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KAZAKHSTAN: Fined for Easter worship

By Felix Corley, Forum 18

Police fined four Baptists for leading Easter worship meetings in Temirtau and Taraz. Council of Churches Baptists speak of a "new wave" of raids. An Almaty court fined a Protestant church and banned all its activity for three months, and ordered a foreigner deported.

Police raided at least two Baptist meetings for worship on Easter Sunday, 16 April, in the central city of Temirtau and the southern city of Taraz. Officers issued four summary fines totalling about nine months' average wages with no court hearings. Such fines for meeting for worship are increasing, Baptists complained to Forum 18.

In a separate case, a court in the southern city of Almaty has banned a Protestant church from meeting for three months (from 13 April to 12 July). The court also fined it for holding a meeting for worship in a place other than its registered address. An Indian citizen associated with the church is appealing against a fine and deportation order (see below).

An official of Almaty's Religious Affairs Department, Karshyga Malik, told Forum 18 on 24 April that the administrative cases against the church and the Indian citizen were among 33 it had launched since the beginning of 2017. The cases were to punish those who meet without state permission, meet in places without state permission, distribute religious literature without state permission or talk to others of their faith without state permission.

"New wave" of raids on Baptists

Police raids on congregations of the Council of Churches Baptists are frequent. They choose to meet for worship without seeking state registration.

The Kazakh authorities insist - in defiance of the country's international human rights obligations - that religious communities must gain state registration before they are allowed to meet. Anyone who defies these restrictions risks raids by police and other state officials, fines and bans (see Forum 18's Kazakhstan religious freedom survey

http://www.forum18.org/archive.php?article_id=1939).

Council of Churches Baptist Dmitry Yantsen told Radio Free Europe's Kazakh Service of a "new wave" of raids against their communities across Kazakhstan. Police and courts have handed down about 20 fines on their community members since the beginning of 2017, he added.

Church members visited the General Prosecutor's Office in Astana twice in 2017, Dmitry Yantsen said. Baptists informed them that the Churches' decision not to seek state registration "is their conviction, and not a whim".

Police-issued fines for meetings for worship

Many of the Council of Churches Baptists have been handed summary fines by police with no court hearing. The power to impose summary fines without initial due process was first given to police under the 2015 revision of the Code of Administrative Offences. Such fines are first known to have been imposed in 2016, also against Baptists (see F18News 18 July 2016

http://www.forum18.org/archive.php?article_id=2200).

It is possible to challenge police-imposed fines through the courts or a Prosecutor's Office. However, this process is more difficult than (as with court convictions) lodging an appeal to a higher court against a lower court decision.

Administrative Code Article 489, Part 9 gives police officers the right to fine individuals under with no court hearing. This punishes: "Leadership of an unregistered, halted, or banned religious community or social organisation" with a fine of 100 Monthly Financial Indicators (MFIs).

Article 489, Part 10 also gives police officers the right to fine people with no court hearing. This punishes: "Participation in an

unregistered, halted, or banned religious community or social organisation" with a fine of 50 MFIs.

Article 489, Part 11 yet again gives police officers the right to fine people without a court hearing. This punishes: "Financing the activity of an unregistered, halted, or banned religious community or social organisation" with a fine of 200 MFIs.

A fine of 100 MFIs is currently 226,900 Tenge (6,200 Norwegian Kroner, 670 Euros or 725 US Dollars). This is about three months' average wages for those in work, according to February 2017 average income figures from the government's Statistics Committee. However, some of those fined are unemployed or pensioners on lower incomes, such as 70-year-old Ivan Yantsen, one of the Baptists known to have been handed such fines in 2017 (see below).

Temirtau: Easter service raided, fines

At noon on 16 April, police in Temirtau in the central Karaganda Region arrived as the local Council of Churches Baptist congregation was meeting to celebrate Easter Sunday. The church meets in the home of 70-year-old church member Ivan Yantsen. Officers had visited Yantsen's home three times in the previous two weeks - not as the church was meeting for worship - to ask about its activity.

"A full armed detachment came as the Easter service was still underway," one of those present told Forum 18 on 25 April. "They filled the yard of the house." As the service continued, some of the officers left, but about five waited until the service was over.

"We asked the police why they had come fully armed to our Easter service," the church member added. "They said they had been summoned." Officers told church members that they had received a call from one of them. When church members dismissed this claim, officers then claimed that neighbours had allegedly complained about them. "This was a fairytale," the church member told Forum 18.

Police tried to take church members to the city's Starogorodskoi district police station, but they refused to go. They demanded that police show them a warrant. "At first officers were polite, but after we refused to go to the police station they became angry and didn't behave well."

Two days later, police presented Ivan Yantsen with a notice of a summary fine under Administrative Code Article 489, Part 9 for leading unregistered meetings for worship. The fine was 100 MFIs. "Of course he won't pay," the church member told Forum 18.

The duty officer at Starogorodskoi district police station told Forum 18 on 25 April that the district police chief was in a meeting. He refused to put Forum 18 through to anyone else.

Ivan Yantsen had previously been on the Justice Ministry's blacklist of those banned from leaving the country because he had refused to pay earlier fines for exercising his right to freedom of religion or belief. "When he became a pensioner they started taking the money for the fine direct from his pension. They then took him off the exit blacklist," the church member told Forum 18.

Taraz: Repeated police raids, fines

Also on 16 April, Easter Sunday, police in Taraz in the southern Jambyl Region raided one of the local Council of Churches Baptist congregations as it met for worship. "Four police officers arrived mid-way through the service but waited for it to finish," one church member who was present told Forum 18 from Taraz on 24 April. Another told Forum 18 that one officer filmed the service surreptitiously on his mobile phone.

Afterwards officers took three church leaders to the police station. There they wrote out records of an offence against the three. The pastor, Pyotr Panafidin, was told he was given a summary fine of 100 MFIs under Article 489, Part 9. The two other church members - Vitaly Ryzhkov and Vitaly Relin - were told they were each given a summary fine of 50 MFIs under Article 489, Part 10. Officers promised to send the records to each. "Nothing has arrived so far," one church member told Forum 18 from Taraz on 25 April.

The three local congregations in Taraz have been repeatedly raided in recent months. A second congregation in Taraz was raided during a worship meeting in early April, Baptists told Forum 18.

On 19 March, police arrived at the house in Taraz where one local Baptist community had just finished its Sunday meeting for worship. "Many people had already left, but officers demanded that the remaining elderly women write statements about their presence at the prayer house," Baptists complained to Forum 18. "The women politely refused to write such statements."

Officers then saw a man and two young women (one of whom was not a church member) and took them to the police station. "They demanded that they write statements, threatening them with criminal prosecution if they refused, then let them go. They warned them to they would not leave it there and would take measures," Baptists added.

Two unknown men in civilian clothes visited the Sunday morning service on 2 April. Church members later discovered they were police officers when one gave his first name as Azat and said he was an operational police officer. The two men did not disturb the service, Baptists told Forum 18. But about ten more officers arrived as the service was ending. Some went off to question neighbours.

After the service officers questioned the pastor, Andrei Panafidin, and the deacon, Yakov Fot, about why the congregation failed to seek state registration, where it gets literature from, who finances it and why the neighbours allegedly complain about it. "They threatened them, saying: 'This is the last time you'll meet here!'," Baptists told Forum 18.

Three days after the raid, the local police officer brought police notification of a summary fine to Fot under Article 489, Part 9. The fine was 100 MFIs, 226,900 Tenge. Fot insisted he had committed no offence and wrote a complaint. He lodged an appeal to Taraz Specialised Administrative Court. Judge Kamar Usembayeva is due to hear the appeal on 26 April, the Judge's assistant told Forum 18.

West Kazakhstan Region: police fines for worship meetings

On 5 February, police in Oral (Uralsk) in West Kazakhstan Region raided a Baptist congregation during Sunday worship. Officers, who were led by Colonel Sansyzbai Nugmanov, head of the Regional Anti-Terrorism Police, did not disturb the service, but afterwards took seven of those present to the police station, Baptists complained to Forum 18.

Police issued summary fines to seven of those present. Police handed Sergei Krasnov a summary fine of 100 MFIs, 226,900 Tenge, under Administrative Code Article 489, Part 9. Police handed summary fines to the six others - Kenzhetai Baytinov, Andrei Labinsky, Serkali Kumargaliyev, Dmitry Isayev, Ivan Isayev and M. Omarov (a visitor to the congregation who is not a church member). Each was fined 50 MFIs, 113,450 Tenge, under Article 489, Part 10.

Krasnov is among the many Baptists banned from leaving Kazakhstan, according to the Justice Ministry database. This is because he refused to pay two fines handed down for exercising his right to freedom of religion or belief. The first was in August 2009, the second in February 2014. The second case was handed to court bailiffs in July 2015.

Colonel Nugmanov of the Anti-Terrorism Police denied absolutely that the Baptist congregation was raided. "You are mistaken," he claimed to Forum 18 from Oral on 25 April. "We didn't raid anyone." He then put the phone down. Subsequent calls went unanswered.

On 26 February, police in the village of Taskala in West Kazakhstan Region raided a small Baptist congregation as it met for Sunday worship. "Police didn't interrupt the service," Baptists told Forum 18, but at the end of the service they took Aleksandr Yalfimov and Malik Sultangaliyev to the police station."

There officers handed out summary fines to the two church leaders. They fined Yalfimov 100 MFIs, 226,900 Tenge, under Administrative Code Article 489, Part 9. They fined Sultangaliyev 50 MFIs, 113,450 Tenge, under Article 489, Part 10. Officers refused to give the two men any written documents about the fines.

Yalfimov is among the many Baptists banned from leaving Kazakhstan, according to the Justice Ministry database. This is because he refused to pay a fine handed down in June 2013 for exercising his right to freedom of religion or belief. The case was handed to court bailiffs in November 2013.

Balkhash: Fined for worship

On 1 February, two state religious affairs officials visited Baptist leader Nikolai Popov, who hosts meetings for worship in his home in Balkhash in Karaganda Region. They asked him why the congregation did not seek state registration. "Nikolai explained that the church is separate from the state and in questions of professing their faith hold to this position," Baptists told Forum 18.

The following day - apparently during a weekday meeting for worship - the local police officer visited Popov and told him he had to draw up a record of an offence under Administrative Code Article 489, Part 9. Unlike in other cases, this time the case was sent to court.

On 29 March, Judge Lyazat Sagimbekova of Balkhash Specialised Administrative Court found Popov guilty. She fined him the prescribed 100 MFIs, 226,900 Tenge, according to the decision seen by Forum 18. On 18 April, Judge Nauryzbai Besembayev of Karaganda Regional Court rejected Popov's appeal, according to the court decision seen by Forum 18.

In both hearings, Popov insisted he had done no wrong by leading meetings for worship without state registration. "They are accountable only to god," the lower court decision quotes him as telling the judge.

Almaty: Church fined, banned for three months

Source of Life Church in the southern city of Almaty was fined and banned for three months on 14 March to punish it for holding meetings in a rented venue without notifying the city's Religious Affairs Department. The church failed to overturn the punishments on appeal on 13 April. The ban went into effect then and will last until 12 July. During this time the church can conduct no activity.

The church rented a separate venue three times a week as their registered premises were too small for the 100 or so regular attendees. Officials of the city's Religious Affairs Department raided the church's meeting for worship on the evening of 25 January.

They then prepared a case against the church under Administrative Code Article 490, Part 1, Point 1. This punishes "violation of procedures established in law for conducting rites, ceremonies and meetings". Punishment for individuals is a fine of 50 MFIs. However, for registered organisations it is a fine of 200 MFIs and a three-month ban on activity.

On 14 March, Judge Bakit Edilova of Almaty Specialised Administrative Court found the church guilty and handed down the prescribed fine of 200 MFIs, 453,800 Tenge, and the three-month ban on the church's activity, according to the decision seen by Forum 18.

The Judge dismissed church members' insistence that the Akimat (administration) of the city's Almaty District knew that it was meeting at the rented venue and that the church had therefore done no wrong.

On 13 April, Judge Kanat Moldashev of Almaty City Court rejected the church's appeal, according to the decision seen by Forum 18.

Forum 18 was unable to reach Chingiz Ospankulov, who represented Bostandyk District Prosecutor's Office at the appeal hearing. His telephone went unanswered on 24 and 25 April.

Nor was it able to reach Bakdaulet Abdikhamitov, chief specialist of the city's Religious Affairs Department who prepared the case and represented the Department in court.

However, Abdikhamitov's colleague Karshyga Malik insisted that the case against the church had been in accord with the law. "These were forbidden religious rituals," he told Forum 18 from Almaty on 24 April. "People have the right to freedom of assembly and freedom of speech, but we are talking here of religious rituals like services and prayers."

Asked why the whole community was punished for gathering for a religious meeting, Malik insisted that the authorities need to approve which community is holding these meetings and where. "Children might be present," he said. He claimed that people could lure children to attend such religious meetings without their parents' knowledge or consent.

Almaty: Court-ordered deportation

Following the 25 January raid on the church's meeting, a member of Source of Life Church, Indian citizen Ayothi Daniel Gunaseelan, was fined and ordered deported. Officials of the Religious Affairs Department accused him of leading the church without personal registration with the authorities as a "missionary".

They opened a case against him under Administrative Code Article 490, Part 3. This punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

Gunaseelan is a businessman who had been living and working legally in Kazakhstan. He insisted in court that he was not the Church's pastor. "He is a member of the church, not the pastor, and shares God's word like any other believing member of this church," the court decision quotes him as declaring.

However, Judge Edilova of Almaty Specialised Administrative Court found Gunaseelan guilty on 15 March. She handed down the prescribed fine of 100 MFIs and deportation, according to the court decision seen by Forum 18.

Gunaseelan lodged an appeal to Almaty City Court, where the case was assigned to Judge Zhenis Karibayev. The telephone of the Judge's assistant went unanswered when Forum 18 called on 25 April.

A number of legally resident foreigners - including Muslims, Jehovah's Witnesses and Protestants - have been fined and ordered deported in recent years as illegal "missionaries" to punish them for exercising their right to freedom of religion or belief (see F18News 12 August 2016 <http://www.forum18.org/archive.php?article_id=2207>). (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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