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KAZAKHSTAN: Expelled for preaching in own church

By Mushfig Bayram, Forum 18

After legal residence in Kazakhstan for 15 years, marriage to a Kazakh citizen and a two-year-old daughter, Russian citizen Leonid Pan was in mid-August denied his application to renew his residence permit because he volunteers to preach in his local Protestant church, according to documentation seen by Forum 18 News Service. The local Internal Policy Department had already refused permission for him to become leader of the church. "How can the Migration Police, without having a Court order, demand that Leonid leave the country?" church members complained to Forum 18. The KNB secret police denied to Forum 18 it was involved in the expulsion. Meanwhile, another Baptist was in August fined nearly five months' official minimum wage for holding an unregistered worship service. State restrictions on religious communities are likely to increase with the new Religion Law amendments, due to be considered in the new session of Parliament which opened today (1 September).

Authorities in Arkalyk [Arqalyq] in the northern Kostanai [Qostanay] Region have effectively forced Leonid Pan – a Russian citizen long legally resident in Kazakhstan with his Kazakh wife and young daughter - to leave the country to punish him for volunteering in his officially registered Protestant Church. "The Migration Department, realising that Leonid preached in the Church, decided not to extend his residence permit, which is unlawful," church members complained to Forum 18 News Service. "How can the Migration Police, without having a Court order, demand that Leonid leave the country?" The authorities had already rejected the Church's desire to appoint him its leader. Pan is the latest victim of tight state restrictions on what religious activity foreign citizens legally resident in Kazakhstan are allowed to engage in. Such restrictions might be tightened even further in the new draft Religion Law due to be discussed in the new session of Parliament which opened today (1 September).

Pan, a Russian citizen who has lived in Kazakhstan for the past 15 years, has been married to a Kazakh citizen since 2005 and has a two-year-old daughter from this marriage. The official notification rejecting his application to extend his residence permit noted that he did not indicate in the application that he is "leader of the religious association Grace-Light of Love Church," and thus gave "false information". Church members, who wished to remain unnamed for fear of state reprisals, adamantly denied to Forum 18 that Pan gave any false information. They said that he only preaches in the Church, and does so in an unpaid capacity.

Similarly Viktor Leven, a member of an unregistered Church in the northern Akmola Region belonging to the Baptist Council of Churches, was ordered deported in 2009 to punish him for his religious activity. Born in Kazakhstan, Leven had gained German citizenship when he lived in Germany between 1992 and 2000. Although the deportation order has still not been enforced, Leven - who has no identification documents except his Kazakhstan-issued driver's licence - faces serious difficulties in Kazakhstan.

Meanwhile in Aktobe [Aqtobe] Region in western Kazakhstan, a Court gave a large fine to a Baptist for unregistered religious activity. The Judge who handed down the fine told Forum 18 that he "cannot do anything" with the Law, which prescribes punishment for leaders and members of unregistered religious communities.

Kazakhstan has long sought to make its Religion Law more restrictive. President Nursultan Nazarbaev announced in an address to a joint session of the country's Parliament in the capital Astana on 1 September that Parliament in its current session will consider the draft of the revised new Religion Law to make it more restrictive (see F18News 2 September 2011 http://www.forum18.org/Archive.php?article_id=1608).

Tight restrictions on foreigners in religion

Kazakhstan already imposes tight restrictions on what foreigners who are legally resident can do – even on a voluntary basis – in religious communities. Under visa procedures which came into force on 1 March 2010, those involved in religious activity require "missionary visas". These are issued "on the basis of an invitation extended by a religious association registered in the territory of Kazakhstan and approved by the local state organ responsible for religious affairs," the order notes.

Approval of the National Security Committee (KNB) secret police is required before visas can be approved. Among the reasons allowed for a refusal is "national security". The maximum a missionary visa can be issued for is 180 days. Such a visa cannot be extended and is not renewable (see F18News 1 October 2010 http://www.forum18.org/Archive.php?article_id=1494).

Also Article 375, Part 3 of the Code of Administrative Offences punishes foreigners or stateless persons for "missionary activity" without personal registration as missionaries with fines and deportation.

Both the foreign imams working with the Ahmadi Muslim community were forced to leave Kazakhstan after the new procedures came into force (see F18News 1 October 2010 http://www.forum18.org/Archive.php?article_id=1494).

The Ahmadi community investigated all the documents they would need to provide to get missionary visas "and understood that there was no point in even lodging applications," one Ahmadi Muslim told Forum 18 on 1 September. "It was not even worth trying to apply."

Expelled for leading religious community

Members of the Grace – Light of Love Protestant Church told Forum 18 from Arkalyk on 31 August that Pan left Kazakhstan for Russia, where his father lives, received registration there, and re-entered Kazakhstan on 27 August. "Although we think the authorities took unlawful actions against Leonid, he left Kazakhstan and came back, as a law-abiding person not to violate the Law or the Police orders," they said.

Pan has been given a three-month tourist visa, church members told Forum 18. "The authorities gave him some time to prepare his wife's and daughter's documents to leave for good for Russia." Asked why he will not apply for the residence permit again, one Protestant complained: "We know the Migration Police will not renew his permit any longer."

Pan asked the Arkalyk City Police's Migration Department in January for renewal of his residence permit, but received no answer from the Police for eight months, Church members told Forum 18. On 16 August Arkalyk Police's Migration Department summoned him and showed him - without providing him a copy - an order "signed by the KNB secret Police" that he should leave Kazakhstan within ten days from the day of notification

On 19 August, Arkalyk City Police Chief Lt-Col. Yerali Smagulov summoned Pan and handed him the official rejection of his application, which gave the same reasons as in the letter he had been shown three days earlier. The letter – signed by Smagulov and seen by Forum 18 – noted that the Kostanai Regional Migration Department had rejected his residence permit application because of "the false information given by the applicant in the application for the residential permit; it has been verified that you carry out the leadership of the religious association Grace-Light of Love Church." The letter instructed him to leave the country by 29 August.

Church members explained to Forum 18 that Pan indicated in his application that he preached in the Church as a volunteer, that he did not say that he was the leader of the Church, and that he is not the leader of it.

"Everything is in order"

Arkalyk Police on 30 August told Forum 18 that Chief Smagulov was on vacation, and referred Forum 18 to his Deputy, Mukash Dyusembayev. He promised Forum 18 that he would look into the matter, and asked to call back later. Called the following day, he said, "Everything is in order, our colleagues are working on giving him the permit." Told that the Police already gave him a tourist visa, and that Pan is preparing with his family to leave Kazakhstan, Dyusembayev responded: "Let Pan come to us, and we will resolve his visa problem."

Church members said that they would convey this message to Pan but that they believed that Dyusembayev's promise is "only words; the Police will not do it; he [Pan] tried this before."

Both Dyusembayev on 31 August and Kostanai regional KNB's Officer Marat (he did not give his last name) on 1 September categorically denied that there was any KNB order to deport Pan. Officer Marat told Forum 18 that he examined all the files and talked to his colleagues in both the regional and Arkalyk city KNB offices. "No one from the KNB ever gave such an order to deport Pan," he said, "and we are not responsible for the actions of the Migration Police."

Why are you preaching?

In July, the Internal Policy Department of Arkalyk City Administration summoned Pan and demanded that he explain to them on what basis he was preaching in the Church, Church members told Forum 18. The Church members said that they believe the KNB may have informed the City Administration, since Pan indicated in his permit application that he did so.

Anatoly Yutkin, the leader of the Church and the Church Council, thinking that it was an opportunity to receive official recognition for Pan, decided to ask the Administration to authorise Pan as new leader of the Church, Church members pointed out. "However, this was in July, and Leonid had applied to the Migration Police six months prior to this decision of the Church." The Administration did not approve Pan's leadership.

"This is unlawful interference by the authorities in the internal matters of the Church. The Church should have the right to choose

members to preach in services," Church members complained to Forum 18.

