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KAZAKHSTAN: Five days jail for unregistered worship

By Felix Corley, Forum 18 (https://www.forum18.org)

Kazakhstan has given Baptist Pastor Vasily Kliver a five day jail term because he refused to pay fines for leading unregistered worship, Forum 18 News Service has learnt. Judge Zhanar Zhubatova of the Administrative Court in Aktobe told Forum 18 that the sentence is "not persecution." Asked why Kliver is being punished for unregistered worship, Judge Zhubatova replied "it's not for that" before putting down the telephone. Prior to Pastor Kliver's jail term, three Council of Churches pastors have been sentenced since 2007 to three-day prison terms, Forum 18 notes. Separately, Protestant pastor Maksim Tashenov was today (9 June) fined for participating in religious activity in a different region of Kazakhstan from where his own church is registered. He was prosecuted after a raid involving the police, Prosecutor's Office officials and the KNB secret police. The court also banned his church for three months. Pastor Tashenov told Forum 18 that the authorities are using the case to try to close down his own Aktau congregation. No official was available to discuss the case with Forum 18.

Judge Zhanar Zhubatova of the Administrative Court in Aktobe [Aqtöbe] in north-western Kazakhstan told Forum 18 News Service that the five-day prison sentence she handed down on local Baptist pastor Vasily Kliver on 8 June is "not persecution". Asked why he is being punished for meeting for religious worship without registration she responded: "It's not for that." She added "We don't discuss court decisions" before putting down the telephone. Officials of the court refused to tell Forum 18 where Kliver is being held.

Pastor Kliver's wife Maria appeared philosophical about her husband's imprisonment. "We accept it from the Lord," she told Forum 18 from Aktobe on 9 June. She said her husband is being held by the police but she does not know exactly where. She said no meetings with herself or their five children are allowed before he is due for release on 13 June. She stressed that the church will continue to meet for worship.

Three Council of Churches pastors have been sentenced since 2007 to three-day prison terms, Forum 18 notes. The most recent was Pastor Yuri Rudenko from Almaty Region, sentenced in January 2009 after being found guilty of not paying fines imposed on him for unregistered religious activity (see F18News 3 January 2009 http://www.forum18.org/Archive.php?article_id=1248).

The five-day sentence comes as a court in the town of Kyzylorda today (9 June) fined another Protestant pastor, Maksim Tashenov, for participating in religious activity in a different region of Kazakhstan from where his Full Gospel Church is registered. The court also banned his church for three months.

The continuing pressure is despite President Nursultan Nazarbaev's decision not to challenge the Constitutional Council's 11 February finding that the proposed new law amending various laws on religion is unconstitutional. However, human rights defenders and religious communities have told Forum 18 that they suspect there will be future attempts to introduce a similar law restricting freedom of thought, conscience and belief (see F18News 17 March 2009 http://www.forum18.org/Archive.php?article_id=1269).

Five days jail for unregistered worship

Pastor Kliver has been fined many times for leading his unregistered Council of Churches congregation in Aktobe. He was twice fined in 2003. In June 2004 he was fined twice the minimum monthly wage under Article 375 part 1 (breaking the law on religious organisations) and Article 525 of the Code of Administrative Offences (refusing to appear to give evidence when summoned by the Prosecutor's Office). The court also banned the church for six months. Kliver was again fined in 2006, as well as in 2008 (see eg. F18News 22 February 2008 http://www.forum18.org/Archive.php?article_id=1091).

The church was again banned in December 2006 and another of the church's pastors, Andrei Grigoryev, was fined. After he refused to pay the fine court executors seized the family's washing machine, music centre, documents for their Volkswagen car and his brother's trailer (see F18News 11 May 2007 http://www.forum18.org/Archive.php?article_id=954).

Kliver too refused to pay the fines, and after the first fine court executors seized the family's freezer. Court executors again arrived at the family home on the morning of 8 June. "Not finding anything they could take to pay the fine they took him back to court," local Baptists told Forum 18 on 9 June. Judge Zhubatova handed down the five-day sentence at the end of the working day after finding

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him guilty of violating Article 524 of the Code of Administrative Offences (failure to carry out court decisions).

The Baptists say Pastor Kliver was immediately detained and taken to serve the five-day sentence. They complained that officials refused to give him a copy of the decision.

Also sentenced under Article 524 was Pastor Pavel Leonov, Council of Churches Baptists told Forum 18. He leads a small church in the village of Ayagoz in East Kazakhstan region. Judge Korlan Khalelova of Ayagoz District Court sentenced him to one day's detention on 16 April for failing to pay a fine handed down in July 2008.

Pastor Leonov has been fined several times in recent years for leading unregistered worship (see F18News 11 September 2008 http://www.forum18.org/Archive.php?article_id=1186).

Fined for religious activity outside registered region, church banned

Pastor Tashenov, who leads the New Life Full Gospel Pentecostal congregation in the city of Aktau [Aqtau] on the Caspian Sea in Mangistau Region, was prosecuted for participating in a Christian meeting while visiting Kyzylorda [Qyzlorda] Region, in the south of the country.

