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KAZAKHSTAN: Baptist faces one year in jail, Hare Krishna community ordered halted for three months

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

Because Pavel Leonov refused to pay a fine equivalent to about two months' average salary, for leading a religious community without state permission in East Kazakhstan, the Baptist Pastor was jailed for 24 hours, Forum 18 News Service notes. As he still refuses to pay, police on 28 October opened a criminal case against him. He now faces a possible maximum punishment of one year's imprisonment. Pastor Leonov is one of more than 100 people (one of them aged 86) known to have been fined in 2013 for, among other "offences": leading or participating in religious meetings without state permission; sharing their faith with others without being personally registered as "missionaries"; or distributing religious literature away from state-licensed venues. Fines are typically one or two months' average salary, the most recent known fines having been imposed on Baptists, Jehovah's Witnesses, and Hare Krishna devotees. Also, the activity of Kostanai's Hare Krishna community was ordered to be stopped for three months. This was subsequently overturned on appeal. A Prosecutor's Office official told Forum 18: "It's not the Soviet system. This is the Kazakh system."

Because he refused to pay a fine equivalent to about two months' average salary, for leading a religious community without state permission in East Kazakhstan Region, Baptist pastor Pavel Leonov was sent to prison for 24 hours, Forum 18 News Service notes. As he continues to refuse to pay, on 28 October the police opened a criminal case against him. He now faces a possible maximum punishment of one year's imprisonment.

He and other Council of Churches Baptists have a policy of civil disobedience, refusing to pay fines imposed for meeting for worship without the compulsory state registration.

Also, following administrative fines imposed on two Hare Krishna devotees, the activities of the northern city of Kostanai's [Qostanay] Hare Krishna community was ordered to be stopped for three months, though this was subsequently overturned (see below).

Pastor Leonov is one of more than 100 people – including Protestants, Jehovah's Witnesses, Muslims and Hare Krishna devotees – known to have been given administrative fines so far in 2013 for exercising their right to freedom of religion or belief (see F18News 11 November 2013 http://www.forum18.org/archive.php?article_id=1895).

Fines are imposed for – among other "offences" - leading or participating in religious meetings without state permission, sharing their faith with others without being personally registered as "missionaries", or distributing religious literature away from licensed venues. Fines are typically 50 or 100 Monthly Financial Indicators (MFIs), or about one or two months' average salary (see eg. F18News 22 August 2013 http://www.forum18.org/archive.php?article_id=1868).

The oldest individual known to have been fined in 2013 to punish them for exercising the right to freedom of religion is 86-year-old Council of Churches Baptist Yegor Prokopenko. Others fined have been in their seventies (see F18News 10 April 2013 http://www.forum18.org/archive.php?article_id=1822).

Born in 1926, Prokopenko was imprisoned several times during the Soviet period for his religious activity. His last Soviet-era jail sentence began in July 1982, when he was given a three year strict regime labour camp term. He was fined 100 MFIs by Zyryanovsk Specialised Administrative Court on 17 April 2013, a fine upheld by East Kazakhstan Regional Court on 13 May, according to the verdicts seen by Forum 18. His most recent previous fine had been in 2008 (see F18News 3 July 2008 http://www.forum18.org/archive.php?article_id=1154).

Local authorities and "law enforcement" agencies also enforce censorship – including severe limitations on the numbers of bookshops allowed to sell any kind of religious material – across Kazakhstan with raids and administrative fines (see F18News 21 February 2013 http://www.forum18.org/archive.php?article_id=1804).

Other criminal cases

As well as the criminal investigation of Leonov resulting from his refusal to pay administrative fines, criminal cases have also been launched – often in secrecy – against other religious leaders. Among those currently facing such investigations are Bakhytzhan Kashkumbayev (retired pastor of Grace Church in the capital Astana), other leaders of Grace Church in Astana, leaders of New Life Church in Almaty and leaders of New Life Church in Temirtau in Karaganda Region. Accusations relate to alleged harm to church members' health and alleged distribution of "extremist" texts.

The 67-year-old Pastor Kashkumbayev, who has been under arrest since 17 May, was rearrested on 8 October on new criminal charges of "extremism" just minutes after he was freed to be transferred to house arrest (see F18News 9 October 2013 http://www.forum18.org/archive.php?article_id=1885).

