

23 July 2007

KAZAKHSTAN: Home confiscations to follow massive fines

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

A mother and her young child have been barred from their home after a Court Executor sealed the Baptist church premises in Shymkent where they live, to prevent the church from meeting, Baptists have told Forum 18 News Service. The move followed the church's refusal to follow a court order halting its activity, because it does not wish to undergo state registration. This is part of an increasing trend of seizing homes and other property to punish unregistered religious activity. In Semey, Baptist Pastor Viktor Kandyba, his wife and their twelve children were threatened with the seizure of half their home by 18 July after he refused to pay a fine for leading unregistered worship. "No-one appeared or summoned us on 18 July, but this could come at any time," Kandyba complained to Forum 18. Cars and pigs have already been seized from other Baptists for non-payment of fines. Kazakhstan's senior religious affairs official, Yeraly Tugzhanov, denies absolutely that the fines and seizure of property represent persecution. "No-one is being persecuted for their faith," he told Forum 18.

As an increasing number of Baptist-owned homes are threatened with seizure because they are owned by church leaders or used to host unregistered worship services, Kazakhstan's senior religious affairs official, Yeraly Tugzhanov, denies absolutely that this represents persecution. "No-one is being persecuted for their faith," he told Forum 18 News Service from the capital Astana on 19 July. "Let them pray. But the Religion Law requires them to register. No-one else has a problem with that."

Religious believers from the Council of Churches Baptists have complained to Forum 18 that in the wake of massive fines for holding unregistered worship – which they refuse on principle to pay – officials are sealing private homes and threatening them with seizure. Once sealed by court executors, owners of such property cannot sell it or even gain access to it. This has already led to a mother and her young child being deprived of their home and a family of fourteen threatened with losing half of their home.

Council of Churches Baptists have more than 100 congregations of varying sizes across Kazakhstan, which meet in a network of prayer houses which are formally private homes. All their congregations within the former Soviet Union refuse on principle to register with state authorities, believing that such state registration leads to unwarranted interference in their activities. Over the past decade, punishments within Kazakhstan for holding unregistered religious worship have steadily increased (see eg. F18News 30 January 2007 http://www.forum18.org/Archive.php?article_id=904).

Court orders to seize Baptist-owned property – both church buildings and private homes – are being used as Kazakh authorities look for other punishments for church members who refuse to pay these steadily-mounting fines. Court executors have already seized cars, washing machines and even pigs to cover non-payment of fines. They have also taken money direct from church members' wages, in what the Baptists complain is an "economic war" against them (see F18News 11 May 2007 http://www.forum18.org/Archive.php?article_id=954).

This is despite Professor Roman Podoprighora, a Kazakh law professor specialising in religious law and others - such as Aleksandr Klyushev of the Association of Religious Organisations of Kazakhstan - pointing out that the "legal" basis for the authorities' claim that unregistered religious activity is illegal is doubtful (see F18News 4 August 2005 http://www.forum18.org/Archive.php?article_id=625). It also breaks Kazakhstan's international human rights obligations. "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, an international human rights law expert, 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.

Kazakh registration procedures are highly intrusive, and clearly designed to provide means of control, not a mechanism for acquiring legal status (see F18News 9 June 2006 http://www.forum18.org/Archive.php?article_id=797).

One example of the authorities' search for new ways of punishing unregistered religious activity is the case of Pastor Viktor Kandyba. He leads the Baptist congregation in the town of Semey (Semipalatinsk) in Eastern Kazakhstan Region. Half the family home where he lives with his wife Olga and their twelve children is due to be seized, following his refusal to pay a fine for leading unregistered worship. "They could seize half our home at any time," he told Forum 18 from Semey on 21 July. "This is unjust repression." He said the church – which has about 25 adult members and about 35 children - meets not at his home but at the home

of another congregation member.

Kandyba said that the Court Executor, Zhana Syzdykova, issued a Bailiff's Order on half the family home on 18 June. "Syzdykova made it clear that, if we don't pay, they will sell half the house and recover the money that way, giving us anything left over from the sale." She also threatened to seize the family car and gave the family a deadline of 18 July. "No-one appeared or summoned us on 18 July, but this could come at any time," Pastor Kandyba complained.

He added that Court Executor Syzdykova had warned him that, if he fails to pay the fine, he would be liable to even harsher penalties. These penalties would be on charges of obstructing the carrying out of a court order.

Kandyba pointed out that the fine was levied on him, while the house and the family car are legally in his wife's name. "They shouldn't touch them." He also complained that, when he told Syzdykova that he and his wife have twelve children who live in the house with them, she insisted that he give her copies of all twelve Birth Certificates.

The congregation's most recent problems began when Kandyba's church was raided by eight men during its Sunday worship service on 11 February. The intruders, who identified themselves as being from the Justice Administration, showed Kandyba an order from Igor Kovalev, the Semey town Prosecutor, that religious communities without registration should present information to the Prosecutor's Office. "They filmed us as though we were criminals," Kandyba complained.

Later that month, Pastor Kandyba was summoned and informed that he would be tried under the Code of Administrative Offences, for leading an unregistered religious community. The following day an officer of the National Security Committee (KNB) secret police summoned Kandyba, insisting that the Pastor had to inform him of everything happening within the church. The KNB secret police officer claimed that "terrorists" are entering the congregation and conducting "subversive activity". "Of course I rejected such shameful collaboration," Kandyba told Forum 18.

