

9 October 2013

KAZAKHSTAN: Pastor re-arrested within minutes as suspected "extremist"

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

Presbyterian Pastor Bakhytzhan Kashkumbayev's son Askar describes as "complete rubbish" the new criminal case against the retired pastor on charges of extremism, which carry a maximum seven-year prison term. "They're trying to turn my father into a terrorist," he complained to Forum 18 News Service. 66-year-old Kashkumbayev was arrested minutes after he was freed from prison in Astana after five months' pre-trial detention on separate criminal charges of harming a church member's health. Police investigator Captain Vyacheslav Glazkov, the Anti-Extremism Police (which is overseeing the case), the KNB secret police and the city Prosecutor's Office all refused to comment. The prison chief where Kashkumbayev is being held dismissed concerns over his health. "People don't die here in my prison," he told Forum 18.

Just minutes after he was freed from Investigation Prison on 8 October to be transferred to house arrest, three police (or possibly KNB secret police) agents re-arrested 66-year-old Presbyterian Pastor Bakhytzhan Kashkumbayev. He is facing a new criminal investigation of being an "extremist" or "terrorist", his family and lawyer told Forum 18 News Service from Kazakhstan's capital Astana. The police investigator Captain Vyacheslav Glazkov has also stripped Kashkumbayev of his lawyer. Investigator Glazkov, the Anti-Extremism Police (which is overseeing the case), the National Security Committee (KNB) secret police and the city Prosecutor's Office all refused to comment on the case.

Family members told Forum 18 they have not been given any documents about the new "extremism" accusations, nor details of what lies behind them. "All we know is that they looked at a video, but we don't know who's on it, what it's about or who took it," Askar Kashkumbayev – the pastor's younger son - told Forum 18 on 9 October. "These new accusations are complete rubbish. They're trying to turn my father into a terrorist."

Askar Kashkumbayev added that his mother, Alfiya, "is suffering a lot".

Pastor Kashkumbayev led Astana's Grace Church until his retirement on reaching the age of 66 in October 2012. That same month a criminal case was instigated against him on charges of harming the health of a church member, Lyazzat Almenova. Almenova told Forum 18 her health had not been harmed and has called for the case against Kashkumbayev to be dropped (see F18News 26 July 2013 http://www.forum18.org/archive.php?article_id=1860).

Kashkumbayev was arrested on 17 May 2013. Nine human rights defenders have included Pastor Kashkumbayev in a list of Kazakhstan's political prisoners and called for his release. An Astana court ordered Kashkumbayev's transfer from prison to house arrest on 7 October (see F18News 7 October 2013 http://www.forum18.org/archive.php?article_id=1884).

However, in the long-running campaign of state hostility towards Grace Church, officials have alleged that it is also involved in espionage, fraud, money laundering, distributing extremist texts and using hallucinogenic communion drink (see below). The Church and its leaders have repeatedly denied any wrongdoing.

Delayed release

Investigation Prison officials were unable to process Pastor Kashkumbayev's release on 7 October as the court decision transferring him to incommunicado house arrest was issued only at 5.30 pm. His lawyer Nurlan Beisekeyev, his wife Alfiya and other family members arrived at the prison on the morning of 8 October. Only at about 1 pm were formalities completed to release him. Pastor Kashkumbayev was reunited with his wife, whom he had not seen for nearly five months since the day of his arrest, family members told Forum 18.

Video footage supplied by the family, seen by Forum 18, shows Pastor Kashkumbayev showing his wife and family his painful varicose veins on his legs, whereupon his wife bursts into tears.

New arrest

However, three plain-clothes officials – sent by Investigator Glazkov – were waiting at the prison gate. The officials claimed to be from the police, but church members present recognised one of them as a KNB secret police officer who had taken part in earlier searches of Astana's Grace Church.

The three ordered Pastor Kashkumbayev to accompany them to the police station for questioning by Glazkov "without a clear explanation of the reason", Beisekeyev complained to Forum 18. The lawyer – accompanied by the officials – drove Pastor Kashkumbayev and his wife to the police station and the three were signed in to the building.

