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KAZAKHSTAN: Foreign Baptist forced out for "illegal" bible discussion

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

After seven law-enforcement officials secretly filmed a foreign church member taking part in a bible discussion at a state-registered Baptist church, he was forced to leave the country Forum 18 News Service has learnt. Dan Ballast, an American who belonged for 11 years to the Spring of Water Church, was fined the equivalent of three months average salary and given a deportation order. This is the latest in a series of expulsions known to Forum 18. "This violates both freedom of religion and freedom of speech," a friend of Ballast's said. Kazakh law professor Roman Podoprighora told Forum 18 that "there are no provisions in law which prohibit foreigners from participating in religious ceremonies in different roles," and that "under the existing Religion Law, service in a registered religious organisation is not recognised as missionary activity." Asked by Forum 18 how officials knew to attend the service and film it, one church member responded: "Someone rang them. These things happen here." Ironically, officials had earlier praised Ballast for his educational work.

Some seven law-enforcement officials secretly attended a youth service at the Spring of Water Baptist church in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region in August, church members have told Forum 18 News Service. The officials filmed a veteran congregation member, Dan Ballast, participating in a Bible discussion. Ballast – a US citizen – was later given a massive fine, together with a deportation order. Although the deportation order was later rescinded, Ballast left Kazakhstan on 22 November. "Dan was a member of our church for eleven years, but they said that as a foreign citizen he was not allowed to teach or even speak in the church," one congregation member told Forum 18 from the town on 6 December. "Officials questioned us for an hour and a half after the service, and we told them we didn't want to violate the law."

On 23 October, Judge Yedil Kuderbayev of Oskemen's Specialised Administrative Court found Ballast guilty of violating Article 394 part 2 of the Code of Administrative Offences, which punishes "failure of the goals of entry to accord with the goals indicated in the visa". In addition to the deportation order, Ballast was fined 41,200 tenge (1,967 Norwegian Kroner, 242 Euros or 320 US Dollars), about three months' average salary in Kazakhstan. The East Kazakhstan Regional court annulled Ballast's deportation order on 14 November, as he was already due to leave the country when his contract at Oskemen's Kazakh-American Free University ended, and he was able to show the court his departure ticket. He left Kazakhstan after paying the fine.

A friend of Ballast in Kazakhstan insisted to Forum 18 that, as a church member, Ballast should have every right to take part in the religious life of his chosen religious community regardless of his nationality. "Apparently someone forgot to explain to the Kazakhstan government that residents and citizens are guaranteed their rights to religion regardless of profession," the friend noted. "This violates both freedom of religion and freedom of speech."

Forum 18 was unable to reach A. Islyamov, head of the town Migration Police, or any officials of the Internal Affairs Department or the Prosecutor's Office, who were prepared to explain why the Spring of Water church was being spied on during a service, and why Ballast was punished for speaking to a religious congregation he had belonged to for eleven years.

Rules restricting "missionary activity" by foreign citizens without specific authorisation were introduced in 2003 with amendments to the decree governing the entry, exit and presence in Kazakhstan of foreign citizens. Amendments to Kazakhstan's religion law in July 2005 banned both foreigners and local people from conducting "missionary activity" without specific state approval (see F18News 8 December 2005 http://www.forum18.org/Archive.php?article_id=701). Officials interpret this as banning foreigners from doing anything more than merely attending meetings. The Kazakhstan Migration Police claimed that, by speaking in his local church, Ballast had violated the terms of his business visa, which allowed him only to work at the university.

However, Almaty-based law professor Roman Podoprighora, who specialises in laws on religion, believes such interpretations of the law to be illegal. "There are no provisions in law which prohibit foreigners from participating in religious ceremonies in different roles," he told Forum 18 from Almaty on 8 December. "Under Kazakh law there is no special type of missionary visa, while under the existing Religion Law, service in a registered religious organisation is not recognised as missionary activity."

Congregation members stressed to Forum 18 that the church – which is outside the framework of the Kazakhstan Baptist Union –

has state registration and has not otherwise encountered problems. "There shouldn't be any consequences for the church over what happened to Dan."

The youth service on Sunday 20 August was attended by some 60 people, and it was during a discussion of various Bible passages that Ballast came up to speak. "Dan didn't preach but merely gave his personal view of a Bible passage," church members told Forum 18. "He spoke for about thirty minutes." Asked how the law-enforcement officials knew to attend the service and film it, one church member responded: "Someone rang them. These things happen here."

After the service, police officers present, who had filmed Ballast speaking, questioned the pastor and congregation members for an hour and a half. They forced witnesses to sign statements that Ballast had been preaching. The following day, he was summoned to the town prosecutor's office and was questioned for three hours. Prosecutors initially intended to prosecute Ballast for working as a "missionary" without being registered with the town authorities, sources told Forum 18. But a few days later, the prosecutors dropped the case and sent the papers to the Migration Police, to see if they could find a way to punish him.

Ballast was ordered to report to the Migration Police on five separate occasions over the following six weeks. Eventually, they opened a formal case against him, stating that he had violated the terms of his visa. They stated that the law requires that a person must engage only in activities related to their visa.

Ironically, officials had earlier praised Ballast for his educational work in Kazakhstan and administration of scholarships for local students to the United States. Ballast received awards from the East Kazakhstan Regional administration and the Ministry of Education. Kazakhstan's President Nursultan Nazarbayev personally presented Ballast with his Master's Degree in Kazakh Language and Literature, that he earned from East Kazakhstan State University.

The Kazakh authorities have been treating foreigners who are active in local religious communities with growing suspicion. South Korean pastor Kim U Sob, who led the Love Presbyterian Church in the southern Kazakh town of Kyzyl-Orda [Qyzylorda] for eight years – and had been invited to an event as an official speaker by the authorities - was punished for conducting religious activity in a town near Kyzyl-Orda, while having permission to conduct "missionary activity" only in the town itself. His accreditation was revoked and the Migration Police then refused to extend his visa once it expired (see F18News 15 November 2006 http://www.forum18.org/Archive.php?article_id=871). Pastor Kim was forced to leave Kazakhstan on 14 November.

One source, who wished to remain unnamed, told Forum 18 that the judge in Pastor Kim's case told his lawyer, Timur Kupeshev, that he had been given 10,000 US Dollars to prosecute him. If Kim offered the judge 15,000 US Dollars the case could be dropped, the source stated. Forum 18 has been unable to confirm this independently.

Members of the Tabligh Jama'at international Islamic missionary organisation – both Kazakh citizens and foreigners – have been fined this year for preaching in mosques without accreditation. A number of the foreigners have been expelled (see F18News 14 November 2006 http://www.forum18.org/Archive.php?article_id=868).

Choosing not to try to extend his visa in November was Hare Krishna devotee Govinda Swami, an American member of the embattled Sri Vrindavan Dham commune (named after the "beautiful forest of Vrindavan" in India where Krishna spent his youth) in Karasai district near Almaty. Govinda Swami told Forum 18 on 7 December that after the government commission formed allegedly to resolve the conflict had begun its work, local religious affairs official Ryskul Zhunisbayeva complained that he was working as a "missionary without a missionary visa" and threatened that his visa would not be renewed.

On 21 November, the day after Govinda Swami left Kazakhstan, the authorities began bulldozing Hare Krishna-owned homes at the commune. The authorities seem determined to complete the demolition and confiscation despite an international outcry (see F18News 8 December 2006 http://www.forum18.org/Archive.php?article_id=885).

In recent years other foreign citizens leading local religious communities have seen their visas revoked or not renewed, while other foreign citizens invited to Kazakhstan for religious events have faced denials of visas (see F18News 8 June 2005 http://www.forum18.org/Archive.php?article_id=578).

Meanwhile, two local Baptists in East Kazakhstan Region, given heavy fines in June for continuing to lead their unregistered congregation, are still refusing to pay the fines. This is despite the imminent confiscation of property from one, and the deduction of the amount from the pension of the other (see F18News 1 December 2006 http://www.forum18.org/Archive.php?article_id=881).

"We refuse absolutely to pay as we're not guilty before God or the state of any crime," Pyotr Shevel told Forum 18 from Zyryanovsk on 7 December. "Our Constitution allows us freedom of worship, so why do they our church as if it is a terrorist group just because we worship without registration?" Shevel said his refrigerator and other property designated for confiscation, if he does not pay the fine, have not yet been seized. Nor has the fine yet been deducted, as threatened, from the pension of his fellow-Baptist Yegor Prokopenko. However, Shevel fears this could happen at any time.

"Fines on our people are happening almost everywhere in Kazakhstan because we won't register with the authorities," Shevel

reported. Other Baptists of the Council of Churches – who refuse on principle to register their congregations as they believe this leads to unacceptable state control over their internal affairs – have told Forum 18 that fines have recently been handed down in the capital Astana, as well as in towns as far apart as Kokshetau [Koshetau] in the north and Shymkent in the south.

Information demanded for state registration in Kazakhstan often greatly exceeds any information reasonably necessary just to obtain legal status. Both Baptists (see F18News 9 June 2006 http://www.forum18.org/Archive.php?article_id=797) and Hare Krishna devotees (see F18News 8 December 2006 http://www.forum18.org/Archive.php?article_id=885) have complained to Forum 18 about the highly intrusive and unreasonable demands the state makes for information, under the guise of registration applications.

Legal restrictions on religious freedom have been increased by the authorities, with the 2005 passage of "extremism" and "national security" amendments, which (amongst other things) ban unregistered religious activity, greatly curtail missionary activity, enhance state control over religious education, and permit suspension of registration of a religious organisation, with a ban on speaking to the media by members of the organisation (see the F18News Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=701).

Some fear that more legal restrictions being planned by the KNB secret police will ban sharing beliefs and all missionary activity (see F18News 24 October 2006 http://www.forum18.org/Archive.php?article_id=859). (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 survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806 and a survey of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

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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