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KAZAKHSTAN: Anti-terror police, prosecutor, justice department and courts target church

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Police from a regional Department for the Fight against Extremism, Separatism and Terrorism have been leading actions against the New Life Full Gospel Pentecostal church in the town of Aktau, Forum 18 News Service has been told. Church members state that police filmed a worship service and questioned children. One church member was sacked from her job in a school, interrogated and threatened and the officers tried to recruit her as a spy. She was fined for "illegal missionary activity" on 2 July. Also fined in late June and ordered to be deported was another church member, an Uzbek citizen, who gave a Christian magazine to a 12-year-old girl. The Justice Department and an imam were involved in court hearings. The church has also been banned for six months. In a separate case, a state-run psychiatric home has prevented a resident receiving the sacrament of confession from a Catholic priest. An official of the Regional Administration told Forum 18 that the resident "does not have rights", which have now been handed to the head of the home as official guardian. "This includes his right to freedom of conscience."

A Protestant congregation in the Caspian Sea port town of Aktau [Aqtau] in western Kazakhstan is facing sustained targeting by the Department for the Fight against Extremism, Separatism and Terrorism of the Mangistau Regional Police, Forum 18 News Service has found. This targeting has the backing of local prosecutors, the courts and an imam from the town's mosque, church members have stated. Two members of the Church - the New Life Full Gospel Pentecostal Church - were fined in June and July. One of the two also faces deportation to her native Uzbekistan. The police tried to recruit the other church member as a spy, church members say. The Church has also been banned for six months.

Also, in north-eastern Kazakhstan a resident of a psychiatric care home has been denied the possibility of receiving the sacrament of confession from a Catholic priest. The Head of the regional Department for Social Programmes claimed to Forum 18 on 9 July that: "The man does not have rights – these have been handed to his guardian," he told Forum 18 from Pavlodar on 9 July. "This includes his right to freedom of conscience."

Independent Muslims, Protestant Christians, Jehovah's Witnesses and Hare Krishna devotees have been particular targets of the government's tight and increasing controls on religious activity in recent years.

Female members of New Life fined and face deportation order

Two female members of New Life Church in Aktau have been singled out for fines: Feruza Utegenova and Vera Alibekova. Utegenova also faces being deported to Uzbekistan.

Utegenova, who is originally from Uzbekistan but has lived in Kazakhstan for more than 10 years, was fined by Aktau Town Administrative Court on 26 June, court officials told Forum 18 on 9 July. She was found guilty of violating Article 375 Part 3 of the Code of Administrative Offences, which punishes "carrying out missionary activity without local registration" with a fine of up to fifteen times the minimum monthly wage. It also prescribes administrative deportation when such activity is carried out by foreign citizens.

The court sentenced Utegenova to a fine of 6,365 Tenge (275 Norwegian Kroner, 30 Euros or 42 US Dollars) and deportation, court officials told Forum 18.

Pastor Tashenov said Utegenova had been accused of giving a 12-year-old girl a Christian children's magazine. The child lived in a flat next to her home which Utegenova rented to the family. When Aigarakov of the police Department for the Fight against Extremism, Separatism and Terrorism was interrogating Utegenova at the police station, the girl was brought in without any relatives being present. The 12-year-old girl was then herself subjected to interrogation by anti-terrorist police colleague Zhaylybaev for two hours. The girl, who was already suffering from toothache, was so frightened that she began to choke, Utegenova said.

Utegenova - like her fellow church-member Alibekova - initially faced trial on 19 June, but the case was also sent back to prosecutors for further investigation.

Alibekova, who worked as a technician in a local school, said the two anti-terrorist police officers repeatedly summoned her for questioning over what they claimed was her "illegal missionary activity" while she was at work, but refused to go as they did not provide a written summons. Aigarakov of the police Department for the Fight against Extremism, Separatism and Terrorism then came to the school and took her to the police station, where he questioned her for three hours. Alibekova said he threatened that she would be imprisoned and that her children would be interrogated.

Aigarakov then proposed that Alibekova should become an informer, providing information on the pastor, church members, finances and contacts. She said Aigarakov offered financial rewards if she agreed.

The following day Aigarakov came to Alibekova's home and, with the use of threats, seized her identity document without leaving a written confirmation. After she complained about these threats and actions to the Prosecutor's Office, she says she was summoned to the acting head of the Regional Police, Amanzhol Kabylov, where she asked him to prevent the two officers from harassing her.

On 19 June Alibekova was summoned for trial at Aktau Town Administrative Court accused of missionary activity, where the two officers were present, together with Ainur Chigirova of the Regional Justice Department and an imam of Aktau's Beket-Ata mosque. However, the judge returned the case to investigators as the evidence against her was insufficient. She was then found guilty on 2 July.

Pastor Tashenov said Alibekova was sacked from her job and in the wake of the sacking, Chigirova of the Justice Department and the imam had addressed the school to warn them of the "harm" caused by New Life church. When the church asked Chigirova later what right the imam had to speak to the school about the church, she said he had "permission". The church was unable to establish who had granted this permission.

Alibekova was - like her fellow church-member Utegenova - found guilty of violating Article 375 Part 3 by the same court on 2 July, court officials told Forum 18. They say she was fined 12,730 Tenge (550 Norwegian Kroner, 60 Euros or 84 US Dollars).

New Life Church banned for six months

The New Life congregation in Aktau was banned by a court in Kyzylorda [Qyzylorda] Region for six months on 9 June, after its pastor, Maksim Tashenov, was found guilty of conducting religious activity in a region other than that in which his congregation has state registration. He had participated in a Christian meeting while visiting Kyzylorda. He was also fined 12,730 Tenge (see F18News 9 June 2009 http://www.forum18.org/Archive.php?article_id=1309).

Pastor Tashenov says Kyzylorda Regional Court rejected his appeal on 2 July and upheld the fine and ban on the church. "We are now preparing an appeal to the Supervisory Commission of the Supreme Court," he told Forum 18 on 8 July. He says he has refused to pay the fine. "The court violated our rights – and violated procedure."

Authorities reject complaints

Church members insist that neither of their two targeted female church-members have done anything wrong. Pastor Tashenov said Utegenova has appealed to the Aktau Regional Court against her fine and deportation, and remains in Aktau while the appeal is pending. He too had sent a complaint to Kazakhstan's General Prosecutor, Kairat Mami, and other agencies on 22 June.

Nurlybai Aigarakov, an officer of the police Department for the Fight against Extremism, Separatism and Terrorism said by church members to have been heavily involved in the raids, interrogations and threats and was present during court hearings, refused to discuss why such pressure is being directed at the church. "We don't act against anyone," he told Forum 18 from Aktau on 9 July. "We uphold the law." When Forum 18 detailed the harassment church members say he personally had been involved in, he put down the phone.

Pastor Tashenov said Aigarakov, together with a police colleague Zhaylybaev, had visited the church during a service in 2008 and had filmed those present on their mobile phones. The two officers had then questioned children in the church's foyer without their parents being present (they were inside at the service). The officers asked the children what they did at the church and said that as ethnic Kazakhs they should not be there.

Pastor Tashenov, who was present in court at Alibekova's trial on 19 June, reported that Zhaylybaev said to him: "Wasn't what happened in Kyzylorda enough for you?"

Forum 18 was unable to reach Regional Justice Department official Chigirova, who church members say had been present at court hearings. Her colleagues said she was out of the office on 9 July. However, the Deputy Head of her Department, Tanatar Kadzhikov, told Forum 18 on 9 July that "there is no persecution". Asked why two church members have been fined, one of whom has been ordered deported, and why the New Life Church has been temporarily banned, he responded "Don't bother me" and put the phone down.

Also dismissing concerns about the way New Life Church has been targeted is Abdula Mugalov of the Internal Policy Department of Aktau Town Administration. His Department handles religious affairs. "If the Police have been acting against them, ask them why it's happening," he told Forum 18 on 9 July. "If it's the court, ask them. I can't question the decision of a court."

Asked why so many different agencies have acted against the Church, and why an imam was involved in actions against a different religious community, Mugalov responded: "I am not in the picture about all this. I have only been in the job for a week or two." Asked what would happen to the church if it continues to meet for worship despite the ban, he replied: "If the court took the decision to ban them and they carry on meeting, the Police will come for them again."

Do psychiatric patients have religious freedom?

In May a group of Germans visited the Psychiatric Home in Michurino near the north-eastern town of Pavlodar, which has some 500 residents, where they handed out aid. Accompanying the foreigners was local Catholic priest Fr Iosif Shmidtlein. A resident had asked him during the visit to hear his confession. "I wanted to do this immediately, but the staff said it would be better to wait for another day," he told Forum 18 on 9 July. "So I accepted this." He said when he returned in June specially to hear the man's confession, Saparbek Abdulin, the director, would not allow him in. Fr Shmidtlein says this is a violation of the man's right to freedom of conscience.

Abdulin – who had not been present during the May visit - told Forum 18 on 9 July that the man's psychological state had been "adequate" then. However, he said it had deteriorated by the time Fr Shmidtlein returned 20 days later. "The man doesn't recognise anyone now. I can't let anyone in to see him – he could attack them." Asked whether it was right to prevent the priest meeting him if the priest was prepared to take the risk on himself, Abdulin replied: "I can't allow this risk." He also stated that "I can't allow an ill person to confess," claiming that "a court has ruled that the man is not competent for his actions and I have been appointed his official guardian. If his mental state becomes adequate, I will allow him access to the priest."

Abdulin then added that the man is a Muslim. Asked by Forum 18 whether it was not the choice of the individual whether he wished to see a representative of a religious community, the director responded: "I spoke to him about this, and he's a Muslim. But I don't oppose him meeting a priest."

Told that the director had claimed to Forum 18 that he was afraid the man could attack the priest if he went to hear his confession, Fr Shmidtlein responded: "They've made up this claim – the director didn't say this to me."

Abdulin's decision was backed by Vladimir Berkovsky, the head of the Department for Social Programmes at the Regional Administration in Pavlodar. "The man does not have rights – these have been handed to his guardian," he told Forum 18 from Pavlodar on 9 July. "This includes his right to freedom of conscience."

Berkovsky said he had received a report on the issue and backed Abdulin's stance, stressing that Abdulin is the resident's court-appointed guardian. "There is no subjective factor – the Ministry draws up the rules," he told Forum 18. "There have been cases when residents have attacked visitors." Asked whether Fr Shmidtlein could visit the resident if the priest is prepared to take the risk on himself, Berkovsky too said this is impossible. "We have no right to put others at risk."

Institutions closed to religious care?

Fr Shmidtlein links the denial of access to the resident of the Psychiatric Home to greater difficulty and bureaucracy for Catholic priests to gain access to closed institutions, including prisons. "There are lots of demands by the prison administration before you are allowed in," he complained to Forum 18. "We have to get a document giving us permission, then officials tell us we must provide a plan of our activity. It's not impossible, but just very difficult."

Asked whether any prison inmates had requested a visit from a Catholic priest, Fr Shmidtlein said no such requests had ever been passed on by local prison administrations. "But how can we find out if any Catholics are there or if anyone wishes for a visit unless we can go there? We used to go there before it became so difficult."

UN visit

The United Nations (UN) Independent Expert on Minority Issues, Gay McDougall, arrived in Kazakhstan on 6 July to investigate the situation for ethnic, religious and other minorities, the UN office in the country reported on its website. McDougall is expected to meet members of religious minorities at the UN office in Kazakhstan's commercial capital Almaty on 13 July, to hear their concerns. (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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