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KAZAKHSTAN: "This is a highly dangerous precedent"

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

Kazakhstan has resumed jailing Baptists, Forum 18 News Service has learnt. Yuri Rudenko from Almaty Region was the third unregistered Baptist pastor to be jailed for three days for refusing to pay fines for unregistered worship. Baptists point out that this breaks Kazakhstan's Constitution, but officials have refused to discuss this with Forum 18. The jailing took place as Elizaveta Drenicheva, a Russian working as a missionary for the Unification Church (commonly known as the Moonies), was jailed for two years for sharing her beliefs. Other religious believers who strongly disagree with her beliefs, as well as human rights defenders, are alarmed by the jail sentence. "This is a highly dangerous precedent," one Protestant who preferred not to be identified told Forum 18. "It seems to me that any believer who preaches about sin and how to be saved from it could be convicted in the same way." Baptist churches in Akmola region have also been raided and their members questioned, and another Baptist pastor is facing the threat of jail tomorrow (4 February).

Kazakhstan has punished a third unregistered Baptist pastor in Almaty Region with three-day imprisonment, Forum 18 News Service has learnt. Baptist churches have also been raided and their members questioned by Prosecutors and Police in Akmola Region, where another Baptist pastor could be jailed tomorrow (4 February).

The renewed attack on freedom of religion or belief of Baptists comes as a follower of a new religious movement has been jailed for teaching her beliefs. On 9 January, a judge at Almaty District Court in Almaty sentenced Elizaveta Drenicheva, a Russian citizen who lived in Kazakhstan, to two years' corrective labour in a general regime camp to punish her for teaching the beliefs of the Unification Church (commonly known as Moonies). She was accused of teaching at seminars in a private flat in Almaty that individuals need help to achieve perfection and free themselves from sin.

The National Security Committee (KNB) secret police sent an officer under a false name to attend her seminars, the verdict reports, while prosecutors ordered "expert analyses" of the recordings of her lectures. She was convicted of violating Article 164 Part 1 of the Criminal Code, which punishes "incitement to social, national, racial or religious hatred" in public or through the media with a sentence of up to five years' imprisonment.

The verdict – of which Forum 18 has seen the text – reveals that the court determined that the "social danger" of her "crime against the peace and security of humanity" dictated the sentence. The verdict makes clear that the prosecution was based not on any actions but on the content of what she taught. Twelve video-recordings of her teaching are ordered to be preserved with the case file. She was also ordered to pay 85,200 Tenge (4,761 Norwegian Kroner, 529 Euros or 690 US Dollars) for the cost of official "expert analysis" - which she strongly disagrees with - of her teaching.

Yevgeni Zhovtis, head of the Kazakhstan International Bureau for Human Rights and Rule of Law, told Forum 18 on 2 February that although Drenicheva has appealed against the conviction, no date for the appeal hearing has yet been set. His group, as well as the Almaty Helsinki Committee and other human rights defenders, have denounced Drenicheva's prosecution. A joint appeal from the human rights defenders states that punishing her for what she taught is "in the worst traditions of the Soviet past".

Protestant Christians, who strongly disagree with the beliefs Drenicheva was propounding, are among those who are also concerned. "This is a highly dangerous precedent," one Protestant who preferred not to be identified told Forum 18 on 10 January. "It seems to me that any believer who preaches about sin and how to be saved from it could be convicted in the same way."

The authorities are particularly hostile – despite the country's international human rights commitments - to alleged missionary activity by foreign nationals, claiming this as a reason to ban a Hare Krishna devotee from the country in late January (see F18News 30 January 2009 http://www.forum18.org/Archive.php?article_id=1247).

The draft Law amending various laws on religious activity, currently being considered, imposes severe restrictions on missionary activity of all kinds, whether or not it is conducted by foreigners. It also seriously restricts other aspects of freedom of religion and belief in the country (see F18News 9 January 2009 http://www.forum18.org/Archive.php?article_id=1238).

Kazakhstan has also resumed jailing unregistered Baptists, although as before for much shorter lengths of time than Drenicheva.

Judge Raushan Tursunbaeva of Almaty Region's Taldykurgan [Taldyqorgha] city Administrative Court punished Pastor Yuri Rudenko with three days' administrative arrest for leading his unregistered Baptist congregation, Baptists told Forum 18.

Dmitri Jantsen of the Council of Churches Baptists said it is not for the first time that Kazakhstan authorities put their members under administrative arrests for not paying fines "unlawfully" imposed on them. "The court decision against Rudenko was against the Constitution, which openly declares that citizens are free to believe in and practice their religion," he complained to Forum 18 on 28 January. He said they sent complaints to Kazakhstan's President, Nursultan Nazarbaev, and other senior officials. "This will not help Rudenko as he has already endured his punishment," Jantsen said, "but we hope similar cases will not take place in future."

