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KAZAKHSTAN: Linked moves against Protestant organisations?

By Igor Rotar, Forum 18

In what may be linked moves, public prosecutor's offices in central and southern Kazakhstan have both attacked the statutes of Protestant organisations, Forum 18 News Service has been told. In central Kazakhstan, the prosecutor is trying to close down a Baptist charitable fund which ran an orphanage that the authorities previously closed, and in the southern city of Almaty, prosecutors are trying to force a Protestant community's statute to be re-written, which may result in its closure. Baptists in central Kazakhstan insist to Forum 18 that the moves are part of a recently toughened central government policy. But Protestants in Almaty have told Forum 18 that they are unsure whether the legal move against them is the result of central policy, or the result of local decisions. Also in Almaty, local officials are continuing to try to close the only Hare Krishna farming commune in the former Soviet countries.

A public prosecutor's office in central Kazakhstan is trying to close down a Baptist charity, the Sion Charitable Fund which ran an orphanage the authorities closed last November, seeking the Fund's de-registration through the courts, local Baptists told Forum 18 News Service. They maintain that this is further evidence of an anti-religious central government policy. In what appears to be a similar move, the prosecutor's office in Kazakhstan's commercial capital Almaty is forcing the Protestant Emmanuel Society to re-write its statute, which may lead to the society's de-registration. The prosecutor's office in the same city is continuing its court cases to close down the only Hare Krishna farming commune in the former Soviet countries.

The Sion Fund is based in the town of Temirtau [Temirtaū], 35 kilometres (20 miles) north of the regional centre Karaganda [Qaraghandy], and was set up by members of the Council of Churches Baptists, who refuse on principle to register their churches with state authorities in CIS countries.

Baptist leader Dmitri Yantsen told Forum 18 on 26 January from Temirtau that the city procuracy had written to the Sion Fund declaring that it had completed its investigation into whether the fund was abiding by the law on non-commercial organisations. "The investigation found flagrant infringements of the current legislation on non-commercial organisations on the part of the Sion Fund," Yantsen quoted the letter as saying. "For example, one of the aims in setting up the fund was religious proselytising work, preaching and spreading the Gospel, which are the exclusive prerogative of religious organisations. This contradicts the first section of Article 107 of Kazakhstan's Civil Code. Moreover, Point 1.4 of the fund's statute states that the fund will pursue its activity in accordance with Biblical teachings, the constitution of Kazakhstan and its statute, which is against Point 1, Article 3 of the law on non-commercial organisations."

The letter concluded: "Thus in registering the Sion Fund law-breaking activities have been permitted which are inalienable in nature from the work of the fund. Following these discoveries, the registration of this juridical person should be legally withdrawn."

However, the first section of Article 107 of the civil code does not support the procuracy's contention of "flagrant infringements" of it. The section reads: "A public fund is defined as a non-commercial organisation that does not have a membership, administered by citizens and/or juridical persons on the basis of voluntary donations that pursues social, charitable, cultural, educational and other goals that are a benefit to society." The law therefore does not clearly limit "religious proselytising work, preaching and spreading the Gospel" to religious organisations.

The Almaty-based lawyer Roman Podoprigrora, who specialises in religious matters, believes that the situation the Sion Fund faces is "not so simple". "In my view, the phrase 'religious proselytising activity' is permissible in the Fund's statute, while the phrase 'preaching and spreading the Gospel' is not," he told Forum 18 in Almaty on 26 January. "Formally, the law does not define the phrase 'the exclusive prerogative of religious associations', nor does it provide an exhaustive list of the goals and types of activity allowed to funds. This is an issue for discussion and comment."

Even more contentious is the Temirtau procuracy's assertion that the clause in the Fund's statute stating that it "will pursue its activity in accordance with Biblical teachings" contradicts Point 1 of Article 3 in the law on non-commercial organisations, which states: "The law of the Republic of Kazakhstan on non-commercial organisations is based on the Constitution of the Republic of Kazakhstan and is composed of the Civil Code, the current law and other legal documents."

Podoprigora notes that the law on non-commercial organisations makes no mention of non-commercial organisations not being able to pursue their activities in accordance with Biblical teachings. "As far as the law is concerned, there are no problems with this clause of the statute," he told Forum 18. "Whether these things should be set out in another way is another matter."

Podoprigora added that in any case he believes that all the areas where the Temirtau procuracy found that the Sion Fund had broken the law could be removed and were not grounds for halting the organisation's activity.

"The procuracy simply wants to find fault with the Fund and is trying to close it down by any means," Yantsen insisted to Forum 18. "Recently, the persecution of religious minorities has stepped up markedly in various parts of the country. So it's likely that this is not on the initiative of local officials, but of the republic's authorities." (For recent moves against religious communities, see F18News 24 January 2005). Also in Karaganda region, the police and KNB secret police were much more interested in investigating a Protestant church than in investigating attackers who on two separate occasions physically attacked the Pastor and church members (see F18News 12 October 2004 http://www.forum18.org/Archive.php?article_id=429).

The head of the Protestant Christian Emmanuel Society of Evangelisation and Mercy, Roman Dudnik, told Forum 18 on 26 January in Almaty that the procuracy of Almaty's Medeo district has lodged a case in court that the Society change certain clauses in its statute.

The procuracy complains that the statute declares that the society can organise religious seminars and education and that the society's legal address does not accord with its real address. However, Dudnik told Forum 18 that the second objection is easy to resolve, as the society has merely moved to a new address. Although the official stamp gives the new juridical address, the society has not yet had time to notify the Ministry of Justice of the change.

"I admit that there are certain faults in our statute, such as that it states that we can open religious educational establishments. That clause is certainly against the law on religion, according to which only the central agency of an organisation may open such establishments," Dudnik told Forum 18. "However, the society's statute was registered by the Justice Ministry and therefore a court must view it as legal." He complains that the procuracy has not only brought a legal case against the society, "but is virtually demanding that our society be re-registered".

By bringing a court case, the procuracy is demanding that a court find the Emmanuel Society's statute to be illegal and that it must therefore be changed. Dudnik wants the Justice Ministry to be the co-respondent in court, together with Emmanuel, as the Ministry would then be obliged to amend the statute automatically. The court could also force the society to undergo re-registration, which Dudnik fears.

"We are very concerned about this, because recently the Justice Ministry has refused to register new religious organisations," Dudnik told Forum 18, adding that it is difficult to say whether the problems that the Emmanuel Society faces are the result of a new government policy. He added that the judge in the case asked him "Why are you afraid of re-registering? If the Justice Ministry refuses to register you in defiance of the law you can appeal against this in court." Dudnik agrees with the judge that this is possible, but considers a new legal case to be "a waste of time and money".

On 25 January, Keskelen district court in Almaty's suburbs heard accusations brought by the land committee of Almaty region against a Hare Krishna farming commune (see F18News 25 January 2005 http://www.forum18.org/Archive.php?article_id=497). "The Krishna devotees are accused of inadequate usage of the land and in particular that construction work has begun on a temple on the farm land," Zinin Akhmetov, lawyer for the Krishna Consciousness Society, told Forum 18 on 25 January in Keskelen. "However, the Krishna devotees immediately stopped building the temple when they were ordered to do so by the authorities, and they are using the land for agriculture in line with the law."

Akhmetov complained that at the same time the Keskelen district administration and the land committee for Almaty region have brought a case against 17 Hare Krishna owners of housing plots, accusing them of not privatising them. "However, the authorities are simply ignoring the Krishna devotees' applications to privatise their housing plots," he told Forum 18. He described it as "interesting" that the district administration processes requests to privatise housing plots that do not come from members of the Krishna community without delay.

A representative of the Almaty region land committee, Anatoli Portnyagin, who attended the hearing against the commune, refused to speak to Forum 18. (END)

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=249

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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