Like Kashkumbayev, atheist writer Aleksandr Kharlamov has also been subjected to arrest, detention and forcible psychiatric examination. He is facing charges under Criminal Code Article 164, Part 1 for allegedly "inciting religious hatred" (see F18News 7 October 2013 http://www.forum18.org/archive.php?article_id=1884).

Fined for leading worship without state permission

Pastor Leonov, who leads a Council of Baptists congregation in Ayagoz in East Kazakhstan Region, was most recently fined on 4 March. Ayagoz District Court found him guilty of violating the Code of Administrative Offences' Article 374-1, Part 1 and fined him 100 MFIs, 173,100 Tenge (about 6,800 Norwegian Kroner, 830 Euros, or 1,130 US Dollars). On 1 April East Kazakhstan Regional Court rejected his appeal.

A fine of 100 MFIs is about the equivalent of two months' average salary.

Such 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").

Muslims meeting for worship in mosques outside state control have had their mosques closed down. Attendance at the Tatar-Bashkir Din-Muhammad Community in Petropavl in North Kazakhstan Region (which is challenging court-ordered liquidation) has dropped from hundreds to tens because "people are afraid of the authorities" (see F18News 2 October 2013 http://www.forum18.org/archive.php?article_id=1882).

Harshening laws

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).

Punishments for exercising the right to freedom of religion or belief seem set to increase with the draft new Criminal Code, which reached the Parliament (which has three parties all supporting the government) on 8 October. If adopted in its current form, the draft would, for example, allow punishments of up to four months' imprisonment for sharing one's beliefs. Similarly, a new Administrative Code is expected to reach Parliament soon. In addition, new draft amendments to the harsh 2011 Religion Law and the Land Code - increasing restrictions on opening places of worship, sharing one's faith and owning religious literature - were made public in August (see forthcoming F18News article).

Raid

The latest fine followed a 28 February police raid on Pastor Leonov's Baptist congregation. In April, following a further police raid, seven other church members – two of them in their seventies – were also fined (see F18News 10 April 2013 http://www.forum18.org/archive.php?article_id=1822).

As he refused to pay the March fine, Pastor Leonov was again brought to the same court. This time he was accused of violating Administrative Code Article 524. The same Judge Korlen Khalelova sentenced him on 5 August to one day's imprisonment, to begin at 7 pm that evening, according to the verdict seen by Forum 18.

Pastor Leonov told the court that he could not pay the fine because he thinks he has done nothing wrong and because he is the only breadwinner in his family. He and his wife have five dependent children and he earns his living by repairing private homes.

Judge Khalelova was unable to speak on 30 October because she was in court hearings, her colleagues told Forum 18.

Judge Khalelova had also sentenced Leonov in April 2009 to one day's detention under Administrative Code Article 524. He had

"categorically refused" to pay a fine of 100 MFIs handed down in July 2008 under Article 374-1, Part 1 (see F18News 9 June 2009 http://www.forum18.org/Archive.php?article_id=1309).

In mid-August 2013, a week after his 24 hours in prison, three court bailiffs came to the family home. They listed all his property and put a restraining order on it, local Baptists complained to Forum 18 on 29 October.

Criminal case

On 28 October, Pastor Leonov was summoned to the District Police, where he was handed an official notice that a criminal investigation had been opened against him on 7 September under Criminal Code Article 362, Part 1. This punishes "wilful refusal to carry out a court decision" with a fine of up to 200 MFIs, community service of between 120 and 180 hours, or imprisonment for up to one year.

Sumgat Adilbekov, head of the Investigation Department of Ayagoz District Police, refused to explain why Pastor Leonov is facing further punishment for exercising his right to freedom of religion. "The initial investigation is underway," he told Forum 18 on 30 October from Ayagoz. "I can't say any more on the case by phone." He then put the phone down.

An official of Ayagoz District Prosecutor's Office, who would not give his name, insisted that the Police had launched the criminal investigation against Leonov. "When the investigation is complete it will come to us," he told Forum 18 the same day.

Hare Krishna devotee accused of discussing faith with others

Following a 9 June Hare Krishna meeting in a private home, in the northern city of Kostanai, of community leader Sergei Geller attended by about 20 devotees, two devotees were fined, according to the verdicts seen by Forum 18. The community was holding a private meeting to resolve internal issues, but not at the community's registered address. It had invited a police officer, Satzhan, to observe the meeting. The officer also invited Arman Mustafin, chief specialist of the Regional Akimat's (=administration) Religious Affairs Department.

After the two officials had left with no apparent complaints, police raided the meeting in response to an alleged phone call that a religious meeting was underway, Geller told human rights defender NGO the Kazakhstan International Bureau for Human Rights and the Rule of Law on 3 October. After taking statements from all those present the officials left.

On 28 August, visiting devotee Umirzak Abdikanov, who had come from Almaty, was accused under Administrative Code Article 375, Part 3 of conducting "illegal missionary activity". Discussing or sharing faith with others is punishable under Article 375, Part 3, with a maximum penalty for Kazakh citizens under this Article of 100 MFIs, or about two months' average salary. Jehovah's Witnesses across Kazakhstan have been particularly targeted using this Article (see eg. F18News 18 March 2013 http://www.forum18.org/Archive.php?article_id=1814).

Fine

On 18 September, Judge Makhsat Sergazin of Kostanai Specialised Administrative Court fined Abdikanov (in his absence) the maximum, 100 MFIs or 173,100 Tenge. On 8 October, Judge Amirgali Dosmukhambetov of Kostanai Regional Court rejected Abdikanov's appeal. He had insisted he was not a missionary, and had merely answered a few questions from other devotees at the 9 June meeting.

Visiting devotee Abdikanov was in October fined a second time, for on 15 June trying to sell his personal copy of "The Bhagavad-Gita As It Is" (see below).

Hare Krishna leader fined for holding meeting without state permission

On 9 September – three months after the meeting - local Hare Krishna community leader Geller was accused of violating Administrative Code Article 375, Part 1 by holding a meeting without state permission. Article 375 was in 2011 rewritten to encompass many new "offences" (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617). On 2 October, Judge Sergazin gave Geller the maximum fine of 100 MFIs, 173,100 Tenge or two months' average salary.

On 24 October, Judge Dosmukhambetov (who had rejected Abdikanov's appeal against his September fine) also rejected Geller's appeal, according to the verdict seen by Forum 18.

Hare Krishna community's activity ordered halted

Also on 2 October, alongside the fine on Geller, Judge Sergazin ordered the halting of the Krishna community's activity for three months. But on 24 October Judge Dosmukhambetov, at the Prosecutor's request, cancelled the order halting the community's activity.

The halting order followed the 9 September charge that local community leader Geller had held a meeting without state permission, for which he was on 2 October fined (see above).

State denigration of specific faiths, including Hare Krishna devotees, is widespread. This causes great concern among targeted communities about what may happen to them (see eg. F18News 16 April 2013 http://www.forum18.org/Archive.php?article_id=1825). One of the targeted communities, Ahmadi Muslims, has had all its communities nationwide forcibly closed. Their meetings for worship are now banned (see F18News 22 November 2012 http://www.forum18.org/Archive.php?article_id=1769).

Second fine for Hare Krishna devotee

Visiting devotee Abdikanov was also fined a second time, this time in October. On 15 June he had been found in central Kostanai trying to sell his personal copy of "The Bhagavad-Gita As It Is" to gain money to buy his return ticket to Almaty. (This is the most important text for Hare Krishna devotees.) After the Regional Religious Affairs Department confirmed that this is a religious book, Abdikanov was accused of distributing religious literature without a state licence. A case was launched under Administrative Code Article 375, Part 1.

On 9 October Judge Sergazin, this time in Abdikanov's presence, fined him 50 MFIs, 86,500 Tenge (about 3,400 Norwegian Kroner, 415 Euros, or 565 US Dollars) or about one month's average salary, according to the verdict seen by Forum 18.

The Kostanai office of the Kazakhstan International Bureau for Human Rights and the Rule of Law noted that police had pressured Abdikanov to write that he was selling not one but three books. He sold his one copy for 500 Tenge.

Upholding the law

Yermuk Musafirov of Kostanai City Prosecutor's Office – who attended all the hearings – insisted that he was simply upholding the law. "Abdikanov was violating the law which says missionaries must have registration," he told Forum 18 from Kostanai on 30 October. He denied that the cases represented restrictions on the Hare Krishna community's rights. Asked what harm community members had caused that merited the punishments, Musafirov responded: "I can't explain." He declined all further comment on the cases.

Nurikan Nugurbekov, head of the Regional Akimat's Religious Affairs Department, would not comment on the punishments. "We gave a positive expert analysis on the Bhagavad-Gita," he told Forum 18 from Kostanai on 30 October. "That's all we did." He refused to discuss the involvement of his chief specialist, Mustafin.

