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KAZAKHSTAN: "They are trying to close down our church with any excuse"

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

Kazakhstan continues to try to close places of worship, Forum 18 News Service has found. The latest incident is a court case brought against Grace Protestant Church in Semey, in eastern Kazakhstan. The Fire Brigade claim that their newly constructed place of worship does not meet fire safety requirements, stating that there must be a six meter gap between their building and the next building. However, a church member told Forum 18, "there is no building on that land, it is an empty plot." Church members and their lawyer insist that all relevant building permits, including those from the Fire Brigade, are in order. But "the court ignored these documents." A church member told Forum 18 that "it looks like they are trying to close down our church with any excuse." The state's long-running attempts to intimidate Almaty's Hare Krishna commune also continue. In a separate case, a Soviet-era prisoner of conscience, Yegor Prokopenko, pastor of an unregistered Baptist church, has been fined for a second time in three years for unregistered religious activity. Local prosecutor Tatyana Semynina told Forum 18 that "they can believe as much as they want, but should not organize religious meetings."

Kazakh authorities continue to apply pressure against religious communities across the country, Forum 18 News Service has found. The latest example of the authorities' attempts to take places of worship away from religious minorities is a court case against Grace Protestant Church in Semey, in Eastern Kazakhstan Region. The case was brought before the regional Economic Court by Semey Fire Brigade on 25 June, Forum 18 was told by church members. The Fire Brigade claimed that the church's newly constructed place of worship does not meet fire safety requirements.

Semey Fire Brigade told Grace Church that there must be a six meter [six and a half yard] gap between their building and the next building, church members stated. However, they pointed out, "there is a wall two and half meters from our building, between us and the neighbouring plot of land." And, a church member continued, "there is no building on that land, it is an empty plot."

Judge Armana Kuzhambetova decided that until the church has fulfilled all the fire rules, it was prohibited from using their own building. A church member pointed out that the church had been under construction for four years, but "when we had just completed it the Fire Brigade suddenly appeared and told us we could not use the building." The church already has all the necessary building permits, including a permit from the Fire Brigade, "but the court ignored these documents," Forum 18 was told. "It looks like they are trying to close down our church with any excuse," a church member stated.

Marat Dauletin, Deputy Head of Semey Fire Brigade, claimed to Forum 18 on 2 July that Grace Church had violated fire regulations. "We did not bring them before the court for nothing", Dauletin stated. But he had difficulty in explaining exactly what fire regulations the church had violated. "I do not remember exactly, because they are just one organisation among many who we have brought before the court for violations," he said. "If they disagree they can hire a lawyer to defend their interests."

Judge Kuzhambetova was not available to talk to Forum 18 on 3 July, but an official who answered the phone stated that Grace Church "either need to pull the building down and move it further away from their neighbour, or install a special fire system around the building." The official stated that they could not explain the "special fire system" over the telephone.

No such explanation of the Court's decision was given at the trial, Marasbek Raisov, the church's lawyer, told Forum 18 on 3 July. "This is the first time I have heard the reasons the Economic Court gave you," he told Forum 18. Despite the claims of the Fire Brigade, the lawyer, like church members, insisted that all the necessary official documents for the building's construction were in order.

A highly restrictive draft Religion Law will – among other attacks on freedom of thought, conscience and belief - to ban all religious communities with less than 50 members from owning property (see F18News 10 June 2008 http://www.forum18.org/Archive.php?article_id=1141). The Law completed its first reading in the Kazakh parliament on 11 June. Kazakh authorities are also carrying out raids and media attacks on religious minorities (see F18News 30 May 2008 http://www.forum18.org/Archive.php?article_id=1137), as well as attacks on their right to own their own property (see F18News 25 April 2008 http://www.forum18.org/Archive.php?article_id=1120).

In 2007, Semey authorities banned a mother and her young child from their home after a Court Executor sealed the Baptist church premises in Shymkent where they live, to prevent the church from meeting. The local National Security Committee (KNB) secret police tried to pressure the church's Pastor into informing them of everything happening within the church, claiming that "terrorists" are entering the congregation and conducting "subversive activity" (see F18News 23 July 2007 http://www.forum18.org/Archive.php?article_id=999). Along with authorities across Kazakhstan, local state authorities have pressured religious minority communities and their leaders into completing highly intrusive questionnaires (see F18News 25 February 2008 http://www.forum18.org/Archive.php?article_id=1092).

Elsewhere in Kazakhstan, members of the Baptist Council of Churches network continue to be fined. On 6 May Zyryanovsk District Court, in East Kazakhstan Region, under Judge Gulaim Zhumashova fined Yegor Prokopenko, the pastor of the town's unregistered Baptist Church 29,200 Tenge (1,230 Norwegian Kroner, 150 Euros, or 240 US Dollars). He is a Soviet-era dissident who was a prisoner of conscience, and this fine was for unregistered religious activity under part 1, article 362, of the Criminal Code.

Baptist Council of Churches congregations refuse on principle to register with the authorities in post-Soviet countries. Their congregation members are regularly prosecuted in Kazakhstan, Belarus and other states where – in breach of international human rights standards - registration is compulsory.

Zyryanovsk Prosecutor Tatyana Semynina told Forum 18 that she could not do anything about the fine given to Prokopenko. "He has violated the Religion Law," she stated. "He must respect the Law". Told that this is a peaceful group of believers and asked why they should be punished for their faith, Semynina said that "they can believe as much as they want, but should not organise religious meetings." When asked what was wrong when groups of religious believers do not want to register as legal persons but want to worship together, Semynina said the question must be asked to the lawmakers. "We as State Prosecutors function according to the law," she emphasized. "There is the Religion Law, and we act based upon that Law."

Law professor Roman Podoprigora of the Caspian Public University in Almaty has noted that Kazakh law contradicts itself on whether or not the registration of religious organisations is compulsory (see F18News 4 August 2005 http://www.forum18.org/Archive.php?article_id=625).

Yegor Prokopenko, born 1926, was imprisoned several times during the Soviet period for his religious activity. His last Soviet-era jail sentence began in July 1982, when he was given a three year strict regime labour camp term. In June 2006, he was fined the very large sum of 103,000 Tenge (5,425 Norwegian Kroner, 686 Euros or 870 US Dollars) by Zyryanovsk District Specialised Administrative Court, while congregation member Pyotr Shevel was fined half that amount (see F18News 14 July 2006 http://www.forum18.org/Archive.php?article_id=812). Appeals against those fines were rejected (see F18News 1 December 2006 http://www.forum18.org/Archive.php?article_id=881).

Kazakhstan's long-running attempts to intimidate Almaty's Hare Krishna commune also continue. On 22 June, Orynbay Zhanedil, the Hakim (Head of the Executive Authority) of Zhetisu rural area of Almaty region's Karasai district personally intimidated devotees at a worship service of the Commune. "As the Krishna congregation arrived by bus at the commune, Orynbay Zhanedil also arrived accompanied by local policemen," Maksim Varfolomeev of the Hare Krishna community told Forum 18 on 30 June.

"The Hakim stopped our worshippers, and warned us that the meeting was illegal," complained Varfolomeev. "He demanded that we vacate the area within one hour, and threatened that, if we failed to comply, he would bring more police to conduct a check up on all the attendees." While leaving the commune, Zhanedil warned the Hare Krishna devotees that their land "belonged to him." The Hakim also confiscated the bus driver's driving license, returning it later with a warning "never to drive people to the Krishna commune again," Varfolomeev told Forum 18.

Zhanedil's actions "were a flagrant violation of our Constitutional rights", complained Varfolomeev. He also stated that the Hakim "violated Article 12 of the Religion Law," which states that religious worship, ceremonies and rites may be freely performed in places of worship. The Hakim has not since returned to the Commune, and Hare Krishna devotees continue to worship in their temple.

Forum 18 has repeatedly tried to talk to the Hakim about the Hare Krishna Commune, but the telephone has been repeatedly put down by a woman who answered the call. At the most recent attempt to speak to the Hakim on 3 July, Forum 18 was told to "call back tomorrow when maybe there will be someone to talk to you."

In previous attempts to intimidate the Hare Krishna devotees into giving up their land, the local authorities have bulldozed about half of the houses on the commune, without offering compensation or alternative accommodation for the devotees made homeless (see F18News 15 June 2007 http://www.forum18.org/Archive.php?article_id=975). The authorities continue to try to evict the Hare Krishna commune, offering unsuitable alternative land - including a rubbish dump (see F18News 25 April 2008 http://www.forum18.org/Archive.php?article_id=1120). (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.

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>.

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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