

20 May 2013

## KAZAKHSTAN: Pentecostal jailed for 2 months pre-trial, Baptist gets 3-days jail, atheist still in psychiatric hospital

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

*A Protestant pastor in Kazakhstan's capital Astana, Bakhytzhan Kashkumbayev, was arrested on criminal charges of harming health on 17 May, Forum 18 News Service has learned. On 19 May he was ordered to be held for two months' pre-trial detention on unclear charges, apparently including praying and singing. And Baptist leader Aleksei Asetov was jailed for three days in early May, for refusing to pay a fine equivalent to a year and a half's average local wages. The fine was imposed for meeting for worship without state permission. He told Forum 18 he will not pay the fine, as he should not be punished for meeting for worship with his friends. Imprisoned atheist writer Aleksandr Kharlamov remains under investigation in a psychiatric hospital in the commercial capital Almaty. Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law stated that "the case is even more urgent as the man is not only in pre-trial detention, but now undergoing forcible psychiatric examination".*

A Protestant pastor in Kazakhstan's capital Astana, 66-year-old Bakhytzhan Kashkumbayev, was arrested on criminal charges of harming health on 17 May, Forum 18 News Service has learned. On 19 May he was ordered to be held for two months' pre-trial detention. Imprisoned atheist writer 62-year-old Aleksandr Kharlamov remains under investigation in a psychiatric hospital in the commercial capital Almaty. And Baptist leader Aleksei Asetov served a three-day prison term in Ekibastuz in Pavlodar Region in early May, for refusing to pay a fine equivalent to a year and a half's average local wages, for meeting for worship without state permission.

The arrest of Pastor Kashkumbayev on criminal charges provoked a quick response from fellow Protestants. "Pray for the Grace Church pastor. Re-post this everywhere," Pastor Maxim Maximov, leader of New Life Church in Kazakhstan, noted on his Facebook page on 18 May.

### Arrest

Pastor Kashkumbayev, who leads Grace Church in Astana, was arrested in the early evening of 17 May, church members told Forum 18. Astana Police told the local media on 18 May that Pastor Kashkumbayev was taken to the city's Temporary Isolation Prison.

Police added that Pastor Kashkumbayev was arrested on suspicion of an offence under Criminal Code Article 103, Part 1 ("Intentional inflicting of serious harm to health"). This carries a punishment of restrictions on freedom or imprisonment of between three and seven years. It said the criminal case had been opened in October 2012 "for causing considerable harm to the psychological health" of a church member.

In October 2012, after raiding the church, detaining and questioning members, and taking literature and money, police told the local media that the alleged "harm" was caused by church members being "given hallucinogens to drink". The alleged "hallucinogens" were local red tea used as a non-alcoholic communion wine. Police questioning at that time ranged far beyond the alleged "harm" they were supposedly investigating (see F18News 19 October 2012 [http://www.forum18.org/Archive.php?article\\_id=1756](http://www.forum18.org/Archive.php?article_id=1756)).

### Imprisoned – but on what charges?

Prosecutor's assistant Zh. Bukin brought a suit to Astana's Almaty District Court No. 2 for Pastor Kashkumbayev to be held in detention for up to two months while the investigation proceeds. At a hearing on the morning of Sunday 19 May, Judge Nurlan Bayakhmetov upheld the pre-trial detention, the Court chancellor told Forum 18 on 20 May.

Neither church members nor Forum 18 have been able to see the court ruling explaining the exact nature of the current charges against Pastor Kashkumbayev. "Those present at the [19 May detention] hearing said that the accusation presented in court was not because of the tea, but for praying in tongues and singing. This allegedly led the woman to lose her mind," church members told Forum 18.

Like many Christians worldwide, Grace Church members "pray in tongues" under what they state is the inspiration of the Holy Spirit.

Pastor Kashkumbayev was transferred to the Interior Ministry's Investigation Isolation Prison in Astana on 19 May, staff there told Forum 18 on 20 May. Its address is:

SI-12 (ETs 166/1)

Alash Tas Zhol street 30/1

010000 Astana

Kazakhstan

Unusual timing

Church members complained that Pastor Kashkumbayev's arrest had been deliberately timed to take place after the end of the working day on Friday 17 May. They also pointed to the unusual timing of the Sunday morning court hearing that ordered his pre-trial detention. They said that Pastor Kashkumbayev's lawyer, Riza Nurbayeva, had been unable to attend the hearing, so only a state lawyer was present.

However, the Court Chancellery maintained that the timing of the court hearing was solely related to the timing of the arrest. "The hearing has to take place within 60 hours of arrest, so if an arrest is on a Friday, for example, hearings can and do take place during the weekend," the official told Forum 18.

Why?

Prosecutors have long been seeking to punish the leaders of Grace Church, but the reason or reasons for this remain unclear. After the 3 October 2012 raid, detentions and confiscations, church members were told by police then that a case had been opened on the complaint of a church member's mother on 21 July 2011 – almost 15 months earlier. The mother alleged that her daughter had suffered psychological harm after attending the church. Church members strongly denied these claims (see F18News 19 October 2012 [http://www.forum18.org/Archive.php?article\\_id=1756](http://www.forum18.org/Archive.php?article_id=1756)).

The current criminal investigation is being led by Investigator Vyacheslav Glazkov. He confirmed to Forum 18 on 20 May that he had attended the 19 May detention hearing. However, he declined absolutely to discuss any aspect of the case against Pastor Kashkumbayev.

Similarly, Imanguli Makishev, a Deputy Head of Astana Police Investigation Department also refused to discuss the criminal investigation. "Maybe you're not a journalist," he told Forum 18. "In any case, we don't give information by phone."

3-day imprisonment

Elsewhere, a Baptist has been jailed for three days in north-eastern Kazakhstan. Baptist leader Aleksei Asetov was given a three-day prison term for refusing to pay a fine, imposed for meeting without state permission. The fine is equivalent to 485,400 Tenge (18,725 Norwegian Kroner, 2,486 Euros or 3,273 US Dollars) and was handed down on 8 February 2012. Local people estimated that this was about a year and a half's average local wages (see F18News 14 February 2012 [http://www.forum18.org/Archive.php?article\\_id=1666](http://www.forum18.org/Archive.php?article_id=1666)).

On 17 April 2013, court executor Zh. Akhmetov handed Asetov a written order to pay the fine immediately. When he failed to do so, he received a court summons. On 4 May, Judge Gular Sagidenov of Ekibastuz Specialised Administrative Court handed down the prison term, to start at 10.30 that morning, according to the verdict seen by Forum 18.

The jailing was imposed under Article 524 ("Failure to carry out court decisions") of the Code of Administrative Offences.

Forum 18 was unable to reach Judge Sagidenov at the court on 20 May. "He is in a hearing and there are many people waiting," his assistant, who did not give her name, told Forum 18. "The court hearing was open and anyone can read the decision. There's nothing else to comment on it."

Asetov was held in the special detention centre in Ekibastuz until he was released on the morning of 7 May. "Conditions there were good," he told Forum 18 from the town on 20 May. "I have no complaints. I was able to rest and the food was OK." He said he had been able to keep his Bible with him and pray, though he regretted having to miss Sunday worship in his church on 5 May.

Asetov insists he will not pay the fine, as he does not consider meeting for worship with his friends to be something for which he

should be punished. He said the Prosecutor's Office is pressuring the court executor to extract the fine, otherwise criminal charges might follow.

#### Imprisonment follows further raid

Asetov's three-day imprisonment came after a further police raid on the Ekibastuz Baptist congregation. In late March, at least four police officers raided a meeting for worship on a Sunday. They filmed all those present and the building where the church meets. They asked why the Council of Churches Baptist congregation meets without state registration and why a sign that it is a church is placed on the outside of the building.

One of those who raided the church, S. Dzhaksybergenov, insisted that he was only there to take photographs. "That was my task, and only that," he told Forum 18 from Ekibastuz on 20 May. "The prosecutor gave the orders." He said a case under the Administrative Code was being prepared.

Dzhaksybergenov referred Forum 18 to Azamat Karimov of the local police Fight against Extremism, Separatism and Terrorism Department, who had also been present during the raid. However, Forum 18 was unable to reach him on 20 May.

#### How long will atheist's psychiatric detention last?

Forum 18 has been unable to find out how long the psychiatric evaluation of atheist writer Aleksandr Kharlamov is likely to last. Arrested on 14 March in his home town of Ridder in East Kazakhstan Region for allegedly "inciting religious hatred", he is currently being detained against his will for a second set of psychiatric examinations in Almaty. He and human rights defenders have condemned the charges (see F18News 18 April 2013 [http://www.forum18.org/Archive.php?article\\_id=1826](http://www.forum18.org/Archive.php?article_id=1826)).

Kharlamov's pre-trial detention was extended for a further month on 13 May by a court in Ridder.

"I can't say if he is still there," Deputy Director Nikolai Negai of the Republican Scientific/Practical Centre of Psychiatry, Psychotherapy and Narcology in Almaty told Forum 18 on 20 May. "I have been away and I'm now in Astana."

A doctor at the Centre, Natalya Logacheva, confirmed to Forum 18 on 20 May that Kharlamov is still being held there. However, she declined absolutely to answer any questions on his situation. "We can't give any information about our patients," she insisted to Forum 18. "There is confidentiality." She refused to discuss why no access is being allowed to Kharlamov. The Centre's address is:

Republican Scientific/Practical Centre of Psychiatry, Psychotherapy and Narcology

Ul. Amangeldy 88

050022 Almaty

Kazakhstan

The investigator also would not say how long the latest psychiatric examination will continue. "I am still the investigator in Kharlamov's case," Alikhat Turakpayev told Forum 18 from Ridder on 20 May. "But I can't give any comment as long as the case is underway." He then put the phone down.

"The case is even more urgent"

Amid rising concern about the case, Kharlamov's partner Marina Kaplunskaya and Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law held a joint press conference in Almaty on 14 May.

"I have the feeling that common sense has disappeared completely in this case," Zhovtis stated. "The case is even more urgent as the man is not only in pre-trial detention, but now undergoing forcible psychiatric examination."

Kaplunskaya noted that officials began to investigate his writings on religion after he published articles about local official corruption, including by local Prosecutor's Office officials. "It could have been the last straw for the town's officials," she told the press conference. Praising Kharlamov for his honesty and character, she complained she felt herself facing a brick wall. "I'm in complete shock that this man is in hospital and they want to declare him not mentally fit," she declared in tears.

"I want to stress that there is no incitement to hatred of any representatives of any religion in his writings," Zhovtis said (see F18News 18 April 2013 [http://www.forum18.org/Archive.php?article\\_id=1826](http://www.forum18.org/Archive.php?article_id=1826)). "He writes about religion, he criticises ideas, and puts forward his own views. That is, he carries on a perfectly normal activity in a country where expressing one's own views is not yet a criminally-prosecutable action."

Zhovtis described a growing level of what he termed "obscurantism" in Kazakhstan. He pointed not just to the arrest and criminal investigation into Kharlamov's writings on religion, but also to the recent court decision that Bibles and other religious literature should be burned (see F18News 14 March 2013 [http://www.forum18.org/Archive.php?article\\_id=1813](http://www.forum18.org/Archive.php?article_id=1813)). (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](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](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](http://www.forum18.org/Archive.php?article_id=1351).

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