Rudenko told Forum 18 that he was arrested in court on 23 January 2009, after being found guilty of not paying fines imposed on him for unregistered religious activity by the same court on 28 February 2008 and on 23 February 2007. "The judge told me to bring a receipt that I have paid the fines or else I get three days' arrest," he told Forum 18 from Taldykurgan on 30 January. The Court did not explain to Rudenko whether he still had to pay fines after the punishment, he reported. He said he was released from prison on the evening of 26 January.

In March 2007 Shymkent city Administrative Court in South Kazakhstan Region sentenced Baptist Pastor Fauzi Gubaidullin to three days in prison for leading an unregistered church. The church had refused to obey a court order banning it for three months (see F18News 13 March 2007 http://www.forum18.org/Archive.php?article_id=931).

Another Baptist pastor, Pyotr Panafidin, was imprisoned for three days in February 2006 for refusing to pay a large fine. This had been imposed on him for leading an unregistered church in the southern town of Taraz (see F18News 1 March 2006 http://www.forum18.org/Archive.php?article_id=735).

The Council of Churches Baptists, who reject state registration on principle, point out that Kazakhstan's Constitution and its international human rights commitments do not require religious communities to have state registration before they can function. Many of their leaders have been fined, had property confiscated or been detained for up to several days. Their leaders have described the authorities' campaign of harassment as "economic war", because of the heavy fines handed down (see F18News 11 September 2008 http://www.forum18.org/Archive.php?article_id=1186).

Judge Tursunbaeva told Forum 18 on 26 January that she punished Rudenko on the basis of the Code of Administrative Offences' Article 524, for not paying the fines handed down to him in 2007 and 2008 for unregistered religious activity. Asked whether court decisions to punish Rudenko for his religious activity contravened Kazakhstan's Constitution she responded: "I understand your question but cannot answer it."

Baurzhan Orynbaev, Assistant Prosecutor of Taldykurgan – who brought the case in court against Rudenko – also did not want to discuss whether or not unregistered religious activity was legal. He referred Forum 18 to the court.

"I think he [Rudenko] could have afforded to pay the fines but did not," Orynbaev told Forum 18 on 26 January from Taldykurgan. "I understand he owns six cars." Jantsen of the Council of Churches Baptists stated that the cars are not Rudenko's personal cars but "only" registered to his name. "They belong to the church, and other church members who could not register the cars in their names in the past," he responded. He added that they are now re-registering the cars separately.

"Secondly, even if Rudenko could afford to pay the fines, he should not," Jantsen insisted, "because we think it is unlawful to punish unregistered religious activity."

Baptists said Assistant Prosecutor Orynbaev personally came to Rudenko's house, to summon him to court on 23 January, and demanded Rudenko go with him immediately. Rudenko went to the court a second time on the same day at 3 pm. At 4.30 pm, when the hearing was over, Prosecutor's Office officials accompanied Rudenko back to his home. He was given ten minutes to pack and then was taken to prison.

Kanat Vaytlenov, Deputy Chief of the Taldykurgan Justice Department, said his department had explained to Rudenko several times last year that he needed to register his church. "I do not think the court violated his rights," Vaytlenov told Forum 18 on 26 January. Asked whether or not Kazakhstan's Constitution allows unregistered religious activity, he too referred Forum 18 to the city court.

Meanwhile Prosecutors with other law-enforcement agencies in Akmola Region, close to the capital Astana, raided Baptist services and questioned those present between 6 and 26 January. Nikolai Levin, the pastor of the church in Balkashino village of Sandyktau district, Oleg Kosenko and Yevgeni Demidov of the church in Shuchye district's Burabai village, Pyotr Zimens, Pyotr Mirau, Mikhail Milkin, Andrei Milkin, Vyacheslav Cherkasov, Sergei Golovonenko and Sergei Fedoseykin of the Shuchye church, were summoned and questioned by Prosecutors and police in Akmola.

Zhanat Turalinov, Assistant Prosecutor of Shuchye town, and officials from the KNB secret police, the Justice Department, as well as district Police departments also raided church services and meetings, took names and photographs of church members and recorded what was being said in the church services and meetings in the aforementioned places as well as the home of a 73 -year-old

woman in Akkol district's Iskra village, Baptists reported.

A case under the Administrative Code was brought against Pastor Levin and is due to be heard at the Sandyktau District Administrative Court on 4 February (see F18News 12 February 2009 http://www.forum18.org/Archive.php?article_id=1255). Zimens said he also was warned by Assistant Prosecutor Turalinov that an administrative case could be brought against him. Zimens told Forum 18 from Shuchye on 2 February that he has not received a summons to court so far.