On 12 March Judge Roza Ulanova of the town's specialised Administrative Court found Kandyba guilty of violating Article 374 part 1 of the Code of Administrative Offences, which punishes leaders of "social organisations" who violate the law. She fined him 109,200 Tenge (5,120 Norwegian Kroner, 647 Euros or 895 US Dollars), more than twice a high monthly salary, or nearly a year's pension. Kandyba appealed against the fine, but this was rejected.

Kovalev, the Prosecutor who instigated the original raid, defended his actions. "The Religion Law requires religious organisations to register with the authorities," he told Forum 18 from Semey on 18 July. "I didn't devise the Law - I'm just an official who has to carry it out." He rejected any suggestion that the right of the Baptists to freedom of thought, conscience and belief had been violated. "This is not persecution. I don't see anything terrible in what has been done to them. They violated the Law."

Baptists have also told Forum 18 of a Court Executor in Shymkent, South Kazakhstan Region, who has sealed the home of a church member where the local congregation meets. On 22 June T. Kuzembaev arrived bearing a court order sealing the building. He sealed not only the hall where the church meets, but a room where the home owner lives.

"In this way the believers have been deprived of the possibility of holding meetings in this house, while the home owner, Yelena Sabirova, and her young child cannot live in it," local Baptists told Forum 18. "The Court Executor exceeded his authority as the court decision reads: to halt the activity of the religious association, but not to seal the privately-owned home." They point out that Kazakhstan's Constitution guarantees the inviolability of the home, as well as the right to practise one's faith freely.

The sealing of Sabirova's home followed a ruling by Shymkent's Enbekshi District Court on 23 October 2006, halting the activity of the church for three months because it was not registered. The church regarded the ban as unwarranted and carried on meeting for worship. Pastor Fauzi Gubaidullin was then imprisoned for three days in March in punishment (see F18News 13 March 2007 http://www.forum18.org/Archive.php?article_id=931).

The Baptist congregation in Esil in the northern Akmola Region, around the capital Astana, also fears that the authorities are trying to seize their church building. Pastor Andrei Blok, who leads the church, has faced repeated summonses for refusing to register it. On 16 May the District Court fined him 16,380 Tenge (768 Norwegian Kroner, 97 Euros or 134 US Dollars) and ordered the church to halt its activity for six months. After Pastor Blok appealed against the sentence, the Regional Court upheld the original verdict on 11 June.

On 6 July, a Court Executor and the local police officer arrived during the congregation's service and pointed out that the church had been ordered to halt its activity for six months. "They insisted that the believers should disperse, but no-one left," local Baptists told Forum 18. "In conversation with the brothers, they said that they had been instructed to seal the hall which is used for meetings. But as the home is privately-owned and has a room where the home-owner lives, they did not seal it."

The Court Executor again summoned Pastor Blok on 10 July and warned him that they would seal the church anyway and prevent the church from holding further services.

Meanwhile, on 14 June in the town of Aksu in north-eastern Pavlodar Region, Judge Serik Gabdullin fined Baptist leader Oleg Voropaev 5,460 Tenge (256 Norwegian Kroner, 32 Euros or 45 US Dollars) under the Code of Administrative Offences for refusing to register his congregation. "Verbally, the judge added that the decision had also been taken to halt the community's activity for three months," Baptists told Forum 18. Voropaev protested against the fine and the ban, pointing out that "the community doesn't need legal status." He also protested that registration with the authorities "represents interference in the internal affairs of the church and violates my conscience". He added that Kazakhstan's Constitution guarantees freedom of religion and worship and makes no mention of registration.

While Council of Churches Baptists do not seek official registration, other Protestant churches which do want registration – especially those led by ethnic Kazakhs – often face official obstruction, especially in small towns. Even registered communities are liable to be raided by the authorities in what a police official called "the fight against terrorism and religious groups without registration" (see F18News 28 February 2007 http://www.forum18.org/Archive.php?article_id=916).

Other religious communities have also been fined for meeting for unregistered worship, even if - as in the case of the Jehovah's Witnesses in the Caspian Sea port of Atyrau - this is because the authorities have repeatedly refused to accept their registration applications. Following repeated registration application refusals over six years, six Jehovah's Witnesses, including the community's leader Aleksandr Rozinov, were given massive fines in June (see F18News 7 June 2007 http://www.forum18.org/Archive.php?article_id=972).

"Of course these fines were not justified, so we appealed against them," a member of the community told Forum 18 from Atyrau on 21 July. However, on 25 June the Regional Court upheld the fines. "We then lodged a complaint to the General Prosecutor in Astana, who has to respond within one month. Even if he says our rights to freedom of worship have been violated, we will still have to appeal again against the fines. If it doesn't go our way, we'll just have to pay."

Homes at the Hare Krishna commune near the commercial capital Almaty have been demolished in what the community believes is a campaign by the authorities to crush it (see F18News 15 June 2007 http://www.forum18.org/Archive.php?article_id=975).

Kazakhstan has long punished unregistered religious activity, in violation of the country's international human rights commitments. However, an actual ban on unregistered religious activity was introduced only in July 2005, when the Religion Law was amended as part of a package of "national security" amendments to various laws (see F18News 15 July 2005 http://www.forum18.org/Archive.php?article_id=608). Both registered and unregistered organisations are subjected to tight government scrutiny.

The authorities are planning to further amend the country's already restrictive Religion Law (see F18News 21 February 2007 http://www.forum18.org/Archive.php?article_id=916). Every time the Law has been amended since its adoption in 1992, its provisions have become harsher. However, plans earlier this year were suspended when President Nursultan Nazarbayev dissolved the lower house of Parliament in June. Human rights activists and religious minorities fear attempts will resume made after the new Parliament is elected on 18 August. (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>

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY