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KAZAKHSTAN: Criminal case for refusing to halt church services

By Igor Rotar, Forum 18

Pastor Sergei Nizhegorodtsev of Georgievka in Eastern Kazakhstan region was told on 12 May that he faces a criminal case for refusing to comply with a court-ordered ban on his church holding services, according to a 13 May statement from local Baptists reaching Forum 18 News Service. The move came two weeks after the church's Easter service was raided. Officials deny they are conducting a campaign against the church. "There is nothing illegal in the actions of the law enforcement agencies," assistant procurator Aset Biisekenov insisted to Forum 18. The launch of the criminal case against the pastor came at the same time as an international religious freedom conference was being held in Almaty to inaugurate the Kazakhstan branch of the International Religious Liberty Association.

A criminal case has been launched against a Baptist pastor in the village of Georgievka in Zharma district of Eastern Kazakhstan region for leading a church that refuses to comply with a court-ordered ban on holding services. Local investigator V. Irbayev summoned Pastor Sergei Nizhegorodtsev on 12 May to inform him of the move, according to a 13 May statement from local Baptists reaching Forum 18 News Service. Local procuracy officials deny they are conducting a campaign against the church. "There is nothing illegal in the actions of the law enforcement agencies," assistant district procurator Aset Biisekenov insisted to Forum 18 from Zharma on 15 May.

The Baptists report that at the 12 May meeting, investigator Irbayev told Pastor Nizhegorodtsev that the criminal case had been brought against him because of his "wilful lawbreaking, demonstrated in the failure to observe a ruling of the Zharma district court on 22 February 2002 that banned the activity of the religious association". The investigator took away Nizhegorodtsev's identity card until the investigation was completed.

In May last year, in the wake of the court decision that also imposed a fine on Nizhegorodtsev and his wife, a court assessor seized the family's washing machine, furniture and other goods to meet the unpaid fine.

Biisekenov told Forum 18 that the criminal case follows the prosecution of the pastor under Article 375 of the administrative code for refusing to register a religious community. "Nizhegorodtsev was warned that if he did not halt the activity of the religious community pending registration, then criminal charges would be brought against him." He said the Baptists tried to appeal against the district court's decision at the regional court, but the regional court upheld the district court's decision. "Now Nizhegorodtsev's case is with the district police and so far we have no information about the progress of the investigation," he added.

The Georgievka Baptist church has long faced pressure from the authorities because of its refusal to register. In the most recent incident, five officials from the law enforcement agencies – including assistant district public prosecutor Aset Biisekenov, senior representative R. Mukhamedyarov and divisional inspector K. Nurashv – raided the church's service on 27 April, celebrated among local Christians as Easter Sunday. They demanded that those present provide statements and drew up a document declaring that the meeting had been held unlawfully.

Nizhegorodtsev's church – which belongs to the International Council of Churches of Evangelical Christians/Baptists - refuses to accept registration, as it believes it would lead to unacceptable interference by the secular authorities. Many Baptist and Jehovah's Witness congregations in Kazakhstan have faced harassment for functioning without registration, either because they do not want registration or have been denied it.

Under Kazakhstan's law on religion, registration is not obligatory. At the same time, Article 375 of the administrative code contradicts the religion law. According to this article, "refusal by leaders of religious associations to register associations with the state administration agencies, implementation by a religious association of activity that contradicts its aims and tasks as set out in its statute, participation in the activity of political parties and the provision of financial support to them, infringement of the rules on holding religious events away from the place of location of the religious association, organisation and conduct by ministers of the cult and members of religious associations of special children's and young people's meetings and groups that bear no relation to the operation of the cult and the forcing of citizens to carry out religious rituals or to take part in a different religious activity - will result in a warning or a fine of up to 20 times the monthly financial unit on the leaders of the religious association or up to 100 times the monthly financial unit on a juridical person, and a halt to its activity for a period of up to six months and/or a ban on its activity."

The obligation to register contradicts the principles of the Organisation for Security and Cooperation in Europe, of which Kazakhstan is a member.

Ironically, the moves to prosecute Pastor Nizhegorodtsev came at the same time as an international conference "Freedom of conscience: providing an inter-religious and civil dialogue" was being held in Kazakhstan's commercial capital Almaty. The conference also discussed the founding of a branch of the International Association for Religious Freedom (IRLA) in Kazakhstan. IRLA general secretary John Graz was quoted by the Russian news agency Interfax on 14 May as claiming that there is freedom of religion in Kazakhstan. "We realise that it is much easier to insist on the right to religious freedom when there is already some basis to that than to start work from scratch and expend a lot of effort," he stressed.

"The main tasks of the IRLA branch in Kazakhstan will be to provide support for the principles and standards of international law that support freedom of conscience and religious freedom, to oppose propaganda and campaigning that arouse religious hatred and hostility and to assist inter-confessional dialogue, harmony and co-operation," he said.

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