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KAZAKHSTAN: Atheist freed, but criminal case continues; Pastor transferred from psychiatric hospital

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

Freed from prison today (4 September) in Oskemen in East Kazakhstan Region was 63-year-old atheist and anti-corruption campaigner Aleksandr Kharlamov, after nearly six months' pre-trial detention. However, the case continues against him on charges of "inciting religious hatred" for articles he had written criticising religion. Police investigator Alikhat Turakpayev "told me his writings were being sent for a further 'expert analysis', this time to Astana," Kharlamov's partner Marina Kaplunskaya told Forum 18 News Service. Meanwhile, imprisoned 66-year-old Presbyterian pastor Bakhytzhan Kashkumbayev was on 2 September discharged from psychiatric hospital in Almaty after one month's forcible detention. "I observed him for a whole month, and he is alive and well," the chief doctor insisted to Forum 18. However, she said she did not know if he had been transferred back to Almaty's Investigation Prison. Investigator Vyacheslav Glazkov refused to discuss the criminal case against him, or a separate criminal investigation against Astana's Grace Church which the pastor leads.

After nearly six months' imprisonment, 63-year-old atheist and anti-corruption campaigner Aleksandr Kharlamov was today (4 September) freed from prison in Oskemen. However, prosecutors continue to seek evidence for the continuing criminal case against him. Meanwhile, after three and a half months' imprisonment, 66-year-old Presbyterian pastor Bakhytzhan Kashkumbayev was on 2 September discharged from psychiatric hospital in Kazakhstan's commercial capital Almaty after one month's forcible detention there. He is believed to have been transferred back to the city's Investigation Prison, though staff there refused to confirm or deny this to Forum 18 News Service.

Investigators in neither case were prepared to explain to Forum 18 why the two prosecutions are continuing.

Article 153 of Kazakhstan's Criminal Procedure Code normally allows individuals to be imprisoned for up to six months without being convicted. However, this can be extended to nine months in "especially complex cases" and up to a maximum of 12 months in "exceptional cases" for those facing "serious charges".

Freed – for now

Kharlamov – who was detained in his home town of Ridder in East Kazakhstan Region on 14 March – was being tried under Criminal Code Article 164, Part 1 on charges of "inciting religious hatred" for articles he had written criticising religion. He spent a month in enforced psychiatric detention in Almaty's Republican Scientific/Practical Centre of Psychiatry, Psychotherapy and Narcology before being transferred back to prison in East Kazakhstan Region. His trial began on 19 July at Ridder City Court, but the case was sent back for further investigation on 13 August (see F18News 22 August 2013 http://www.forum18.org/archive.php?article_id=1868).

Kharlamov was released following a City Court ruling that his detention could be changed from arrest to his home, after he signed a pledge not to leave his home town. The change of conditions came at the request of the Ridder Prosecutor, and was approved by Judge Kayirbek Yelemesov at a late evening hearing at Ridder Court on 3 September, the town's Deputy Prosecutor Duman Zheksekenov told Forum 18 on 4 September. No time limit was set on the restrictions Kharlamov will live under.

Asked whether the national and international attention to Kharlamov's case had led to an order from above to release him from prison, Deputy Prosecutor Zheksekenov insisted to Forum 18 that no instruction had come from the capital Astana.

Kharlamov was freed in the early evening today (4 September) from the Investigation Prison in the regional capital Oskemen, clutching a red carrier-bag of his clothes. Friends put him on the bus for the three-hour journey back to Ridder to be reunited with his partner Marina Kaplunskaya and her son. "He said he didn't want a taxi for the long journey," Kaplunskaya told Forum 18 from Ridder on 4 September.

Criminal investigation continues

However, while pleased to be reunited with Kharlamov, Kaplunskaya lamented that the criminal investigation is continuing. "The police investigator Alikhat Turakpayev phoned me after the hearing yesterday and congratulated me that Aleksandr was being released," she told Forum 18. "He then told me his writings were being sent for a further 'expert analysis', this time to Astana."

Kuat Rakhimberdin of the Kazakhstan International Bureau for Human Rights and the Rule of Law in Oskemen, who has helped Kharlamov in his defence, similarly welcomed his release from prison. "But I hope that the criminal case against him will be cancelled," he told Forum 18 from Oskemen on 4 September.

Forum 18 was unable to find out from Investigator Turakpayev why investigators are still seeking to punish Kharlamov for his writings on religion. Turakpayev told Forum 18 on 4 September that the case is in the hands of the court and put the phone down.

Money worries

Kaplunskaya noted that Kharlamov should have begun receiving his retirement pension on 2 July, when he turned 63. "However, officials won't process this," she told Forum 18. "Moreover, all his money and property has been frozen." Kharlamov also faces legal defence costs, even though some of these costs have been met by supporters.

Asked by Forum 18 if Kharlamov will receive compensation for the nearly six months' imprisonment so far, Deputy Prosecutor Zheksekenov responded: "This issue is not under discussion."

Criminal investigation of Pastor continues

Meanwhile, the criminal investigation also continues against Presbyterian Pastor Kashkumbayev of Grace Church in Astana. He was arrested on 17 May on criminal charges of "harming health". 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).

On 9 August – while he was already undergoing an enforced psychiatric assessment - Almaty District Court in Astana extended Pastor Kashkumbayev's detention for a further month – until 17 September – at the request of the investigator in the case, Captain Vyacheslav Glazkov of the police Department for the Struggle against Extremism, Separatism and Terrorism (see F18News 22 August 2013 http://www.forum18.org/archive.php?article_id=1868).

Pastor back in Investigation Prison?

Pastor Kashkumbayev was discharged on 2 September from Almaty's Republican Scientific/Practical Centre of Psychiatry, Psychotherapy and Narcology, its chief doctor Natalya Logacheva told Forum 18 from Almaty on 4 September. "He was taken away by convoy," she said, but insisted she did not know where he had been taken.

Pastor Kashkumbayev had been sent to the Centre on 5 August from the Investigation Prison in Almaty, and it is presumed he would initially have been transferred back there. However, officials there refused to put Forum 18 through to prison head Aleksei Orishchenko on 4 September. Nor would they confirm that Pastor Kashkumbayev had been transferred back there or whether he was still there.

Investigator Glazkov refused to give any information about Pastor Kashkumbayev's whereabouts or the progress of the case against him. "The criminal investigation is still underway," was all he would say to Forum 18 on 4 September.

Grace Church members in Astana said they had heard nothing about Pastor Kashkumbayev's transfer from the psychiatric hospital. However, they expect him to be transferred back to the Investigation Prison in Astana. "We know that he was not there in the prison here today, but when he'll arrive back there we don't know," one church member told Forum 18 on 4 September.

Askar Kashkumbayev, one of the pastor's sons, lamented that family members have been unable to even see his father since his arrest. "I last saw him in court on 17 May," he told Forum 18 from Astana on 4 September. He added that relatives in Almaty had been able to take food parcels to him while he was being held there, but they too were not allowed to see him.

What was diagnosis?

Chief doctor Logacheva refused to say whether her Centre had found Pastor Kashkumbayev to be psychologically healthy and responsible for his actions, citing confidentiality. She also refused to say whether any psychotropic or other drugs had been administered to him during the one month detention there.

Told that neither Kashkumbayev's lawyer nor his family had been able to see him for months, Logacheva insisted he is healthy. "I observed him for a whole month, and he is alive and well," she insisted to Forum 18.

However, his family and church members remain concerned over his health. "Though I am in my 67th year and I cannot boast of ideal health since I had a serious heart attack in 2011, have chronic otitis (inflammation) of both ears, varicose veins in my legs, chronic bronchitis, chronic gastritis, I am psychologically healthy," Pastor Kashkumbayev wrote in an 18 July complaint about his continuing detention, before he was sent to psychiatric hospital (see F18News 26 July 2013 http://www.forum18.org/archive.php?article_id=1860).

Investigator defies court

Kashkumbayev's lawyer, Nurlan Beysekeyev, said Investigator Glazkov gave him no information either about the psychiatric investigation of his client, nor where Kashkumbayev would be transferred.

"I have also been seeking access to the documents in the criminal case – in vain," Beysekeyev told Forum 18 from Astana on 4 September. He noted that the court ruled on 26 July that Investigator Glazkov has to give him and Kashkumbayev's son access to the case documents. But despite the ruling coming into legal force on 8 August, the Investigator still will not grant access. "This is a crude violation of the law – court decisions must be carried out by everyone." Beysekeyev has written further protests about this.

Beysekeyev noted that he has been unable to meet his client since 18 July, when he met him in the Investigation Prison in Astana before his transfer to Almaty. "My client has not been brought to court for the various hearings, despite my requests," he told Forum 18. "In effect he is being held incommunicado."

Criminal case against Church

In parallel with the criminal investigation of its pastor, Grace Church is also subject to a criminal investigation under Article 164, Part 1, the same accusation Kharlamov is facing. The same investigator Captain Glazkov is also handling this case. However, he refused to give Forum 18 any information about it. "Because of the secrecy of the investigation I can't give you any information."

Grace Church's lawyer Beysekeyev told Forum 18 that investigators have given him no information either about this separate criminal case launched against members of Grace Church. (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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