The accusation against him drawn up by Kyzylorda Prosecutor Daniyar Syzdykov – of which Forum 18 has seen a copy – records that Tashenov took part in meetings in the local Hope Church and in a cafe on 21 and 22 March. Syzdykov reported that "in the course of operational/investigation measures" by the Regional Police, it was established that Tashenov had violated the "procedures for conducting religious measures away from the location of the religious association". Syzdykov maintained that as the Church's statute declares that it functions in Aktau and Mangistau Region, any activity outside this area is illegal.

Syzdykov urged the town's Specialised Administrative Court to prosecute Tashenov under Article 375 Part 1 of the Code of Administrative Offences, which punishes a number of religious "offences", including "conducting religious activity by religious associations contradicting their aims and tasks set out in their statute". If found guilty, leaders can be warned or fined up to twenty times the minimum monthly wage. Religious organisations can be fined up to 100 times the minimum monthly wage, with the possibility also of being banned for six months or completely.

Indeed, Syzdykov pointed out that under Article 10 Part 1 of the Religion Law, religious organisations can be banned for activity outside the scope of their charter.

Judge Marmagambet Abdykalykov told Forum 18 from the Court on 9 June that he began hearing the case against Tashenov the previous day. Asked when he might reach a verdict, Abdykalykov responded: "Maybe tomorrow, maybe the day after."

Shortly afterwards, however, Tashenov told Forum 18 that the judge had issued his verdict that same day. He said he was fined 12,730 Tenge (550 Norwegian Kroner, 60 Euros, or 84 US Dollars). In addition he said the court ordered his church banned for three months. "Of course I will lodge an appeal as soon as I get the written verdict," he told Forum 18 on 9 June.

The 8 June hearing was also attended by two cameramen and two journalists from local television. Asked who had invited them, Judge Abdykalykov repeatedly declared: "I don't know." He then muttered: "Maybe they invited themselves." He refused to discuss the case further and put the phone down.

Tashenov told Forum 18 the journalists said to him they were from Khabar television, but Maksim Vorontsov, one of the Aktobe-based correspondents for Khabar, denied to Forum 18 on 9 June that any of their journalists had attended the court hearing.

Forum 18 was unable to reach Prosecutor Syzdykov between 5 and 9 June – his telephone went unanswered each time Forum 18 called.

Tashenov rejected the accusations against him, insisting to Forum 18 that he was merely the guest of the local New Life Church which was renting the premises of the Hope Church. He complained that officials from the Police, Prosecutor's Office and National Security Committee (KNB) secret police burst into the church meeting with cameras and took him to the police station. He said he was held for some three hours before being freed about midnight.

Tashenov said he and his church members are concerned because the authorities are using the case to try to close down the Aktau congregation. He said Mangistau Regional Prosecutor's Office is already working on this. However, he stressed that the court ban has not yet come into force.

Pastor Tashenov has previously been targeted for religious activity away from Aktau, when a worship service in the north-western city of Aktobe was raided (see F18News 30 May 2008 http://www.forum18.org/Archive.php?article_id=1137).

Ban on Baptists overturned

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Meanwhile, Akmola Regional Court on 12 May overturned a decision by the court in the town of Shuchye to ban a Council of Churches Baptist congregation led by Pyotr Zimens because it functions without state registration. (The Region surrounds the capital Astana.) "God heard our prayers," members of the Zimens family told Forum 18 from the town on 9 June. "They [officials] haven't disturbed us and we can pray freely now."

On 26 March, after a trial lasting several days, Judge Gayna Khamzina of Shuchye Town Administrative Court ruled to accept the motion by Assistant Prosecutor Zhanat Turalinov that the church should be banned for six months for functioning without registration.

Church members at the time called such a ban "persecution" and insisted that Kazakhstan's Constitution and the country's commitments as a member of the Organisation for Security and Co-operation in Europe (OSCE) guarantee the right to worship freely without the need for state registration.

Hare Krishna negotiations continue

Negotiations between representatives of the Hare Krishna commune near the southern city of Almaty and state officials are continuing, the head of the Almaty Hare Krishna community Viktor Golous told Forum 18 on 9 June. The authorities have long sought to oust the commune from the land it bought some years ago.

Golous noted that the commune is still functioning and worship is continuing at the temple on the farm.

He added that the community has now been able to gain a six-month multi-entry visa for their leader, US citizen Seane Hobgood (religious name Govinda Swami). "Everything is now normal with his visa and he can enter the country freely when he needs to," Golous told Forum 18.

Govinda Swami was denied entry to Kazakhstan at Almaty airport on 27 January despite having a valid multi-entry visa (see F18News 30 January 2009 http://www.forum18.org/Archive.php?article_id=1247).

The director of the Almaty Society then requested the General Prosecutor's office to investigate the issue and the result is that the ruling of his deportation was withdrawn. Govinda Swami returned to Kazakhstan on 26 March. He was met at Almaty airport in the early hours of the morning by officers of the KNB secret police, the General Prosecutor's Office and Kairat Tulesov, the deputy head of the Justice Ministry's Religious Affairs Committee. (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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