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KAZAKHSTAN: "Social justice" the Kazakh way

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

Nikolai Novikov has been fined three times in two years, jailed for five days, placed on Kazakhstan's exit ban list (with a restraining order placed on his car) and now faces his garage being confiscated. The Baptist from West Kazakhstan Region refuses to pay any of the fines imposed for meeting for worship without state permission. Also in December, Aset Doskeyev of Almaty's Religious Affairs Department wrote to local registered religious communities that holding meetings for worship away from state registered places of worship is an offence. He refused to discuss his letter with Forum 18 News Service. And another Baptist, Maksim Volikov, was fined the equivalent of one month's average salary for talking to people about his faith and offering them religious literature without state permission. Jehovah's Witnesses are also prosecuted for committing this "offence". Judge Nurlan Nuralin ordered Volikov's books to be confiscated and the fine imposed "for the restitution of social justice". And the criminal trial of five alleged members of the Tabligh Jamaat Muslim missionary movement is due to conclude soon.

Fined three times in two years, imprisoned for five days, and placed on Kazakhstan's exit ban list (and with a restraining order imposed on his car) for exercising his right to freedom of religion or belief, Council of Churches Baptist Nikolai Novikov is facing a further punishment: the confiscation of his garage. On 5 January he received a restraining order on his garage from Court bailiff Erkebulan Andakulov, as well as an order to establish its value ahead of a forced public sale to pay off at least one of the fines, Novikov told Forum 18 News Service on 12 January.

The 34-year-old Baptist Novikov, who lives with his wife and four young children in Oral (Uralsk) in West Kazakhstan Region, refuses to pay any of the fines. These were imposed for his participation in a meeting for worship without state permission (see below). "I didn't pay because I don't consider myself guilty," he explained to Forum 18. "These fines were illegal." Other Council of Churches Baptists similarly insist they should not be punished for meeting for worship. Their churches refuse to seek the compulsory state registration Kazakhstan demands.

Kazakhstan – in defiance of its binding international legal obligations – demands that groups of people can exist as a religious community and exercise freedom of religion or belief only if they have state permission. Even communities with state registration are targeted by officials. Recent examples include: the Full Gospel Church in Atyrau where the Anti-Terrorism Police with the Justice Department are bullying people identifying themselves as founders on registration applications, and trying to stop the Church meeting for worship without state permission; the Din-Muhammad Mosque community in Petropavl whose Mosque has been liquidated, but are still struggling against "legal" and extra-legal harassment to try to gain registration; and the registered Hare Krishna community in Kostanai who have been raided by police and their leader fined. It has appealed to the United Nations (UN) Human Rights Committee to be able to exercise freedom of religion or belief without fear of criminal or administration punishment (see F18News 19 December 2014 http://www.forum18.org/archive.php?article_id=2025).

Bailiff Andakulov insisted to Forum 18 from Oral on 12 January that Novikov "has to fulfil the orders of the court". Andakulov then claimed that he had annulled the order, but refused to explain which order and when. He then put the phone down. Subsequent calls went unanswered. Despite Andakulov's claim, Novikov told Forum 18 that he has had no information that either of the orders have been annulled.

Punishments, including exit bans preventing people leaving the country, are routinely imposed on people exercising freedom of religion or belief (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Punished for refusing to pay earlier fines

Novikov was fined 50 MFIs on 4 April 2013 by Akzhaik District Court under the old Administrative Code Article 374-1, Part 2. The same court fined him 50 MFIs on 20 May 2013, this time under old Administrative Code Article 375, Part 1. The old Article 375 banned "Violation of the Religion Law" and the old Article 374-1, Part 2 banned "Participation in the activity of an unregistered, halted, or banned religious community or social organisation".

Fifty Monthly Financial Indicators (MFIs) - 92,600 Tenge in 2014, 99,100 Tenge (about 4,200 Norwegian Kroner, 460 Euros, or 550 US Dollars) in 2015 - is equivalent to about one month's average salary.

