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KAZAKHSTAN: Community punishment, denial of registration and temple under threat

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

A court in Akmola Region has punished Baptist pastor Andrei Blok with 150 hours' compulsory labour for refusing to pay fines imposed to punish him for leading unregistered worship, according to the verdict seen by Forum 18 News Service. "If not for many telephone calls to the court and city officials from around the world Andrei could have been put into prison for several months," his family told Forum 18. Yuliya Merkel of the local Justice Department insisted to Forum 18 that Blok "needs" to register his church, and refused to say what would happen if the church continues to worship without registration. A Jehovah's Witness community in the Caspian port city of Atyrau is preparing to complain in court against the Atyrau Justice Department, which has rejected its eighth registration application in seven years. Meanwhile Karasai District Court in Almaty Region on 28 October resumed the twice-postponed hearing over the demolition of the only Hare Krishna temple in Kazakhstan. The next hearing is due on 3 November. "But we already saw the first signs that the court is trying to get a decision against us at any cost," a Hare Krishna devotee told Forum 18.

Baptist pastor Andrei Blok - who was threatened with up to four months' imprisonment for leading his unregistered congregation - has instead been given a sentence of 150 hours' community service, according to the court verdict seen by Forum 18 News Service. He is the latest religious believer to be punished in Kazakhstan for unregistered religious activity. In Atyrau in western Kazakhstan the local Jehovah's Witness community is to lodge a suit in court against its eighth denial of registration over seven years. In Karasai near Almaty the court hearing over the local authority's desire to demolish the Hare Krishna temple is set to resume in court on 3 November.

Pastor Blok's congregation in the town of Esil in the northern Akmola Region has explained to Forum 18 that it does not wish to gain legal status. It fears this will lead to unacceptable state interference in its activity. In defiance of its international human rights commitments, Kazakhstan punishes those who lead and participate in unregistered religious activity. These punishments are set to be increased still further if provisions in the current draft Religion Law now being prepared are adopted (see F18News 14 October 2008 http://www.forum18.org/Archive.php?article_id=1202).

Judge Akmaral Jumabekova of Esil Town Court handed down the punishment to Pastor Blok on 14 October for refusing to pay earlier fines imposed to punish him for his peaceful religious activity. The court decision seen by Forum 18 reveals he was punished under Article 362 Part 1 of the Criminal Code, which punishes "malicious non-execution of a court judgment or court decision" with a fine, compulsory labour or up to four months' imprisonment.

"If not for many calls to the court and city officials from around the world Andrei could have been put into prison for several months," Blok's family told Forum 18 from Esil on 24 October. Blok is preparing to appeal against the Esil court decision to Akmola's Regional Criminal Court before 29 October, the latest possible date for the appeal, Baptists told Forum 18.

Esil town police chief had summoned Blok on 19 September and informed him about the criminal charges. Blok was released after his passport was taken away. He received the written summons to court on 26 September. The trial was due to take place on 9 October but was postponed until 14 October (see F18News 10 October 2008 http://www.forum18.org/Archive.php?article_id=1201).

Yuliya Merkel, the Chief Expert of Esil Justice Department, did not appear before the court during the trial but the court read her written testimony, the verdict reveals. It reported that the Justice Department held many talks with Blok explaining to him the "necessity" of the registration of his congregation.

Merkel also insisted to Forum 18 from Esil on 27 October that the Baptists "need" to register their church as a religious community. Told that the Baptists do not want to become a registered religious community, she responded: "There is the Religion Law, and the court should decide whether or not they need to register." Asked what would happen to Blok if he continues to avoid paying fines for unregistered religious activity, Merkel said: "I will not answer further questions". She then hung up the phone.

In another court case, the twice-postponed hearing over the demolition of the only Hare Krishna temple in Kazakhstan has resumed at Karasai District Court in Almaty Region under Judge Taken Shakirov. The Karasai Akimat (administration) is seeking to have the building housing the temple seized and destroyed. Maksim Varfolomeev of the Hare Krishna community reported that the court held only the first session on 28 October, and the next session has been set for 3 November. "But we already saw the first signs that the court is trying to get a decision against us at any cost," Varfolomeev told Forum 18 on 28 October from Karasai.

The Karasai Akimat, the plaintiff in the case, did not submit their reasons for the claim in written form, Varfolomeev complained. "They were accusing us with unsubstantiated arguments in the court," he said. Another "irregularity" was that the Karasai Architecture Department's representative, who was summoned to the court as the other respondent along with members of the Hare Krishna community, did not submit any written documents that he was indeed the legal representative of the Department, Varfolomeev noted. "The department official confirmed that they had legalised the temple building in 2001, but said that they had made a mistake," he added.

The Hare Krishna community's legal representatives were allowed into the court only as observers. "Our members who were summoned to the court as respondents were summoned as natural persons," complained Varfolomeev. "The court wants to show that they are dealing with the property of a few individuals not the Hare Krishna community." The court "does not even want to recognise" the fact that the three year limitation of any claim expired in 2004, he complained.

No one at the Karasai court was available to speak to Forum 18 on 28 October. The assistant of the Court's Chairman, who did not give her name, said that Judge Shakirov was in a hearing and asked to call back. "Why don't you just come to the court room on Monday (3 November) and hear it for yourselves?" she responded when Forum 18 called back later.

The Hare Krishna commune in Karasai has faced years of opposition from local officials. Many of the homes owned by devotees have been bulldozed. The community now fears that the court will rule that the buildings that still belong to it – including the temple – are illegal, and that they will be seized and demolished. They fear this will spell the end for the commune (see F18News 10 October 2008 http://www.forum18.org/Archive.php?article_id=1201).

Meanwhile a Jehovah's Witness community in the Caspian port city of Atyrau is preparing to lodge a complaint in court against the Atyrau Justice Department. The community has unsuccessfully attempted for seven years to get state registration. "The Atyrau Justice Department refused to register our branch last time because the identity document of a founding member had expired," a Jehovah's Witness representative told Forum 18 from the country's commercial capital Almaty on 24 October. It was a "ridiculous reason" not to register our branch, the Jehovah's Witness argued.

The Atyrau Jehovah's Witness community was again refused registration in August. The application was presented by twenty founders, twice as many as are required in law. However, it was refused because one of the founders presented an expired personal identification document as she was waiting for a new one to be issued. The latest denial came eight months after the application was lodged and after the Justice Ministry's Religious Affairs Committee in the capital Astana had twice conducted an "expert assessment" of the community's application (see F18News 3 October 2008 http://www.forum18.org/Archive.php?article_id=1198).

Nurulbeg Utesinov, the Deputy Head of Atyrau Justice Department, insisted to Forum 18 on 28 October that their decision to reject the Jehovah's Witness application was based on the law. However, he could not explain how the fact that one of founders was waiting to extend their identity document while applying for registration could be a serious enough reason for rejection. "If they don't like our decision they can complain in court," he declared. Utesinov argued that it might have been possible to register the community "if they waited and got a new passport for their founder."

Ardak Doszhan, the Head of the Justice Ministry's Religious Affairs Committee in Astana, and his deputy Kayrat Tulesov were not available on 28 October to speak to Forum 18 about the court cases and registration refusal. Amanbek Mukhashev of the Committee told Forum 18 that the Jehovah's Witnesses were given the reasons for the rejection. Asked how serious those reasons were Mukhashev said, "I don't want to talk to you over the phone, why don't you send us your questions in writing?" (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>.

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