

8 October 2014

KAZAKHSTAN: Fourteenth known 2014 short-term prison term

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

Anatoly Stakhnev's 10-day prison term in July and Nikolai Novikov's five-day term in August bring to 14 the number of known short-term prisoners of conscience in 2014 jailed for refusing to pay earlier fines imposed in punishment for refusing to seek state permission to exercise the right to freedom of religion or belief, Forum 18 News Service notes. Husband and wife Vladimir and Regina Milintsov were fined two months' average wages each in late September for talking to passers-by on the street about their faith. When prisoners of conscience complained about such administrative penalties to Kazakhstan's presidentially-appointed Human Rights Ombudsperson, Askar Shakirov, his response was "to explain the norms of national legislation on religious activity and the necessity of observing them", he noted in his report for 2013. The government ignored a January request from five United Nations Special Rapporteurs to end punishments for "alleged illegal missionary activity", police raids on religious communities and bans on religious publications.

On 18 August, Council of Churches Baptist Nikolai Novikov became the 14th prisoner of conscience known to have been given a short-term prison sentence in Kazakhstan this year for refusing to pay an earlier fine imposed to punish him for refusing to seek state permission to exercise the right to freedom of religion or belief, Forum 18 News Service notes. He served five days in prison in West Kazakhstan Region, a month after a fellow Baptist in East Kazakhstan Region served a ten-day prison term on the same charges. Meanwhile, a husband and wife are the latest individuals known to have been fined for talking to others about their faith without the compulsory state permission.

Administrative prosecution of members of a Pentecostal church in Pavlodar for unregistered religious activity related to a rehabilitation centre seem likely. The moves appear to be part of a behind-the-scenes official campaign against communities regarded as "non-traditional", especially those running social projects, as revealed in a September letter from East Kazakhstan's deputy regional prosecutor, seen by Forum 18 (see F18News 14 October 2014 http://www.forum18.org/archive.php?article_id=2006).

In two letters to the United Nations Human Rights Council, Kazakhstan's government has vigorously rejected any criticism over its punishments for exercising the right to freedom of religion or belief. It also justified its restrictions on exercising the right to freedom of religion or belief, claiming they "fully meet international standards of human rights and freedoms" (see below).

Galym Shoikin, Chair of the Culture and Sport Ministry's Religious Affairs Committee, refused to discuss anything on 8 October. He put the phone down as soon as Forum 18 identified itself. (The Religious Affairs Committee was created in a government reorganisation on 6 August which abolished the Agency of Religious Affairs.)

"Offences" and punishments

Typical violations of the harsh 2011 Religion Law which end up in fines are distributing religious literature without the compulsory state licence, talking to other people about religion without compulsory personal registration as a "missionary", and meeting with others for worship or other religious purposes without compulsory state registration. More than 150 such fines are known to have been handed down in 2013, and nearly 50 in the first ten weeks of 2014 alone (see F18News 13 March 2014 http://www.forum18.org/archive.php?article_id=1937).

Speaking in the capital Astana on 19 September, the head of the presidential Human Rights Commission Kuanish Sultanov put the number of administrative cases to punish individuals for religious activity opened so far in 2014 at 92, with 71 individuals being fined, "Kazakhstanskaya Pravda" newspaper noted the following day. He put the figure for 2013 at 282 administrative cases, with 199 individuals being fined. The report gives no indication that Sultanov objects to such punishments.

Punishments are handed down under Article 374-1 and Article 375 of the current Administrative Code, and seem set to continue under the new Administrative Code, which mostly comes into force on 1 January 2015 (see F18News 21 July 2014 http://www.forum18.org/archive.php?article_id=1979).

Fines are generally 50 or 100 Monthly Financial Indicators (MFIs). Equivalent to about two months' average wages for those in

work, 100 MFIs is currently 185,200 Tenge (6,500 Norwegian Kroner, 800 Euros or 1,000 US Dollars).

The "offences" and punishments under the current Article 374-1 ("Leading, participating in, or financing an unregistered, halted, or banned religious community or social organisation") have been transferred unchanged into the new Administrative Code's Article 489, Parts 9, 10 and 11.

The "offences" and punishments under the current Article 375 ("Violating the Religion Law") have been transferred across to the new Administrative Code's Article 490. Some penalties have been increased and a new "offence" of "spreading the teachings of a religious group which is not registered in Kazakhstan" added.

Like Sultanov, Kazakhstan's presidentially-appointed Human Rights Ombudsperson, Askar Shakirov, similarly dismissed the concerns of those given such administrative punishments. His report for 2013, made public on 3 June 2014, he noted that many of the 34 applications to his Office about freedom of religion or belief violations concerned such punishments. His response to such applications was "to explain the norms of national legislation on religious activity and the necessity of observing them".

Ten-day imprisonment

Council of Churches Baptist prisoner of conscience Anatoly Stakhnev served a ten-day prison term in July for refusing to pay a fine of 50 MFIs for his role in a congregation that refuses to seek state permission to meet for worship, handed down on 31 January under Administrative Code Article 374-1, Part 2 (see F18News 13 March 2014 http://www.forum18.org/archive.php?article_id=1937).

