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KAZAKHSTAN: Nationwide fines and raids on meetings continue

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

Kazakhstan continues to very frequently punish the exercise of freedom of religion or belief without state permission, Forum 18 News Service notes. Also, atheist writer and anti-corruption campaigner Aleksandr Kharlamov and Presbyterian pastor Bakhytzhan Kashkumbayev are both still in detention. In one of many recent cases, Baptist Vyacheslav Flocha was fined the equivalent of one month's average salary for participating in a meeting for worship without state permission. Judge Nurlan Kurmangaliyev, who upheld the fine, was asked by Forum 18 why he did not take account of the fact that the fine and laws behind it break the Constitution and international human rights standards. He replied that "this is not my duty". In another case, Tatyana Degterenko was fined one month's average salary because her 9-year old son David gave two Christian CDs to his teachers. His mother and father were upset when, at school headteacher Tatyana Lovyagina's invitation, police interrogated David in their absence. Asked why she called police, Lovyagina told Forum 18 that the local administration instructed headteachers to report any religious activity. Asked whether this does not sound like returning to the Soviet-era, she exclaimed "Yes!"

Kazakhstan continues to very frequently punish the exercise of freedom of religion or belief without state permission, Forum 18 News Service notes. Meetings for worship by Baptists have been targeted, and the Baptists have written to President Nursultan Nazarbaev pointing out that this breaks both the Constitution and the international human rights standards the country has solemnly promised to implement. Jehovah's Witnesses have been fined also, for inviting individuals to religious meetings or for other activity deemed to be "missionary activity" (which can only be conducted by people who have state approval).

Atheist writer and Presbyterian pastor still detained

Also, atheist writer and anti-corruption campaigner Aleksandr Kharlamov and Presbyterian pastor Bakhytzhan Kashkumbayev are both still in detention. Kharlamov has been in detention since his 14 March arrest for "inciting religious hatred", and although sane has been subjected to repeated forcible psychiatric examinations. Kashkumbayev was arrested on criminal charges of "harming health" on 17 May and is still detained in a psychiatric hospital. The only person whose health the state claims was harmed told Forum 18 that Kashkumbayev is "totally innocent and has not harmed my health at all" (see F18News 26 July 2013 http://www.forum18.org/archive.php?article_id=1860).

Judge Kayirbek Yelemesov of Ridder City Court in East Kazakhstan Region on 13 August, in response to the Prosecutor's petition, returned Kharlamov's case to police for further investigation. He rejected the petition of Kharlamov's defence lawyer to free him from custody. Kuat Rakhimberdin of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18 from the regional capital Oskemen on 21 August. Pastor Kashkumbayev is still being kept at Almaty's Republican Scientific/Practical Centre of Psychiatry, Psychotherapy and Narcology undergoing "tests", and his arrest was extended until 17 September, his son Askar Kashkumbayev told Forum 18 on 21 August.

Raids and fines still frequent

Raids and fines against those who meet for worship without state permission have become very frequent. The fines are accompanied by exit bans on those who do not pay such fines (see eg. F18News 10 June 2013 http://www.forum18.org/archive.php?article_id=1845).

Between May and July, Jehovah's Witnesses appear to have been targeted for detentions and large fines. Jehovah's Witnesses told Forum 18 on 22 August that in this period at least 13 people were each fined the equivalent of two months' average salary (100 Monthly Financial Indicators [MFIs] or 173,100 Tenge, about 6,700 Norwegian Kroner, 880 Euros or 1,150 US Dollars) for "missionary activity". Appeal Courts have upheld all the fines (see F18News 3 September 2013 http://www.forum18.org/archive.php?article_id=1870).

Raids are normally accompanied, as in a 28 April Baptist example, by police questioning "everybody who came out after the service. They asked each one whether they attended the worship voluntarily or by coercion". Between 6 June and today (22 August), 18 Baptists have following police raids been fined for meeting for worship without state permission: 15 were fined the equivalent of one month's average salary (50 MFIs or 86,550 Tenge, about 3,350 Norwegian Kroner, 450 Euros, or 575 US Dollars) for taking

part in such banned meetings; and three were fined the equivalent of two months' average salary (173,100 Tenge) for leading such banned meetings.

The recipients of the fines – which are the maximum provided in both the relevant Code of Administrative Offences articles - tend to have low incomes.

These fines tend to be imposed under the Administrative Code's Articles 374-1, Part 1 ("Leading, participating in, or financing an unregistered, halted, or banned religious community or social organisation"), or 374-1, Part 2 ("Participation in the activity of an unregistered, halted, or banned religious community or social organisation").

The last significant worsening of the Religion Law and Administrative Code, which flagrantly violated Kazakhstan's binding international human rights obligations, took place in October 2011 (see F18News 23 September 2011 http://www.forum18.org/archive.php?article_id=1617). New, possibly harsher, Administrative and Criminal Code articles are being prepared (see F18News 18 March 2013 http://www.forum18.org/archive.php?article_id=1814). These may reach Kazakhstan's one-party parliament later in 2013.

Typical raid and fine

On 30 July Vyacheslav Flocha was fined 86,550 Tenge under Administrative Code Article 374-1, Part 2. The fine was imposed by Judge Serik Amirov of Zhakysy District Court No. 2 and followed a 16 June police raid on a Baptist meeting for Sunday worship in the village of Zaporozhye.

Police Lieutenant Midet Asylbekov and Captain D. Ryspayev from Zhakysy District Police with local police officers Yespol Bimagambetov and M. Utegenov were on the raid. As soon as police arrived at Flocha's home, Captain Ryspayev began filming the cars parked outside. Lieutenant Asylbekov entered Flocha's home to look and take notes about the worshippers for five minutes.

Flocha, his brother Valdimir, Aleksandr Leven and two others were questioned at the District Administration the same day, in the presence of other officials.

Asked why they raided Flocha's home, Officer Bimagambetov on 22 August told Forum 18 that "the instruction for the checkup came from the District Akimat [Administration] Internal Policy Department". When asked what was wrong with Baptists meeting for worship in a private home, he said: "We are small people, we do what we are told to. We realised they are not criminals when we saw them".

Judge Amirov is on holiday, but Svetlana (who refused to give her last name), Head of the Chancellery, declined to comment on the case to Forum 18 on 21 August. She stated that Flocha had appealed and that the Regional Court in Kokchetau was "supposed to hear the case on 20 August". She refused to say what decision was made.

"I go to see what kind of help they need"

Mariya Zhekebatyrova, Chief of the Internal Policy Department of Zhakysy Administration, participated in the initial court hearing. She told the Court that she "many times visited the Baptists' worship services".

On 22 August Forum 18 asked Zhekebatyrova whether her visits are to control what the Baptists do, she stated: "I visit all the religious communities in our District, not just Baptists". She claimed that "I go to see what kind of help they need". Asked whether she would help all religious communities by asking for the repeal of the laws penalising freedom of religion or belief, she said that "I can help them with any other question, but not with this one".

Asked to comment on Flocha's large fine as a result of her actions, she laughed and said "they must not violate the Law." She also commented that the Baptists "violated the Religion Law, which demands all religions to be officially registered and bans unregistered activity".

"This is not my duty"

Baptists do not know the result of the appeal. Didrikh Leven of Zaporozhye Baptist Church told Forum 18 on 21 August that they "do not know what the Court decided since we did not go the hearing." Asked why they did not go, he said that "Kokchetau is 300 km [190 miles] from here and we are sure that the Court will uphold the decision". He stated that "in many other cases, regional Judges told us not to bother to travel because they will not cancel the fines".

Judge Nurlan Kurmangaliyev, who specialises in hearing freedom of religion or belief appeal cases, on 22 August also refused to tell Forum 18 whether the appeal was heard and what decision was made. Asked by Forum 18 why such heavy fines are given for exercising freedom of religion or belief, he replied: "You need to look at our laws, and you will understand". Asked why penalties were imposed under a Religion Law and Administrative Code which clearly violate the Constitution and international human rights

standards, and why he did not take this into account when making decisions, he stated: "I cannot do anything about the Laws, this is not my duty."

Fines and raids still nationwide

The most recent raids and fines against Jehovah's Witnesses and Baptists have, as in the past, taken place throughout Kazakhstan, in Atyrau, East Kazakhstan, Pavlodar, Karaganda, West Kazakhstan and Akmola regions. Some more examples are listed at the base of this article.

Exercising freedom of religion or belief is also often prosecuted under Administrative Code Article 375. This was greatly expanded in September 2011 to include many new often unclearly defined "violations". These include: breaking the Religion Law; violating the provisions for holding religious rites, ceremonies, or meetings for worship; violating the procedure for conducting charitable activity; violating the procedure for importing, publishing or distributing religious literature and materials; building places of worship or changing a building's usage; conducting missionary activity; failing to prevent someone bringing a child to a religious meeting against the wishes of one of its parents; leading a religious organisation at the nomination of a foreign religious organisation without Kazakh state approval; carrying out of missionary activity by Kazakh citizens, foreigners and persons without citizenship without registration (re-registration); and the use by missionaries of religious literature, informational materials of religious content or objects of religious significance without a positive assessment by a state religious studies "expert analysis" (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

Mother fined under Article 375

Tatyana Degterenko in Akmola Region's Astrakhanka District was on 11 July fined the equivalent of one month's average salary (86,550 Tenge), under Article 375 for her 9-year old son's "illegal religious activity" in his school. She appealed but on 30 July a higher court upheld the fine. Judge Kurmangaliyev of Akmola Regional Court on 22 August refused to comment to Forum 18 on his upholding of the fine.

Degterenko told Forum 18 on 21 August that David, her 9-year old son, on 14 March "asked us if he could take two CDs and give them as a gift to his teachers, and we agreed." She stated that the initiative to give the CDs to his teachers came from David. The boy on the same day gave two audio CD disks with a Christian message on God's love to his two teachers.

Tatyana Lovyagina, the school Headteacher, "immediately called police" after noticing the CDs labelled 'God loves you too' in the teachers' room. An Investigator from Astrakhanka District Police came to the school and questioned the boy. Among other questions, police asked Degterenko who gave the CDs to him, where they received the CDs from, and why he brought them to the school.

Return to the Soviet-era? "Yes!"

Asked why she called the Police, Headteacher Lovyagina on 21 August told Forum 18 that the local Administration instructed headteachers to report any religious activity in their schools. Asked why children cannot speak of or share their faith, Lovyagina categorically replied: "No way, the school is separated from religion, no religion can be propagated in the school." Asked whether this does not sound like returning to the Soviet-era, she exclaimed "Yes!"

Asked why the boy was questioned by police in the absence of his parents, and why the school did not inform the parents of the questioning, Lovyagina claimed to Forum 18 that it is "possible in the presence of the classroom teacher" to do so. When Forum 18 asked on what law or regulation this is possible, she replied: "You know what, if his parents did not give him the discs they would not be punished." She further declined to answer further questions.

Degterenko told Forum 18 that "we were disturbed to hear from our son that the Police Investigator in our absence questioned him." When she and her husband Tikhon Degterenko asked the Investigator about this, he claimed that "I only had a conversation with him, it was not an interrogation."

Police the next day summoned Degterenko's parents to a police station, to question them and open a case under Article 375 against the mother. Degterenko stated that she was fined after her son replied "my mother" in answer to the police Investigator's question as to who permitted him to bring the CDs to the school.

Dulat Bekbulatov, Chief of Astrakhanka District Police on 21 August refused to comment on the case or why his subordinate questioned Degterenko in the absence of his parents. "Firstly, I do not remember the details of the case," he said. "Secondly why should I talk to you over the phone?"

Complaint to President Nazarbaev

Following the multiple raids and fines, Council of Churches Baptists on 7 August wrote to President Nazarbaev, asking him to

review the provisions of the Religion Law and Administrative Code which ban the exercise of freedom of religion or belief without state permission. They pointed out that these laws and their implementation break both the Constitution and international human rights standards Kazakhstan has signed.

In particular, the letter draws Nazarbaev's attention to part 4 of Article 3 of the Constitution: "International treaties ratified by the Republic shall have priority over its laws and be directly implemented except in cases when the application of an international treaty shall require the promulgation of a law."

However "Kazakhstan", the Baptists state, "carries out intimidation of its citizens for their religious beliefs". They go on to note "unjust court decisions", and state that the "unjust laws" facilitate official "interference in the internal life of Churches belonging to Council of Churches Baptists to stop them from holding their peaceful worship services, to ban free of charge distribution of religious literature, and to fine ministers of unregistered Churches".

No answer has yet been received from the President.

Raids and fines

Raids and fines known to have taken place since 6 June against Baptists include:

Ivan Yantsen of Temirtau in Karaganda Region was on 10 June fined 173,100 Tenge, under Administrative Code Article 374-1, Part 1. A Regional Court appeal hearing upheld the fine.

After raids on meetings for Sunday worship in East Kazakhstan Region, on 28 April and 12 May, Sergei Kulikov and Maksim Kandyba were on 6 June each fined 86,550 Tenge, under Administrative Code Article 374-1, Part 2. On 10 June Nail Agatanov, Sergei Pelipenko and Marina Kulikova were also fined 86,550 Tenge for the same "offence"

In West Kazakhstan Region, all eight members of a Baptist Church in Taskala were fined in separate cases on 14 and 17 June. All eight were filmed during their Sunday worship meeting on 12 May by police during a raid. Aleksandr Yalfimov was fined 173,100 Tenge, under Administrative Code Article 374-1, Part 1. Natalya Yalfimova, Malik Sultangaliyev, Gaukhar Sultangaliyeva, Tatyana Sultangaliyeva, Tatyana Osipova, Yelena Zagaychuk and Gulmira Ismagulova were each fined 86,550 Tenge, under Administrative Code Article 374-1, Part 2.

On 27 June Sofya Bunyak in Ekibastuz in Pavlodar Region was fined 86,550 Tenge, under Administrative Code Article 374-1, Part 2.

Bunyak's fine followed a series of raids beginning in November 2011 on her home, after which Aleksei Asetov was given a three-day prison term in May for refusing to pay a fine under Administrative Code Article 375 of 485,400 Tenge (about 18,725 Norwegian Kroner, 2,486 Euros or 3,273 US Dollars). This is about a year and a half's average local wages (see F18News 14 February 2012 http://www.forum18.org/Archive.php?article_id=1666).

On 16 July in Astrakhanka in Akmola Region, Aleksandr Gorbunov was fined 173,100 Tenge, under Administrative Code Article 374-1, Part 1. (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.

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.

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