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KAZAKHSTAN: "Higher authorities" behind prosecutions of religious communities

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

As well as prosecuting unregistered religious communities, Kazakhstan is also bringing administrative charges against a registered community and a community that is being forced to re-register, Forum 18 News Service notes. The registered Salem Church is being charged with holding illegal meetings, as a Russian-speaking church group meets in a private home with a different address from the Church's registered address. Aygul Zhagiparova, the church's leader, has pointed out that the Administrative Code allows such groups to meet in a member's private home, so long as important religious ceremonies - such as baptisms and weddings - are not conducted. Separately, an official who preferred to remain unnamed told Forum 18 that "higher authorities" were compelling local officials to bring charges against an unregistered Baptist church. "Often we are asked to limit religious communities by prosecuting them and by other means," the official said. "Because the law can be easily manipulated, religious communities fall prey to that," the official noted. In another case, a senior lawyer, Tatyana Antonenko, has pointed out that neither police searches of Grace Presbyterian Church, nor freezing the bank account of the Pastor's wife had a legal basis.

As well as prosecuting unregistered religious communities, Kazakhstan is also bringing administrative charges against two registered Protestant churches, Forum 18 News Service notes. One official in eastern Kazakhstan, who preferred to remain unnamed, told Forum 18 on 21 April that "higher authorities" were compelling local officials to bring charges against Rajan Baijigitov, the pastor of an unregistered Baptist church. The judge in the case, Telman Alimkhanov of the Katon-Karagai district in eastern Kazakhstan, told Forum 18 the same day that his court was obliged by the current law to punish the Baptist church, imposing a six-month ban on its activity.

In a case brought against a registered church, on 21 April Atyrau Prosecutor's Office brought charges in the city Administrative Court against the evangelical Salem Church in the city. The church was charged with holding illegal meetings under Article 374-1 of the Administrative Code, which punishes leading unregistered religious activity. The pretext for the charges was that a Russian-speaking group of the church meets in a private home with a different address from the address which the Church is registered at. Aygul Zhagiparova, the leader of the church, told Forum 18 on 21 April that the group met with the permission of the homeowner, and that she as the leader of the church had a power of attorney in the homeowner's name allowing the group to meet there.

Zhagiparova told Forum 18 that on 11 April she had sent a complaint, a copy of which Forum 18 has seen, to Dastan Sartaeu, Atyrau Regional Prosecutor, explaining that the Russian-speaking group is not a separate religious organisation but is part of the Salem Church. The church states that Article 375 part 1 of the Administrative Code allows such groups to meet in a member's private home, so long as important religious ceremonies - such as baptisms, weddings, and other sacraments - are not conducted in the home.

The court case has been postponed until 24 April. Forum 18 tried to reach the prosecutor in the case, Aman Dusingaliev, on 21 April, but his phone went unanswered throughout the day. Forum 18 also called Judge Larisa Shumagalieva, who is trying the case. The man who answered the phone asked Forum 18 to call back in 10 minutes. When Forum 18 called back, it was told that Shumagalieva was busy and could not answer the phone.

In another case in Atyrau, the New Life Church is facing problems with the local authorities. Sources told Forum 18 on 16 April that the church has been asked to re-register since their old registration did not indicate a legal address. At the moment the church does not have its own building, so it will be very difficult to re-register. Kazakhstan's amended Religion Law demands that a legal address be indicated, which is not possible to get unless an organisation owns a building. The church is afraid that now the authorities will consider their activity as unregistered and punish them, Forum was told. The sources reported that the pastor of the church, Galim Nagmadinov, was phoned by the local branch of the KNB secret police several times a day over about four days to answer questions about his church members.

Salamat Idrisov, the KNB secret police officer who questioned Nagmadinov, insisted to Forum 18 that he did not question the pastor but tried to give him advice on being careful with the people who come to his congregation. "I just wanted to find out who comes to

his meetings, because we have reasons to believe that his church could become a target of a terrorist attack from Islamic militant groups," he told Forum 18 on 17 April. Idrisov did not want to clarify who exactly wanted to attack the church. He claimed that he has no intention of intimidating the church and the pastor, but wants to protect them.

However, Nagmadinov says he is afraid that Idrisov is not interested in protecting them but in gathering information about the church. "My mobile and home phone numbers have constantly been telephoned by Idrisov, and my family is worried about this," he told Forum 18 on 18 April.

Nagmadinov's church is also having problems with the city Sanitary Epidemiology Service (SES), which has denied permission to the church to distribute humanitarian aid given to the church by Samaritan's Purse. This is a US-based Christian aid agency. The SES took samples of food items to check over a month ago. "There has been no official response even though we told the SES by phone that the food items are now beyond the date they should be eaten by," Nagmadinov told Forum 18.

