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KAZAKHSTAN: More raids on worship, fines

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

Police raided a third Baptist church in Taraz, summarily fining two more worshippers. Only one of five now fined did not appeal. "We don't pay fines voluntarily, so they'll take the money from his pension," a Baptist noted. Police raided a Hare Krishna meeting in Atyrau. Officials later withdrew the prosecution.

On 3 March, Anti-Terrorism Police in the southern city of Taraz raided another Baptist church's Sunday morning meeting for worship. This was the third police raid on a Council of Churches Baptist community in the city since 10 February. Again police issued summary fines - of two months' and one month's average wages - to two church members. These brought to five the number of Baptists in the city given summary police fines for exercising freedom of religion or belief since February.

Council of Churches Baptists choose not to seek state permission to exercise their right to freedom of religion or belief.

The Taraz raid came exactly one month after a 3 February police raid on a group of Hare Krishna devotees as they were meeting for devotional chants in a flat in the Caspian port city of Atyrau. The Regional Religious Affairs Department drew up a record of an "offence" against the community and sent it to court. However, the court sent the case back. The Department official who prepared the record told Forum 18 it has now been withdrawn (see below).

Four of the five Baptists summarily punished in Taraz, the capital of Zhambyl Region, appealed to court against the fines. The court rejected the appeal by Yuliya Ivanova on 20 March. As the local police officer failed to turn up to court for the hearings in the other three cases, the appeals have been postponed until April (see below).

The fifth Baptist – who is a pensioner – chose not to appeal against his fine. "We don't pay fines voluntarily, so they'll take the money from his pension," a fellow Baptist told Forum 18 (see below).

Balgabek Myrzayev, acting head of the Information and Social Development Ministry's Social Harmony Committee (which restricts freedom of religion and belief) in the capital Astana, told Forum 18 on 4 March that he was not informed about the raids on the Baptists and fines in Taraz.

Despite claiming that "our laws don't ban praying", Myrzayev defended punishing people who meet for worship without state permission. "Our laws don't allow unregistered religious organisations and I don't have the right to change the law," he told Forum 18. "If a law has been adopted and comes into force, everyone must abide by it." (http://www.forum18.org/archive.php?article_id=2458)

Zhangeldi Omarov, the head of Zhambyl Regional Religious Affairs Department, said that he had no information about the raids on the Baptist communities in Taraz and that his officials had not been involved. But he insisted that people cannot meet for worship without state registration. "If the Baptists are unhappy, let them appeal to us," he told Forum 18 from Taraz on 4 March. (http://www.forum18.org/archive.php?article_id=2458)

Administrative cases continue to be brought against Muslims for praying in mosques in ways that the state-controlled Muslim Board has banned, for example by saying the word "Amen" aloud. Nariman Bagirov was fined one month's average wages in Almaty on 12 February. Another Muslim, Rauan Temirkulov from Saran in Karaganda Region, is challenging the legality of an administrative case brought in November 2018 by the secretary of the town administration's Anti-Terrorist Commission (see below).

Frequent raids, fines

Raids on locations where the government says religious worship is not allowed are frequent. In 2018, at least 39 administrative cases were launched to punish individuals, charities or companies for hosting, holding or participating in meetings for worship. Known cases were brought against 25 Muslims, 9 Protestants (7 of them Council of Churches Baptists), 3 companies, 1 Jehovah's Witness, and 1 charity. Of these 39 known cases in 2018, 29 ended up with fines. (http://www.forum18.org/archive.php?article_id=2447)

Administrative Code punishments for violating mosques' internal rules are frequent. In 2018, at least 21 administrative cases were launched to punish such Muslims for praying in mosques in ways that the state-backed Muslim Board regards as unacceptable. The punishments were for saying the word "Amen" aloud during prayers. Of these 2018 cases, 20 ended with fines of 35 to 200 Monthly Financial Indicators (MFIs) (three weeks' to four months' average wages for those in formal work). (http://www.forum18.org/archive.php?article_id=2447)

The state has given the Hanafi Sunni Muslim Board a monopoly on Islam in Kazakhstan, even though this monopoly is not enshrined in any law. This makes exercise of freedom of religion and belief by Muslims even more restricted than the freedom of religion and belief of those who follow other beliefs. (http://www.forum18.org/archive.php?article_id=2409)

Taraz: Third raid on Baptists at worship

On the morning of 3 March, about ten officers raided the Sunday morning meeting for worship of a Council of Churches Baptist community in Taraz in the southern Zhambyl Region, local Baptists told Forum 18. Leading the raid was B. Tazhibayev, the head of the local Department for the Struggle with Terrorism and Extremism.