Aktobe raid and case

Meanwhile, on 22 September, five police officers raided the Sunday morning service of a Council of Churches Baptist congregation in a private home in the village of Martuk in Aktobe Region, local Baptists complained to Forum 18 on 26 October. Leading the raid was Deputy District Police Chief Major Arman Konakbayev. Two official witnesses were also present.

Police told the Baptists they had received a telephone call. Without asking for permission, they immediately began filming. They ordered all those present outside, apart from the homeowner. Six congregation members and three women who had come for the first time were taken to the police station, where they were questioned individually. Police also confiscated all the religious literature and DVDs they could find. They refused to hand over a record of the confiscated materials, church members complained.

On 24 October, in a document seen by Forum 18, Martuk's Prosecutor Adilbek Kushzhanov launched an investigation into Martuk's Baptist congregation's leader Gennady Tsyba under Administrative Code Article 374-1, Part 1 ("Leading, participating in, or financing an unregistered, halted, or banned religious community or social organisation").

The document notes that Tsyba's gathering of local Baptists for an unregistered 22 September meeting was confirmed by "the record of the inspection of the house, the official witnesses' testimony, testimony of those present, the confiscated books and discs, the video-recording and other material proofs".

In the document, Prosecutor Kushzhanov's colleague notes Tsyba's refusal to sign the record. The document also notes an earlier fine imposed on Tsyba under the same Article 374-1, Part 2 ("Participation in the activity of an unregistered, halted, or banned religious community or social organisation") by Martuk District Court on 18 August 2011. He was fined 75,600 Tenge (about 2,890 Norwegian Kroner, 360 Euros, or 490 US Dollars) for participating in a meeting for worship without state permission.

On 25 October 2013 the case was handed to Judge Makhset Duisen at Martuk District Court.

"Meeting without registration is against law"

An official of Martuk Prosecutor's Office, who would not give his name, said Prosecutor Kushzhanov was out of the office on 30 October. However, he defended the prosecution of Tsyba to Forum 18. "Meeting without registration is against the law – the case is now in court." Asked whether this was not a return to the Soviet system, where exercising freedom of religion or belief without state permission was illegal, the official responded: "No, it's not the Soviet system. This is the Kazakh system."

The official added that the Prosecutor's Office has already received a telegram about the case from Moldova's capital Chisinau, from Tsyba's fellow Baptists unhappy at his renewed prosecution.

The duty officer at Martuk Police told Forum 18 on 30 October that Deputy Police Chief Major Konakbayev was out of the office. Asked who else could explain why the Baptists' Sunday worship service had been raided, why no record of confiscated materials had been given to them and why the administrative case had been brought, the duty officer put the phone down.

Other cases

In another recent case against Council of Churches Baptists, on 26 September Judge Talgat Ekzesov of Karaganda's Specialised Administrative Court found Baptist leader Aron Reimer guilty of violating Administrative Code Article 374-1, Part 1 ("Leading, participating in, or financing an unregistered, halted, or banned religious community or social organisation"). He was fined 100 MFIs and his appeal against the fine was rejected on 16 October.

On 4 September at Kyzylorda Specialised Administrative Court, Jehovah's Witnesses Zhanna Nurzhanova and Anna Merkusheva were convicted of breaking Administrative Code Article 375, Part 3, by discussing their faith with others on the streets of Kyzylorda on 4 May without state registration as missionaries. Both were fined 100 MFIs and their appeals against the fines were rejected in separate hearings on 24 September.

Failed prosecution

Not all attempted administrative prosecutions in 2013 have succeeded, Forum 18 notes. Police raided the Hosanna Church in Shakhtinsk in Karaganda Region during a meeting for worship on 21 March, according to court records seen by Forum 18. They then brought an administrative case against the Pastor, Vladimir Poptsov, under Administrative Code Article 374-1, Part 1. They accused him of meeting at an unregistered venue.

The case originally reached Shakhtinsk's Specialised Administrative Court on 1 April, but the case was sent back to prosecutors because it had not been prepared properly. After prosecutors re-submitted the case, the trial took place on 28 May. Pastor Poptsov explained in court that his registered congregation – part of the Baptist Union – meets at three addresses in Shakhtinsk, though only one is listed on the registration documents.

Judge Shamshildin Zholkenov rejected the case because administrative proceedings had not been completed within the required two months from the date of the alleged offence.

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

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>.

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1352.

For a personal commentary from 2005 on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

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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