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KAZAKHSTAN: Punishments for worship meetings re-start

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

Kazakhstan has started to punish worship in private homes and worship without state permission again, Forum 18 News Service has found. Baptist Pastor Pyotr Panafidin was fined 100 times the minimum monthly wage for leading unregistered religious worship in Taraz on 4 March, the seventh time he has been fined for this "offence", local Baptists told Forum 18. He is the first Council of Churches Baptist in Kazakhstan known to have been fined since June 2010. An officer of Jambyl Regional Directorate for the Struggle with Organised Crime – which took part in raids on the congregation - insisted to Forum 18: "It's a violation if they don't register – all religious communities must be registered." In Shymkent a judge has banned the local New Life Pentecostal Church from holding worship in the house where the congregation is registered. And a local administration in Almaty has – with KNB secret police and Interior Ministry intervention – banned a university from renting its facilities to religious communities.

Pyotr Panafidin, the leader of a Baptist congregation in Taraz in southern Kazakhstan which chooses to meet without state registration, has been given a massive fine, local Baptists told Forum 18 News Service. Council of Churches Baptists say this is the first fine on a member of their communities for unregistered religious worship in Kazakhstan since summer 2010. A Pentecostal congregation elsewhere in southern Kazakhstan has been banned from meeting in a private home, although it is the congregation's legal registered address. And in the commercial capital Almaty, a local administration has banned a university from continuing to rent a property it has just bought to religious organisations.

Kazakh officials repeatedly insist that religious activity is illegal without state registration, in defiance of the country's international human rights commitments. Unregistered religious activity is punishable under the Code of Administrative Offences.

All the earlier drafts of the proposed new Code of Administrative Offences now being prepared – the most recent was withdrawn from parliament by the government in August 2010 – have continued to include such punishments, despite protests by human rights defenders and religious communities (see F18News 8 September 2010 http://www.forum18.org/Archive.php?article_id=1486). It is unknown when the proposed new Code will return to parliament.

Council of Churches Baptists reject state registration in all the former Soviet republics where they operate and have frequently been fined in Kazakhstan. After refusing to pay such fines, some of their pastors have been given short-term detentions. However, Panafidin told Forum 18 from Taraz on 29 March that his was the first such Baptist fine since summer 2010. (Panafidin had been a prisoner of conscience in the Soviet era for exercising the right to freedom of religion or belief.)

The most recent Baptist fine before Panafidin's known to Forum 18 was of Pastor Oleg Voropaev in Pavlodar in June 2010 (see F18News 24 June 2010 http://www.forum18.org/Archive.php?article_id=1460).

Panafidin has already been fined six times for his religious activity, most recently in March 2008. In February 2006, after refusing to pay the fines, he was imprisoned for three days (see F18News 28 March 2008 http://www.forum18.org/Archive.php?article_id=1106).

Visits, questions

Since the beginning of 2011, the Council of Churches Baptist congregation in Taraz has faced repeated visits from state officials both during and outside religious services, local Baptists told Forum 18. Five officials arrived during Sunday worship on 16 January, but waited until the end of the service before intervening. They detained Oleg Getman, who was leading the service that day, and Andrei Panafidin. The officials questioned the two about the church's activity, drew up a record and left.

Police officers arrived at the church on 9 February when no services were underway. As Getman was not present, they telephoned him, summoning him urgently. Getman refused to write a statement, so they took a photocopy of his identity documents. They also took a photocopy from the owner of the house where the church meets for worship of her ownership documents.

On Sunday 13 February, two officers of Jambyl [Zhambyl] Regional Directorate for the Struggle with Organised Crime and one officer of the National Security Committee (KNB) secret police arrived. Pyotr Panafidin explained to them "the basic aims of the

believers – to preach about Christ and his love for all people – and that the services are peaceful and cause no harm to anyone", Baptists told Forum 18.

"It's our duty to check mosques and churches"

Asked why the Taraz Baptist congregation had been repeatedly visited by his fellow officers, an officer of Jambyl Regional Directorate for the Struggle with Organised Crime insisted to Forum 18 on 23 March: "It's a violation if they don't register – all religious communities must be registered." Asked whether such an insistence was not a return to Soviet practice, he responded: "It's not the Soviet system but the system of the Republic of Kazakhstan."

