

15 March 2005

KAZAKHSTAN: Guilty verdict ahead for Protestant dance teacher?

By Igor Rotar, Forum 18

A local Protestant who has been attending the continuing criminal trial of fellow-Protestant dancing teacher Vladislav Polskikh, which began in the north-eastern town of Pavlodar on 22 February, fears the teacher will be found guilty of using his lessons to promote Christianity, an accusation Polskikh rejects. "The judge is behaving just like the prosecution," the Protestant told Forum 18 News Service, though Polskikh's lawyer said it is too early to say what the verdict will be. Meanwhile, in southern Kazakhstan Baptist Valeri Pak has had his identity documents confiscated and faces criminal trial for refusing to pay earlier fines imposed to punish him for leading an unregistered church. An official has denied to Forum 18 that the state is stepping up moves against believers.

A local Protestant who attended hearings in the trial of Vladislav Polskikh, a Protestant ballet teacher accused of using his dancing lessons to promote Christianity, is worried about the way the case is being conducted. "The judge is behaving just like the prosecution and it's very likely that Polskikh will be found guilty," the Protestant, who preferred not to be named, told Forum 18 News Service from Pavlodar in north-eastern Kazakhstan where the trial is taking place.

But Polskikh's lawyer, Lyubov Petrash, is keeping an open mind. "It is too early to draw any conclusions about what decision the court will reach," she told Forum 18 on 7 March. She said three hearings have been held and so far the court has only questioned witnesses.

The trial of Polskikh, a member of Pavlodar's Grace Christian missionary centre who used to teach ballet at a local club, began on 22 February at Pavlodar city court under Article 141 of the criminal code, which punishes breaking the law on equality of rights. If found guilty, Polskikh faces a fine of between 500 and 2000 times the minimum monthly wage, which is currently set at 971 tenge (46 Norwegian kroner, 6 Euros or 7 US dollars), detention of up to six months, or imprisonment of up to two years alongside the withdrawal of his right to work for three years.

Polskikh rejects the accusation. "My only 'crime' is that of not hiding my religious beliefs from the children," Polskikh told Forum 18 last October (see F18News 18 October 2004 http://www.forum18.org/Archive.php?article_id=433). He said all he did was begin his lessons with the words "With God's help" and said good-bye to the children by saying "God be with you". "When I found out that some of the parents were unhappy with my professions of belief, I asked them to sign a form by way of insurance, but I achieved precisely the opposite result."

The KNB secret police in Pavlodar region launched the case against Polskikh last August, but it was later handed over to the public prosecutor's office.

Pressure on believers continues in other parts of the country. Local Baptists complained to Forum 18 on 2 March about the case launched by the prosecutor's office in Kzyl-Orda in southern Kazakhstan against church leader Valeri Pak under Article 362 part 1 of the criminal code (failing to enact a court sentence, a court decision or other legal resolution). The investigation is being led by Captain B. Suyunbayev. The Baptists complain that Pak's identity documents have been confiscated.

Pak has repeatedly been fined for refusing to register his church under Article 375 (breaking the law on freedom of religion and religious organisations) of the code of administrative offences, though Kazakhstan's religion law does not require religious communities to register. He was most recently fined 16,460 tenge (772 Norwegian kroner, 94 Euros or 127 US dollars) in December 2002. After refusing to pay this huge fine - because he regarded it as unjust punishment for his lawful religious activities - he was fined 872 tenge in October 2003 for failing to abide by a court ruling, which he also refused to pay. A court assessor determined after an inspection of his home that he had nothing worth confiscating to offset against the fine. Prosecutors later launched the current case.

Pak's congregation belongs to the Council of Churches Baptists, who refuse on principle to register with state authorities in CIS countries. If Pak is found guilty under Article 362, he faces a fine of up to 200 times the minimum monthly wage or of up to two months' income, community service of between 120 and 180 hours, or up to two months' imprisonment.

The Baptists complain that recently "the rise in the state authorities' persecution of believers belonging to the Council of Churches is becoming ever more evident".

Their view is shared by Roman Dudnik, head of the Almaty-based Protestant Emmanuel society, the legality of whose statutes has been successfully challenged in court. On 26 January the prosecutor's office of Almaty's Medeo district lodged a case that the Society change certain clauses in its statute. The prosecutor's office complained that the statute declared that the society could set up religious educational establishments (only central religious organisations are allowed to do this) and that the society's legal address did not accord with its current address (see F18News 1 February 2005 http://www.forum18.org/Archive.php?article_id=502).

"In the final analysis the court upheld only one accusation by the prosecutor's office: that a clause in the society's statute stating that it may open educational seminaries conflicts with the religion law," Dudnik told Forum 18 on 5 March from Almaty.

He says the justice ministry, which had registered the society, should have appeared as co-defendant, but the prosecutor's office refused to bring a case against it.

Dudnik believes that his society is the victim of a deliberate campaign by the prosecutor's office to reduce the number of registered Christian organisations. "In recent months, the authorities' policy towards Christians has become much harsher," he told Forum 18. A year ago Dudnik regarded the situation of believers' rights in Kazakhstan as "near-perfect" (see F18News 10 February 2004 http://www.forum18.org/Archive.php?article_id=249).

It is likely that the harsher policy is related to the laws signed by President Nursultan Nazarbayev on 21 February on combating extremism and on introducing amendments and additions to several legal documents relating to combating extremist activity. A range of human rights organisations have criticised these laws – including the Organisation for Security and Cooperation in Europe (OSCE), the Kazakhstan International Bureau for Human Rights, the Almaty Helsinki Committee and the International Centre for Non-commercial Law - as potentially restricting the rights of Kazakhstan's citizens, including those of believers (see F18News 25 February 2005 http://www.forum18.org/Archive.php?article_id=520).

However, the head of the religious affairs committee in Almaty city administration Vladimir Ivanov rejects any suggestion that the state has stepped up its policy against believers. "The law on combating extremism is directed against extremists and has nothing to do with believers," he told Forum 18 on 7 March in Almaty. "The examples you have given me are unconvincing. For example, I am aware of Roman Dudnik's problems, and I do not see them as serious. Dudnik simply has to make changes to his statute. As far as the other cases are concerned, ours is a law-governed state and believers can stand up for their rights in court."

Jehovah's Witness and Ahmadiya representatives have also told Forum 18 that the authorities have increased pressure against them in the past few months (see F18News 24 January 2005 http://www.forum18.org/Archive.php?article_id=497 and 1 February 2005 http://www.forum18.org/Archive.php?article_id=502). (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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