

18 April 2013

KAZAKHSTAN: Imprisoned atheist mad, bad, or neither?

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

Imprisoned atheist Aleksandr Kharlamov is due to undergo a second officially-ordered psychiatric examination since his 14 March arrest, as Kazakhstan's prosecutors seek to jail him on criminal charges of "inciting religious hatred". He rejects the accusation, which carries a maximum penalty of seven years' jail. "No-one suffered from what he wrote on religion", police Captain Alikhat Turakpayev admitted to Forum 18 News Service. Kuat Rakhimberdin of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18 that "Kharlamov is involved in many types of activity, but he annoyed the police and this appears to have been what triggered the case". Rakhimberdin added that "his writings on religion are just the excuse. But in any case, this is a violation of his right to freedom of speech and religion." Captain Turakpayev refused to discuss whether the prosecution was motivated by the police's annoyance with Kharlamov. He also refused to explain to Forum 18 on what, if any, medically-relevant evidence he ordered two psychiatric examinations of Kharlamov.

Imprisoned atheist Aleksandr Kharlamov is due to undergo a second officially-ordered psychiatric examination since his 14 March arrest, as Kazakhstan's prosecutors seek to imprison him on criminal charges of "inciting religious hatred". He rejects the accusation, which carries a maximum penalty of seven years' imprisonment. "No-one suffered from what he wrote on religion," the investigator police Captain Alikhat Turakpayev admitted to Forum 18 News Service, "but inciting religious hatred is banned by law." The 62-year-old Kharlamov is being held in the Investigation Isolation Prison No. 1 in Kazakhstan's commercial capital Almaty awaiting further psychiatric evaluation.

Kharlamov's lawyer, Manshuk Medikhanova, told Forum 18 on 11 April – shortly after her client's transfer to Almaty - that there is an 80 percent chance that he will be convicted and imprisoned.

Writings on religion an excuse?

Kharlamov is a journalist for the local newspaper "Flash!" and anti-corruption campaigner in Ridder, in East Kazakhstan Region. His partner, Marina Kaplunskaya, told Kazis Toguzbayev of Radio Free Europe's Kazakh service for a 15 April article that the authorities were angered by an article he wrote in 2011 about the trial of a police officer in Ridder. Kaplunskaya said he had been highly critical of the judge and prosecutor in the case, and thinks the attempt to prosecute him for his writings on religion is an excuse.

Kuat Rakhimberdin, head of the East Kazakhstan regional branch of the Kazakhstan International Bureau for Human Rights and the Rule of Law, agrees. "Aleksandr Kharlamov is involved in many types of activity, but he annoyed the police and this appears to have been what triggered the case," he told Forum 18 from the regional capital Oskemen (Ust-Kamenogorsk) on 11 April. "His writings on religion are just the excuse. But in any case, this is a violation of his right to freedom of speech and religion."

Kazakhstan seriously violates its human rights obligations on freedom of religion or belief and related human rights such as freedom of expression. One of many recent examples is a police raid on a meeting for worship, and the detention of a visiting pastor with others for preaching without state permission (see F18News 16 April 2013 http://www.forum18.org/Archive.php?article_id=1825).

Captain Turakpayev refused to discuss whether the prosecution was motivated by the police's annoyance with Kharlamov. Asked if Kharlamov enjoys freedom of speech, Turakpayev responded: "Yes, but there is a law, which Parliament adopted." He declined to explain which law he had in mind. "The court will decide if we had a basis for opening this criminal case."

Turakpayev also refused to explain on what, if any, medically-relevant evidence he ordered two psychiatric examinations of Kharlamov. Asked who Kharlamov had incited his readers against, Turakpayev refused to say. "That is a secret of the investigation." Asked if the police had received any complaints over what Kharlamov had written, he declined to answer.

Criminal case

The investigation against Kharlamov began in late 2012, according to court documents seen by Forum 18. A "court/philological expert analysis", produced on 17 October 2012, concluded that his writings on religion "contain negative information aimed at

inciting religious hatred and discord".

On the basis of the "analysis", a criminal case against him was opened on 25 January 2013 under Criminal Code Article 164, Part 1. This Article is both unclear and wide-ranging. It criminalises: "Deliberate actions aimed at the incitement of social, national, clan, racial, or religious enmity or antagonism, or at offence to the national honour and dignity, or religious feelings of citizens, as well as propaganda of exclusiveness, superiority, or inferiority of citizens based on their attitude towards religion, or their genetic or racial belonging, if these acts are committed publicly or with the use of the mass information media."

No definitions are offered for the concepts criminalised by Article 164. Punishments are a fine or imprisonment of up to seven years.

Kharlamov's home was searched on 6 February and his computer and published articles confiscated, according to case documents seen by Forum 18.

On 14 February Ridder-based police Captain Turakpayev commissioned a second "psychological/philological expert analysis" of his writings from the Justice Ministry's East Kazakhstan Region Judicial Expertise Centre. The 21-page "expert analysis" by three of the Centre's "specialists", completed on 11 March, found that 28 of the 36 writings it analysed "contain negative information aimed at inciting religious hatred and discord".

What did Kharlamov write?

"Any religion is nothing other than a primitive philosophy, that is, an ideology based on primitive ideas and concepts, on myths, on lies and deception, on mystifications and falsifications, that is on unreliable information," the "expert analysis" quotes one of Kharlamov's writings as declaring.

"All world religions – both mysticism and atheism, which reject the possibility of knowing the True and Real God – represent obscurantism and primordial primitivism," it cites another as declaring.

Kharlamov also argued that true Buddhism had been distorted by the Brahmins and described Judaism as "false Christianity" which Jesus had come to fight.

