

30 September 2013

KAZAKHSTAN: Pastor deported, Orthodox priest to follow?

By Felix Corley, Forum 18

Baptist pastor Viktor Lim was ordered deported from Kazakhstan for leading a registered religious community and left in mid-August. Lim, a stateless person, had lived in the country for 20 years and his wife and children are Kazakh citizens. The authorities classed his action as "illegal missionary activity" for which punishment is a fine and, for non-citizens, deportation. "The appeal hearing lasted just 10 minutes – it was a pure formality," Pastor Lim complained to Forum 18 News Service. Zhumagul Alimbekov, head of the Religious Affairs Department of Almaty Region, which lodged the suit against Pastor Lim, refused absolutely to discuss his deportation or the moves to deport Russian Orthodox priest Fr Sofrony. "I can't comment on court decisions," he told Forum 18. Asked why foreign citizens or people who have no citizenship cannot exercise their internationally-recognised right to freedom of religion or belief while legally resident in the country he put the phone down.

Twenty years after he began living in Kazakhstan, of which his wife and their three children are citizens, Baptist pastor Viktor Lim has been deported for leading a registered religious community. Lim is stateless, but was living legally in Kazakhstan. "We weren't prepared for this at all," Pastor Lim told Forum 18 News Service on 23 September from the country where he is now seeking asylum. "I and my family are still recovering from shock."

The authorities have also been seeking to deport another foreign resident of Almaty Region, Russian Orthodox priest Fr Sofrony (Pyotr Yevtikheyev). A Russian citizen, he has lived in Kazakhstan since 1991 (see below).

The 37-year-old Pastor Lim was ordered deported by an Almaty Region court in May and failed in his appeal to Almaty Regional Court in June. The General Prosecutor's Office rejected his attempt to challenge the decision. He flew out of Kazakhstan on 16 August, he told Forum 18. His wife and children were not deported, but chose to leave with him. "We're a family," he explained.

Zhumagul Alimbekov, head of the Religious Affairs Department of Almaty Region, which lodged the suit against Pastor Lim, refused absolutely to discuss his deportation or the moves to deport Fr Sofrony. "I can't comment on court decisions," he told Forum 18 from the regional capital Taldykurgan [Taldyqorgha] on 23 September.

Asked why the cases had been brought, Alimbekov responded: "That's the law." Asked why foreign citizens or people who have no citizenship cannot exercise their internationally-recognised right to freedom of religion or belief while legally resident in the country he put the phone down.

No-one at the Almaty Region Migration Police, which was put in charge of ensuring Pastor Lim's deportation, was prepared to talk to Forum 18 between 23 and 30 September either about his case or the moves to deport Fr Sofrony.

Deportation for non-citizens

Kazakhstan's harsh 2011 Religion Law requires that those who conduct "missionary activity" – whether Kazakh citizens, people without citizenship or foreigners – have the approval of a registered religious organisation and personal registration as a missionary. Article 375, Part 3 of the Code of Administrative Offences prescribes fines for those who violate this provision. It also mandates deportation if those involved are not Kazakh citizens (see F18News 3 September 2013 http://www.forum18.org/archive.php?article_id=1870).

State officials often interpret leading or even speaking in a registered religious community as "missionary activity", even if a meeting consists solely of existing members of the community.

Among many similar cases affecting many religious communities, a Muslim was fined and ordered deported back to his home country elsewhere in Central Asia in November 2011, for occasionally leading prayers in his local mosque without being personally registered as a "missionary" (see F18News 13 December 2011 http://www.forum18.org/archive.php?article_id=1646).

"Hypnosis" allegations prepared?

At the same time as the deportation case against him was launched in spring 2013, Pastor Lim says the National Security Committee (KNB) secret police were preparing to have his conduct leading his religious community deemed "hypnosis".

Pastor Lim maintains he could have suffered the same fate as Astana-based Protestant Pastor Bakhytzhan Kashkumbayev, who is facing criminal charges of harming a congregation member's health (the congregation member told Forum 18 her health was not harmed). Kashkumbayev spent a month undergoing enforced psychiatric examination before being transferred back to pre-trial detention in Astana (see F18News 4 September 2013 http://www.forum18.org/archive.php?article_id=1871).

Pastor Lim's statements come amid rising concern among human rights defenders in Kazakhstan at the way the state is using psychiatrists against those the state dislikes in freedom of religion or belief and opposition political cases (see eg. F18News 7 October 2013 http://www.forum18.org/archive.php?article_id=1884).

Case launched

Pastor Lim, who was born in Uzbekistan, moved to Kazakhstan in 1993 to study mechanical engineering in the Kazakh Academy of Transport and Communications in Almaty. After becoming a Christian there he studied theology in Almaty. In 2006 he moved to Taldykorgan, near Almaty, to lead a Baptist Church. He also established a new congregation in the nearby town of Ushtobe.

Like a number of people born in the Soviet Union who moved from one country to another in the years after the country broke up into individual states, Pastor Lim has no citizenship. He has a certificate as a stateless person issued by Kazakhstan's government.

Pastor Lim was accused of leading religious activity from 1 January 2013 without personal registration as a missionary, in a case brought by Almaty Region Religious Affairs Department. On 27 May, Judge Berikzhan Baizhunusov of Karatal District Court found him guilty under Code of Administrative Offences Article 375, Part 3. The Judge fined Pastor Lim the maximum amount of 100 Monthly Financial Indicators or 173,100 Tenge (6,800 Norwegian Kroner, 830 Euros or 1,130 US Dollars). He also ordered his deportation within 15 days, according to the verdict seen by Forum 18.

Insisting he was innocent of any offence, Pastor Lim appealed to the Regional Court. However, on 13 June, in a decision also seen by Forum 18, Judge Yerlan Abdildin rejected his appeal. The verdict notes that Murat Asenbayev represented the Regional Religious Affairs Department at the appeal hearing.

"The appeal hearing lasted just 10 minutes – it was a pure formality," Pastor Lim complained to Forum 18. "No discussion took place."

One legal expert who has examined the case observed that as this case concerned a religious community, the decision had already been decided in advance.

Pastor Lim then appealed to the General Prosecutor's Office, his last possibility to challenge the fine and deportation. "I wanted to remain in Kazakhstan," he insisted to Forum 18. However, the 26 July reply from Deputy General Prosecutor Zhakip Asanov, seen by Forum 18, said he had no grounds to challenge the decision and it remained in force.

"The court did not accept the argument that conducting services, religious rites and ceremonies was not missionary activity, as these actions are means of spreading a religious faith," the letter insists. It points out that under Administrative Code Article 375, Part 3, the penalties of a fine and deportation for non-citizens are "fixed, with no alternative". Pastor Lim said he had paid the fine.

Deputy General Prosecutor Asanov copied his response to the Almaty office of the United Nations High Commissioner for Refugees (UNHCR), which had also appealed on his behalf. Pastor Lim added that the UNHCR also appealed to the Interior Ministry, but it too gave them a negative response.

"He conducted illegal activity"

Marat Zhukenov, deputy head of Karatal District Prosecutor's Office, defended the fine and deportation order. "We didn't prepare the case, but we supported it," he told Forum 18 from Ushtobe on 23 September. Asked why an individual who has lived in Kazakhstan for 20 years, is married to a Kazakh citizen and whose children are Kazakh citizens should be fined and deported for leading a registered religious community, Zhukenov responded: "He conducted illegal activity." He then put the phone down.

Earlier pressure

Pastor Lim noted that pressure on him began much earlier. In 2008, the KNB secret police accused him also of violating Administrative Code Article 375, Part 3. However, Taldykorgan Specialised Administrative Court found him not guilty.

In February 2012, six officials in civilian clothes tried to gain entry to the family home in Taldykorgan. However, as they would not identify themselves and had no warrant, Lim's wife Radmila refused to let them in. The officials eventually admitted they were from

the Police Department for the Struggle against Extremism, Separatism and Terrorism.

Orthodox priest ordered deported

The 44-year-old Fr Sofrony, who has been living in Kazakhstan since 1991 and completed Almaty seminary in 1993, retains Russian citizenship. He is priest at St Sergy's Church in the village of Tuymebayev. He also runs an orphanage and old people's home next to his church which care for about 110 children and about 120 old people.

On 26 February, the KNB secret police for Almaty Region refused Fr Sofrony a residence permit, citing "national security". Almaty Region Migration Police then brought the deportation case against him, alleging he had failed to gain a residence permit as required by law, an allegation he refuted.

On 24 July, in a letter seen by Forum 18, the secretary of the Astana and Almaty Orthodox diocese Oleg Ovchinnikov wrote to Judge Zhamilya Arstamova of Ile District Court pointing out Fr Sofrony's decades of "selfless" work and his need for permission to reside in Kazakhstan. He therefore asked her to reject the deportation suit.

Despite this appeal, on 29 July Judge Arstamova upheld the suit, ordering Fr Sofrony's expulsion at the Kazakh state's expense within ten days, according to the decision seen by Forum 18. The court agreed that several minor infractions by the centre he runs means he is not fit to remain in the country. Fr Sofrony's lawyer argued that these were judgments against the centre, not against the priest, but the court did not accept that.

However, in correcting a number of small mistakes in the verdict on 6 August, Judge Arstamova removed a provision allowing Fr Sofrony to appeal, according to the decision seen by Forum 18.

On 18 September, Almaty Regional Court ruled that the 6 August changes to the original verdict do not prevent Fr Sofrony from appealing against the deportation. His lawyer Vladislav Madzigon is now appealing on his behalf. He told Forum 18 that the Regional Court is due to hear the appeal on the morning of 2 October.

On 30 July, Bishop Gennady (Gogolev) of Kaskelen wrote to the Regional Court of his Church's concern about the priest's deportation and expressing hope that it would bear in mind the entire circumstances surrounding the case. He also asked the Court to delay any decision for a year to allow any questions over his presence in Kazakhstan to be resolved.

Children refused at school

On 1 September, the first day of the school year, the local school refused to accept seven new children from Fr Sofrony's orphanage, he told "Kursiv" newspaper the same day. He quoted the school director as explaining that he wanted to take the children "but we had been given an order from on high".

After "many journalists" had visited the school, the bar on the seven new children was lifted, Radio Free Europe's Kazakh Service noted on 4 September.

"No preaching or singing Christian songs"

Foreigners invited by religious communities and the local communities themselves often face threats from local officials. Ukrainian preacher Sergei Shidlovsky and St Petersburg-based Christian musician and pastor Dmitry Shletgauer were invited to take part in the twentieth anniversary celebrations for New Life Church in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region on 23-25 August.

Over many months, New Life Church had sought the required permission for them to appear, but in vain, Almaty-based Church leader Maxim Maximov noted on his Facebook page on 23 August.

As soon as the two men arrived at Oskemen airport, they were taken to the Regional Religious Affairs Department. Two officials there banned Shletgauer from performing any Christian songs – only "neutral" songs were allowed. Shidlovsky was banned from preaching, but was allowed to greet participants from the stage provided he made no mention of God. Officials warned that any breach of these instructions would lead to a fine on the church.

One of the officials subsequently attended the anniversary celebrations to ensure that the instructions were obeyed, Maximov noted.

Manarbek Mukhamedzhanov, head of the Regional Religious Affairs Department, denied all knowledge of the warnings and threats. "This is the first I've heard of it," he claimed to Forum 18 from Oskemen on 25 September. He then put the phone down. (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=1352.

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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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