Mansiya Aytmagambetova, Head of the Internal Policy Department, on 31 August said that she could not immediately comment on the case, as she needed to study it. When Forum 18 insisted, and asked why her department should put pressure on the Church and its members, she asked Forum 18 to call back the following day. Called on 1 September, Aytmagambetova's Secretary (she did not give her name) told Forum 18 that she was not available to talk to Forum 18.

No documents, no official work

Leven, the Kazakh-born Baptist from Esil in Aktobe Region, is still stateless, the order to deport him has not been cancelled, and he cannot leave Kazakhstan, his fellow Baptists told Forum 18 on 31 August. Without official documents, he cannot travel by rail or plane, even within Kazakhstan. He cannot be employed officially, and survives on the support given by his relatives and a small farm he has.

Leven was found guilty under Article 375, Part 3 of the Code of Administrative Offences in October 2009. He was ordered deported and also fined 6,480 Tenge (238 Norwegian Kroner, 29 Euros or 43 US Dollars). This decision was annulled by Akmola Regional Court in November 2009, but was reinstated after prosecutors complained. The Supreme Court refused to hear Leven's case, and the General Prosecutor's office also refused to re-examine a complaint he made about the way his case was treated (see F18News 8 February 2010 http://www.forum18.org/Archive.php?article_id=1405).

Leven's application for Kazakh citizenship was rejected in 2010 and he has been stateless since renouncing his German citizenship (see F18News 31 March 2010 http://www.forum18.org/Archive.php?article_id=1427).

Fined for home worship service

A member of a small unregistered Baptist Church in the town of Martuk in Aktobe Region close to Kazakhstan's border with Russia has been fined, two months after his church was raided.

On 18 August, Judge Medetbek Sarsenov of Martuk District Court found Gennady Tsyba guilty of violating Administrative Code Article 374-1, Part 2 (participation in unregistered religious activity), Baptists who wished to remain unnamed for fear of state reprisals told Forum 18 on 29 August. The Judge fined him the maximum penalty under this provision of 75,600 Tenge (2,772 Norwegian Kroner, 361 Euros or 515 US Dollars). This represents nearly five months' official minimum monthly wage.

Trouble began for Tsyba on 26 June, when two officers of Martuk District Police without warning visited the Church's Sunday worship service. Two days later, on 28 June, Captain Yu. Postov of the Martuk Police summoned Tsyba for questioning. He then opened an administrative case, telling Tsyba that he had violated the Law by participating in the activity of an unregistered religious organisation.

"During our worship service we did not threaten state security"

Tsyba has appealed against the fine to Aktobe Regional Court, the Baptists told Forum 18. "I deem that the charges against me are unlawful," Tsyba says in the complaint, the text of which Forum 18 has seen. He pointed out that Article 1 point 1 of the Religion Law says that religious organizations are formed on the initiative of no fewer than ten adult citizens. "However, we are only four believers in Martuk village. Based on the Law, we are not a religious association which must be registered officially."

Tsyba added that the Church had gathered on 26 June "for peaceful worship based on Kazakhstan Constitution's Article 32, wherein it says Kazakhstan's citizens have the right peacefully and without weapons to assemble, conduct gatherings, meetings". He pointed out that this right can be limited by law only in the interest of state security, public order, protection of health, protection of rights and freedoms of other persons. He also pointed to Religion Law Article 12 point 2: "Worship services, religious rites and ceremonies may be conducted without interference in private homes and flats of citizens."

"During our worship service we did not threaten state security, did not disturb public order, did not infringe on the rights and freedoms of others, and did not threaten the public health. So any limitation put on our worship is unlawful."

Judge Sarsenov said that the Court fined Tsyba because his Church, like other congregations of the Baptist Council of Churches, refuses on principle to register with the State. "They were involved in unauthorised religious activity," he insisted to Forum 18 from Martuk on 31 August.

Asked why the Baptists are being punished for holding peaceful worship without registering officially, the Judge said the State wants to register all communities "to protect itself from religious extremism". Asked why the State does not distinguish between peaceful worshippers – such as the Baptists – and extremists, Sarsenov responded: "I need to obey the Law. I cannot change it." (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=1352.

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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Kazakhstan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Kazakhstan>.

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