

6 October 2009

KAZAKHSTAN: Why do the authorities want to close a rehabilitation centre?

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

Kazakhstan has ordered that a rehabilitation centre for people suffering from drug and alcohol addiction be permanently closed, and has fined its Protestant Christian founder, Sergei Mironov, Forum 18 News Service has learned. The Centre, whose residents attended it voluntarily and could leave when they wished, was raided by 25 officials carrying sub-machine guns from the ordinary police, KNB secret police, and the Sanitary-Epidemiological Service. During the raid one resident was found by police handcuffed in a cellar, and both administrative and criminal charges were brought. Mironov, as well as then current and visiting former residents during the raid, strongly dispute that the resident was handcuffed and placed in the cellar by the Centre. They state that "literally minutes before the police came to our building" the man had breakfast with residents. Despite the seriousness of the criminal charge - "deprivation of liberty" - brought against Mironov, an official of the Regional Prosecutor's Office played down the seriousness of the case. "Mironov may be just fined, and go free," he told Forum 18.

The authorities in East Kazakhstan region's Beskaragai District appear determined to stop Protestant Christian involvement in rehabilitation work with addicts, Forum 18 News Service has been told. The Spiritual Centre for the Rehabilitation of Drug Addicts and Alcoholics, in the village of Steklyanka, was closed for six months by court order in January 2009 and its founder and head, Sergei Mironov, was fined. Since then, the District Prosecutor's Office has initiated cases against him under both the Criminal and Administrative Codes, he has been fined again, and the Centre has been permanently closed. Mironov – who is determined to try to continue rehabilitation work – insists that the authorities are using fabricated evidence.

The Spiritual Centre was founded by Mironov and in October 2006 registered by the Regional Justice Department as a Public Association. The main objective of the association, as indicated in its Charter, is the social and spiritual rehabilitation of drug-addicts and alcoholics. The residential Centre aims to accomplish this by giving psychological, legal and social help to those who are in crisis, and by creating the necessary conditions for re-adaptation to life in residents' families and wider society. Forum 18 was told that residents attended the Centre voluntarily, could leave at any time they wish, and were not pressured to adopt Christianity.

One official who knows of the Centre's work is Kulpash Mukhamedkalieva of the Social Policy Department of Beskaragai District Akimat (administration). She told Forum 18 in March that "we've got nothing against Sergei Mironov and his work," and that she did not "see any violations of the law." Expressing surprise at the January ban, she asked if it was related to the conditions for residents. "Living conditions there are not good – it's very cramped. I could perhaps understand that." Told that Mironov had been fined and the Centre closed because residents had been praying together, Mukhamedkalieva responded: "Let them pray, I don't know if it is right or wrong" (see F18News 19 March 2009 http://www.forum18.org/Archive.php?article_id=1271).

Mukhamedkalieva and her Department declined to answer any questions from Forum 18 when contacted on 5 and 6 October.

The latest Administrative Code fine and permanent ban

The Centre was alleged in January, under Kazakhstan's Administrative Code's Article 374 Part 2, to be involved in unregistered religious activity and to have converted residents to Christianity. Mironov was fined and the Centre's activity was temporarily suspended for six months. An appeal against this was unsuccessful (see F18News 19 March 2009 http://www.forum18.org/Archive.php?article_id=1271).

On 2 September, Mironov was put on trial again under Article 374 Part 2 by Beskaragai District Court. In the decision, which Forum 18 has seen, the Centre was permanently banned and Mironov fined 259,200 Tenge (9,745 Norwegian Kroner, 1,165 Euros, or 1,715 US Dollars). These are the maximum possible penalties, and the fine is equivalent to 200 times the minimum monthly salary.

"We told Mironov in January that he could not go on functioning as a Public Association," Bakhytzhon Mambetov of the Regional Prosecutor's Office told Forum 18 on 28 September from Oskemen (Ust-Kamenogorsk), the regional centre. Mambetov was working as Beskaragai's Deputy Prosecutor in August and had brought the administrative charges against Mironov. "The Centre should have been registered as a religious organisation but was not," he claimed. Mironov "wilfully" continued his activities "even after the

suspension, that is why the Centre was banned" [in the September administrative case], Mambetov stated.

Mironov told Forum 18 that he has appealed to the Regional Court against the District Court's decision, which was supposedly heard on 28 September. However Mironov was only told of this appeal date by ordinary letter one day afterwards – on 29 September. He has heard nothing from the Court since.

The Centre's approach to rehabilitation

Mironov objects to official statements about some residents saying prayers and reading the Bible, telling Forum 18 that these were "only part of the elements" of rehabilitation. This also included working as a form of therapy, doing physical exercise, and having group conversations. "We never held religious meetings," Mironov told Forum 18 on 28 September from Steklyanka. "Some residents cannot even properly pray. Some later became Christians, but some never became religious believers."

"A major reason" why the Centre did not want to become a religious organisation, Mironov stated, was that it might stop some people from requesting the Centre's help.

Raid by 25 officials with sub-machine guns

The latest Administrative and Criminal Code charges came after the Centre was raided by 25 officials from the ordinary police, KNB secret police, and the Sanitary-Epidemiological Service on 22 August, when the Centre resumed work at the end of its temporary ban. "Before resuming the work of the Centre on 22 August, as I thought the six months suspension should have ended on that date I went to the District Prosecutor to warn the authorities about it," Mironov told Forum 18.

On 22 August at 10 in the morning, the Centre was "attacked by 25 men, most of whom were armed with sub-machine guns," Mironov said. "At that moment in addition to three visitors, who were former residents, there were eleven people at the Centre." Mironov complained that the residents and workers were "kept for more than two hours with the sub-machine gun muzzles pointed at their backs and hands raised" while some men who presented themselves as representing the Regional Organised Crime Police searched the building. "As a result of the search the officials found Serikbol Bekmukhammetov, a resident of our Centre, handcuffed in the cellar of the building," Mironov said.

Later, on the same day all who were present at the Centre were taken to the Police in Semey, which is 20 kms [12 miles] away from the Centre. "We were detained there from 12 in the morning until 11 at night, and questioned one by one," Mironov complained. "The residents told me that each one of them was compelled to say something that would blackmail me. But I understand that they refused to do so."

Pending criminal charges

Following the discovery of Bekmukhammetov in the Centre's cellar, Beskaragai District Prosecutor on 28 August has brought criminal charges against Mironov under Kazakhstan's Criminal Code's Article 126 Part 2. This punishes deprivation of a person's liberty, related to non-abduction, using material or other dependence of the victim. Law-enforcement agencies claim that Mironov deprived Bekmukhammetov of his liberty by handcuffing and placing him in the cellar of the Centre for refusing to work. He was allegedly kept there for two days, until the local police found him on 22 August during their sub-machine gun toting raid.

Bekkali Kunafin, Beskaragai District Prosecutor told Forum 18 on 30 September that Mironov's guilt was "proved" in the preliminary investigation. Asked why the case has not been brought to Court, he said that the investigation is still going on as the law allows up to two months for this. "We have Bekmukhammetov's and other witnesses' written testimonies proving Mironov's guilt," Kunafin said without giving the names the other alleged witnesses. Kunafin also claimed to Forum 18 that Mironov "actually used the residents for his gain. He did not pay them anything for their work, or transfer any funds to the State Pension Fund."

Mironov objected to the allegations saying that "it is obvious that the case with Bekmukhammetov was set up by the law-enforcement agencies." Regarding the incident, he said, "I have absolutely no idea how he was handcuffed, and he definitely was not in the cellar for two days."

"Literally minutes before the Police force came to our building on 22 August, Bekmukhammetov was at a breakfast table with us," Mironov told Forum 18. "Bekmukhammetov left the table and went out of the room, and it was just after this that the police arrived."

Mironov stated that there is evidence against the allegations. Bekmukhammetov's photograph was taken by another resident on his mobile phone on 21 August at 6:03 am. He had taken the photo "to record Bekmukhammetov making humorous movements" while he was getting up in the morning. The telephone has the date and time of the photograph recorded on it, Mironov said. "If as the Prosecutor's Office claims that Bekmukhammetov was kept in the cellar until he was freed on 22 August, how could he be in bed on the morning of 21 August," Mironov asked. Mironov said that their lawyer has attached the photograph to case files, and that the telephone was submitted to the investigator to be sent for technical examination.

Forum 18 has been unable to speak with Bekmukhammetov.

Residents' comments on the Bekmukhammetov claims

Countering the claims of Prosecutor Kunafin were both former and current residents, such as Olga Ivashina and Alexandra Alpysbayeva.

"I actually happened to visit the Centre on the evening of 21 August together with my husband," Ivashina told Forum 18 on 28 September from Oskemen. "We came there at 8 p.m. and left around 10:30 pm. It was none other than Serikbol [Bekmukhammetov] who closed the gates after us," she said without hiding her surprise. "He was safe and sound then."

Bekmukhammetov "was at the breakfast table with the rest of the residents on the morning of 22 August," Alpysbayeva told Forum 18 on 28 September from Steklyanka.

Mironov also considered "groundless" Prosecutor Kunafin's statement that he should have paid his residents for their work at the Centre. "Why should I pay the residents for cleaning the house where they live and to prepare the food they eat," he asked. "It would be ridiculous for anyone doing work in their own home to ask for payment."

Mironov said he thought that Bekmukhammetov was "pressured" by the authorities to complain against the Centre. "It could be that he got into trouble with authorities because of drugs, and was offered a reward in exchange for complaining against us."

Confirming the pressure on the residents, Sergei Urmanov told Forum 18 on 28 September that the two officials who questioned him at Semey Police on 22 August "scolded" him for betraying Islam and becoming Christian. "They were asking tricky questions so I would say something against Mironov," he stated.

Urmanov also said that he and Alpysbayeva were taken to the Glukhovka village Akimat (Administration), near Steklyanka, the next day on 23 August for further questioning. Law-enforcement and Akimat officials, who did not identify themselves, "compelled" them to write a complaint against Mironov, the resident said.

Prosecutor Kunafin objected to the claims of pressure against residents. "I hear this for the first time from you," he said, brushing off Forum 18's question.

Why is the Spiritual Centre being targeted?

Aslan Tekebayev, the Assistant to Makhat Sadykov, Beskaragai District's Deputy Akim (Head of Administration) who oversees social and healthcare issues, said he did not think "Mironov's Centre harmed anyone medically" but that he was "not sure how effective" the Centre was.

Kayirbek Sadykov, another official in charge of social issues at the Beskaragai Akimat (Administration) refused to tell Forum why the Centre was banned. "I cannot answer you," he told Forum 18 on 28 September. Giving his reason for not wanting to talk about the issue he said that "it is dealt by the KNB secret police."

Yuri Fyodorov of Semey Organised Crime Police concurred. "The KNB secret police asked us to assist them with police on 22 August," Fyodorov told Forum 18 on 28 September, outlining why police raided the Centre. "We brought the detained to our Police Department but we did not question them." Fyodorov did not say who did the questioning but said that the "KNB secret police has been investigating the Centre." He said that the case later was referred to Beskaragai District Police.

Mambetov of the Regional Prosecutor's Office, however, rejected this saying that it was the Beskaragai District Prosecutor's Office and District Police that have been investigating the case.

What residents say about the Centre

Forum 18 has spoken to several former residents of the Centre to find out what they think of it.