Similar aid given by Samaritan's Purse is distributed by New Life churches in 35 cities across Kazakhstan – including the capital Astana, Almaty, Karaganda [Qaragandy], and Chimkent [Shymkent], Nagmadinov said. "If the food was not good, why was it allowed to be distributed in other places?" he asked.

Reached by Forum 18 on 21 April, Temirbek Musagaliev, the SES official in charge of the New Life case, asked Forum 18 to call back later saying that he was in a meeting. His phone went unanswered when called several times later throughout the day.

Elsewhere in East Kazakhstan Region, the Katon-Karagai District Court on 5 March suspended the activity of the Novopolyakovka Baptist Church for six months. This congregation belongs to the Baptist Council of Churches, who refuse to apply for state registration in any state they operate in, thinking that this leads to state control. Judge Telman Alimkhanov, who tried the case, found Pastor Rajan Baijigitov guilty under Article 375 part 1 of the Administrative Code.

Kazakhstan routinely prosecutes Baptists for unregistered religious activity, in defiance of international human rights standards (see eg. F18News 22 February 2008 http://www.forum18.org/Archive.php?article_id=1091). In a recent case, a Baptist leader was threatened with jail if congregations continued to meet, and was told by officials not to appeal to either the United Nations (UN) or the Organisation for Security and Co-operation in Europe (OSCE) (see F18News 28 March 2008 http://www.forum18.org/Archive.php?article_id=1106).

An official familiar with Pastor Baijigitov's case, but who preferred to remain anonymous, told Forum 18 that "higher authorities" were responsible for the charges against him, but declined to state who these authorities were. "Often we are asked to limit religious communities by prosecuting them and by other means," the official said. "Because the law can be easily manipulated, religious communities fall victim to that."

Judge Alimkhanov stated that although the court decided to suspend the activity of the church, the law is not entirely clear. "We made the decision based on the fact they were conducting unregistered religious activity," he told Forum 18 on 21 April, "but how can they be required to be registered if they don't want to be a legal entity?" He noted that there were many gaps in the law generally and in the Religion Law in particular. However, he said he was obliged to suspend the church as the law demanded that.

Alimkhanov said the court could make a decision to put a permanent halt to the activity of the group if "violations" are again committed by them. "It of course sounds ridiculous because you can't stop these people believing in their hearts by laws or punishment but this will continue to happen as long as improvements are not done to the law," he said.

"Recommendations could be made to the Parliament to improve the current Religion Law, but we as judges cannot do that based on the Constitution" Alimkhanov said.

Law professor Roman Podoprigora of the Caspian Public University in Almaty has noted that Kazakh law contradicts itself on whether or not the registration of religious organisations is compulsory (see F18News 4 August 2005 http://www.forum18.org/Archive.php?article_id=625).

The registered Grace Presbyterian Church in Karaganda region is still facing several court cases brought against it by the KNB secret police and other state agencies (See F18News 30 January 2008 http://www.forum18.org/Archive.php?article_id=1078). Pastor Dmitri Kan told Forum 18 on 22 April that the church had sent an open letter to President Nursultan Nazarbaev, asking him to personally put an end to the attacks on the church and Igor and Alina Kim, the pastor of the church and his wife.

"Within a few days more than 1000 people had signed the letter, among them Barrister Tatyana Antonenko, of the Akmola Regional Bar Association," Pastor Kim said. Antonenko told Forum 18 on 23 April that searches were made by the authorities without any legal basis. "In order to conduct such searches a criminal case must be opened, and then with a warrant from the Prosecutor searches could have been conducted", she said. "But no criminal case was opened prior to the searches." Antonenko also reported that the bank account of Alina Kim was frozen on the groundless allegations of misappropriating charitable funds. "This was also done with no authorisation from the Prosecutor," she said.

Tax, Public Prosecution and KNB secret police officials dealing with the case were not available to speak to Forum 18, despite attempts to reach them.

Kayrat Tulesov, Deputy Head of the Religious Affairs Committee in the Justice Ministry, said that his Committee would not get involved when tax or national security issues were raised. "Probably the Grace Church violated some laws, but we are not involved in the process," he told Forum 18 from Astana on 15 April. Tulesov agreed that the purpose and the role of his Committee was to facilitate understanding between the state and the religious organisations, but said he could not help the church as they had not asked the Committee for help. (END)

For a personal commentary on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

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

More 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>.

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 a survey 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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