

11 September 2008

KAZAKHSTAN: "Economic war" against believers continues

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

Baptists who do not wish to receive state registration continue to be punished for meeting for worship without legal status, Forum 18 News Service has learnt. Three local administration officials and a police officer raided the Sunday worship service of a small congregation in Ayagoz in East Kazakhstan Region in July. Church member Pavel Leonov was later fined 100 times the minimum monthly wage after refusing to register the congregation. On 3 September the Regional Court rejected his appeal, court officials told Forum 18. In Pavlodar Region, Oleg Voropaev was fined ten months' minimum wages for leading his Baptist congregation. "The state's compulsion of the community to register violates the rights to freedom of conscience and religion guaranteed by the Constitution," Voropaev told the court. Both Leonov and Voropaev have been fined in earlier years for their peaceful religious activity. Baptists have described the state's actions against them as an "economic war". As well as the Baptists, Jehovah's Witnesses have been raided, banned and given large fines in July and August.

Members of the Council of Churches Baptists continue to be given large fines for worshipping without state approval, Forum 18 News Service has found. Pavel Leonov, a member of a small congregation in Ayagoz in East Kazakhstan region, was fined one hundred times the minimum monthly wage in late July for leading an unregistered religious community, a fine that was upheld by the Regional Court on 3 September. Local Baptists told Forum 18 that Leonov did not admit any guilt and argued in court that the services were held at a private home. "The church is not a religious organisation because it does not have any of the attributes of a legal person, and therefore Leonov could not be qualified as a leader of a religious organisation," the Baptists insisted to Forum 18. They complained that the court "disregarded the arguments".

Dametken Sagynbekova of the Internal Policy Department of the Ayagoz District Akimat (Executive Authority) insists that the Baptists violated the law. She defends the action against the church, including a July raid on the church by the Akimat when officials filmed church members against their will. "The Prosecutor's office authorised the filming," she told Forum 18 on 11 September. "If they themselves violated the law, why do they complain about privacy?" Asked whether she did not think the fine was too heavy for Leonov to be able to pay, she responded: "I don't know." She then put the phone down.

Kazakh officials insist that religious activity by unregistered religious communities is illegal, in defiance of the country's international human rights obligations. Council of Churches Baptists – to which the Ayagoz congregation belongs – reject registration on principle as they believe it leads to unwarranted state interference in their internal affairs. Baptists have already complained that, by imposing repeated heavy fines, the authorities are waging an "economic war" against them (see F18News 11 May 2007 http://www.forum18.org/Archive.php?article_id=954).

On 30 July Judge Nurzhalgas Tompakova of Ayagoz Administrative Court fined Leonov 116,800 Tenge (5,688 Norwegian Kroner, 702 Euros or 977 US Dollars) under Article 374-1 Part 1 of Kazakhstan's Code of Administrative Offences. Leonov appealed against the fine to the East Kazakhstan Regional Court. However, an official of the Regional Court chancellery, who gave her first name as Venera, told Forum 18 from Oskemen on 11 September that the court had rejected Leonov's appeal on 3 September.

Article 374-1 Part 1 of the Code of Administrative Offences punishes "leadership of the activity of public and religious associations that have not been registered in the proper manner, and also those organisations whose activity has been halted or banned" with a fine of up to one hundred times the minimum monthly wage. Article 374-1 was added to the Administrative Code on alleged "national security" grounds in 2005 (see F18News 15 July 2005 http://www.forum18.org/Archive.php?article_id=608)

No one was available to talk about the case at Ayagoz Administrative Court. Judge Tompakova's secretary, who did not give her name, told Forum 18 on 10 September to call back the next day. However, on 11 September she said that Judge Tompakova came in the morning briefly before going on sick leave. Yet, the same day an official of the court chancellery, who did not give her name, said that Tompakova was in a hearing and was not available to talk.

The telephones at the Religious Affairs Committee at the Justice Ministry in the capital Astana went unanswered on 11 September.

Leonov was fined in earlier years for refusing to obey a court order to register his congregation. However, he did not pay and the authorities have made no attempt to collect it (see F18News 10 February 2004)

The recent trouble for Leonov began on 29 June, when he and two female church members were at an outdoor book-table offering passers-by Christian literature to read free of charge, Baptists told Forum 18. They were approached by a man in plain clothes who, without showing any identity document demanded that they remove the books. The Baptists reported that the man then called the Police. The Baptists were taken to the Police station, where their names were recorded and a copy of each book taken. They were then released.

After the incident, district police officers, officials from Ayagoz town Prosecutor's Office and plain clothes officials visited Leonov's home several times, the Baptists told Forum 18. "They talked with Leonov and tried to convince him to register the church."

The district policeman A. Jumabekov and three Akimat officials raided the church's Sunday worship service on 6 July. The Baptists complained to Forum 18 that officials took photographs of those present and videoed the service without the consent of church members.

Leonov was summoned on 22 July to the Ayagoz Prosecutor's office and familiarised with the administrative charges against him. He was accused of leading an unregistered religious activity with twelve members between January 2000 and July 2008. Leonov explained to the Prosecutor's Office that he did not register the church because "he did not need the status of a legal person, and after registration there would State interference in the internal life of the church," the Baptists reported.

Elsewhere in Kazakhstan, another Council of Churches Baptist leader was fined in north-eastern Pavlodar Region. On 18 August, Aksu Specialised Administrative Court found Oleg Voropaev, the leader of a Baptist congregation in Aksu, guilty of violating Article 375 Part 1 of the Administrative Code. This Article punishes violations of the Religion Law (including refusal to register a religious organisation) with fines and bans. Judge Gulnara Mukhametkalieva fined Voropaev 11,680 Tenge (569 Norwegian Kroner, 70 Euros or 98 US Dollars).

Mukhametkalieva justified her decision saying that Voropaev did not register his community. Asked by Forum 18 on 10 September whether each religious group had a legal obligation to be officially registered, she responded that she was not going to discuss the law over the phone. "They have already complained to the regional court," she said. "We need to wait until the court rules on the appeal case."

The Baptists told Forum 18 on 2 September that Voropaev rejected accusations that he had violated the Article. "The state's compulsion of the community to register violates the rights to freedom of conscience and religion guaranteed by the Constitution," he told the court. Voropaev told the court that the community that he leads has neither separate estate nor banking account, and his personal leadership of the community consists only of giving sermons and organising services. "Therefore he deems that their community has no signs of a legal person, which means that it does not need to be registered," Baptists told Forum 18. Voropaev asked the court to take into account that "the religion he professes is purely peaceful" and is a part of an international group of Baptist churches.

Voropaev was fined for unregistered religious activity back in 2001. After he refused to pay the fine, court executors confiscated plates, a tea service and other items. The family's calf was spared confiscation because they had nowhere to take it, he was told. Voropaev was again fined in June 2007, with a verbal three-month ban on his church (see F18News 23 July 2007 http://www.forum18.org/Archive.php?article_id=999).

As well as the Baptists, Jehovah's Witnesses have been raided, banned and given large fines in July and August (see F18News 9 September 2008 http://www.forum18.org/Archive.php?article_id=1184).

The authorities are also seizing property of religious organisations. In the small town of Alga, near the north-western city of Aktobe [Aqtobe], the District Civil Court decided on 12 May to evict the New Life Protestant church (see F18News 20 August 2008 http://www.forum18.org/Archive.php?article_id=1174).

Vasili Kim of the Church told Forum 18 on 11 September that they are meeting in a private home for now. He added that the church is still collecting the necessary documents for the official permit to purchase a piece of land to build a church building. He reported no problems meeting for worship.

The Agafe Protestant Church in Almaty Region is also struggling to retain its property. On 27 August, the Karasai district Specialised Economic Court started a new hearing which is due to end on 15 September. The court had ruled on 12 June to expropriate the church building and the 0.44 hectares (1 acre) of land on which it stands in the village of Pryamoy Put. In response to the church's appeal the Almaty Regional Court decided to return the case to the district court for further investigation (see F18News 20 August 2008 http://www.forum18.org/Archive.php?article_id=1174).

Olga Parfyonova, the defence lawyer for the church, told Forum 18 on 11 September that the Prosecutor of the Karasai District is pressing charges that the Privatisation Law was not applied when the church acquired the property. However, she says the church is

claiming that the Religion Law allowed the Karasai district authorities to transfer the building. "In any case, the limitation of action against both the building and the land was over already 3 years ago," Parfyonova added.

Judge Zhanna Akhanova, who is leading the case, told Forum 18 on 11 September from Karasai that the hearing should be completed by 15 September. "I cannot tell you the opinion of the court," she insisted, "but will allow you to attend the court hearing." (END)

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

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=701.

More 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>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806 and a survey of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Kazakhstan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kazakh>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY