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KAZAKHSTAN: Intrusive state registration and massive fine

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

A Baptist Pastor in Kazakhstan has been fined more than three times the estimated average monthly salary, for leading unregistered religious activity, Forum 18 News Service has learnt. In some Kazakh regions, state registration demands information on the ethnicity ("Kazakhs, Russians, Germans, Koreans, Tatars, and Others"), family status, religious education of congregational leaders, their age and type of work and "the most acute problems worrying parishioners", as well as details of members' political affiliation. "Facts demanding attention on the part of state bodies," are also required by the state. "Such registration is a web it's almost impossible to break free of," Baptists complained to Forum 18. Daniyar Muratovi of the Human Rights Ombudsperson's Office insisted - contrary to international human rights standards - that religious believers had to register. Ninel Fokina of the Almaty Helsinki Committee told Forum 18 that the media and political parties are also facing tighter controls, and that intrusive registration requirements "have no basis in law."

Following the highest fine yet imposed on a Baptist pastor for leading an unregistered religious community, Council of Churches Baptists have once more outlined to Forum 18 News Service their objections to official demands that they register their congregations with the government. Pastor Yaroslav Senyushkevich was fined more than three times the estimated average monthly salary on 18 May.

The Baptists regard such registration as "sinful", pointing out that registration applications in some regions of Kazakhstan require information on the ethnicity, family status and religious education of congregational leaders, as well as a breakdown by age and type of work of congregation members and information on "the most acute problems worrying parishioners", as well as details of members' political affiliation. "Such registration is a web it's almost impossible to break free of," the Council of Churches complained to Forum 18 on 4 June.

Council of Churches Baptists refuse on principle to register with the authorities in post-Soviet countries. And as Professor Roman Podoprigora, a Kazakh specialist in religious law, has pointed out to Forum 18, Kazakh law contradicts itself over whether or not registration is compulsory (see F18News 8 December 2005 http://www.forum18.org/Archive.php?article_id=701).

No-one was available at the Ministry of Justice in the capital Astana on 9 June to explain why pressure is mounting on religious believers who want to practice their faith in line with the rights guaranteed under Kazakhstan's international human rights obligations. Daniyar Muratovi of the Human Rights Ombudsperson's Office insisted to Forum 18, on 9 June, that religious believers had to register in accordance with the law. "Why don't these believers want to register?" he asked. He added that he would respond to any further questions in writing.

Muratovi is not the only Kazakh official to ignore Kazakhstan's international obligations. Kazakh officials. The head of a regional Justice Department told Forum 18 that "international agreements are nothing to us - we're governed by the laws of the Republic of Kazakhstan" (see F18News 2 June http://www.forum18.org/Archive.php?article_id=793). In 2005, Kazakhstan adopted a new "Law on International Treaties," which in Article 20 states that "in the case of conflict of the international treaty provisions with the provisions of the legislation of the Republic of Kazakhstan, the treaty shall be amended, suspended or terminated." This breaks both the Kazakh Constitution, and also the United Nations "Vienna Convention on the Law of Treaties."

Ninel Fokina, head of the Almaty Helsinki Committee, says she does not understand the new attack on religious minorities. "It's difficult to discover the logic for this new wave of attacks," she told Forum 18 from Almaty on 9 June. "On one side the government is hoping to chair the Organisation for Security and Co-operation in Europe (OSCE), which is holding a conference on tolerance in Almaty this weekend. On the other, local prosecutors offices are getting much harsher."

Fokina links the harsher measures to the formation at the end of last year of a Council for Religious Affairs within the Justice Ministry, with 102 officials across the country. "They have to have something to do," she maintained. "They've been given a long list of tasks and have stepped up control." She adds that it is not just religious communities facing greater restrictions - the media and political parties are also facing tighter controls.

Pastor Senyushkevich, who leads a Baptist congregation in the capital Astana, was tried by the capital's interdistrict administrative

court, where Judge Lezat Alimzhanova found him guilty of violating Article 374 part 1 of the Code of Administrative Offences, punishing him with a fine of 103,000 Tenge (5,261 Norwegian Kroner, 673 Euros, or 852 US dollars). Average monthly salaries have been estimated to be roughly equivalent to 260 US Dollars (1,589 Norwegian Kroner, 204 Euros, or 31,535 Tenge).