Ivashina said she spent 11 months in 2007 at the Centre, and that she "never" witnessed any punishment "let alone" depriving someone of their liberty. "There is no punishment at the Centre, only a condition that whoever does not like the rules may leave the Centre of their free will." The rules include no smoking, no drinking, no sexual intercourse while at the Centre, and no leaving the Centre without warning, she told Forum 18. "When people come for treatment, some may not like some of the rules at first, but because they voluntarily come with the desire to get rid of their problem, they take the rules as natural."

"Sergei [Mironov] is gifted educator, a very kind person. He applied a lot of energy and patience to restore me a desire to live again, to really live and not exist as a prisoner of drugs. My family is only a drop in the bucket compare to how many people were helped by the Centre. We are all so thankful to Sergei and the Centre."

Concurring with these comments about the Centre were six former residents Forum 18 has spoken to, from Ridder, Oskemen and other places in East Kazakhstan region. They also sent Forum 18 copies of their letters to the Prosecutor General of Kazakhstan, complaining about the closure of the Centre and the criminal case opened against Mironov. The complaints state that they have known Mironov as a good person, who could not ever commit such a crime, they have never seen any such punishment throughout the existence of the Centre, and that the Centre has helped them to get rid of drug and alcohol-addiction, for which they are thankful.

Media campaign against the Centre

Kazinform, the national news agency of Kazakhstan, express-K newspaper, ERA-TV television channel and several other news agencies and newspapers have published information accusing Mironov of handcuffing Bekmukhammetov for not working for him, and using the residents of the Centre as free labour for his own gain.

Explaining why they did not give Mironov's or any resident's response, Bagdat Ilyasova, the Deputy Editor-in-Chief of Kazinform's Russian Edition told Forum 18 on 25 September that there was "no need to talk to Mironov, as his guilt was proved in the pre-trial investigation." When Forum 18 insisted with the question, Ilyasova said, "I do not need to give an account to you." Then she hung up the phone.

Andrey Kratenko, of express-K, told Forum 18 on 25 September that he only gave the information provided by the Press-Service of the Regional Police. The authorities often use the mass media to attack religious communities, and freedom of religion or belief (see F18News 5 February 2009 http://www.forum18.org/Archive.php?article_id=1250).

Will Mironov be punished for the alleged crime?

Prosecutor Kunafin refused to say what could be a possible punishment for Mironov.

However, Mambetov of the Regional Prosecutor's Office played down the seriousness of the criminal case. "Mironov may be just fined, and go free." When Forum 18 pressed the question, he said, "Well, the investigation must prove that Mironov was really guilty of committing the act."

Hostility to religious involvement with social or charitable care

Officials have in the past taken action against religious believers involved in social care or charitable projects, in a late 2004 case closing down a Baptist-run orphanage. It was described by local people, including staff of a state-run orphanage, to be one of the best in the area with higher standards than state-run orphanages (see F18News 7 January 2005 http://www.forum18.org/Archive.php?article_id=485).

In June 2009 a Catholic priest was denied access to a resident of a psychiatric home who had asked for a visit so that the priest could hear his confession. An official told Forum 18 that the resident "does not have rights", which have now been handed to the head of the home as official guardian. "This includes his right to freedom of conscience." The priest noted that access to people in closed state institutions, including prisons, had become more difficult and bureaucratic (see F18News 10 July 2009 http://www.forum18.org/Archive.php?article_id=1325).

Restrictive laws recycled

Kazakhstan is currently revising its Administrative Code, and the revision continues the existing punishments on people exercising their right to freedom of religion or belief without state registration. The country also appears to be planning to re-introduce draft legislation restricting freedom of religion or belief similar to a draft which was strongly criticised by a wide range of international and Kazakh human rights defenders, as well as an Organisation for Security and Co-operation in Europe (OSCE) Legal Opinion. Kazakhstan will be Chairperson-in-Office of the OSCE in 2010 (see F18News 8 October 2009 http://www.forum18.org/Archive.php?article_id=1360).(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=1352.

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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be

found at http://www.forum18.org/Archive.php?article_id=1351.

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

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY