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KAZAKHSTAN: New fines and pressure on unregistered Baptists

By Igor Rotar, Forum 18

At least five churches of the International Council of Evangelical Christians/Baptists, who refuse on principle to register with the state authorities, have suffered raids or fines this year, Forum 18 News Service has learnt. In the latest case, Pastor Vasili Kliver was fined twice the monthly minimum wage on 7 June in the town of Aktobe. The judge also ordered the church to close for six months. Fined the same amount in May in the town of Taraz, Pastor Pyotr Panafidin argued in court that neither the constitution nor the religion law makes registration compulsory. Jehovah's Witnesses, who in earlier years faced similar fines after some of their congregations were denied registration, told Forum 18 the problem has been resolved.

Pressure on Baptists who refuse to apply for state registration appears again to be mounting after raids on at least five churches belonging to the International Council of Evangelical Christians/Baptists (ICECB) this year. In the latest case, Vasili Kliver, pastor of a Baptist church in the town of Aktobe in northern Kazakhstan, was found guilty on 7 June under Article 375 part 1 (breaking the law on religious organisations) and Article 525 of the code of administrative offences (refusing to appear to give evidence when summoned by the procuracy), local Baptists told Forum 18 News Service on 10 July. At Aktobe's court No. 2, judge Sh. Imaniyazov fined Kliver 1,838 tenge (93 Norwegian kroner, 11 Euros or 14 US dollars), twice the minimum monthly wage. He also ordered the church to close down for six months. The Jehovah's Witnesses, who have suffered in the past for meeting "illegally" after some of their communities were denied registration, told Forum 18 they are not now suffering such problems.

Pastor Kliver was twice fined in 2003 for leading his Baptist congregation without state registration (see F18News 20 March 2003 http://www.forum18.org/Archive.php?article_id=12). The latest fine brings the total fines to 11,028 tenge (556 Norwegian kroner, 66 Euros or 82 US dollars).

On 6 May Pastor Pyotr Panafidin, who leads a Baptist church in the town of Taraz in Jambul region of southern Kazakhstan, was summoned to the town court after prosecutors established that he led an unregistered congregation, local Baptists told Forum 18 on 15 May. In court Pastor Panafidin rejected accusations that unregistered worship constituted an offence, pointing out that neither the country's constitution nor the religion law make registration compulsory before believers can worship together. But the court disagreed, arguing that the registration procedure set out in Article 9 of the religion law in effect amounted to compulsory registration. Judge Aktoty Abdykulova found him guilty under Article 375 part 1 of the administrative code and fined him 1,838 tenge.

On 18 April, police officers raided a Baptist Sunday service in the town of Arkalyk in Kustanai region of northern Kazakhstan. Without giving prior warning or asking permission, an officer K. Barlybayev began to film all those present on a camcorder. "They failed to respond to a request not to disrupt the service and to stop filming. They started pushing believers away when they tried to stop them from filming," local Baptists told Forum 18 on 23 April. "They behaved rudely, paying no attention to anyone and behaving just as they themselves saw fit. They tried to take statements from all those present about the service that was under way, but the believers refused to answer their questions. They then brought witnesses into the room and drew up a document stating that a meeting had been held unlawfully."

The same day, five officials, including prosecutor's office official R. Gabitov, raided a Baptist Sunday service in the town of Uralsk in western Kazakhstan. Again, they rejected the Baptists' request that they stop filming the service. After questioning believers at their homes during the week, the officials again raided the church's Sunday service on 25 April, trying to hand a summons to church member V. Sokolov, but he refused to accept it. On 4 May police again visited Sokolov to demand that he visit the prosecutor's office, but he refused.

On 12 February, the judge of Talas district court in Jambul region Samat Tolesbai found Asan Abyl Khanov, leader of the church in the town of Karatau, guilty of violating Article 375, part 1 of the administrative code and sentenced him to a fine of seven times the minimum monthly wage, or 6,433 tenge. The fine was high because the court established that he had refused to halt the church's services in the wake of a court-imposed ban in 2001.

Baptists who belong to the ICECB regard registration as unacceptable for ideological reasons, believing that it inevitably leads to state interference and restrictions on their rights. In all the above cases, the law enforcement agencies justified their repressive

measures against believers by Article 375 of the code of administrative offences. The crucial term in this article is the phrase "refusal to register". It is on the basis of this that officials are imposing fines and ordering religious organisations to cease operations. Until recently the imposition of fines under Article 375 has been relatively infrequent, though it appears such fines – at least on Baptists – are increasing.

Specialists have given varying interpretations of whether in law religious communities have to register. "The very term 'refusal to register' is not entirely clear. It is virtually impossible to show that believers really do refuse to register. I personally believe that registration of a religious association is not compulsory," Roman Podoprighora, a doctor of legal studies specialising in religion, told Forum 18 from Almaty in January. Vladimir Ivanov, chief specialist for contacts with religious associations at the Almaty city administration, agreed. "The registration of a religious association is not compulsory. All you have to do is read the laws of Kazakhstan in order to understand this," he told Forum 18 the same month (see F18News 10 February 2004 http://www.forum18.org/Archive.php?article_id=249).

Despite this new pressure on unregistered Baptists, all those Forum 18 spoke to denied that the raids and fines represented a new tightening up of state policy against believers. "The situation for us in Kazakhstan is near-perfect. Moreover, since February we have finally managed to resolve virtually our only problem - registration of our community in Petropavlovsk in northern Kazakhstan," the head of the ruling council of Jehovah's Witnesses in Kazakhstan, Fyodor Zhitnikov, told Forum 18 on 17 July.

Zhitnikov's opinion is noteworthy because Jehovah's Witness communities which have been denied registration in the past have suffered similar problems to the unregistered Baptists. They are also frequently subjected to pressure from the authorities in other Central Asian republics.

The Almaty office of the Organisation for Security and Co-operation in Europe (OSCE) also assured Forum 18 on 16 July that the situation of believers' rights had not deteriorated since the beginning of the year.

"The recent cases of persecution against unregistered Baptists are nothing more than the private whims of individual state officials in remote provinces," Roman Dudnik, who heads the Almaty-based Emmanuel Protestant society, told Forum 18 on 17 July. "In general, believers' rights have actually improved since the start of the year." He said that the issue of registration is now being reviewed. He believes that if this happens, it will significantly ease the life of small religious communities with fewer than 10 members, as the religion law does not currently allow smaller groups to register as a legal entity. Dudnik also pointed out that the unregistered Baptists have the right to appeal against district court decisions at higher courts.

Significantly, the chair of the Almaty Helsinki Committee Ninel Fokina, the only person to express scepticism about the improvement in believers' rights during Forum 18's investigation in January and February 2004, believes the religious freedom picture has improved. "In general the situation of believers' rights is very good at present," she told Forum 18 on 17 July.

She said the only problem she knew of is the decision by the justice administration in Aktobe region of northern Kazakhstan to refer the statute of the local Hare Krishna community that has applied for registration for expert analysis. "The law does indeed allow them to do this if there is a suspicion that the religious community has an extremist ideology. But Hare Krishna communities are already registered in several other towns, so the justice administration decision seems strange. But I don't think this is a very serious issue."

But Fokina warned that although the situation of believers' rights is positive at present, the threat remains that the authorities may attempt to tighten control over religious communities. "A draft law on extremism is currently being considered in our parliament. The fact that the phrase 'religious community' occurs in it 10 times alarms me very much. It is still too early to relax."

For more background, see Forum 18's latest religious freedom survey at

http://www.forum18.org/Archive.php?article_id=249

A printer-friendly map of Kazakhstan is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kazakh>

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