Like the civil disobedience adopted by other Council of Churches Baptists, Stakhnev considered the fine unjust and refused to pay. Court bailiffs launched proceedings against him on 4 July.

On 11 July, Judge Gibrat Valiyev of Semei Specialised Administrative Court handed down the ten-day prison sentence on Stakhnev, according to the verdict seen by Forum 18. He was given the maximum term under Administrative Code Article 524 ("Failure to carry out court decisions").

Five-day imprisonment

On 18 August, Judge Botagoz Nurmagambetova of Oral (Uralsk) Specialised Administrative Court in West Kazakhstan Region found Council of Churches Baptist Novikov guilty of violating Administrative Code Article 524. She sentenced him to five days' imprisonment to start from that afternoon, according to the verdict seen by Forum 18.

Novikov had refused to pay a fine of 50 MFIs handed down by Akzhaik District Court in May 2013. In February 2014, court bailiffs in Oral visited his home and put a restraining order on his car (see F18News 11 November 2013 http://www.forum18.org/archive.php?article_id=1895).

On 18 August, court bailiff Yerkebulan Andakulov drew up a record of an offence under Article 524 and presented the case to court. The record – seen by Forum 18 – notes that he had taken "forcible measures" against Novikov, including by imposing restraining orders on his property.

Novikov told the 18 August hearing that he would not pay the fine as he did not agree with it. The verdict notes that he had also refused to sign any documents related to the case.

Novikov is also on the Justice Ministry's exit ban list for refusing to pay administrative fines. Andakulov, the court bailiff in Oral who had brought Novikov to court and had him placed on the exit ban list, defended his action. "It was all done according to the law," he insisted to Forum 18 from Oral on 7 October. "He was fined and didn't pay."

Told that Novikov refused to pay because it is not right to punish for exercising his right to freedom of religion or belief, and asked why he should be punished further by being banned from leaving Kazakhstan, Andakulov responded: "This is not something I can discuss by phone."

14 short-term prisoners of conscience

The 14 prisoners of conscience known to have been given short-term jail terms so far in 2014 under Article 524 are:

1. Vyacheslav Cherkasov; CC Baptist; 9 January Burabai District Specialised Administrative Court; 2 days.
2. Zhasulan Alzhanov; CC Baptist; 9 January Burabai District Specialised Administrative Court; 2 days.
3. Maksim Kandyba; CC Baptist; 20 January Semei Specialised Administrative Court; 10 days.

4. Pavel Leonov; CC Baptist; 20 January Ayagoz District Court; 3 days.
5. Vitaly Krasilnikov; CC Baptist; 21 January Oskemen Specialised Administrative Court; 1 day.
6. Aleksandr Pukhov; CC Baptist; 3 March Petropavl Specialised Administrative Court; 5 days.
7. Vyacheslav Flocha; CC Baptist; 6 March Zhaksy District Court No. 2; 5 days.
8. Sergei Golovanenko; CC Baptist; 18 March Burabai District Court; 2 days.
9. Denis Yenenko; CC Baptist; 17 April Shal-akyn District Court; 6 days.
10. Viktor Kandyba; CC Baptist; 27 May Semei Specialised Administrative Court; 10 days.
11. Name withheld; Muslim; early July Court name withheld; 5 days.
12. Ramil Nizamov; CC Baptist; 8 July Petropavl Specialised Administrative Court; 5 days.
13. Anatoly Stakhnev; CC Baptist; 11 July Semei Specialised Administrative Court; 10 days.
14. Nikolai Novikov; CC Baptist; 18 August Oral Specialised Administrative Court; 5 days.

In addition, on 12 February Nury District Court found Baptist Sergei Lantsov guilty of violating Administrative Code Article 524. He fined him 2 MFIs.

"Illegal" literature distribution

On the afternoon of 6 July, Anti-Extremism Department Police officer U. Mukatov found several Council of Churches Baptists – among them Novikov – distributing religious literature "of this unregistered religious association" on the streets of Oral. He drew up a record of an administrative offence against Novikov under Administrative Code Article 374-1, Part 2. "He refused to give any statement," the record – seen by Forum 18 – notes.

On 12 August, Judge Bogotaz Baimukhanova of Oral Specialised Administrative Court found Novikov guilty and fined him 50 MFIs, according to the verdict seen by Forum 18.

Police have detained and questioned other Council of Churches Baptists for offering religious literature to passers-by on the streets. In Zhezkazgan in Karaganda Region on 20 August, police seized religious literature from Nadezhda Yefin and Margarita Yantsen and interrogated them, Council of Churches Baptists told Forum 18.

Council of Churches Baptists preaching on streets of the village of Novoukrainka in North Kazakhstan Region were detained and questioned by police on 21 August, Council of Churches Baptists told Forum 18. Their literature was also seized.

"Illegal" sharing of faith

Jehovah's Witness husband and wife, Vladimir and Regina Milintsov, are the latest individuals known to have been fined for talking to others about their faith without the compulsory state permission. Both were found guilty at Karatal District Court of Almaty Region on 29 September of violating Article 375, Part 3 of the Administrative Code, according to the verdicts seen by Forum 18. Each was fined 100 MFIs.

The cases had been brought by Kazbek Omarov, an official of the Religious Affairs Department of Almaty Region. He told the hearing in Vladimir Milintsov's case that he had received "materials" about the couple from the Prosecutor's Office.

A local resident complained to the police that on 2 July the two had been talking to others on the streets of their home town of Usttobe in Almaty Region. Court documents seen by Forum 18 cite the man as complaining that in conversation the couple "commented negatively on Islam and praised their own religious faith". Both Vladimir and Regina Milintsov in their separate hearings denied ever having seen the man before.

In his hearing, Vladimir Milintsov cited freedom of religion and freedom of speech guarantees in Kazakhstan's Constitution and international human rights commitments Kazakhstan has signed up to, including the International Covenant on Civil and Political Rights. However, the court dismissed his references to the country's human rights obligations.

Forum 18 was unable to reach Omarov – or any other official – at the Religious Affairs Department between 6 and 8 October.

Government justifies restrictions

Concerned by repeated violations of the rights of individuals to freedom of religion or belief in Kazakhstan, five United Nations (UN) Special Rapporteurs - on the promotion and protection of the right to freedom of opinion and expression; on the rights to freedom of peaceful assembly and of association; on freedom of religion or belief; on the situation of human rights defenders; on the independence of judges and lawyers – as well as the then Independent Expert on Minority Issues wrote to the Kazakh government on 31 January (https://spdb.ohchr.org/hrdb/25th/public_-_UA_Kazakhstan_31.01.14_%281.2014%29.pdf).

In particular, the Rapporteurs were concerned over the fine and deportation order against Jehovah's Witness Yuri Toporov, as well as raids on their meetings and fines on their members for talking to others about their faith. The Rapporteurs urged the government for "Mr. Toporov not to be deported, that the charges against him and other members of Jehovah's Witnesses for alleged illegal missionary activity to be withdrawn, as well as the raids of their religious meetings, and the banning of their religious publications to be discontinued". The deportation order against Toporov was not cancelled, however (see F18News 22 April 2014 http://www.forum18.org/archive.php?article_id=1950).

The Kazakh government defended its record in two responses to the Urgent Appeal, a three-page response to the UN of 28 March, and an 18-page response of 7 April, both seen by Forum 18.

Bureaucratic controls are "state services"?

in the 7 April response, the government listed some of its limitations on exercising the right to freedom of religion or belief – "the registration of religious associations, the registration of missionaries, a religious/legal expert appraisal of the articles of association and other documents with religious content, spiritual (religious) educational programmes, informational materials with religious content and religious items, and the regulation of the distribution of religious literature and other informational materials with religious content or religious items".

The government insisted such controls are necessary to protect individuals from religious communities it alleges foment religious strife, break up families, force people to take part in their activity, use "coercive recruitment methods, including through charitable activity", and force members to transfer their property to them. Forum 18 notes that none of those given administrative punishments have been accused of such crimes.

Curiously, the government response describes these bureaucratic controls on exercising the right to freedom of religion or belief as "state services".

The government even claims – without giving any evidence – that the existence of these controls "makes it possible for the State to take measures to prevent threats in the area of religion (including the spread of religious extremist and terrorist ideologies and the use of destructive methods in religious practices) and to provide safeguards against illegal and unjustified interference by State bodies in the activities of religious associations".

Such claims contradict Kazakhstan's formal international commitment as an Organisation for Security and Co-operation in Europe (OSCE) participating State to respect human rights – including freedom of religion or belief – as a way to deal with such alleged threats.

"Missionary work often covers for the ideology of extremism"

The 7 April response shows further unsubstantiated government claims about religious communities seeking new members. "It is an open secret that missionary work often covers for the ideology of extremism and the followers of various destructive religious groups. Practices of this kind cannot be eliminated by turning a blind eye to them. There was a need, therefore, for the registration of missionaries for the purpose of protecting social order, human rights and freedoms and public health and morality." Again, it gives no evidence for its claims.

The government response dismisses concerns about restrictions on individuals talking to others about their faith "The law does not restrict the right to propagate religious doctrine, but rather provides a regulatory framework for missionary work," it claims. But it notes that, among Jehovah's Witnesses, the "performance of missionary work without registration is among the most common offences".

The response appears to blame Jehovah's Witnesses, noting that not one of them has applied for personal registration as a "missionary". It attacks their "highly obtrusive style of missionary work", claiming that they "often stir up outrage among the people" and thereby violating others' right to freedom of religion or belief. "The bulk of the administrative case files concerning the Jehovah's Witnesses have come from citizens' appeals and complaints along these lines." (END)

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>.

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1939.

For a personal commentary from 2005 on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

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.

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