From 1 January 2015 Article 374-1 has been replaced by Article 489, which also gives police new powers to fine people for exercising freedom of religion and belief without an initial court hearing. The old Article 375 has been replaced by an expanded Article 490 (see F18News 21 July 2014 http://www.forum18.org/Archive.php?article_id=1979).

Novikov told Forum 18 that he thinks his garage is worth only about 150,000 Tenge (about 6,340 Norwegian Kroner, 690 Euros, or 820 US Dollars). He fears that court bailiffs could move on to seize more of his property to meet the unpaid fines.

After refusing to pay the 2013 fines, in September 2013 Novikov was placed on the Justice Ministry's exit ban list. On 14 February 2014, court bailiffs in Oral visited Novikov's home and put a restraining order on his family car. On 18 August 2014, Oral Specialised Administrative Court imprisoned him for five days under old Administrative Code Article 524 (see F18News 8 October 2014 http://www.forum18.org/archive.php?article_id=2004).

These previous punishments were also imposed at the instigation of Bailiff Andakulov of Oral's 4th Territorial Department.

Although Andakulov issued the two new orders – which related to just one of the unpaid fines - on 9 December 2014, Novikov received them only on 5 January 2015, he told Forum 18.

Worship without state permission banned reminder

A 19 December 2014 letter from Aset Doskeyev of Almaty's Religious Affairs Department – seen by Forum 18 – warns local registered religious communities that holding meetings for worship away from state registered places of worship is punished with administrative fines of 50 or 100 MFIs for individuals and 200 MFIs for communities, with a three-month ban on their activity. It also orders communities "to bring your documents into line with the norms of the law and to agree them with the Almaty Religious Affairs Department within 15 calendar days of receiving the notice".

Doskeyev refused to explain which documents religious communities will have to amend and how. However, he insisted to Forum 18 on 12 January that all religious communities must abide by the restrictions in the Religion Law. He pointed out that religious activity by communities that do not have registration is banned, as is religious activity outside registered places of worship. He refused to discuss how such restrictions accord with freedom of religion or belief commitments in Kazakhstan's Constitution and its international human rights obligations.

The ban on exercising human rights without state permission violates binding international law, as is clearly shown in the Organisation for Security and Co-operation in Europe (OSCE) / Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (see http://www.legislationline.org/download/action/download/id/5719/file/VC_ODIHR_Guidelines_Legal_personality_religious_communities_2014_en.pdf). Kazakhstan is both an OSCE participating state and a Venice Commission member state.

The Religion Law imposes a complex and restrictive state registration system, including state checks on a community's beliefs and demands for at least 50 people willing to identify themselves in writing to the authorities as founders. Many people are afraid to do this, for fear of state reprisals (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

More official targets

Among other recent administrative fines imposed to punish people for exercising the right to freedom of religion or belief, two drug and alcohol rehabilitation centres established by religious communities have been targeted (see F18News 2 February 2015 http://www.forum18.org/archive.php?article_id=2034).

"Social justice"?

Another Council of Churches Baptist has been punished for talking to others on the street about his faith and offering religious literature without the compulsory state permission. On 19 December 2014, Judge Nurlan Nuralin of Aiyrtau District Court of North Kazakhstan Region found Maksim Volikov guilty of violating the old Administrative Code Article 375, Part 1 ("Violation of the Religion Law"), according to the decision seen by Forum 18. In line with the request by Prosecutor Almaz Fazylov, the Judge fined him 50 MFIs and imposed "a ban on his activity for three months".

Despite noting that as a mitigating factor Volikov has six young children, Judge Nuralin gave him the prescribed fine for an individual. "The Judge considers that imposing this fine will be sufficient for the restitution of social justice and the education of the offender," the decision states.

Judge Nuralin also ordered that more than 165 religious books, booklets, magazines and CDs – including Bible texts - seized from Volikov should be handed to the Regional Religious Affairs Department.

The books were seized from Volikov on 21 August 2014 as he was offering them outside a shop in the village of Novoukrainka. The court decision notes that nowhere in the village is authorised for the distribution of religious literature.

