

2 October 2006

KAZAKHSTAN: More fines for Baptists

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Facing continued fines for unregistered religious activity in Kazakhstan, Baptists who refuse on principle to register have insisted to Forum 18 News Service that they will not pay the fines. "We don't pay because we don't consider we're guilty. Kazakhstan's Constitution guarantees freedom of worship and says nothing about registration," Pastor Yaroslav Senyushkevich told Forum 18. Kazakh religious state registration procedures can be highly intrusive in their demands for information - including demands to know the political views of members. One respected legal scholar disputes that registration is in law compulsory. The latest two known fines for unregistered religious activity have been for amounts equivalent to just under twice the estimated average monthly salary. "The law is the law and we will keep on fining members of unregistered religious organisations," Lyudmila Danilenko of the Justice Ministry told Forum 18.

Amid an increasing number of fines on Baptist pastors for continuing to lead churches that refuse on principle to register with the authorities – including a massive fine in September - members of the Council of Churches Baptists have insisted to Forum 18 News Service that they will not pay the fines. "None of our people has paid any of the fines, whether large or small," Pastor Yaroslav Senyushkevich, who leads a congregation in the capital Astana, told Forum 18 from the city on 28 September. "We don't pay because we don't consider we're guilty. Kazakhstan's Constitution guarantees freedom of worship and says nothing about registration."

Pastor Senyushkevich, who was fined in May, said no-one has asked him for the money. "The fine has not been annulled, but it has not been collected," he said. "Of course, as the fine still stands they could come at any time." Council of Churches Baptists refuse on principle to register their communities in any of the former Soviet countries where they operate.

State registration procedures in Kazakhstan can be highly intrusive. In some regions, numerous details about a religious communities' membership are demanded, such as: their ethnicity; family status; religious education of congregational leaders; age of members; their type of work; "the most acute problems worrying parishioners"; members' political affiliations; and "facts demanding attention on the part of state bodies" (see F18News 9 June 2006 http://www.forum18.org/Archive.php?article_id=797).

Court executors have in the past seized property from Baptists who refused to pay fines for unregistered religious activity (see F18News 24 January 2005 http://www.forum18.org/Archive.php?article_id=497).

Kazakhstan has launched a campaign against unregistered religious organisations following President Nursultan Nazarbayev's signature in June 2005 of "national security" amendments, which the authorities claim compel religious organisations to register. However, the respected religious law expert Professor Roman Podoprighora has pointed out that the authorities' reasoning is legally flawed and noted human rights activist Ninel Fokina of the Almaty Helsinki Committee has commented that the authorities' actions and laws contravene the Kazakh Constitution (see F18News 4 August 2005 http://www.forum18.org/Archive.php?article_id=625).

The authorities' unregistered religious activity campaign is primarily but not exclusively directed against the Council of Churches Baptists (see F18News 9 June http://www.forum18.org/Archive.php?article_id=797). Amongst the targets of state hostility has been the education of theological students and children that has a religious dimension (see F18News 14 July 2006 http://www.forum18.org/Archive.php?article_id=812).

On 18 September, Judge Zhanna Khamzin, of the Specialised Administrative Court in Rudny [Rudnyy] in northern Kazakhstan, ruled that Baptist pastor Aleksei Skomorokha was guilty of breaking Article 374-1, part 2 of the Administrative Code, which punishes "breaking the Law on Religious Organisations" and bans unregistered religious communities from operating. Judge Khamzin fined Pastor Skomorokha 51,500 Tenge (2,652 Norwegian Kroner, 320 Euros, or 405 US Dollars). Average monthly salaries have been estimated to be roughly equivalent to 260 US Dollars (1,700 Norwegian Kroner, 205 Euros, or 33,029 Kazakh Tenge).

In the second recent Baptist case, Judge Zhaidarek Rushanov, at the Terektin District Court in West Kazakhstan region, found Serik Kumargaliyev guilty in his absence on 26 July under the same Administrative Code article as Pastor Skomorokha. Kumargaliyev was also fined 51,500 Tenge. After he refused to pay the fine, on 15 August the court executor ordered that the money be recovered

from Kumargaliyev's salary. In August, 17,538 Tenge (903 Norwegian Kroner, 109 Euros, or 138 US Dollars – i.e. about half the estimated average monthly salary) was withheld from Kumargaliyev's salary.

