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KAZAKHSTAN: "What were they afraid of? We didn't take anyone away"

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

Anti-"Extremism, Separatism and Terrorism" police Lieutenant Colonel Rashid Kuandikov, who led a January raid on a Protestant meeting in Aktau in Kazakhstan, has dismissed witness statements that officers deliberately insulted and intimidated people, including children. "What were they afraid of? We didn't take anyone away," he told Forum 18 News Service. He also denied that police pressure on an Indian and two Azerbaijanis present was racism. And in December 2015, two female Jehovah's Witnesses failed to overturn large fines for talking to a passer-by on the streets about their faith. One of those fined, Nadezhda Chesnokova, was a 74-year-old pensioner. Two booksellers are known to have been fined in the southern city of Kyzylorda in 2015 for selling the Koran and other books on Islam, Christianity and Judaism. Farabi Uzakov of Kyzylorda Prosecutor's Office, asked how punishing people for exercising their freedoms of expression and of religion or belief accord with Kazakhstan's international human obligations, replied: "I don't understand what obligations you are talking about".

Anti-"Extremism, Separatism and Terrorism" police Lieutenant Colonel Rashid Kuandikov, who led a 30 January raid on a Protestant meeting for worship in Kazakhstan's Caspian Sea port of Aktau [Aktau], dismissed statements from those present that officers deliberately insulting and intimidated people, including children. "What were they afraid of? We didn't take anyone away," he told Forum 18 News Service from the city on 8 February. He said police raided the Church because they had heard foreigners were present. He denied that police pressure on an Indian and two Azerbaijanis present at the meeting was racism (see below).

And in December 2015, two female Jehovah's Witnesses failed to overturn large fines handed down to punish them for talking to a passer-by on the streets about their faith. One of those fined, Nadezhda Chesnokova, was a 74-year-old pensioner (see below).

Meanwhile, people who sell religious books without the compulsory state licences for selling religious literature continue to face prosecution. Two booksellers are known to have been fined in the southern city of Kyzylorda in 2015 for selling the Koran and other books on Islam, Christianity and Judaism (see below).

Three criminal trials – in Astana, Karaganda and Akmola Region - are continuing against Sunni Muslims accused of membership of the banned Muslim missionary movement Tabligh Jamaat (see below).

Exercising freedom of religion or belief is dangerous

Officials at many levels continue to use rhetoric that implies that exercising freedom of religion or belief is dangerous and allegedly linked to "extremism". Lectures and seminars are frequently held to promote this message. For example, in December 2015 simulated criminal and administrative prosecutions of individuals exercising the right to freedom of religion or belief were held for students in East Kazakhstan Region.

Raid

On the evening of 30 January 2016, at least seven police officers raided New Life Pentecostal Church in the Caspian Sea port of Aktau as it met for worship in a rented cafe, Church members told Forum 18. The raid was led by Lieutenant Colonel Rashid Kuandikov, head of the police Department for the Struggle against Extremism, Separatism and Terrorism.

New Life Church has been repeatedly targeted by the authorities, including previous raids by police Struggle against Extremism, Separatism and Terrorism officers, questions and threats against Church members and attempts to recruit a spy from among them (see eg. F18News 10 July 2009 http://www.forum18.org/Archive.php?article_id=1325).

On 30 January 2016 police – against Kazakh law - refused to show a search warrant, or a warrant permitting them to film those present. At first police also refused to show their identity documents, although six eventually did after Church members' insistent demands.

As soon as they arrived to break up the meeting one officer – Bekzat Urbisinov - began filming those present, despite the complaints from Church members. One officer – named only as Kairat – stood at the lectern at the front next to the pastor, chewing gum and watching Church members as they prayed.

Foreigners targeted

While other officers started demanding that those present write statements, Lieutenant Colonel Kuandikov took Pastor Maksim Tashenov into the foyer to ask if any foreign citizens were present. Pastor Tashenov responded that there were, as the Religion Law allows foreign citizens to attend religious services (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

The officer identified as Kairat had already identified one of those present – an Indian who works legally in Aktau for a foreign company – as a foreign citizen. "Kairat was pressuring the Indian citizen psychologically," Church members stated, "trying to force him to write a statement stating why he was present and what he was doing." Kairat subjected to crude insults other Church members who tried to defend the Indian.

Pastor Tashenov explained to Lieutenant Colonel Kuandikov that as well as the Indian citizen, two invited pastors were present from Azerbaijan, Rasim Khalilov and Igor Galushko of Word of Life Church. New Life Church had lodged applications for permission for the two pastors to conduct "missionary" activity in Aktau to Mangistau Region Religious Affairs Department on 19 November 2015. "Religious Affairs Department officials had assured us firmly that we would get this permission on Friday 29 January 2016," Pastor Tashenov told the officer.

However, as Pastor Tashenov told Lieutenant Colonel Kuandikov, the Department had failed to issue the permission as they had promised. They had also failed to process the applications within the 30 days specified in procedures.

Children, old people, deliberately frightened by police

"All this time officers were moving around the hall, demanding statements from those present as to why they were there," Church members stated. "Noise was intense. Children who had come with their parents to the service were intimidated and frightened. Old people were also frightened. They treated us like bandits."

Officers also demanded statements from Pastor Tashenov and Pastor Khalilov, threatening to take them to the police station and force them to give statements if they refused.

"For an hour and a half we stood our ground, defending our rights to religious freedom and countering crudeness, threats and pressure officers were imposing on us," Church members noted. "Believers were cowed, many suffered shock, children were scared, our Indian Church member was intimidated, not understanding what was going on." One four-year-old child asked their parents whether the police were going to take them all away.

Lieutenant Colonel Kuandikov demanded that Pastor Tashenov and Pastor Khalilov come to the police on 1 February with the Church's documents and statements from parents allowing their children to be present at a religious meeting. Officials have refused to explain their delays, or discuss whether they tipped police off (see below)

As the officers left, Church members observed that other police officers on the street were laughing at how the officers had succeeded in frightening those present.

Bullying of children by police has often happened during raids (see eg. F18News 13 August 2015 http://www.forum18.org/archive.php?article_id=2089).

"What were they afraid of? We didn't take anyone away"

Lieutenant Colonel Kuandikov dismissed Church members' statements about the raid. We didn't threaten anyone," he claimed to Forum 18 from Aktau on 5 February. "We committed no violations. It was all in accordance with the law." Told that Church members stated that they were frightened during the raid, he responded: "What were they afraid of? We didn't take anyone away."

Asked why police had raided a meeting for worship, He said they had received information (he refused to say where from) that foreigners were present at the meeting. "We had to take statements from those present to find out that the foreigners were not leading the meeting. When we found out they had not, we left."

All religious or belief communities are thought to be under surveillance by the ordinary police and KNB secret police (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Racism?

Asked why officers had singled out the Indian citizen for attention which he found intimidating, and whether this constituted racism, Lieutenant Colonel Kuandikov denied it. "There was no racism," he claimed to Forum 18.

Asked why whether foreign citizens are or are not present at a religious meeting is a matter for the police Department for the Struggle against Extremism, Separatism and Terrorism – or any other branch of the police - Lieutenant Colonel Kuandikov insisted that the law requires them to make enquiries.

Asked why one of the officers had filmed those present against the express wishes of Church members, Lieutenant Colonel Kuandikov responded: "We have to film to make sure nothing wrong is done either by those present or by the police." He added that the film will be kept in the operational files.

Lieutenant Colonel Kuandikov told Forum 18 that no cases under the Criminal Code or Code of Administrative Offences will follow the raid.

Another of the police officers involved in the raid – Captain Baurzhan Aibekov of Aktau's 11th microdistrict, where the Church meeting was held – similarly denied that officers had intimidated Church members during the raid. "No one was intimidated, no one was insulted," he insisted to Forum 18 from Aktau on 4 February. "We just checked up on what was happening."

Why did officials not process "missionary" permission application?

Esenali Isa of Mangistau Region Religious Affairs Department denied that his Department had failed to process New Life Church's applications for missionary permission for the two Azerbaijani pastors. "We process such documents in accordance with the law," he told Forum 18 from Aktau on 5 February. "We sent the documents for an 'expert' analysis."

"Missionary" activity is broadly defined and requires state permission to take place, can only take place in state-defined areas, and requires state censorship of all materials used (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Told that the law requires that such applications be processed within 30 days, he repeated his earlier response.

Isa refused to say if his Department had told the police that foreign citizens were likely to be present at the 30 January meeting.