Prosecutor Fazylov refused absolutely to discuss why he had demanded that Volikov be fined for exercising his right to freedom of religion or belief. "I can't give any information by telephone," he kept repeating to Forum 18 on 12 January.

No one at the Regional Religious Affairs Department in Petropavl was able to tell Forum 18 on 12 January whether Volikov's literature is now with them and what the Department is planning to do with it.

On 25 July 2014, North Kazakhstan Regional Court rejected Volikov's appeal against an earlier administrative fine of 100 MFIs under the old Administrative Code Article 374-1, Part 1. This was imposed for leading a church in his home without state permission (see F18News 21 July 2014 http://www.forum18.org/archive.php?article_id=1979).

Like other Council of Churches Baptists, Volikov refuses to pay fines imposed to punish him for exercising his right to freedom of religion or belief. Local Baptists told Forum 18 on 23 December 2014 that he is intending to appeal against the latest fine and is also seeking the return of the seized books.

Sharing any beliefs with others can only be done if a person is given state permission to be a "missionary" using state-approved materials within state-approved geographic limits. Books have often been confiscated during police raids (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

More punishments for sharing beliefs

Jehovah's Witnesses have been frequent targets of prosecution under the old Administrative Code Article 375, Part 3 ("Violation of the Religion Law"). Fines are 100 MFIs.

Among cases in late 2014, on 6 August 2014, North Kazakhstan Regional Court upheld the fine imposed by a lower court on 11 July on Vitaly Nikitenko. He had been fined for sharing his faith in the village of Saumalkol on 3 March 2014, according to the decision seen by Forum 18.

On 12 November 2014, Astana City Court in the capital upheld the fine imposed by a lower court on 13 October on Marat Babulov. He had been fined for sharing his faith on the streets on 2 August 2014, according to the decision seen by Forum 18.

Two Jehovah's Witnesses in Astana were fined for sharing their faith on the streets on 4 October 2014, according to the decisions seen by Forum 18. On 4 December 2014, Astana City Court upheld the fine imposed by a lower court on 10 November on Samat Musin. On 18 December 2014, Astana City Court upheld the fine imposed by a lower court on 11 November on Tatyana Kostrygina.

Punished for selling books

A commercial bookseller has been punished for selling religious books and other religious items, without having the required permission from the regional Religious Affairs Department. On 14 October 2014, Judge Nurolla Esenzholov of Ekibastuz Specialised Administrative Court in the north-eastern Pavlodar Region fined Vasilya Dzhubayeva 100 MFIs under the old Administrative Code Article 375, Part 1 ("Violation of the Religion Law"), according to court records. Dzhubayeva did not appeal against the fine.

A brief statement on the court website on 13 November 2014, which did not name Dzhubayeva, did not say what religious books and items she had been selling. Many booksellers have been prosecuted for the "offence" of selling religious material (see eg. F18News 17 June 2014 http://www.forum18.org/archive.php?article_id=1970).

Kazakhstan imposes strict state censorship on religious materials, including highly restrictive controls on who may sell distribute material and where it may be sold or distributed (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Criminal trial verdict expected

The activities of the Tabligh Jamaat Muslim missionary movement have some similarities with the activities of Baptists and Jehovah's Witnesses prosecuted by the state for exercising their freedom of religion or belief. The criminal trial of five alleged Tabligh Jamaat members is expected to conclude soon at Taldykorgan City Court in Almaty Region. The trial of Bakyt Nurmanbetov, Aykhan Kurmangaliyev, Sagyndyk Tatubayev, Kairat Esmukhambetov and Ruslan Kairanov began on 9 December 2014. Three of the five have been under arrest since August 2014 (see F18News 12 December 2014 http://www.forum18.org/archive.php?article_id=2023).

The final hearing was due on 8 January 2014 but was postponed to an unknown date as one of the lawyers was unable to attend, Aliya Akhmediyeva of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18 from the city that day. (END)

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>.

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1939.

For a personal commentary from 2005 on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

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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