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KAZAKHSTAN: Signs of worsening religious freedom?

By Igor Rotar, Forum 18

A criminal case against a Baptist who has refused to pay fines for leading unregistered worship, the decision to seize the property of another Baptist who also led unregistered worship, and two simultaneous legal cases against a Hare Krishna commune, are the latest events in a series of incidents which, along with a controversial new law on "extremism", are leading religious believers to tell Forum 18 News Service that they expect mounting restrictions on their rights. The "extremism" bill, which does not define this term, mentions religion 10 times in its wording and would greatly increase state control over religious groups, including a provision to "forbid the activity of religious associations which have broken the Republic of Kazakhstan's laws on countering extremist activity." The draft law, including amendments to ban religious organisations before a court decision, is now with the lower house of the Kazakh parliament.

Criminal and administrative cases against local Baptists for holding unregistered worship services, and court cases that could deprive a Hare Krishna commune of its property, are the latest moves in a series of events which have led some religious believers to expect mounting restrictions on their rights in Kazakhstan.

"First the authorities closed down our children's home and are trying to close down the charitable fund we set up. Now they've started to persecute our church's members," Dmitri Yantsen, a Baptist leader in Karaganda [Qaraghandy] region of central Kazakhstan, told Forum 18 News Service from the town of Temirtau [Temirtäü] on 19 January. "It seems to me this is not the initiative of local officials, but deliberate state policy." The moves come as the amendments to the controversial draft law on extremism adopted by the upper house of parliament, the senate, in December would increase state control over religious groups.

Tax officials in Karaganda region brought the criminal case against local Baptist Andrei Lerner on 13 December 2004 for categorically refusing to pay fines imposed on him for unregistered religious worship. The case has been referred to the internal affairs administration for Karaganda region, Yantsen told Forum 18, and Lerner now faces possible trial under Article 362 of the criminal code, which punishes failure to meet a court order, a court resolution or other legal decision.

Yantsen reported that Karaganda regional court has previously fined Lerner under Article 375 of the code of administrative offences, which punishes breaking the law on religious organisations, after finding him guilty on several occasions of refusing to register a religious community. "That is indeed the case, because according to our beliefs we must not have any official dealings with secular authorities," Yantsen told Forum 18. "We also believe we do not have to justify our faith in God to the authorities. That's why we refuse to pay fines for praying in churches that are free from secular authority. Unfortunately, the authorities take a different view." Yantsen and Lerner are members of the Council of Churches Baptists, who refuse on principle to register their churches with state authorities in CIS countries.

But Sergei Afanasyev, head of the investigations department at the internal affairs administration for Karaganda region, insists that so far no accusation had been made against Lerner. "It's not for us to bring a criminal case, but for the tax police," he told Forum 18 on 19 January. "We are now investigating the case. It's possible Lerner's property may be confiscated to offset the fine he has failed to pay."

In another case against a Baptist who led unregistered worship, Yantsen stated that court executors in Nurinsk district in the north of Karaganda region have seized property belonging to another Baptist, Aleksei Boiko, who had refused to pay a fine under administrative code Article 375 and that they would soon confiscate property from his home equivalent in value to 4,595 tenge (221 Norwegian kroner, 27 Euros or 35 US dollars).

But the court executor for Nurinsk district, Azamat Shonbinov, downplayed the fine. "The fine imposed on Boiko isn't very substantial, so he needn't fear that we will confiscate virtually all his property," Shonbinov told Forum 18 on 19 January. "We will take a cheap carpet from his wall and put it up for sale."

As evidence of his claim that in the past few months the authorities' policy towards religious believers has become much harsher, Yantsen also cites the closure of the Baptist children's home he led in Temirtau and moves to close their church-run charity (see F18News 7 January 2005 http://www.forum18.org/Archive.php?article_id=485) and recent pressure in schools to try to prevent

children under 18 attending places of worship (see F18News 20 January 2005 http://www.forum18.org/Archive.php?article_id=494).

Yantsen's claim that the government's policy on religion has become harsher is also supported by increasing conflicts between the state and believers in other parts of the country. In Shymkent in southern Kazakhstan, conflict has arisen between a Korean Protestant church and the authorities (see F18News 10 January 2005 http://www.forum18.org/Archive.php?article_id=486), compulsory re-attestation of imams was imposed in South Kazakhstan region (see F18News 8 December 2004 http://www.forum18.org/Archive.php?article_id=472), and the justice department has taken steps to close down a Hare Krishna farm in the suburbs of the country's commercial capital Almaty (see F18News 11 January 2005 http://www.forum18.org/Archive.php?article_id=488).

With two legal cases against the Hare Krishna devotees underway simultaneously, the dispute between the authorities and the community has entered a new phase, the head of the Society for Krishna Consciousness Vidya (Valentina) Volkova complains. The district court is considering whether to confiscate 17 houses belonging to members of the Krishna farming commune and, in an ostensibly separate case, whether to confiscate the Krishna farm's land.

"The home-owners have been accused of not privatising their personal plots of land, but we have submitted the paperwork for privatisation several times - they simply aren't looked at," Volkova complained to Forum 18 on 21 January. "The accusation that the farm land is being put to inappropriate use also seems quite absurd as we grow vegetables and fruit there. My impression is that they simply want to deal with us in any way they can."

The harsher policy is possibly linked to the new law on countering extremist activity currently going through parliament. The word "religious" occurs 10 times in the draft law, while the draft gives no precise definition of "extremism". According to Article 6 of the draft law:

"a state agency for relations with religious associations will

- study and analyse the activity of religious associations that have been established on the territory of the Republic of Kazakhstan and of foreign citizens engaged in preaching and/or disseminating any form of religious belief by means of religious proselytising activity;
- the agency will also implement information and propaganda measures on issues that are within its competence
- and will consider issues relating to breaking the law on freedom of conscience by religious associations,
- and will make representations to forbid the activity of religious associations which have broken the Republic of Kazakhstan's laws on countering extremist activity."

The draft law also confers the same functions on the local authorities. This article substantially strengthens state control over religious communities.

In December the senate approved other amendments to the draft law, which had already been approved by the lower house, which further strengthen such state control. The senators' amendments would allow law enforcement agencies to stop a religious organisation that is suspected of extremist activity from functioning before a court decision had been reached. The senate has now sent the completed draft law back to the lower house. (END)

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=249

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

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