Told that this is the highest fine so recorded against a Baptist for leading religious activity, Judge Alimzhanova was unmoved. "What do you expect me to do?" she responded to Forum 18 from Astana on 7 June. "I gave my clear ruling and he has now appealed to the city court." She declined to discuss the case further.

Forum 18 has learnt of several further cases in the new wave of prosecutions of Council of Churches Baptists leaders. On 19 May at the specialised administrative court of Temirtau Judge Yelena Kirillova fined Dmitri Yantsen 2,060 Tenge (105 Norwegian Kroner, 13 Euros, or 17 US Dollars) for violating Article 375 part 1 of the Code of Administrative Offences. "All this was simply because the church is not registered and he serves as presbyter of the congregation," local Baptists told Forum 18 on 4 June.

On 1 June at the Alga district court of Aktobe region, Judge Bibit Kopesova fined Aleksandr Lekomtsev 5,150 Tenge (259 Norwegian Kroner, 33 Euros, or 43 US Dollars) for violating Article 375 part 1 of the Code of Administrative Offences. Each Monday, Lekomtsev hosts a worship service in his home in the village of Progress in Alga district. "It's a small group made up of four church members, three people close to the church, as well as the children of the church members," local Baptists told Forum 18.

These three fines in May and June are on top of the fine of 5,150 tenge (259 Norwegian Kroner, 33 Euros, or 43 US Dollars) on Pastor Andrei Grigoryev in Aktobe on 24 April and a subsequent police raid on the congregation's worship service on 21 May, and fines imposed on 22 May on ten church members who had preached in the town of Sarkand in Almaty region. In these cases, local TV used police video footage to portray the Baptists negatively, as has also been the case with Hare Krishna devotees, who think this has encouraged intolerance against them (see F18News 2 June 2006 http://www.forum18.org/Archive.php?article_id=793).

Other Protestants and Jehovah's Witnesses have also faced obstruction and harassment from the authorities (see eg. F18News 2 June http://www.forum18.org/Archive.php?article_id=792).

The Council of Churches Baptists cite as justification for their refusal to register their congregations a questionnaire handed out by local justice administrations to communities seeking local registration. The 16 questions not only cover the name and location of the religious community, as well as where services are held and how often in each week, but also include intrusive questions about the leader and members of the congregation.

Leaders are required to give their ethnicity, date and place of birth, level of religious education, family situation, place of work and post held and home address and telephone number. Information about the congregation includes number of members, ethnic composition ("Kazakhs, Russians, Germans, Koreans, Tatars, and Others" listed separately), age profile ("up to 18 years, from 18 to 29 years, from 30 to 40 years, from 41 to 50 years, from 51 and older" listed separately), social composition ("pensioners, workers, state officials, teachers, doctors, students and pupils, businesspeople, unemployed"), how many men and women, and how many foreigners are present for missionary activity. Also required is information on "links and contacts" with other congregations, "the most influential and authoritative figures in the congregation" and "the most popular political parties and social organisations in the congregation". The questions are rounded off with ones on "the most acute problems worrying parishioners" and "facts demanding attention on the part of state bodies".

"These are the terms under which a religious congregation or community is registered," the Baptists complain. "The question arises: who needs this information and what for?!" The Baptists say they "memories are still vivid" of the trials they faced during the Soviet period for refusing registration under the "anti-Evangelical" laws which governed religion. "Many were sentenced to lengthy terms of imprisonment and some even ended their days in prison, but remained faithful to God and free of sinful registration." They are highly worried that once again the pressure to register has recently grown "more and more acute" and fear it could lead to "a widespread attack on communities of our brotherhood".

Aleksandr Klyushev, head of the Association of Religious Organisations of Kazakhstan, said he has seen such forms handed out by local justice administrations in some parts of the country. "There's no national form, but local Justice Administrations often produce their own," he told Forum 18 on 7 June. "In some cases local churches have protested against such intrusive demands and officials have then withdrawn them."

Klyushev says that generally the Council of Churches Baptists are the main victims of the government's insistence that unregistered religious activity is illegal. He says other unregistered religious communities tend not to be touched, especially if they do not draw attention to themselves. "Maybe this is because local prosecutors don't know about them," he told Forum 18. If they did, maybe they would take harsh action."

Fokina of the Helsinki Committee told Forum 18 she had not seen such a form, but believes officials are issuing such requirements to provide detailed information. "Such intrusive demands have no basis in law," she insisted. "Article 19 of our Constitution says you do not have to reveal your ethnic or religious affiliation. This is in clear violation of that." (END)

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

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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