Once in Investigator Glazkov's office, he revealed that a new criminal accusation has been lodged in parallel with the existing criminal investigation of the pastor. Kashkumbayev is being investigated for alleged violation of Article 233-1, Part 1 of the Criminal Code. This punishes "Propaganda of terrorism or extremism, or public calls to commit an act of terrorism or extremism, as well as the distribution of material of the content indicated" with imprisonment of between three and seven years.

According to the decision opening the new criminal case, seen by the lawyer Beisekeyev, Investigator Glazkov claimed that in the investigation into the alleged "serious harm" Pastor Kashkumbayev caused to Almenova's health, an "expert analysis" had found that "elements of an extremist nature" were found in the Church's activity.

Khadzhi-Gali Imazhanov, deputy head of Astana Anti-Extremism Police – describing himself as "the boss of the police station" – then threatened the lawyer Beisekeyev and the pastor's wife Alfiya Kashkumbayeva with violence if they did not leave the police station, Beisekeyev told Forum 18. Inspector Glazkov informed the lawyer that he represented Pastor Kashkumbayev only in the case related to alleged harming of health, not in the "extremism" case.

Glazkov refused to listen to Pastor Kashkumbayev's protestations that he had chosen Beisekeyev to be his lawyer and that, as a Kazakh citizen, he had the right to choose his own lawyer. Beisekeyev insisted to Forum 18 that as the two cases have the same number, they should be treated as a single case and no reason existed to obstruct him from representing his client.

Imazhanov then burst into Glazkov's room, shouting and insisting that Beisekeyev had no right to remain and that the police had the right to name a lawyer of its choice. Amid physical threats from him and from Glazkov, the lawyer then left (Alfiya Kashkumbayeva had already left the room during the first set of threats).

Glazkov then tried to get another lawyer present in the building in relation to another case, Askar Usenbayev, to act as Pastor Kashkumbayev's lawyer. However, Usenbayev refused when Kashkumbayev declined his services. Usenbayev helped Kashkumbayev write a statement that he was insisting on being represented by his own lawyer. Usenbayev also recommended to the pastor that he decline to answer any questions in the new criminal case in the absence of his own lawyer.

Systemic violations

The arrests, detentions and forcible psychiatric examinations of Pastor Kashkumbayev and atheist writer Aleksandr Kharlamov (see F18News 7 October 2013 http://www.forum18.org/archive.php?article_id=1884) are part of a wider pattern of systemic Kazakh government violations of freedom of religion or belief and other human rights. For example, all mosques outside state control are being closed down. The imam and members of one of the independent mosques denied re-registration after intense state pressure - who asked not to be identified - told Forum 18 that when they met to discuss applying for new registration, officials "came out of nowhere" and threatened them with punishment (see F18News 2 October 2013 http://www.forum18.org/archive.php?article_id=1882).

The authorities are also deporting non-citizens with legal residence to punish them for exercising their right to freedom of religion or belief, as well as apparently using minor infractions non-citizens may have committed to deport them (see F18News 4 October 2013 http://www.forum18.org/archive.php?article_id=18831).

As a new Norwegian Helsinki Committee / Freedom House report "Cunning democracy" notes, Kazakhstan has seen major steps backwards in all areas of human rights since 2011 while the government claims it is advancing democracy (see <http://www.nhc.no/en/kazakhstan-cunning-democracy/>).

What are "extremism" accusations?

Pastor Kashkumbayev's lawyer Beisekeyev told Forum 18 he was not allowed a copy of the document instituting the new criminal case. Nor too have family members had access to the new case.

Investigator Glazkov repeatedly refused to discuss with Forum 18 the new criminal case. "What do you want?" he kept repeating and put the phone down.

Imangali Makishev, deputy head of Astana Police's Investigation Department, told Forum 18 on 9 October that the new criminal

investigation of Pastor Kashkumbayev is in the hands of the Anti-Extremism Police.

However, Yerbulan Kusainov, local Anti-Extremism Police head, told Forum 18 the same day he could give no comment by telephone. "That's the regulation." Asked why a new criminal case was opened against the pastor nearly five months after his original arrest, he responded: "The court will decide." Told of the family's concerns over Pastor Kashkumbayev's age and health, and their insistence that he is innocent, Kusainov responded: "My conscience is clear."

The man who answered the phone on 9 October of Kusainov's deputy, Imazhanov, refused to say if it was Imazhanov. When Forum 18 explained who was calling and asking about Pastor Kashkumbayev's case, the man put the phone down. Subsequent calls went unanswered.

Forum 18 was unable to reach Astana city Prosecutor Muktar Zhorgenbayev or his deputy Azamat Zhylykybayev on 9 October. Their officials told Forum 18 they were at lunch or in meetings each time it called.

Church members told Forum 18 that the criminal investigation of Kashkumbayev under the "extremism" charge is being supervised by the General Prosecutor's Office.

Health concerns

Under Kazakh law, those arrested can be held for up to three days, after which either a court must extend their detention or they must be freed. Astana's Almaty District Court No. 2 – which had authorised Pastor Kashkumbayev's detention over five months – told Forum 18 on 9 October that no request for him to be held in detention has been received.

Askar Kashkumbayev said he and his family are highly concerned over the pastor's state of health. "We had hoped that he would be able to have treatment for varicose veins while he was under house arrest," he told Forum 18. "He's in pain over this, and they made him stand in a corridor for two hours at the prison yesterday."

Following his new arrest, Pastor Kashkumbayev is being held at Astana Police's Temporary Isolation Prison, its head, Adilbek (he would not give his last name), confirmed to Forum 18 on 9 October. Told of the family's concern about his state of health and the fact that the 7 October court decision ordering his transfer to house arrest was partly based on the pastor's state of health, the Prison Head was unconcerned. "His health is normal. He is being checked by a paramedic. People don't die here in my prison."

Pastor Kashkumbayev's prison address is:

Bakhytzhon Kashkumbayev

SI-12 (ETs 166/1)

Alash Tas Zhol street 30/1

010000 Astana

Kazakhstan

Protests

Askar Kashkumbayev told Forum 18 that the family has written protests to many state agencies over the treatment of his father, including the city Prosecutor's Office and the District Court. He said he also plans to lodge an appeal to Kazakhstan's Ombudsperson for Human Rights, Askar Shakirov. (The office of Kazakhstan's Ombudsperson for Human Rights is not fully compliant with the Paris Principles on the independence of such national human rights bodies from government, according to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.)

Askar Kashkumbayev lamented that after his father's arrest in May, the Astana Office of the Organisation for Security and Co-operation in Europe (OSCE) had told him it was unable to help as it cannot take up the case of individuals.

"Expert analyses"

Even before the criminal case against Pastor Kashkumbayev was launched in October 2012, a series of "expert analyses" appear to have been conducted on various aspects of Grace Church's activity and materials, according to court documents seen by Forum 18 and information made public by the Support Centre for Victims of Destructive Religious Movements on the website of the OSCE's 2013 Human Dimension Implementation Meeting. Lyazzat Almenova's sister, Guldana, represented the Support Centre at the meeting.

The "expert analyses" relate to the three main state accusations against Grace Church and Pastor Kashkumbayev – distributing "extremist" books, harming psychological health and using hallucinogenic juice for communion - in case documents and in officials' statements to the media.

"No one has given the lawyer or the family these analyses," one Protestant close to the case told Forum 18 on 9 October. "As you can see, the KNB secret police puts them out through these Centres." It therefore remains unclear if these are the same as the one or ones referred to in the new document instigating a criminal case.

"Extremist" books?

