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KAZAKHSTAN: Mass raids, fines and bans in South Kazakhstan Region

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A mass campaign against Jehovah's Witnesses in South Kazakhstan Region was unleashed on 27 July, with raids by police, Anti-Terrorist police, the KNB secret police and other officials on nine congregations. Court documents seen by Forum 18 News Service show that two of the three that had state registration have been closed down and leaders fined for holding religious meetings outside registered religious premises. One private home has been confiscated. "The South Kazakhstan regional authorities organised a massive campaign against our communities with the purpose of putting an end to their activity," Jehovah's Witness lawyer Yuri Toporov complained to Forum 18. Prosecutors refused to discuss the cases with Forum 18. "It is absolute nonsense to demand religious organisations to hold meetings only in one building where they are registered," human rights activist Yevgeny Zhovtis told Forum 18. Baptists and others have similarly been fined.

Nine Jehovah's Witness congregations were raided by State officials across South Kazakhstan Region in an apparently coordinated campaign which began in late July, Jehovah's Witnesses told Forum 18 News Service. Officials from Prosecutor's Offices, the National Security Committee (KNB) secret police, the Anti-Terrorist Police, the ordinary police, Akimats (local administrations), the Justice Department and the Sanitary Epidemiology Service joined the raids. Two out of the three registered communities in the region have been suspended and their leaders handed heavy fines by courts in Shymkent and Saryagash, decisions which were later upheld by the Regional Court, according to court documents seen by Forum 18. "The South Kazakhstan regional authorities organised a massive campaign against our communities with the purpose of putting an end to their activity," Yuri Toporov, the lawyer of the Jehovah's Witness Centre in Almaty, complained to Forum 18 on 3 September.

The fines and bans were imposed under Article 375 Part 1 of Kazakhstan's Administrative Code, which punishes violations of the Religion Law (including refusal to register a religious organisation) with fines and bans.

Yerzhan Yaraliev, the Assistant Prosecutor of South Kazakhstan Region, refused to talk to Forum 18 about the cases. "Send us an official request," he told Forum 18 from Shymkent on 5 September, "and we will answer you in written form." He refused to say whether authorisation to check up on Jehovah's Witnesses across the region was issued by the Regional Prosecutor's Office, and put down the phone.

Defending the prosecutions was Bakhyt Malik-tegi, Deputy Chair of South Kazakhstan Regional Court. He insisted to Forum 18 on 5 September from Shymkent that his court's decisions both in the Shymkent and Saryagash cases are totally justified by the law. Asked why there were so many recent cases against the Jehovah's Witnesses in one region he responded: "I am not going to comment at all." He then put the phone down.

Yevgeny Zhovtis, the head of the Almaty-based Kazakhstan International Bureau for Human Rights and Rule of Law, described the raids against Jehovah's Witness meetings as part of a massive campaign against religious organisations in South Kazakhstan Region. "Without authorisation from the Regional Prosecutor's office it would not be possible to stage so many raids," he told Forum 18 on 5 September from Almaty.

"It is absolute nonsense to demand religious organisations to hold meetings only in one building where they are registered," Zhovtis insisted. Nowhere does the religion law demand that, he noted, and nor does any other law require it. "The reason the courts take cases so seriously, I guess," he said, "is that serious State agencies such as the Prosecutor's office, Akimats, KNB bring charges against the organisations."

Zhovtis told Forum 18 that the courts have to explain their serious decisions, and so come up with "silly" interpretations like "holding a religious meeting in an inappropriate, unfit-for-religious-rituals building". "The courts look at the so called traditional confessions for models," he said. "If the Russian Orthodox hold services in a church building and the Muslims go to mosques for Muslim rituals, the rest must do likewise and hold their services in their registered buildings – this is the kind of thinking behind those interpretations."

The suspension of the two Jehovah's Witnesses communities, raids and heavy fines are the continuation of the authorities' attacks against religious communities across the country. The authorities frequently raid religious minority communities while they are worshipping (see eg. F18News 30 May 2008 http://www.forum18.org/Archive.php?article_id=1137).

Two Baptists, Pyotr Panafidin and Ivan Friesen, were each fined 116,800 Tenge (4,900 Norwegian Kroner, 600 Euros, or 970 US Dollars) in separate cases in March. Elsewhere, another Baptist, Dmitry Jantsen, was warned by officials that his congregation and several others would be closed down and that he would be jailed. One official, Serik Tlekbaev of the Justice Department, told Jantsen "not to try to appeal to international organisations such as the United Nations (UN) or the Organisation for Security and Co-operation in Europe (OSCE), because they will not be of any help to you" (see F18News 28 March 2008 http://www.forum18.org/Archive.php?article_id=1106).

