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KAZAKHSTAN: Secret police raid, film and investigate believers

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

A Protestant church's Sunday afternoon prayer meeting in the town of Aral in October was raided by police and KNB secret police without a warrant, church members told Forum 18 News Service. Officers filmed those present without their consent, summoned seven of them to the police station and tried to prosecute the leader, Indira Bukharbaeva, on administrative charges. But she was acquitted in December. Public Prosecutor Abdukarim Abdullaev told Forum 18 it was too sensitive to discuss by phone whether measures would be taken over the unauthorised filming of the church meeting. Meanwhile the KNB secret police in Taraz have lodged serious criminal charges against Protestant pastor Sarybai Tanabaev for "inciting religious intolerance" over two sermons he gave. One recording was confiscated from one church and the other apparently covertly made by the KNB secret police. The KNB secret police officer involved in the case, Major Mukhamedjan Paezov, told Forum 18 the case was initiated from the capital Astana and is being run from there.

Two months after a police and National Security Committee (KNB) secret police raid on a Sunday service of a small Protestant Church in Kazakhstan's south-western Kyzylorda [Qyzylorda] Region, the leader Indira Bukharbaeva was in early December acquitted of administrative charges for leading an unregistered religious organisation, Forum 18 News Service has learnt. As in many similar cases, church members were filmed during the raid without their consent. Meanwhile, Forum 18 has learnt that the KNB in the southern Jambul [Zhambyl] Region is seeking to prosecute a Protestant pastor Sarybai Tanabaev for "inciting religious intolerance" over the content of sermons he gave in 2005 and 2008, though the case has recently gone quiet. A recording of the 2005 sermon was among materials confiscated from the Grace Presbyterian Church in Karaganda [Qaraghandy] in a KNB raid, while the 2008 sermon appears to have been secretly recorded by the KNB.

Prosecutors attempted to punish Bukharbaeva for leading a small house church in the town of Aral in Kyzylorda Region which had earlier been refused state registration. She faced charges under Article 374-1 part 1 of the Code of Administrative Offences, which punishes leading or participating in unregistered social or religious organisations. But in an unexpected move, on 4 December Judge Artur Narimanov of Aral's Administrative Court acquitted her, church members and a prosecutor told Forum 18.

A member of Ortalyk Protestant Church in the country's commercial capital Almaty, with which the Aral church is affiliated, said that Bukharbaeva was not guilty of any violation, and therefore the court could not punish her. "The whole case against her was fabricated," he told Forum 18 from Almaty on 10 December, "and the pre-trial process was done in haste and in violation of Kazakhstan's Constitution."

When the church asked Aral's Justice Department for registration it refused, referring to the new Religion law which it said would soon enter into force, the church member pointed out.

A more restrictive new Religion Law, which would for the first time explicitly ban all unregistered religious activity, has already passed both chambers of the Kazakh Parliament and has been sent to President Nursultan Nazarbaev for signature. The Law has been heavily criticised by many of Kazakhstan's religious communities who fear even tighter restrictions if the Law is enacted (see F18News 26 November http://www.forum18.org/Archive.php?article_id=1222).

In defiance of Kazakhstan's international human rights commitments, including its commitments as a member of the Organisation for Security and Co-operation in Europe (OSCE), officials often wrongly insist that unregistered religious activity is banned. Council of Churches Baptists – who reject registration on principle – have been the main victims. Many of their leaders have faced fines, confiscation of property and detention of up to several days (see F18News 6 October 2008 http://www.forum18.org/Archive.php?article_id=1199).

The court case against Bukharbaeva came after a Sunday afternoon church meeting she led in the home of a church member on 12 October was raided by officers of the KNB secret police and Aral Town Police. The Almaty church member told Forum 18 that the church had gathered for Bible-reading and prayers when officers broke in with three video cameras and immediately began filming everything. "They did not even show a prosecutor's warrant authorising their action," he complained. Officers questioned the nine adults and two children present during the raid and "forced" seven of the adults to write statements. After collecting the statements, police officer Talgat Tleukhanov told the church members to appear at the police station the following morning.

The seven were questioned on 13 October by Sabit Kuyukov, the Chief of the Town Police, Forum 18 was told. On 17 October they were questioned by Isabek Makshatov, Aral's Deputy Public Prosecutor. On 6 November Abdukarim Abdullaev, Aral Town Public Prosecutor, turned the case over to the Administrative Court.

Asked why they prosecuted Bukharbaeva if she was not guilty, Prosecutor Abdullaev insisted that it was the KNB and the Town Police who started the case. "We had to turn the case over to the court since we cannot decide anyone's guilt," he told Forum 18 from Aral on 10 December. "If the church is unhappy with the Justice Department's refusal to register, let them complain to us."

Asked whether the Public Prosecutor would take any measures on the unauthorised filming of the church meeting, Abdullaev said he could not answer such questions over the phone. "Look, I already told you too much - I cannot talk to you on these very sensitive issues."

Police and secret police in Kazakhstan - as elsewhere in Central Asia - often film religious meetings against the wishes of participants and use the recordings as evidence to bring law-suits against religious organisations and their members (see eg. F18News 22 February 2008 http://www.forum18.org/Archive.php?article_id=1091 and 9 September 2008 http://www.forum18.org/Archive.php?article_id=1184).

Elsewhere in Kazakhstan, Jambul region's Taraz city KNB brought charges against Protestant pastor Sarybai Tanabaev on 24 October for allegedly "inciting religious intolerance" in sermons in 2005 and 2008. The indictment, of which Forum 18 has seen a copy, accuses Tanabaev of committing "a heavy crime against the peace and security of humanity". The pastor – who denied any wrongdoing to Forum 18 - is being investigated under Article 164 Part 2 of Kazakhstan's Criminal Code, which punishes those found guilty with a fine or imprisonment of up to six years.

Tanabaev is a former imam who became a Protestant Christian and later a pastor. He is one of the pastors of a church in Tolebi in Jambul Region. "Tanabaev is being wrongfully charged for the two cases," a Protestant close to the pastor, who wanted to remain unnamed, complained to Forum 18 on 12 December. However, he said that since 24 October the KNB has not summoned Tanabaev for further questioning.

In a sermon on 9 October 2005 in the Grace Presbyterian Church in the city of Karaganda, Tanabaev, "with the purpose of spreading religious animosity and discord, publicly propagated the advantages and disadvantages of religious views of citizens", reads the indictment.

His statements were recorded on DVD. The DVD was among materials seized from the Grace Church in a massive KNB raid in August 2007 which lasted 15 hours (see F18News 28 August 2007 http://www.forum18.org/Archive.php?article_id=1011). Forum 18 has been unable to get a copy of the DVD or copy of the KNB protocol on the contents of the DVD.

The KNB also focused on a sermon Tanabaev gave on 9 January 2008 at the Golgotha Bible Christian Church in Taraz. "Continuing to commit criminal acts", the indictment reads, in the sermon Tanabaev "aimed at forming a stereotype and negative image of the Muslim" among the attendees of the church.

The Protestant reported that when the KNB confiscated various materials from the Grace Church, they found a disc with a video-recording of a 2005 seminar, where Tanabaev declared: "Our enemy is the Islamic strongholds, and we need to know them well". "The Bible is full of spiritual terms and comparisons that can sound offensive to people who do not know the background and historical settings," the Protestant told Forum 18. "Tanabaev was only explaining certain passages to believers, not inciting them against Muslims."

During questioning at the Taraz city KNB on 24 October, officers played back to Tanabaev the recording of the 9 January church service where he quoted a verse from the book of Genesis in the nineteenth-century Russian Synodal Bible translation saying that "Ishmael would be like a wild ass among people", the Protestant reported. "This was evaluated by the KNB as insulting the religious feelings of Muslims." No Muslims were present on either of those two occasions and none of the participants objected to what they heard, he explained. "No one complained to the law-enforcement agencies about any violation of their religious rights," the Protestant added.

Asked how the KNB obtained the video material of the Golgotha Church service, the Protestant told Forum 18: "Obviously, their agent must have come and secretly videoed the sermon."

The Protestant reported that during questioning at the KNB, no one explained to Tanabaev his rights. He complained that the pastor "was manipulated to admit his guilt" by Major Mukhamedjan Paezov. Later, Tanabaev was released after pledging in writing that he would not leave the area. Tanabaev was told that he would be summoned for further questioning on 5 or 6 November, but was not summoned.

Reached by Forum 18 on 28 October, Major Paezov confirmed the charges against Tanabaev, but said he could not give any

information as the case was still proceeding. Paezov refused to explain why the KNB believed the charges were justified. He referred all further enquiries to the central KNB in the capital Astana. "They started the case, and are running it."

Tanabaev insists that he never pursued the goal of inciting Christians against Muslims. "I was only trying to explain some passages which are difficult to understand, which sometimes may sound offensive to some people," he explained to Forum 18 on 12 November. "When I said 'Islamic strongholds', I didn't mean people but the spiritual world beyond us. If we want to share the Gospel message with ethnic Kazakhs we need to understand the religion of Islam and how Muslims think was the substance of my preaching. By no means have I ever called or provoked believers to physical confrontation with Muslims."

Tanabaev said that "unfortunately" he did not retain the script of the two sermons, and does not possess copies of the DVDs. "I was not given a copy of the protocol on the contents of the DVDs either," he told Forum 18.

Kenjebulat Beknazarov, the Press Secretary of the KNB in Astana, told Forum 18 on 3 November that he knew of the case but could not say much about it since he was not well informed about it. "Believe me," he insisted, "we would not start a criminal case just like that if there were no grounds."

Asked whether the local authorities were concerned by a former imam becoming a Christian pastor, Beknazarov responded: "People are not prosecuted for changing their religion in Kazakhstan." Told that there could be Bible passages contradicting similar stories from the Koran or which might sound offensive to Muslims, Beknazarov replied: "It would of course be absurd to prosecute someone just for quoting Bible verses." The court would decide whether or not Tanabaev is guilty of anything, he added.

The Protestant told Forum 18 that after questioning Tanabaev, Major Paezov offered the pastor the services of Aisulu Esjanova, who is his acquaintance, as his defence lawyer. "She suggested to Tanabaev during a private conversation that via her he give Paezov 10,000 US Dollars [1,193,800 Kazakh Tenge, 69,300 Norwegian Kroner or 7,530 Euros] as a bribe to close the case, which he refused to do." Tanabaev has refused the services of the lawyer, and chosen his own lawyer, Rosa Kim, to defend him during the investigation and in court, Forum 18 was told.

Esjanova denied the allegations, insisting she never instructed Tanabaev to give a bribe. "I happened to be on duty at work on that day, when Paezov called us," she told Forum 18 on 12 November when asked why Major Paezov offered her services to Tanabaev. "Yes, we know each other but it is on a professional level." Asked why Tanabaev admitted guilt during questioning, Esjanova said because everything was recorded on discs, which were played back.

"Believe me, no one is prosecuting him for adopting the Russian religion," Esjanova added. "Only the court could decide whether or not Tanabaev is guilty." (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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