

23 November 2017

KAZAKHSTAN: Continuing attempts to stop communities meeting

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

Baptists in Ekibastuz have been fined and told that they "should not meet for worship until they register". Meetings for worship by Oskemen's New Life Church remain banned until 19 December after church members, relatives and friends sang religious songs without state permission. Officials would not explain why football fans don't need permission to publicly sing songs but religious believers do.

On 29 October the Sunday morning meeting for worship of Baptists in Ekibastuz in Kazakhstan's Pavlodar Region was raided by police. Twenty Church members were between 2 and 13 November fined by police, and told that they "should not meet for worship until they register". But Baptist Pastor Andrei Asetov commented that Church members are still meeting for worship (see below).

Meetings for worship by New Life Church in Oskemen in East Kazakhstan Region remain banned until 19 December, after church members, relatives and friends sang religious songs without state permission at a holiday camp in August. Timur Zhigitayev, Deputy Head of East Kazakhstan Religious Affairs Department (DRA), asked why football fans don't need permission to sing songs in public but religious believers do, said this is "because it is a religious ritual". But he could not identify any law which defines singing religious songs as a ritual (see below).

But an Astana DRA attempt to punish an Astana Seventh-day Adventist Pastor because a child attended one meeting for worship with his father against the (unknown to the Pastor) objections of the boy's mother has failed. Judge Nurzhan Kayirbek on 18 October dismissed the case due to "the absence of an administrative violation" (see below).

Almazbek Mambetov, Chief Legal Expert of Astana DRA, claimed to Forum 18 that he did not open the case on his own initiative, but because there was a complaint. When Forum 18 asked him to explain why as a "legal expert" he opened the case, when both the Judge found there was no case to answer and he already knew that the Pastor had no responsibility for the father's actions, Mambetov claimed: "My duty was to bring the issue to Court". He previously claimed to receive a complaint in the case of a Jehovah's Witness prisoner of conscience who was jailed for five years after sharing his beliefs with NSC secret police informers (see below).

Mambetov also claimed that the main function of DRAs is "to make sure that religious communities function according to the law and to maintain peaceful religious accord" (see below).

Ekibastuz Baptists raided again

On 29 October the Sunday morning meeting for worship of Baptists in Ekibastuz in Pavlodar Region was raided by eight officials, including Kanagat Bekzhigitov who investigates alleged "religious extremism" for Ekibastuz Police. Other police who took part in the raid included local district police officers Major Kuandyk Omirzhanov and Kuanysh Tursunkhanov.

Pastor Aleksei Asetov told Forum 18 on 20 November 2017 that during the raid officials "without showing any documents [which the law obliges them to show] pushed away the sister on duty at the door and went up to the second floor". The officials filmed the worshippers and officer Bekzhigitov demanded that everybody stay in their places. After taking the names of everyone present officials took everyone, except those aged over 60 and children, to the local Police Station in order to sign a police statement.

"We know that you are not terrorists or extremists"

Major Omirzhanov "stood at the door of the meeting hall not letting anybody out, even women with crying children", Asetov told Forum 18. People were only allowed to leave after their identification documents were copied. Omirzhanov told the Baptists that "we know that you are not terrorists or extremists," but that they were raided "because you do not have registration."

Major Omirzhanov on 21 November refused to discuss the raid with Forum 18. "I cannot comment. Call the Press Service of Ekibastuz Police Station", he replied when questioned.

Then officials took 14 of the worshippers as well as two new attendees, who were present during the raid, to the Police Station but they stopped attending the Church. Police questioned the detainees and released them one by one. After three hours all of them were released on the same day, 29 October.

Pastor Asetov told Forum 18 that the Baptists did not agree with the statements the police gave the Baptists to sign, which accused everyone at the meeting of the unlawful unregistered exercise of freedom of religion and belief. "We wrote complaints to the Prosecutor's Office that the authorities must not force us to register, because Kazakhstan's Constitution guarantees freedom of conscience and allows people to gather together for peaceful meetings", he stated.

Between 2 and 13 November at various times police summoned and fined 20 Baptists who were present during the raid under the Code of Administrative Offences' Article 489, Part 9 ("Participation in an unregistered, halted, or banned religious community or social organisation"). Vasily and Sofya Bunyak, Aleksandr and Tatyana Neyman, Vladimir and Tatyana Sergazin, Olesya Kuvayeva, Nadezhda Raseva, Kamil Safarov, Roman and Anastasiya Andrienko, Dmitri Martynenko, Andrey and Liliya Proshina, Lyubov and Tatyana Andrienko, Vladimir Boinov, Tatyana Savchuk, and Tatyana Asetova (Pastor Asetov's wife) were all each fined 113,450 Tenge or 50 Minimum Financial Indicators (MFIs) (about one month's average salary). Police also fined Pastor Asetov 226,900 Tenge or 100 MFIs (about two months' average salary) under Administrative Code Article 489, Part 9 ("Leadership of an unregistered, halted, or banned religious community or social organisation").

Both Ekibastuz Police Chief Abai Zhusupov and his Press Secretary Kalemazh Kairbayeva refused to answer Forum 18's questions, including what exactly the freedom of conscience guaranteed by Kazakhstan's Constitution means in reality.

Kazakhstan has long raided meetings for worship of people exercising their freedom of religion and belief, including meetings of Baptists in Ekibastuz. One official claimed that "I go to see what kind of help they need" (see eg. F18News 22 August 2013 http://www.forum18.org/archive.php?article_id=1868). After one such November 2011 raid and subsequent fine of about a year and a half's average salary in February 2012, Pastor Asetov was in May 2013 given a three-day prison term. Other raids elsewhere in Kazakhstan had the police codename "Operation Legal Order" (see F18News 14 February 2012 http://www.forum18.org/Archive.php?article_id=1666).

Baptists told they "should not meet for worship until they register"

Pastor Asetov told Forum 18 that all the members of the Church continue participating in Church meetings. "I do not know how pressured the Community members feel in their hearts, but they keep coming". He said that the purpose of the authorities is "to pressure us to register or to stop". As they were handed fine decisions, Church members were told that they "should not meet for worship until they register".

Council of Churches Baptists refuse to register with state authorities as they think that this would lead to state control of their churches. Kazakhstan's legally-binding international human rights obligations fully backs the refusal by Baptists and others to seek state permission to exercise their human rights (see the OSCE/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities <http://www.osce.org/odihr/139046>). Kazakhstan is both an Organisation for Security and Co-operation in Europe (OSCE) participating State and a Venice Commission member state.

Police were first given the formal power to fine people for exercising freedom of religion and belief without a formal court hearing in the latest Administrative Code, which came into force in January 2015. Previously, only courts could impose fines to punish individuals for exercising the right to freedom of religion or belief (see F18News 21 July 2014 http://www.forum18.org/archive.php?article_id=1979). This new power to impose fines without due legal process was first used by police in May and June 2016, in the first instance against 89 year-old former Soviet-era Baptist prisoner of conscience Yegor Prokopenko (see F18News 18 July 2016 http://www.forum18.org/archive.php?article_id=2200).

Oskemen church banned until 19 December

New Life Protestant Church in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region was on 18 August banned from meeting for three months and fined after church members, relatives and friends sang religious songs without state permission at the Zorka holiday camp by a reservoir in Zyryanovsk District south-east of Oskemen. Police and the regional Department for Religious Affairs (DRA) claimed that this violated Administrative Code Article 490, Part 1 ("Violating the requirements of the Religion Law for: 1) conducting religious rites, ceremonies and/or meetings"). For organisations the punishment is a fine of 200 MFIs with a three-month ban on their activity (see F18News 6 September 2017 http://www.forum18.org/archive.php?article_id=2313).

On 19 September in an appeal brought by New Life Church, Judge Samat Muratbek of East Kazakhstan Regional Court in Oskemen upheld the fine and three-ban on the Church meeting, according to his decision seen by Forum 18. This means that the Church is banned from meeting or exercise other aspects of freedom of religion and belief until 19 December.

Church member Yelena Tretyakova told Forum 18 on 16 November that officials from the Regional DRA and Court Bailiffs have visited the Church to check that it is complying with the ban. But they said that the ban did not cover any purely administrative or

financial activity. She noted that until they were told this, "we did not use the Church building for daily administrative functions because we were afraid".

Why are football songs permitted but religious songs banned?

Forum 18 asked Judge Muratbek on 22 November why, for example, football fans can sing their songs in public but people cannot publicly sing about God. He replied: "It's my decision, and according to the law I do not have to give comments to you."

Timur Zhigitayev, Deputy Head of East Kazakhstan DRA, told Forum 18 on 22 November that he and his colleagues initiated the ban because "Church members sang religious songs in an unauthorised place". Asked why football fans don't need permission to sing songs in public but religious believers do, he said this is "because it is a religious ritual".

Asked to name the law which defines singing religious songs as a ritual, Zhigitayev could not answer. He then asked Forum 18 to call back in 10 minutes so he can look this up, but did not answer his phone when called back.

This is not the first time officials have banned the Church from singing Christian songs. In September 2013 regional DRA officials in Oskemen banned a foreign musician from Ukraine from singing Christian songs at a New Life Church anniversary event, insisting that he sing only "neutral" songs. He was allowed to greet participants from the stage provided that he made no mention of God. Officials warned that any breach of these instructions would lead to a fine on the church. One of the officials subsequently attended the anniversary celebrations to ensure that these orders were obeyed (see F18News 30 September 2013 http://www.forum18.org/archive.php?article_id=1880).

Latest challenge to children in meetings dismissed

In 2017 so far, at least four Seventh-day Adventist and Jehovah's Witness religious community leaders have faced punishment for allowing under age children to take part in their community meetings (see F18News 10 October 2017 http://www.forum18.org/archive.php?article_id=2324).

Officials have brought cases against them under Administrative Code Article 490, Part 7, which punishes both "leadership of a religious association by a person assigned by a foreign religious centre without the consent of the authorised state agency" and "the leader of a religious association not taking measures not to allow the involvement and/or participation of under age children in the activity of the religious association when one of the parents or their other legal representatives objects". For both "offences" the punishment is a fine of 50 times the MFI with deportation from Kazakhstan (see F18News 21 July 2014 http://www.forum18.org/archive.php?article_id=1979).

Adventist Pastor Oleg Bondarenko was accused on 19 September by Almazbek Mambetov, Chief Legal Expert of Astana DRA, of allowing a child to attend meetings for worship with his father against the objections of the boy's mother. The mother had on 15 August allegedly contacted the DRA, then on 17 August Astana Police's Department for the Struggle against Extremism (see F18News 10 October 2017 http://www.forum18.org/archive.php?article_id=2324).

On 21 August DRA and police Department for the Struggle against Extremism officials arrived at the Church, and demanded that Pastor Andrei Teteryuk (Pastor Bondarenko's Deputy) write a statement outlining what measures the Church took to ban the boy from the Church service. They told Teteryuk that the boy participated without the knowledge of his mother.

"Despite the fact that I explained to the officials that [the father] is not a Church member, has only attended the services a couple of times, and came with his son only once to the service, Mambetov of the DRA on 19 September drew up a report calling for Pastor Bondarenko to be punished", Pastor Teteryuk told Forum 18 on 16 November.

But Judge Nurzhan Kayirbek on 18 October dismissed the case against Pastor Bondarenko due to "the absence of an administrative violation in his actions".

Why was the case opened?

Mambetov of the DRA on 22 November claimed to Forum 18 that he did not open the case on his own initiative, but because there was a complaint. When Forum 18 asked him to explain why as a "legal expert" he opened the case, when both the Judge found there was no case to answer and he already knew that Pastor Bondarenko had no responsibility for the father's actions, Mambetov claimed: "My duty was to bring the issue to Court".

Mambetov has previously claimed an alleged complaint as the reason to act against freedom of religion and belief, on 14 January sending a letter that started the publicly known formal process that resulted in the May jailing for five years of Jehovah's Witness prisoner of conscience Teymur Akhmedov. He had been under surveillance by the National Security Committee (NSC) secret police, who used informers to entrap him into sharing his beliefs with them. This produced the "complaint" Mambetov claimed to have received (see F18News 2 February 2017 http://www.forum18.org/archive.php?article_id=2252).

DRAs "to maintain peaceful religious accord" ?

Forum 18 asked Mambetov whether the DRAs are punitive or helping bodies, Mambetov claimed: "Our main function is to make sure that religious communities function according to the law and to maintain peaceful religious accord in Kazakhstan".

Nurbol Serikbekov, Press-Secretary of the Religion and Civil Society Ministry, refused to say what the role of DRAs is. "Those bodies are not directly subjected to us but to the regional Administrations. You need to ask them", he said on 22 November. He also refused to answer why Kazakhstan does not respect its binding international human rights law legal obligations.

DRA community prosecution thrown out. Officials reprimanded?

Astana DRA opened a case in January against the Astana Jehovah's Witness community under Administrative Code Article 453, Part 4 ("Production, storage, import, transfer and distribution of literature containing .. social, national, clan, racial, or religious discord"). The case was based on "expert analysis" of literature confiscated from the community at the same time as such literature was similarly confiscated from community member and now-prisoner of conscience Teymur Akhmedov (see F18News 2 February 2017 http://www.forum18.org/archive.php?article_id=2252).

On 17 October Judge Kanat Imanaliyev of Astana's Specialized Administrative Court terminated the case brought against the Astana Jehovah's Witnesses Community. He also ordered that an "administrative case be opened against DRA officials for bringing a lawsuit which had no merit," according to the verdict. Mambetov of Astana DRA claimed to Forum 18 that unnamed officials were officially reprimanded, but could not give the date or details of this.

The "expert analysis" in the DRA's case against the Astana community was by Roza Akbarova of Astana's Centre for Judicial Expert Analysis, who provided "expert analysis" which helped jail three prisoners of conscience jailed after speaking about their beliefs with NSC secret police informers: Seventh-day Adventist Yklas Kabduakasov (see F18News 29 December 2015 http://www.forum18.org/archive.php?article_id=2136); Jehovah's Witness Teymur Akhmedov (see F18News 3 May 2017 http://www.forum18.org/archive.php?article_id=2277); and Sunni Muslim Satymzhan Azatov (see F18News 13 July 2017 http://www.forum18.org/archive.php?article_id=2296).

The United Nations' Human Rights Committee's Working Group on Arbitrary Detention on 2 October called for prisoner of conscience Akhmedov to be "immediately" released (see F18News 3 November 2017 http://forum18.org/archive.php?article_id=2331). (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=1939.

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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