Assistant Prosecutor Turalinov was unavailable whenever Forum 18 tried to reach him between 27 and 29 January. A Prosecutor's official, who answered the phone – he did not give his name – told Forum 18 on 29 January that Turalinov did not want to talk to Forum 18. "The Baptists are being checked on the subject of registration of their churches," he explained. Asked where exactly in Kazakhstan's Law it required religious organisations to be registered, he said, "We will not discuss this with you over the phone." He then hung up the phone.

Council of Churches Baptists reported that on 6 January Zimens from the Shuchye Baptist Church, was summoned to the city Prosecutor's office for a talk about registration. The next day on 7 January the church's service was visited by Assistant Prosecutor Turalinov, the District Police Officer, and two witnesses. They did not disturb the meeting but listened and took notes, Baptists reported. The officials "tried" to write down the name of the speaker and take his photograph. They told the Baptists that they deleted the photograph when reprimanded for taking it, Forum 18 was told.

On 9 January the Prosecutor's office then summoned and questioned Golovonenko and Fedoseykin, also from Shuchye Baptist Church. On 14 January Assistant Prosecutor Turalinov, two officials from the district police, and two other policemen visited the church again. They remained in the service for a while, and having taken notes left. Turalinov then summoned and questioned Mirau on 15 January and Zimens on 16 January about registration and the charter of the Council of Churches Baptist.

Zimens once again together with Mikhail Milkin was summoned to the Prosecutor's office on 19 January, where they went accompanied by their wives. Turalinov threatened them with fine or imprisonment for not testifying on who the leader of the church was, Baptist told Forum 18.

Baptists told Forum 18 that authorities in Shuchye district also interrupted their open-air book-stand. On the morning of on 24 January, Cherkasov and Andrei Milkin were offering people on the street to read free-of-charge Christian literature. At around noon a Shuchye district prosecutor's official, who did not identify himself, came up to them and asked whether they had a permission to stand there, and offer books. He then phoned the Shuchye District's Police Captain Zh. Samyrbaev and Assistant Prosecutor N. Mukanov (first names unknown) to come by, Baptists reported.

As soon as the officials arrived they demanded to take away the books, to which the Baptists replied that they would do it after they finished their service. Then the Baptists were taken to the District police department Police Lieutenant K. Ashkenov (first name unknown) took photographs of the Baptists, and Captain Samyrbaev wrote a report to the District Prosecutor accusing them in distributing Christian literature. Cherkasov and Milkin refused to sign any papers, Forum 18 was told.

The authorities also visited the church in Burabai, close to Shuchye, the Baptists stated. On 8 January, Kosenko was summoned to the Shuchye City Prosecutor's office for a talk about the church's registration and financial donations given to the church. Turalinov, the District Police Officer and two other persons visited the church in Burabai on 9 January, reported the Baptists. Later on 12 January Demidov was summoned to the Prosecutor's office, and warned that he could be punished with a ten-day administrative arrest.

Another raid in Akmola region was on the home of Zinaida Buyanova, a 73 year-old woman, on 8 January. Her home in the Akkol district village of Iskra village was raided by Akkol District Police while she was celebrating Christmas together with local Baptists and five other members of the Baptist church of Akmola's Stepnogorsk city. Operative Dualet Amanzholov and Sergeant Azamat Nurov of Akkol Criminal Police arrived at 5.30 pm at Buyanova's home, asking about a woman who had allegedly gone missing in the village.

The officers checked the ownership documents of the house, questioned Buyanova and took down official records. Afterwards they questioned the visitors from Stepnogorsk and local Baptists, whose number is less than ten in Iskra village, Baptists stated. The officers told the gathering that they were having an "illegal meeting without license." "Only then we understood the real reason of the police officials' visit," reported the Baptists.

Three more officials arrived at Buyanova's home at 7 pm who refused to identify themselves. They made attempts to check all the rooms in the house, and take photographs of the believers without their consent, said Baptists. They picked up a few Christian magazines – "Herald of Truth", and read them through. The officials then took the magazines, and left without making an official record of the confiscation.

Baptists also told Forum 18 that Panel of Judges of Akmola regional criminal court overruled on 26 November 2008 the Esil district criminal court's decision, and freed Andrey Blok from criminal responsibility. The regional court, however, upheld two other

decisions of Esil district court on imposing fines on Blok.

Blok was punished by the Esil court with 150 hours' compulsory labour for refusing to pay fines imposed to punish him for leading unregistered worship. "If not for many telephone calls to the court and city officials from outside Kazakhstan, Andrei could have been put into prison for several months," his family told Forum 18 (see F18News 28 October 2008 http://www.forum18.org/Archive.php?article_id=1210).

Jehovah's Witnesses also face difficulties in Kazakhstan for unregistered activity. In summer and autumn 2008, several communities of Jehovah's Witnesses in South Kazakhstan Region were raided (see F18News 9 September 2008 http://www.forum18.org/Archive.php?article_id=1184). (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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