The telephone of Religious Affairs Department head Erlan Esbergenov went unanswered each time Forum 18 called on 5 and 8 February.

Fined for talking about religion

Two Jehovah's Witnesses – Nadezhda Chesnokova (a 74-year-old pensioner) and Olga Mishina – failed to overturn fines handed down in East Kazakhstan Region to punish them for talking to a man on the street about their faith.

On 19 August 2015 Chesnokova and Mishina discussed their faith with a passer-by on the street in the regional capital Oskemen. They also showed him a Jehovah's Witness booklet "An Introduction to God's Word". The man later phoned the police to complain that the two women were conducting "illegal" missionary activity, according to the subsequent court decisions seen by Forum 18. Police confiscated the booklet from the two women.

An "expert" analysis a week later confirmed that the booklet did not contain "extremist" ideas. On 18 September 2015 potential prosecutions under Criminal Code Article 405, Part 1 were abandoned "because of the lack of a crime".

Article 405, Part 1 punishes "organising the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to six years' imprisonment.

The Regional Religious Affairs Department confirmed on 20 October 2015 that neither woman has the compulsory state permission required for individuals who conduct "missionary" activity (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

On 26 October 2015, records of administrative offences were drawn up against Chesnokova and Mishina under Administrative Code Article 490, Part 3. This punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 Monthly Financial Indicators (MFIs), with deportation if the individual is a foreign citizen.

100 MFIs is more than nine months' official minimum wage.

On 16 November 2015, Judge Nazgulya Abdualiyeva of Oskemen Specialised Administrative Court fined Chesnokova 100 MFIs, then set at 198,200 Tenge. Although the court decision notes that mitigating factors in setting the penalty are that Chesnokova is a pensioner and has not been sentenced before, Judge Abdualiyeva did not reduce the fine.

In a separate hearing the same day, the same Judge also fined Mishina 100 MFIs.

The Judge ordered the booklet confiscated from the women to be handed to the local Jehovah's Witness community.

Chesnokova and Mishina – who both denied committing any offence – appealed against the punishments. However, on 9 and 10 December 2015, a panel of judges at East Kazakhstan Regional Court rejected Chesnokova and Mishina's appeals, according to the decisions seen by Forum 18.

Prosecutor Dauren Alseitov of Oskemen Prosecutor's Office, who led the case against Mishina in the lower court, refused to explain why she and Chesnokova were punished for discussing their faith with a passer-by on the street. "I can't give any information by phone," he told Forum 18 from Oskemen on 8 February. "I don't know who you are." He then put the phone down.

Chesnokova is not the oldest person to be fined in Kazakhstan for exercising the right to freedom of religion or belief. Yakov Skorniyakov – a Baptist and former Soviet-era freedom of religion or belief prisoner of conscience – was 79 when he was given a massive fine for his religious activity in 2006, two years before his death (see F18News 13 April 2006 http://www.forum18.org/Archive.php?article_id=759).

Two grandmothers aged 77 and 76 were among a group of Baptists fined in Ayagoz in East Kazakhstan Region in 2013 (see F18News 10 April 2013 http://www.forum18.org/archive.php?article_id=1822).

Testimony from state-backed "specialist"

Taking part in both lower court hearings to condemn Jehovah's Witnesses as "one of the best known and most dangerous contemporary destructive cults" was Sergei Lebedev, described in the court decisions as a "specialist". He heads the state-financed Unity organisation in Oskemen, which claims to help victims of "destructive cults".

In 2014 Lebedev was a member of the East Kazakhstan Regional "Information and Propaganda Group on Questions of Religion". These groups promote state policy on restricting the exercise of the right to freedom of religion or belief.

"The police invited me to give my opinion on the case," Lebedev told Forum 18 from Oskemen on 8 February. "I was also in contact with the Regional Religious Affairs Department."

Asked the basis for his hostile remarks about Jehovah's Witnesses in court, which supported the prosecution of the two women, Lebedev claimed that: "I'm an independent expert – I'm fully neutral. I use material published internationally, including by Dvorkin."