Gulnara Kudaibergenova, one of the three "experts" at the Judicial Expertise Centre who conducted the "analyses", refused to say whether anyone has suffered from Kharlamov's writings. "This is a juridical decision, not one for us," she insisted to Forum 18 from Oskemen on 18 April. "We just wrote the expert analysis in line with our methodology."

She stressed that she and her colleagues "didn't just get the literature from the street" but were assigned it by Captain Turakpayev.

Asked if she thinks Kharlamov is a danger to society, she replied: "I'm not obliged to respond." She then said "you are taking up my time" before putting the phone down.

"Stuck somewhere in the Middle Ages"

Rakhimberdin of the Bureau for Human Rights and the Rule of Law says no complaints have followed the publication of Kharlamov's writings on religion, which appeared on the website of the local newspaper he worked for, "Flash!". "The audience for his writings is very small," Rakhimberdin told Forum 18.

"Kharlamov doesn't have the aim of annoying religious believers," Rakhimberdin insisted. "I believe he had no evil intention when he wrote these pieces."

Human rights defender Yevgeni Zhovtis of the Bureau for Human Rights and the Rule of Law likened the treatment of Kharlamov to the treatment of dissidents during the Inquisition. After studying the case documents, he told Radio Free Europe: "I get the feeling that these people are stuck somewhere in the Middle Ages and are not aware that holding another opinion is not an issue for a criminal legal case."

"Serious crime"?

Kharlamov was detained on the evening of 14 March. The 16 March decision naming him as a suspect – signed by Captain Turakpayev and seen by Forum 18 – claimed his actions were deliberate. Kharlamov, "understanding that his view is diametrically opposed to the view and faith of the majority of religious people, and his actions could attract the rise of negative consequences in the form of religious hatred and discord, as well as leading to forming in people a negative attitude to religions which could facilitate a conflict between people, decided to publish his 'works'."

On 17 March, Judge Lyudmila Pobiyakha of Ridder Court approved Captain Turakpayev's request to have Kharlamov held in pre-trial custody for an unspecified period.

Prosecutor T. Bekturov told the Court that there was no reason to order milder pre-trial conditions as Kharlamov had committed a "serious crime", according to the court decision seen by Forum 18. "If he were free, he could hide from the court and the investigation."

Kharlamov dismissed this claim, insisting that he had no intention of fleeing. He also dismissed the accusation against him as "absurd" and complained that "isolation from society" would prevent him from being able to prepare himself properly to defend himself in the case. The court dismissed his defence, maintaining that he is "socially harmful" and published another article on religion despite knowing that the criminal case had been launched against him.

After the court ruling, Kharlamov was held in the Investigation Prison in the regional capital Oskemen.

Kharlamov's challenge against his detention in pre-trial custody was rejected by East Kazakhstan Regional Court on 28 March, according to court records.

Why were psychiatric examinations ordered?

On about 8 April, Kharlamov was transferred from Oskemen to Investigative Prison No. 1 in Almaty. "I sent him there so that they can conduct a further psychological/psychiatric assessment of him," Captain Turakpayev told Forum 18. "The question is: does he suffer from any psychological illness?" He refused to explain what, if any, medically-relevant evidence he had for ordering both psychiatric examinations.

Turakpayev had already ordered a psychiatric examination of Kharlamov in Oskemen and he claimed that this found Kharlamov was suffering from "delusional disorder". Turakpayev stated that the second examination was for another opinion on this.

Kharlamov told Toguzbayev of Radio Free Europe for the 15 April article from Almaty Investigation Prison that the preliminary investigation had found him "to be aggressive and I could represent a danger to those around me".

Kaplunskaya, Kharlamov's partner, told Toguzbayev that she had already been questioned as a witness and had stated that he had never been aggressive towards her or any members of her family over the ten years they had been living together. She added that neighbours had written similar positive statements about him.

Kharlamov complained to Radio Free Europe from prison that "an order has come down to present him as psychiatrically ill and on this basis to lock him up in a psychiatric hospital".

Zhovtis of the Bureau for Human Rights and the Rule of Law worried that "If they declare him not normal because he is an atheist – since all normal people believe and those who are not normal don't believe – then half the people in our country are not normal."

Who can or will examine Kharlamov?

It is thought that Kharlamov's psychological state will be examined at the Republican Special Psychiatric Hospital in Aktas in Almaty Region. However, a staff member there – who would not give her name – told Forum 18 on 18 April that the hospital does not conduct expert examinations. She said they are conducted by the Republican Scientific/Practical Centre of Psychiatry, Psychotherapy and Narcology in Almaty.

However, the woman who answered the phone there – who also would not give her name – told Forum 18 the same day that the law does not allow the Centre to give out information and referred Forum 18 to the investigator.

The address of the prison Kharlamov is being held in is:

Almaty Investigation Isolation Prison No. 1 LA 155/1

050004 Almaty Region

Almaty

Prospekt Seifullina 473

Kazakhstan

The telephone of prison Deputy Director Abdrakhman Abdilin went unanswered each time Forum 18 called on 18 April. The duty officer's telephone also went unanswered. (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.

Follow us on Twitter @Forum_18 (http://twitter.com/forum_18)

Follow us on Facebook @Forum18NewsService (<http://www.facebook.com/Forum18NewsService>)

All Forum 18 text may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

All photographs that are not Forum 18's copyright are attributed to the copyright owner. If you reuse any photographs from Forum 18's website, you must seek permission for any reuse from the copyright owner or abide by the copyright terms the copyright owner has chosen.

© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY