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KAZAKHSTAN: Six fines, one deportation for baptism

By Felix Corley, Forum 18

After a Protestant Pastor and five foreign guests held baptisms in hot springs near Almaty, a court fined all six and ordered one foreigner deported, deeming they had conducted illegal "missionary activity". A Baptist pastor succeeded in overturning a police fine for leading his church.

A local Protestant pastor and five foreign visitors were fined for holding baptisms in hot springs near Kazakhstan's commercial capital Almaty. One of the foreigners - a United States-based Canadian citizen - was ordered deported.

A court in Akmola Region overturned a summary police fine on a Baptist pastor for leading a church that chooses to meet for worship without seeking the compulsory state registration. The Judge ruled that as he had been fined for this in 2013 he could not be fined twice for the same "offence" (see below).

Strict controls

Kazakhstan imposes strict controls on who is allowed to exercise freedom of religion or belief and where. Only registered religious communities are allowed to meet for worship and they can do so only in their own registered premises or in other venues with state approval. Those who exercise freedom of religion or belief outside these strict limits risk punishment through the courts for what the state regards as "missionary activity" (see Forum 18's Kazakhstan religious freedom survey <http://www.forum18.org/archive.php?article_id=1939>).

Those who conduct "missionary activity" without personal registration as a "missionary" and without specific state approval for an literature they might use are subject to fines equivalent to about two months' average wage for those in work. However, anyone who is not a citizen of Kazakhstan is also subject to deportation.

In April Almaty City Court overturned a fine and deportation order on an Indian citizen long resident in Kazakhstan. A lower court had found him guilty of "missionary activity". However, the fine and three-month ban on the Church for meeting in a location the authorities had not approved was not overturned (see F18News 8 June 2017 <http://www.forum18.org/archive.php?article_id=2285>).

Leading a religious community without state registration is one of the "offences" subject to summary police fines with no court hearing. Such fines too are equivalent to about two months' average wage for those in work. Such summary fines appear to be increasing. 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 (see F18News 8 June 2017 <http://www.forum18.org/archive.php?article_id=2285>).

Kazakhstan also imposes strict controls on publication, distribution and import of religious literature, which is subject to state censorship. Those who distribute unapproved works or in a place that does not have state permission for distribution of religious literature risk punishment. Fines are frequent. After Transport Police found nine Muslim books in an Astana Airport gift shop, a court fined the company on 24 July and ordered the shop section closed for three months (see F18News 3 August 2017 <http://www.forum18.org/archive.php?article_id=2302>).

Almaty Region: Fines, deportation for baptisms

A court in Almaty Region fined a local Protestant pastor Marat Tlegenov and five foreign visitors for illegal "missionary activity", according to the court decisions seen by Forum 18. The group had held an outdoor baptism on 8 July at the Altyn Su hot springs in Uyghur District in the far south-east of Kazakhstan, 40 kms (25 miles) from the Chinese border. Records of an offence against all six were prepared on 10 July, the same day the cases reached court.

On 10 July Judge Ruslan Suleimenov of Uyghur District Court found Tlegenov guilty of violating Administrative Code Article 490, Part 3 for conducting religious rituals in the form of "baptism in water with the aim of recovery" without personal registration as a

missionary. He fined him 100 Monthly Financial Indicators (MFIs), 226,900 Tenge.

Article 490, Part 3 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.

A fine of 100 MFIs (currently 226,900 Tenge - 5,400 Norwegian Kroner, 575 Euros or 680 US Dollars) represents about two months' average wage for those in work.

The same Judge the same day on the same charges sentenced visiting pastor Hae Taik Kim, a Canadian citizen who pastors a church in New York. Judge Suleimenov similarly fined him 100 MFIs and also ordered his deportation.

In separate hearings the same day, the same Judge found Korean citizens Myungsoon Bae and Byung Jin Ahn, and US citizens Samantha Sun Yu Leist and Sung Chun Park guilty under Administrative Code Article 490, Part 1, Point 1 for participating in the ceremony. Judge Suleimenov fined each of them 50 MFIs, 113,450 Tenge, and banned them from conducting unspecified activities for three months.

Article 490, Part 1, Point 1 punishes "violation of procedures established in law for conducting rites, ceremonies and meetings". Punishment for individuals is a fine of 50 MFIs.

The court decisions for five of the six note that they told the court that they did not know that participating in such rituals was illegal.

The court decisions do not say who decided to prosecute the four men and two women. An official of Almaty Region Religious Affairs Department, who would not give his name, said that the case had been initiated by the local authorities in Uighur District. "We weren't involved," he told Forum 18 from the regional capital Taldykorgan on 4 August. "We were just informed of it."

The prosecutor who brought the cases to court, Shakhmurad Imirov, was in hospital when Forum 18 called on 1 August. His colleague Nursultan Zhunis repeatedly refused to say how prosecutors had found out about the baptisms.

"The religious group is registered in Enbekshikazakh District, but they had come here to our District to conduct their religious rituals," Zhunis told Forum 18 on 1 August. "Under the law this is banned. We have various bans on religious activity under our law." Asked why individuals should be fined and ordered deported for holding baptism ceremonies, he responded: "We just enforce the law. Ask our law-makers."

Tlegenov had been fined in July 2013 to punish him for exercising freedom of religion or belief (see F18News 11 November 2013 <http://www.forum18.org/archive.php?article_id=1895>).

The Almaty Region Religious Affairs Department official confirmed that many cases had been brought in the Region so far in 2017 under Administrative Code Article 490. These were to punish "missionary activity" without registration and distribution of religious literature without state permission. However, although he insisted it was not a "state secret", he refused to say by telephone how many such cases there had been.

Forum 18 received no immediate response to its written request for the number of such cases in Almaty Region.

Akmola Region: Fine for leading community overturned

Council of Churches Baptist Pastor Aleksandr Gorbunov, who leads the church in Astrakhanka in Akmola Region, succeeded on appeal in overturning a police fine imposed to punish him for exercising freedom of religion or belief.

The District Police issued Pastor Gorbunov a summary fine of 100 MFIs on 25 May after "operational measures" (a police raid) the previous day found he was leading a religious community which does not have state registration. Police punished him under Administrative Code Article 489, Part 9 ("Leadership of an unregistered, halted, or banned religious community or social organisation") (see F18News 8 June 2017 <http://www.forum18.org/archive.php?article_id=2285>).

On 23 June, Judge Aleksei An of Astrakhanka District Court overturned the fine, according to the decision seen by Forum 18. He ruled that because Pastor Gorbunov had been fined for the same "offence" on 16 July 2013, he could not be punished a second time. Article 12 of the Administrative Code states: "No one can be brought to administrative responsibility twice for one and the same offence."

The court decision notes that Pastor Gorbunov had not paid the 2013 fine. Council of Churches Baptists have a policy of civil disobedience, refusing to pay fines to punish them for exercising freedom of religion or belief.

Pastor Gorbunov is one of the many Council of Churches Baptists on the Justice Ministry's blacklist of those banned from leaving Kazakhstan because of the unpaid fine. (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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