The KNB secret police subjected the Grace Presbyterian Church in Almaty to a 17-hour raid on 25 and 26 January. The Financial Police, Justice Department, and KNB had investigated and questioned Grace Church members across Kazakhstan since mid-January. "All these efforts are done to close down the entire Grace Church in Kazakhstan," Dmitri Kan of the church's headquarters told Forum 18 (see F18News 30 January 2008 http://www.forum18.org/Archive.php?article_id=1078).

On 1 August Judge Nurlan Aliyev at the Shymkent City Specialised Administrative Court found Robert Shibelgut, the leader of the Kainar-Bulak Jehovah's Witnesses community in Abai district of the city, guilty. He was fined 58,400 Tenge (2,770 Norwegian Kroner, 345 Euros or 488 US Dollars) – fifty times the minimum monthly salary. The court also suspended the community's activity for six months under Article 375 Part 1 for holding religious meetings outside their legal address.

The prosecutor, Zheinbai Praliev, was reported as saying that the complaint against the community was filed by the village residents. "An inquiry established that the community members had held meetings outside the place of registration, which is against the law," he told the Interfax news agency on 25 August.

On 22 August Judge Adilkhan Myrzatayev at South Kazakhstan regional court rejected Shibelgut's appeal. "The regional court made the decision disregarding our strong arguments in the appeal letter," complained Toporov.

The Jehovah's Witnesses explain in their complaint to the regional court, a copy of which Forum 18 has seen, that Article 375 Part 1 of the Administrative Code establishes responsibility for violating the rules of holding meetings outside the legal address, but does not rule out the possibility of holding such meetings. Moreover, the Jehovah's Witnesses argue that Article 12 of Kazakhstan's Religion Law allows for holding meetings outside the legal address, including at members' homes.

The Jehovah's Witness appeal notes that even the Almaty Regional Court on 8 August made a decision, a copy of which Forum 18 has seen, in a similar case in favour of the local Jehovah's Witnesses community. The court rejected the Almaty regional Prosecutor's protest against the decision of the Koksuz district administrative court in favour of the community.

In the complaint seen by Forum 18, the Jehovah's Witnesses also argue that the Abai district Prosecutor had brought charges against the Kainar-Bulak community already in June 2006 but the Shymkent Specialised Administrative Court then dismissed the case after the Prosecutor's Office dropped the suit.

The recent trouble for the Kainar-Bulak community began on 27 July, when representatives of the Abai district Prosecutor's office, the Department for the Struggle with Extremism, Separatism and Terrorism, the district Police Chief, three district police officers and two more persons in plain clothes raided their meeting without showing any identity documents. Some of them told the community members that they came on a planned check-up, while others said it was in response to a neighbours' complaint. The officials filmed the meeting, forced those present to write statements and confiscated literature.

The following day, 28 July, the Abai district Prosecutor brought administrative charges against the Shymkent city Jehovah's Witnesses Community under Article 375 Part 1 of the Administrative Code.

Similarly in Saryagash, another district of South Kazakhstan region, the Specialised Administrative Court led by Judge Talgat Akhat, ruled, under the same Article 375 Part 1, to fine the local Jehovah's Witnesses community 116,800 Tenge (5,540 Norwegian Kroner, 691 Euros or 976 US Dollars) – one hundred times the minimum monthly wage. It too suspended their activity for six months. On 3 September the South Kazakhstan regional court led by Judge Nurmakhm Jumataev rejected the Jehovah's Witnesses' appeal.

Again, trouble for the community began on 27 July when six officials – from the Akimat, Prosecutor's office, and Police - raided the meeting in the home of a Jehovah's Witness in Saryagash. The officials said they were responding to a complaint from local people, but did not show any documents authorising them to do so. They demanded the members write a statement, and show their registration certificate. One official filmed those present on his mobile phone.

Four days later, Saryagash district Prosecutor's office brought administrative charges against the community for holding meetings outside the legal address.

In addition to the Shymkent and Saryagash communities, seven other Jehovah's Witnesses congregations in the region were subjected to raids, harassment by the officials and confiscation of religious literature between 27 July and 3 August.

In Sastobe village of South Kazakhstan's Tuelkubass district, the private house of a Jehovah's Witness was raided mid-morning on 3 August by three district officials – Nurlan Shauliev, Senior Assistant Prosecutor, the district Police officer, and another person with a video camera. The officials showed a decision to hold check-ups across the district.

The owner of the house and five others present were forced to write a statement. Everything was filmed on the video camera. When the cameraman was asked to show the authorisation to film, he stopped filming and left the house. The officials took down the records of the conversation and left.

The leader of the local community was summoned to the Prosecutor's office on 4 August and told that an administrative case would be started against them on the instruction of the Regional Prosecutor's office, Jehovah's Witnesses told Forum 18 on 5 September.

Later, on 15 August Tuelkubass district Prosecutor's office started an administrative case – Forum 18 has seen a copy of the claim signed by Prosecutor A. Kapesov – against Jehovah's Witnesses in Sairam, their third officially registered community in South Kazakhstan region, under Article 375 Part 1.

The Tuelkubass district court responding to the petition of the Jehovah's Witnesses informed them with a written letter, a copy of which Forum 18 has seen, that no charges by the Prosecutor's office were brought against the community.

In Turkestan, the meeting in the private house of a Jehovah's Witness was raided by officials on 27 July. Eight officials from the city Prosecutor's office, local Justice Department, Akimat and Police officers arrived at the house. The officials showed the 24 July decision to check up on all religious organisations of Turkestan. Three attendees were forced to write statements. All the conversation and the building were filmed on a video camera.

The Assistant Prosecutor visited the owner the private house on 30 July and took him to the Prosecutor's office for a talk. He was forced to write a statement, Jehovah's Witnesses told Forum18 on 5 September. On 18 August Turkestan Prosecutor's office started an administrative case against the "non-existent" Turkestan community of Jehovah's Witnesses under Article 375 Part 1.

Seven officials – from the Prosecutor's office, Akimat, Sanitary Epidemiology Service and the local police - on 27 July raided the meeting in the home of a Jehovah's Witness in Lenger, Jehovah's Witnesses told Forum 18. Officials told those present that they came to check up but did not show any papers authorising them to do so. Three attendees were made to write statements. Also the Sanitary Epidemiology officer took formal note of the house.

Ten State officials raided the house of a Jehovah's Witness in Vannovka on 1 August during a meeting. Only one official gave his first name – Timur from the Prosecutor's office, Jehovah's Witnesses told Forum 18 on 5 September. Timur showed the decision to the owner of the house on the check-up of the religious buildings. When she objected that it was not a religious building but her private house, "the officials scolded her" and left.

The same day five officials – from the Prosecutor's Office, the local Akimat, the KNB and the police - raided a meeting in a private house in Myrzakent in Makhtalar district. All the attendees were made to write a statement. On 4 August the district Prosecutor summoned and warned one of the members a case would be brought against him under Article 375 Part 1. The Prosecutor's office has not yet taken any further action, Jehovah's Witnesses told Forum 18 on 5 September.

On 2 August, thirteen officials – KNB officers, district police officers and representatives of the district Akimat - raided a meeting in the private house of a Jehovah's Witness in Kazygurt village of Kazygurt district. They did not allow people to leave the house, and without showing any identity documents made them show the contents of their bags. The officials filmed everything, made attendees write a statement, and took down the records.

Two of the attendees were taken to the district police and kept there until mid-afternoon. Then they were brought back to the house. This time the officials showed the approval of the Prosecutor to search the house. The owner of the house was made to write a statement, and her books were filmed. An official record was written, and the books taken to the district police.

The two Jehovah's Witnesses were once again taken to the police station, where police investigator Daniyar Tolybaev questioned them. The contents of their bags were recorded, an official note of seizure written. Then their religious literature was confiscated and they were released in the evening.

On 27 July representatives of the local Akimat, Prosecutor's office and district Police raided at the Jehovah's Witnesses meeting in a rented building in Kentau. Five attendees were made to write a statement.

Earlier in Kentau, the city Akimat filed a complaint to the city court on 2 June against the private property of a Jehovah's Witness.

The Akimat demanded confiscation of a plot of land the individual owned, to return it to State ownership and destruction of the house built on the land. This was followed up by another claim, a copy of which Forum 18 has seen, brought against the building on 26 July by the City Architecture Department saying that the building was built as a worship place against the construction norms for residential housing.

On 22 August Kentau city court led by Judge A. Kasenova ruled in favour of the Akimat and the Architecture Department. "This was despite the fact that the claim was groundless, not made by a proper plaintiff, the limitation of action was overdue, the pre-trial process violated, and numerous violation of court procedures were allowed," Jehovah's Witnesses complained to Forum 18.

The court decision, a copy of which Forum 18 has seen, points out the Akimat's claims that the owner, being a Jehovah's Witness, might use the private house in future for holding Jehovah's Witnesses services. "That is the sole reason why the Akimat went to court trying to confiscate the land and destroy the building," complained Toporov.

Local officials in Almaty Region have also been moving to seize property from religious communities they do not like (see F18News 20 August 2008 http://www.forum18.org/Archive.php?article_id=1174).

Zhovtis, the human rights activist, speculates that one reason for so many recent court cases against religious organisations could be that Kazakhstan is preparing to adopt a new harsher Religion Law. "By this the authorities are trying to show the public that if religious organisations commit so many violations," he told Forum 18, "then we ought to bring them under control."

Kazakhstan's controversial new Religion Law, which contains numerous violations of freedom of thought, conscience and belief (see eg. F18News 10 June 2008 http://www.forum18.org/Archive.php?article_id=1141) is currently expected to return to Parliament before the end of 2008. (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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