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KAZAKHSTAN: Three-day Baptist detention while family awaits eviction

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

Baptist pastor Pyotr Panafidin's refusal to pay a massive fine imposed last September for leading his unregistered church in the southern town of Taraz has led to a three-day imprisonment and the decision to confiscate his home. Detained at a court hearing on 27 February, Panafidin is due for release on 2 March. "Of course we're worried - if the house is seized, he, his wife Katya and their nine children will be homeless," a local Baptist told Forum 18 News Service. "Of course the detention and the threat to seize the pastor's home are not pleasant," Arbol Argynov of Kazakhstan's Human Rights Ombudsperson's office told Forum 18 from the capital Astana. "If a religious community is not registered with the authorities, that is no reason to restrict it." He says the requirement for religious communities to register must be removed for Kazakhstan to meet its international human rights commitments.

Baptist pastor Pyotr Panafidin, who began three days of court-ordered imprisonment in the southern town of Taraz on 27 February, also faces the prospect of his home being seized for non-payment of a massive fine handed down last September for his leadership of an unregistered religious congregation. "Of course we're worried - if the house is seized, he, his wife Katya and their nine children will be homeless," a local Baptist who preferred not to be named told Forum 18 News Service from Taraz on 1 March. "We are praying for him. All our hope is in God." Other Baptists who refuse on principle to register their congregations with the authorities face pressure from the police and public prosecutor's office.

The chief expert on religious freedom at the government's Human Rights Ombudsperson's Office strongly defended the Baptists and in particular Pastor Panafidin. "Of course the detention and the threat to seize the pastor's home are not pleasant," Arbol Argynov told Forum 18 from the capital Astana on 1 March. "But unfortunately our Office cannot currently intervene in legal cases." He reported that the law will soon be changed to allow this in future.

"The Taraz case is not the only Baptist case," Argynov stressed. He said the Baptists have already kept his Office informed of this and other recent cases against them. "We're taking up these cases."

He insists that the provision in Article 375 of the Code of Administrative Offences which allows religious believers to be punished for leading or participating in unregistered religious activity must be removed to bring the law into line with the International Covenant on Civil and Political Rights. "If a religious community is not registered with the authorities, that is no reason to restrict it," Argynov told Forum 18. "We cannot allow the mistakes of the Soviet period to be repeated. We must respect religious freedom." He says the Ombudsperson's Office is working to have the law changed to bring it into line with Kazakhstan's international human rights commitments.

"Requiring faith communities to register is almost impossible to reconcile with international and Organisation for Security and Co-operation in Europe (OSCE) human-rights standards," Professor Malcolm Evans, of the OSCE Panel of Experts on Freedom of Religion and Belief has stated (see <http://www.osce.org/odihr/57471>). "Unless it is for the purposes of tax benefits or to obtain charitable status, there should be no need for compulsory registration," he continued.

Professor Roman Podoprigora of the Adilet Law School in the country's commercial capital Almaty agrees that Article 375 of the Administrative Code will have to be removed before Kazakhstan's legal acts on religion meet international human rights standards. "Current law allows individuals to be punished for leading or participating in unregistered religious activity," he told Forum 18 from Almaty on 1 March, "but the International Covenant on Civil and Political Rights and other human rights documents nowhere say that rights to free practice of religion extend only to registered religious communities."

But he warns that plans to bring the law into line with international standards have to be followed through. "So far it is only words."

Argynov stressed that Pastor Panafidin and his fellow-Baptists – who belong to the Council of Churches which has always rejected state registration since it was established in the 1960s – are well-known in Kazakhstan. "People know them – they're traditional and law-abiding," he maintained. "It's their right not to register."

Panafidin was found guilty under Article 374-1 part 1, and Article 375 part 1 (refusal to register a religious community at the justice department) of the Administrative Code. At his hearing on 1 and 2 September, he was given a massive fine of 101,955 tenge (4749 Norwegian kroner, 611 Euros or 759 US dollars). The government estimates the average monthly wage at just over 30,000 tenge.

Taraz Specialised Administrative Court – presided over by judge Sandugash Azimkhanova - rejected Panafidin's defence that Kazakhstan's constitution provides for freedom of worship and does not require religious communities to register before they can function (see F18News 8 September 2005 http://www.forum18.org/Archive.php?article_id=645).

The fine was confirmed by a higher court. But after Panafidin refused to pay it, court executors ordered the seizure of his home although, as local Baptists told Forum 18 on 1 March, this has not yet happened.

At the 27 February hearing at the Taraz Specialised Administrative Court, presided over by the same judge Azimkhanova, prosecutor B. Toleuov called for Panafidin to be given a 10-day prison term under Article 524 of the Administrative Code. But the judge, "considering the social danger of the offence committed and the person of the law-breaker", gave him a three-day prison term. Panafidin was arrested in the court room and is due to be freed on 2 March.

Balaua Tulebayeva, who heads the chancellery of the court, declined to answer any questions on the case. "We don't give out information by telephone – you'll have to submit your questions in writing," she told Forum 18 on 1 March.

Other Council of Churches Baptist congregations have faced recent pressure. On 29 January, four police and procuracy officials raided the church in the north-western town of Oral (Uralsk) which meets in the home of Galina Novikova. The officials demanded that she and the pastor of the church, Sergei Krasnov, go to be interviewed. They also filmed the Sunday service without the permission of those present. "Two brothers [church members] invited them into another room and explained that a service was underway and that they should speak to the home-owner after the service," the Baptists told Forum 18 on 4 February. "The whole thrust of their demands was that the church should register." The officials drew up an official record even while the service was still going on, but church members refused to sign it.

The church was again raided during Sunday worship on 19 February. Two police officers handed Pastor Krasnov a summons from the town's public prosecutor Zakarya Saraliev. When Krasnov arrived accompanied by two church members, a Prosecutor's Office official pressured him to register the church and to write a statement explaining his refusal. "He refused to write a statement on this, explaining that the Constitution and international human rights agreements guarantee them the right to conduct peaceful religious services," local Baptists told Forum 18 on 28 February.

Argynov of the Ombudsperson's Office said that Baptists who refuse on principle to register are the only religious community which has complained to his office about punishment for refusing to register. He believes there could be others, though probably not many. The only others he knows of are individual shaman practitioners, regarding pressure on them to seek registration as "ridiculous". "It's an internal way of life that shouldn't be touched."

He says the only religious communities denied registration are those that restrict access to only one ethnic group. "Some Chechens set up a mosque just for Chechens and wouldn't let anyone else in," he told Forum 18. "It is very dangerous to have ethnic mosques, even if it is not against the law. It causes danger to society and harms stability."

Argynov says that unlike in other Central Asian states, there is nothing to stop Muslims registering mosques outside the framework of the state-approved Muslim Board. "The Board tries to pressure mosques to come under its jurisdiction, but I believe this is wrong."

Meanwhile, Professor Podoprigrora expresses some concern about a revived Council for Religious Affairs, created within the Justice Ministry by government decree on 30 December 2005. Eraly Tugzhanov heads the Council. "It is a bad sign that registration of religious organisations will no longer be conducted in the same way as for other legal entities but will be done by the Council," Podoprigrora told Forum 18. But he stressed that whether this will in itself harm the rights of religious believers and communities will depend on the personnel appointed to the Council. He said that no requirement has been made for religious communities that already have registration to undergo re-registration. (END)

More 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 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=701 and articles on the 2005 "national security" legal amendments at http://www.forum18.org/Archive.php?article_id=608 and http://www.forum18.org/Archive.php?article_id=625

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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