On arrival, and while church members were singing hymns, the intruders began filming. "Church members asked them not to disturb the order of the meeting and to wait for the end of the service," church members told Forum 18.

After the service, the officers demanded that those present write statements "as they are meeting without registration". If they refused, officers threatened to bring a bus and take all those present to the police station. Officers then agreed to take only the pastor, Pyotr Skorniyakov, and a church member, Yuliya Ivanova.

Council of Churches Baptists choose not to seek state registration in any of the former Soviet countries. They also follow a policy of civil disobedience, refusing to pay fines handed down to punish the exercise of their freedom of religion or belief.

The man who answered the phone of the head of Zhambyl Region's Anti-Extremism and Anti-Terrorism Police in Taraz on 20 March did not respond to Forum 18's questions as to why another Baptist community was raided and put the phone down.

Taraz: Two more summary police fines

At the police station, officers drew up a record of an "offence" against Skorniyakov under Administrative Code Article 489, Part 9. Officers summarily fined him 100 MFIs, 252,500 Tenge. This represents about two months' average wages for those in formal work.

Officers drew up a record of an "offence" against Ivanova under Administrative Code Article 489, Part 10. Officers summarily fined her 50 MFIs, 126,250 Tenge. This represents about one month's average wages for those in formal work.

Article 489, Part 9 punishes "Leadership of an unregistered, halted, or banned religious community or social organisation" with a fine of 100 MFIs.

Article 489, Part 10 punishes "Participation in an unregistered, halted, or banned religious community or social organisation" with a fine of 50 MFIs.

Both Skorniyakov and Ivanova considered the fines "unjust" and appealed against their punishments to Taraz Specialised Administrative Court. However, on 19 March Judge Kamar Usembayeva postponed Skorniyakov's appeal hearing until 4 April as case information was lacking, according to court documents seen by Forum 18. On 20 March, Judge Duman Maulenov rejected Ivanova's appeal.

Of the three Taraz Baptists given summary police fines in February for meeting for worship without state permission – Yakov Fot, Viktor Fot and Vitali Ryzhkov (http://www.forum18.org/archive.php?article_id=2458) – Viktor Fot and Ryzhkov appealed against the punishments to Taraz Specialised Administrative Court.

Judge Usembayeva began hearing Viktor Fot's appeal on 13 March, but then postponed the hearing until 1 April. On 18 March, Judge Maulenov again postponed Ryzhkov's appeal until 3 April, as the police officer who drew up the record of an "offence" against him, N. Syzdykov, failed to appear for the hearing, according to court documents seen by Forum 18.

"Yakov Fot is a pensioner and he chose not to appeal against his fine," a fellow Baptist told Forum 18. "We don't pay fines voluntarily, so they'll take the money from his pension."

Yakov Fot was jailed as a prisoner of conscience for two years during the Soviet period, following his arrest in 1977 for exercising freedom of religion or belief.

Atyrau: Raid on Hare Krishna devotees

On 3 February – allegedly in response to an anonymous phone call about a meeting of a group of "suspicious people of strange appearance" – police raided a flat in the Caspian port city of Atyrau where six Hare Krishna devotees were meeting. About ten officers – some in uniform, some in plain clothes – raided the meeting, where devotees were conducting devotional chants.

The intruders filmed the devotees at the flat and demanded that they write statements about what they were doing.
(http://www.forum18.org/archive.php?article_id=2458)

"The police officers appeared suddenly," one devotee Aliya Kaziyeva told Radio Free Europe's Kazakh Service on 7 March. "They filmed those present and took statements from them. We wanted the case closed, not brought to court. I explained that we are not involved in politics and we only chant the holy names of God."

Immediately after the raid, devotees lodged a written complaint to the police about the actions of its officers.

On 4 February, a day after the raid, Andrei Karabasov, the head of the Regional Police, wrote to the head of the Regional Administration's Religious Affairs Department, Kairulla Kushkaliyev. He forwarded documents and a video of the raid and asked for the Department to bring a case against Atyrau's Hare Krishna community under Administrative Code Article 490, Part 1, Point 1.

This punishes "violation of procedures established in law for conducting rites, ceremonies and meetings". Punishment for individuals is a fine of 50 MFIs, and for organisations a fine of 200 MFIs and a three-month ban on activity.

The police report of the raid and Karabasov's letter, both seen by Forum 18, were drafted by Major Askar Rakhimov. He insisted to Forum 18 from Atyrau on 20 March that he had not organised the 3 February raid on the Hare Krishna gathering. Asked who had organised it and why, he responded: "Why should I respond to you? I don't know who you are." He then put the phone down.

The Regional Administration's Religious Affairs Department sought advice from the Social Harmony Committee in Astana. On 19 February, the head of the Committee's Prevention of Religious Extremism Department, Baurzhan Bakirov, responded, in a letter seen by Forum 18. He insisted that the community can meet only at its registered address and setting out when prosecutions, including against Atyrau's Hare Krishna community, should be launched.

On 4 March, Yerlan Yergaliyev of the Regional Administration's Religious Affairs Department drew up a record of an "offence" against the community (seen by Forum 18) under Administrative Code Article 490, Part 1, Point 1. It noted that the police had "discovered" that community members had held a religious meeting in the flat which was "conducted without agreement with the local executive body and without registration at the above address".

Atyrau's Hare Krishna community gained state registration at an address elsewhere in Atyrau on 3 October 2018, according to registration records.

Yergaliyev gave a copy of the record to community members only on 6 March, the day after he handed the case to Atyrau Specialised Administrative Court. However, at a hearing on 7 March, Judge Saniya Kenzhaliyeva returned the case to the Religious Affairs Department, according to court records.

Yergaliyev insisted to Forum 18 on 20 March that the police, not his Department, had initiated the case. Asked why he had prepared the record of an "offence" when those present at the flat had been exercising their right to freedom of religion or belief, he kept repeating: "We have withdrawn the case." He then put the phone down.

Prosecutions continue for "Amen" in mosques

The latest individual known to have been punished for praying in a mosque using the word "Amen" aloud is 38-year-old Muslim Nariman Bagirov. He allegedly committed the "offence" at 6 am prayers at Almaty's Tole bi mosque on 28 December 2018. On 17 January 2019, the mosque's imam and fellow-worshippers reported Bagirov to the city Administration's Religious Affairs Department.

On 21 January, Religious Affairs Department Chief Specialist Bakdaulet Abdikhamitov drew up a record of an "offence" against Bagirov under Administrative Code Article 490, Part 2.

This punishes: "Impeding lawful religious activity as well as violation of the civil rights of physical persons on grounds of their religious views or insulting their feelings or profanation of items, buildings and places revered by followers of any religion, unless there are signs of criminally punishable actions". The punishment for individuals is 50 MFIs, and for legal entities 200 MFIs.

Judge Sholpan Esbergenova of Almaty Specialised Inter-District Administrative Court found Bagirov guilty on 12 February, according to the decision seen by Forum 18. She fined him 50 MFIs, 126,250 Tenge, about one month's average wages for those in formal work. Bagirov did not deny that he had said the word "Amen" aloud during prayers, but denied that this had disturbed other

worshippers or the course of the prayers.

Bagirov does not appear to have appealed against his fine to Almaty City Court.

Forum 18 was unable to reach officials at the Religious Affairs Department in Almaty on 21 and 22 March because of the Novruz spring festival holiday.

Another Muslim, Rauan Temirkulov from Saran in Karaganda Region, is challenging the legality of an administrative case brought in November 2018 by the secretary of the town administration's Anti-Terrorist Commission, Sergei Ulyanov. He prepared a record of an "offence" against Temirkulov under Administrative Code Article 490, Part 2 on 10 November 2018.

However, Temirtau Specialised Administrative Court deferred hearing the case while Temirkulov tried to challenge the legality of Ulyanov's administrative case at Saran Town Court. On 1 February 2019 the court rejected his suit, and Karaganda Regional Court rejected his appeal on 26 February, according to the decisions seen by Forum 18.

Temirkulov also lodged a challenge to Ulyanov's case at Temirtau Specialised Administrative Court. If he fails, the same court is likely to begin hearing the case under Administrative Code Article 490, Part 2. (END)

Full reports on freedom of thought, conscience and belief in Kazakhstan
(<http://www.forum18.org/archive.php?query=&religion=all&country=29>)

For more background, see Forum 18's Kazakhstan religious freedom survey (http://www.forum18.org/archive.php?article_id=2409)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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