazakhstan, all of which operate independently.

New Life Churches have been frequent targets of government harassment over some years:

- On 30 January 2016, at least seven police officers raided New Life Church in the Caspian Sea port of Aktau as it met for worship in a rented cafe. The raid was led by the head of the police Department for the Struggle against Extremism, Separatism and Terrorism (see F18News 8 February 2016 http://www.forum18.org/archive.php?article_id=2147).

- Members of New Life Church in Arkalyk [Arqalyq], in the northern Kostanai [Qostanai] Region, faced interrogations and threats, particularly targeting state employees. In December 2013 two church members who have jobs in state institutions were summoned to the Akimat (local administration). The same month, a KNB secret police officer attended the Church's Sunday service, using a hidden camera to film those present. All 52 signatories to the Church's successful 2012 re-registration application seem to have been later summoned to the Prosecutor's Office or the Akimat (see F18News 28 January 2014 http://www.forum18.org/archive.php?article_id=1921).

- Police and KNB secret police officers raided the New Life congregation in the Caspian Sea port of Atyrau in October 2011, beating up one of those present. The raid came a month after the KNB secret police banned a church member who owned a hall to rent it to the church for worship meetings. At the same time a KNB-inspired article in the local media accused the church's pastor of "brainwashing" church members so that they would give the Church their money and all they have (see F18News 19 October 2011 http://www.forum18.org/archive.php?article_id=1627).

- The KNB secret police initiated a criminal case against Yerzhan Ushanov, Pastor of New Life Church in Taraz in the southern Zhambyl Region, for praying for someone's health in May 2011. He was convicted in September 2011 under Criminal Code Article 111, Part 1 ("causing severe damage to health due to negligence") and given a heavy fine. Only in April 2012 was he finally acquitted by the Supreme Court (see F18News 22 May 2012 http://www.forum18.org/archive.php?article_id=1705).

Written warnings

Several official agencies of Almaty Region issued written warnings to local religious leaders (seen by Forum 18) in early 2016 (see F18News 16 March 2016 http://www.forum18.org/archive.php?article_id=2158).

On 2 February, Shynar Kekbayeva, Director of the Centre for Research into Problems in the Area of Religion under the Regional Religious Affairs Department, wrote to all religious leaders warning them not to allow children to attend religious events if one or other parent or guardian objects.

Alinur Shpekpayev, who prepared the letter for Kekbayeva to sign, rejected suggestions that religious communities might feel pressured by receiving such letters. "We've written such letters maybe three times in three years," he told Forum 18 from Almaty on 15 March. "We don't consider these religious leaders to be law-breakers."

Fined

On 28 January, Judge Zhanna Nurgaliyeva of Almaty's Specialised Interdistrict Administrative Court found the head of the local Jehovah's Witness community, Ruslan Bayanbayev, guilty of allowing five children from one family to attend a meeting for worship on 26 December 2015. The mother wanted them to be present with her, but the father objected, according to the decision seen by Forum 18.

At least three police officers arrived at the religious meeting and questioned Bayanbayev about the presence of the children. Police brought a case under Administrative Code Article 490, Part 7. The Judge fined Bayanbayev 50 Minimum Financial Indicators, 99,100 Tenge (2,400 Norwegian Kroner, 250 Euros or 280 US Dollars).

Bayanbayev's case had been handed to court in the city of Almaty on 19 January 2016, exactly two weeks before Kekbayeva's letter in the neighbouring Almaty Region.

However, both Bayanbayev and Almaty's Medeu District Prosecutor's Office appealed to Almaty City Court. On 16 February, Judge Nurlan Kurmangaliyev overturned the lower court decision and acquitted Bayanbayev of any offence.

The court decision, seen by Forum 18, notes that the police officer who drew up the original record of an "offence" against Bayanbayev was not authorised to do so (as Bayanbayev's lawyer had pointed out in the lower court hearing). Only local officials, not the police, are empowered to prepare such records of violations of Administrative Code Article 490.

On 17 February, the day after the appeal court acquittal, the same Anti-Extremism Police officers came to Bayanbayev's work together with a Religious Affairs Department official, who drew up a new record of an "offence", Jehovah's Witnesses told Forum 18.

That same day the new case was presented to Almaty's Specialised Interdistrict Administrative Court. The following day, Judge Dastan Alybayev found Bayanbayev guilty under Article 490, Part 7 and fined him 50 MFIs, 106,050 Tenge.

Bayanbayev again appealed against the conviction, but on 18 March Judge Roza Ainakulova of Almaty City Court upheld the 18 February conviction and fine, according to the decision seen by Forum 18. During the appeal hearing, Bayanbayev complained both about the conviction itself as well as about the "excessively high" level of the fine.

Doskeyev of the Religious Affairs Department refused to explain to Forum 18 why Bayanbayev had been punished because children of a community member were present at a religious meeting. (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=1939.

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.

A printer-friendly map of Kazakhstan is available at <http://nationalgeographic.org/education/mapping/outline-map/?map=Kazakhstan>.

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