Asked why local religious communities of all faiths are subject to constant scrutiny, the officer told Forum 18: "It's our duty to check mosques and churches – we have a special department that deals with checking them, the department that deals with extremism and terrorism." Asked why the state appears to consider religious communities as suspects even if they have committed no crime, the officer responded: "We're not saying they're terrorists."

The officer – who would not give his name – refused to explain what "checking" religious communities entailed or why it was necessary to visit during religious worship.

As well as local Council of Churches Baptists, unregistered mosques in Taraz are frequent targets of the regional Department for the Fight against Extremism, Separatism and Terrorism (see F18News 23 June 2010 http://www.forum18.org/Archive.php?article_id=1459).

Massive fine

On 21 February an Organised Crime Directorate officer and a police officer came to the Baptists' church building with a record of an administrative violation by Panafidin as he "organised the religious association of Evangelical Christian Baptists without registration". Officers warned that the case was being handed over to the court.

At his trial on 4 March at Taraz Specialised Administrative Court, Panafidin explained that Article 39 Paragraph 1 of Kazakhstan's Constitution states that: "The rights and freedoms of an individual citizen may be limited only by laws and only to the extent necessary for the protection of the constitutional system, public order, human rights and freedoms, health, and morality".

He also pointed out that Article 21 of the International Covenant on Civil and Political Rights - which entered into force for Kazakhstan on 24 April 2006 - states that: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

Panafidin also cited Article 6.2 of Kazakhstan's Civil Procedure Code, which includes the commitment: "Courts do not have the right to apply laws and other normative legal acts harming the rights of the individual and citizen guaranteed in the Constitution."

However, Judge Kuralai Sadyrova found him guilty of violating Administrative Code Article 374-1 ("leadership or participation in the activity of an unregistered social or religious organisation"). He was fined 100 times the minimum monthly wage, 151,200 Tenge (5,805 Norwegian Kroner, 737 Euros or 1,038 US Dollars).

Judge Sadyrova refused absolutely to talk to Forum 18 on 24 March. One of her colleagues – who did not give her name - added: "She's not allowed to speak on the phone. The [court] decision is the decision." Asked whether it is right that the judge fined Panafidin simply for holding unregistered worship services, the colleague responded: "She has the right to fine him."

Community banned from meeting

Meanwhile in the southern city of Shymkent, a court has banned the city's New Life Pentecostal congregation from meeting for worship in the private home where the church is registered. The pastor, Zhetis Rauilov, intends to appeal against the latest court judgment handed down on 11 March, church members told Forum 18 on 29 March.

Rauilov bought the house and the 438 square metre (one tenth of an acre) plot of land as his private property in November 2004, according to extensive documentation on the case seen by Forum 18. However, following an August 2010 complaint by a neighbour, the Inter-regional Land Inspectorate for Jambyl, Kyzylorda and South Kazakhstan Regions undertook a check-up of whether Rauilov was the rightful owner and whether he was using the land for its approved purpose.

During his early September 2010 check-up, Inspector Nariman Kasymbekov measured the land area of the plot and claimed that Rauilov was illegally occupying an extra 10 square metres (108 square feet) of land. He also alleged that 15 square metres (161 square feet) of the plot was being used for religious purposes in violation of Article 65 Part 1 Section 1 of the Land Code. Records of

two administrative offences were drawn up on 6 September 2010.

Exactly one week later the Land Inspectorate found him guilty and fined him in his absence 70,650 Tenge for illegally taking 10 square metres of land and 14,130 Tenge for using 15 square metres not for its purpose, a total of 84,780 Tenge (3,256 Norwegian Kroner, 413 Euros or 582 US Dollars).

Rauilov challenged the fines to Shymkent Specialised Administrative Court, denying any wrongdoing and insisting he had never been informed of the Land Inspectorate hearing which fined him. The 1 October 2010 verdict agrees that the New Life church was registered at the address of the house. However, Judge Gulmira Kydyrbaeva rejected all his claims and upheld the original fines.

Despite rejecting the verdict, Rauilov paid the fine on 11 February 2011. However, the Land Inspectorate brought a suit against Rauilov for him to stop using the property for religious purposes. On 11 March, Judge I. Zhunusov of the Specialised Inter-regional Economic Court upheld the suit, ordering Rauilov to stop using the property "temporarily" for religious purposes until the "violations" are corrected.

In what appears to have been a similar move, authorities in Karaganda [Qaraghandy] Region in late 2009 opened cases against five independent mosques which rejected state pressure to submit to the government-backed Muslim Board. They claimed that the buildings were not used for the purpose for which they were built, though courts eventually rejected the accusations. Other state pressure on the communities continued (see F18News 14 October 2010 http://www.forum18.org/Archive.php?article_id=1498).

New Life rejects complaints

Akylbek Mukhaddas, the acting head of the Land Inspectorate who signed many of the documents, refused to discuss Rauilov's case with Forum 18 on 29 March, immediately putting the phone down. One of his colleagues – who refused to give her name – insisted to Forum 18 the same day that "everything was done in accordance with the law". She maintained that Rauilov had stolen the extra 10 square metres of land from the state.

Asked whether the Land Inspectorate had treated Rauilov differently than anyone else because of his religious affiliation, the official insisted not. "We have taken cases to court even for two or three square metres," she claimed.

Asked why Rauilov could not host religious meetings in his home if he chose to do so, given that New Life church is legally registered at that address, and why the Land Inspectorate found it necessary to seek a ban on religious meetings in the house through the courts, the official responded: "The land is designated for domestic use. You can't run a cafe in a home."

Land Inspectorate officials told Forum 18 on 30 March that Kasymbekov, who conducted the original inspection, was on leave.

Church members rejected the Land Inspectorate's complaints to Forum 18, insisting that Rauilov has not changed the fence that was there when he bought the property more than six years ago. "The fence is over fifty years old," church members maintained. They say the inspector measured the outline of the site using a hand-held wheel, something which would no longer happen in Almaty, for example, where GPS measurements are used.

"If the plot size was wrong, that is the responsibility of officials who drew up the original documentation," church members complained to Forum 18.

University banned from renting to religious organisations

The International University of Information Technology in central Almaty has been banned by the Akimat of the city's Bostandyk District from allowing religious communities to continue to rent space on Sundays in a building it bought earlier this year. "In principle we want to continue to rent to them," one university official told Forum 18 on 29 March. "It was profitable for us. Besides, at the time they rent the building will otherwise be empty."

Two Protestant congregations rented a conference room one after the other each Sunday, with separate contracts, the university said. The contracts were originally with a management company acting on behalf of ATF Bank when the building was its business centre. However, soon after the university bought the building, a university official handling rentals was summoned to a meeting at Bostandyk District Akimat and told that continuing such rentals to religious organisations was banned. "The KNB secret police and the Interior Ministry were also involved in the ban," a university official told Forum 18.

The congregations were originally given two weeks' notice of the cancellation of the contracts by the university, but were eventually allowed the one month that the contracts specified.

However, Dimash Lesbekov, head of the Internal Policy Department at Bostandyk Akimat, who handles religious issues, denied that the Akimat had banned the university from renting to religious communities. "There was no meeting here and we didn't ban them," he told Forum 18 on 30 March. Asked whether this meant that the university could continue to rent to religious communities, he

repeatedly avoided answering.

Vladimir Ivanov, the senior religious affairs official at Almaty City Akimat, says "it could well be" that the District Akimat has banned the university from renting to religious organisations. "The reason is very simple," he told Forum 18 on 30 March. "Education is completely separate from religion – that's in our law." Asked why the private rental of space on a day when an educational building is otherwise empty violates the secular nature of education, he repeated his earlier response.

Forum 18 is aware of religious communities whose rental contracts with educational institutions were cancelled in the mid-2000s.

Ivanov insisted that, apart from educational institutions, the only places religious communities were not allowed to use for worship or other meetings are prisons and military units.

Several religious communities complained to Forum 18 that some privately-run Almaty hotels have told them in 2011 that they cannot rent space to religious organisations (and some also say to political groups). However, Ivanov dismissed such claims. "I can give you a wealth of examples when religious organisations have held meetings in hotels," he told Forum 18. "I never heard – honestly – that any were denied such an opportunity, it's fantasy to say that." (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>.

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