A Russian translation of the book "Healing the Broken Family of Abraham" by American Protestant Don McCurry, confiscated during the police raid on Grace Church in Almaty in April 2012, was subjected to a Judicial Psychological/Philological Expert Analysis No. 3664 of 15 May 2012 by the Almaty Institute for Judicial Expert Analysis of the Justice Ministry. It found that the book contains "elements of incitement to religious hatred and discord".

On 22 November 2012, in a decision seen by Forum 18, Judge Gulmira Aytzhanova of Almaty's Almaty District Court No. 2 ruled the book "extremist" and banned its publication, import and distribution in Kazakhstan.

No one at the Almaty Institute for Judicial Expert Analysis was available to comment on the Expert Analysis on 9 October.

The Support Centre for Victims of Destructive Religious Movements cites a Conclusion of a Complex Psychological/Philological Expert Analysis No. 4342 of 1 November 2012 allegedly finding that another book confiscated from Grace Church, "Worthy Answers" by two local Protestants, Galymzhan Tanatgan and Zhomart Temir, contains "elements of incitement of religious hatred and discord".

Forum 18 can find no independent record of this Conclusion. However, in a live internet interview on bnews.kz on 25 January 2013, the head of the government's Agency of Religious Affairs Kairat Lama Sharif said that his Agency was giving "Worthy Answers" a negative "expert analysis" as it "sets one [religion] against another". He also complained it "distorted historical facts" by saying that Kazakhs had once been Christians. "This is untrue information," he declared.

Guldana Almenova refused to tell Forum 18 on 9 October where the Centre had acquired the Conclusion or to send Forum 18 a copy. Forum 18 has also been unable to find out if a court has also banned this work as "extremist".

However, both books have repeatedly been seized as "extremist" by police and KNB secret police (see F18News 19 October 2012 http://www.forum18.org/archive.php?article_id=1756). A total of 312 copies were seized from the headquarters of Kazakhstan's Baptist Union in Saran in Karaganda Region on 11 October 2012. Police and KNB officers were acting on a search warrant issued by Astana Prosecutor's Office. Other books they were looking for included McCurry's book.

"Harm to psychological health?"

The Support Centre for Victims of Destructive Religious Movements also cites a Conclusion of a Complex Psychological/Psychiatric Expert Analysis No. 99 of 18 September 2012 by an unnamed institution or individual that Grace Church's "psychological and psychotherapeutic influence on individuals" could cause "significant harm to the psychological health of parishioners". It also apparently alleges that using "the state of a trance", the Church formed "a changed consciousness" in the individual.

The Support Centre for Victims of Destructive Religious Movements also cites a Conclusion of a Complex Psychological/Psychiatric Expert Analysis No. 111 of 12 October 2012 by Almaty's Republican Scientific/Practical Centre of Psychiatry, Psychotherapy and Narcology. This apparently alleges that a woman had suffered "psychological disorder" and "psychological deformation of the person" after visiting "seances of services" at Grace Church.

Forum 18 was unable to find the texts of these Conclusions. No one was available at Almaty's Republican Scientific/Practical Centre of Psychiatry, Psychotherapy and Narcology when Forum 18 called on 9 October.

Harmful juice?

The Support Centre for Victims of Destructive Religious Movements also appears to have access to studies of the juice or red tea that Grace Church uses for Communion services. It cites a Conclusion of an Expert of a Chemical/Toxicological Expert Analysis No. 1301 of 5 November 2012. This alleged that the juice contained Carbamazepine and Phenol.

A Conclusion the Support Centre cites from the Almaty-based Centre for Research into Medical Substances of 19 October 2012 apparently notes that Carbamazepine (a mood-stabilising drug used in the treatment of epilepsy and bipolar disorder) causes hallucinations and aggressive behaviour, while Phenol, it adds, leads to short-term excitement.

Forum 18 was unable to find the texts of these Conclusions.

Another criminal investigation

As well as the two criminal cases underway against Pastor Kashkumbayev, another criminal investigation has been launched against as yet unnamed members of Grace Church, also under the lead of Investigator Glazkov (see F18News 4 September 2013 http://www.forum18.org/archive.php?article_id=1871). (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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