During the court hearing in Rudny, Pastor Skomorokha refused to plead guilty and stated that there had been an active Baptist congregation in Rudny since 1992 and that he was the Pastor having been elected by the church members. However, the Court concluded that Skomorokha's guilt was clear, because he did not deny the fact that the religious group was active, nor that he exerted authority as minister of the church by holding services and carrying out baptisms and funerals.

The prosecution of Pastor Skomorokha came after three police raids on the congregation. During the first raid the police did not disturb the service, a church member who preferred to be anonymous told Forum 18 on 28 September. The second raid was during the church's Wednesday evening service, and the police took the names and personal details of a group of fellow-Baptists visiting from other towns. The third raid was also during a Wednesday evening service. "The police said they would just ask a few questions for a couple of minutes, but they were there for more than an hour," the church member – who was one of those at the service – told Forum 18. "We refused to answer their questions, and they didn't know what to do."

Police filmed the congregation against their wishes, telling them that it was for court use, not to be used on television, the church member said. The judge at Skomorokha's trial watched this film. In other incidents, the police have allowed hostile TV stations to use police film to encourage intolerance against religious minorities (see F18News 2 June 2006 http://www.forum18.org/Archive.php?article_id=793).

No action was taken against other church members, after Pastor Skomorokha stated that he leads the church and was taking full responsibility on himself. The congregation member insisted that Skomorokha would not pay the fine and said he would challenge the fine at the Kustanai Regional Court. "If he pays it would show we are guilty."

Before the introduction of the amendments to the law on national security, fines for unlawful religious activity rarely exceeded 13,000 Tenge (685 Norwegian Kroner, 87 Euros, or 109 US Dollars). But more recently fines have dramatically increased. Under the amendments, the minimum fine imposed on a community operating without registration was raised to 13,000 Tenge. Both Judge Zhaidar Rushanov and Zhanna Khamsin gave exactly the same answer to Forum 18 on 28 September: "The law is the law. Unregistered religious communities are not allowed to operate. I handed down the minimum fine according to Article 374-1."

The most recent two fines are, however, smaller than the two massive fines of 103,000 Tenge (5,425 Norwegian Kroner, 686 Euros or 870 US Dollars) imposed on Baptist pastors Yegor Prokopenko (see F18News 14 July 2006 http://www.forum18.org/Archive.php?article_id=812) and Yaroslav Senyushkevich (see F18News 9 June 2006 http://www.forum18.org/Archive.php?article_id=797).

"The law is the law and we will keep on fining members of unregistered religious organisations," Lyudmila Danilenko, head of the Department for Registration of Religious Organisations at the Justice Ministry's Religious Affairs Committee, told Forum 18 on 28 September. "The members of the Baptist Council of Churches represent a separate issue. We can show leniency towards religious communities that have not succeeded in being registered; we always first warn believers about the requirement to register. We cannot show leniency towards members of the Council of Churches, who are clearly disregarding the current legislation."

The Kazakh government has devoted much effort and money to trying to persuade the world that it is religiously tolerant, despite its long record of attacks on religious freedom – especially the religious freedom of religious minorities such as Hare Krishna devotees (see F18News 8 September 2006 http://www.forum18.org/Archive.php?article_id=839).

On 11 September, before the opening of a conference designed to boost these claims of state religious tolerance, Kazakh President Nursultan Nazarbayev promised Bhakti Bhrnga Govinda Swami, of the Society for Krishna Consciousness, that he personally would look into the Krishna believers' difficulties and sort out the problems that had arisen. "Of course, we are delighted by the President's promise, but so far it is too early to reach any conclusions," Maxim Varfolomeyev of the Hare Krishnas told Forum 18 on 28 September from their Commune outside Almaty. "The Justice Ministry's Religious Affairs Committee has set up a Commission to resolve our difficulties and its members came to our farm today. Now we have to wait and see what conclusions they reach."

Last April, an attempt was made by the authorities to demolish the Hare Krishna Commune, the only such commune in the former Soviet Union. Despite the failure of that attempt, threats were made at that time to resume demolition attempts later (see F18News 26 April 2006 http://www.forum18.org/Archive.php?article_id=769). Hostile media coverage of the Hare Krishna community has continued, which has led to aggression against devotees and is thought by them to be state-approved (see F18News 2 June 2006 http://www.forum18.org/Archive.php?article_id=793). (END)

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=701

A personal commentary on how attacking religious freedom damages national security in Kazakhstan is at http://www.forum18.org/Archive.php?article_id=564

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Kazakhstan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kazakh>

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