Aleksandr Dvorkin is a controversial Russian "anti-sect" activist who visited Kazakhstan in 2009 to speak at a conference on "destructive sects" (see 17 March 2009 http://www.forum18.org/archive.php?article_id=1269). State-funded "anti-sect" centres often attack so-called "non-traditional" beliefs. Local media have often used comments from police, other officials and employees of "anti-sect centres" to attack people and communities exercising freedom of religion or belief (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Fined for selling the Koran and other religious books

Roza Sarsembayeva, who runs a shop in a shopping centre in the southern city of Kyzylorda, was in September 2015 fined for selling 18 religious books, including the Koran.

Strict state censorship is imposed on all religious literature and material, including a highly restrictive system of licences of where such material may be sold. Even some booksellers who have permission to sell religious material have told Forum 18 they do not want to sell it, to avoid trouble with the authorities. All Islamic material that is not Sunni Hanafi is banned (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Police raided Sarsembayeva's shop on 29 May 2015, amid a campaign to raid local shops selling religious literature without the compulsory state permission. Among the 18 religious books confiscated by police were several Muslim books, including a copy of the Koran, a translation of the Koran into Russian by the Azerbaijani scholar Elmir Kuliyeu, a biography of the Muslim prophet Muhammad and a book on the haj pilgrimage. Other books confiscated included "The Earthly Life of the Mother of God" and a book entitled "Judaism".

On 28 July 2015 police decided evidence was not there to bring a case against Sarsembayeva under Criminal Code Article 174, Part 1. This punishes "incitement of social, national, clan, racial, or religious discord" with imprisonment of two to seven years, or restricted freedom for the same period.

A case was then initiated against Sarsembayeva under Administrative Code Article 490, Part 1, Point 3 ("Violating the requirements of the Religion Law for .. import, production, publication and/or distribution of religious literature and other religious materials, and items for religious use"). The punishment for individuals is a fine of 50 MFIs.

On 21 September 2015, Judge Shalkhar Kozhantayev of Kyzylorda Specialised Administrative Court found Sarsembayeva guilty, according to the decision seen by Forum 18. He fined her 50 MFIs, then set at 99,100 Tenge, or more than four and half months' official minimum wage. He also banned her from selling books for three months. He ordered that the confiscated books be returned to her.

Sarsembayeva does not seem to have appealed against the decision.

Fined for book on "the Beautiful Names of Allah"

Sarsembayeva was not the only bookseller punished by Kyzylorda Specialised Administrative Court in 2015 for selling religious books without state permission.

During a 27 February 2015 raid on the Education bookshop in the city, police officers found and confiscated several religious publications, including one entitled "Explanation of the Beautiful Names of Allah in the Light of the Koran and Sunna".

Again prosecutors considered launching a case against the shop's owner, Nargiz Bekkhozhayeva, under Criminal Code Article 174, Part 1 ("Incitement of social, national, clan, racial, or religious discord"). However, after an "expert" analysis found no evidence of a crime an administrative case was launched against her under Administrative Code Article 490, Part 1, Point 3.

At her trial at Kyzylorda Specialised Administrative Court on 5 May 2015, Judge Kumis Espenbetova found Bekkhozhayeva guilty. She fined her 50 MFIs, then set at 99,100 Tenge, or more than four and half months' official minimum wage. Judge Espenbetova also banned Bekkhozhayeva from selling books for three months, according to the decision seen by Forum 18. The Judge ordered the confiscated books to be handed back.

Bekkhozhayeva does not appear to have appealed against the fine and ban.

"I don't understand what obligations you are talking about"

Farabi Uzakov of Kyzylorda City Prosecutor's Office, who oversaw the literature prosecutions in 2015, insisted that the prosecutions were justified under the Administrative Code, which specifies punishment for selling religious books without permission. "If the court decisions have come into force, they are legal," he told Forum 18 from Kyzylorda on 8 February 2016.

Asked how punishing people for exercising their internationally-recognised freedoms of expression and of religion or belief accord with Kazakhstan's international human obligations, Uzakov responded: "I don't understand what obligations you are talking about".

Three criminal trials continue

Three criminal trials – in Astana, Karaganda and Akmola Region - are known to be underway against Sunni Muslims accused of membership of the banned Muslim missionary movement Tabligh Jamaat (see F18News 2 February 2016 http://www.forum18.org/archive.php?article_id=2145).

The latest hearing in the Karaganda trial was held on 8 February. The trial in Astana is due to resume at 10 am on 10 February. The latest hearing in the trial at Tselinograd District in Akmola Region was held on 4 February and is due to resume at 10 am on 12 February. (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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