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KAZAKHSTAN: Former rehab centre residents "scared and tired of police pressure"

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

After attempts lasting five years, the authorities in Pavlodar Region of north-eastern Kazakhstan finally succeeded in closing down for three months a Protestant-run drug and alcohol rehabilitation centre in the village of Sychevka. They also fined the Centre and its director Yuri Morozov three months' average wages. "We've given our decision, and you can read what's in there," Judge Lyudmila Klimashina of Pavlodar Regional Court – who upheld one of the fines – told Forum 18 News Service. Natalya Fesenko of Pavlodar Regional Religious Affairs Department described the Centre in court as "bearing a destructive character" and – although she is not a medical specialist – claimed it had "harmed the psychological and physical health" of those who had chosen to live there. She alleged that the Centre "zombified" its residents. Morozov told Forum 18 that eight of the 14 rehabilitants left the Centre after a March 2014 police raid and repeated questioning. "They were scared and tired of the police pressure," he lamented. "We have seen only one of the eight who left us, and we understood that he was back into drinking again."

The judge who in mid-January upheld one of the two administrative fines totalling three months' average wages imposed on a Protestant-run drug and alcohol rehabilitation centre in the village of Sychevka in Pavlodar Region of north-eastern Kazakhstan has defended her action. But Judge Lyudmila Klimashina refused to explain why the authorities and the Court are punishing the charity work of the Protestants who only seek to help individuals with addiction problems. "We've given our decision, and you can read what's in there," she told Forum 18 News Service from Pavlodar Regional Court on 29 January. "I'm not going to discuss it with you over the phone."

In 2014 the Centre – a branch of a Centre in Karaganda which gained legal status in 1999 – housed 14 residents, including three children whose parents were also resident. All were there voluntarily and could leave whenever they wished to.

"Because of the authorities' actions against the Centre, eight of the 14 rehabilitants have left after the Police raided us and began questioning them at various times," Centre director Yuri Morozov complained to Forum 18 on 28 January. "They were scared and tired of the police pressure." He explained that the remaining six are staying at the Centre to protect it from theft, and answer questions and inquiries of any visiting authorities.

"We have seen only one of the eight who left us, and we understood that he was back into drinking again," Morozov lamented. "We do not know what happened to the rest."

The authorities have been trying to punish the Centre since 2010. However, after four years' investigation the police had to abandon a criminal case of inciting "religious hatred" for lack of evidence. Two administrative cases were then launched, which resulted in the December 2014 fines and the suspension of the Centre's activity for three months.

Rehabilitation centres targeted

Kazakhstan's harsh 2011 Religion Law bans almost any religious activity away from state-registered religious premises (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Protestant-run drug and alcohol rehabilitation centres have been repeated targets of official harassment. The moves appear to be part of a behind-the-scenes official campaign against communities regarded as "non-traditional", especially those running social projects, as revealed in a September 2014 letter from East Kazakhstan's deputy regional prosecutor, seen by Forum 18 (see F18News 14 October 2014 http://www.forum18.org/archive.php?article_id=2006).

One small Orthodox-run rehabilitation centre in Almaty faces no obstruction to its work, the head of the centre Fr Anatoly Izmerov told Forum 18 on 2 February. Forum 18 could find no Muslim-run rehabilitation centres. Similarly, the Catholic Church runs no rehabilitation centres, although the church tries to help drug- or alcohol-dependent individuals who request such help, Archbishop Tomasz Peta of Astana told Forum 18 on 2 February.

In two separate hearings on 15 December 2014, according to the decisions seen by Forum 18, Judge Amangeldy Ishchanov of Pavlodar District Court fined the Centre in Sychevka 100 Monthly Financial Indicators (MFIs) under old Administrative Code Article 374, Part 1. In a second hearing he fined director Morozov 50 MFIs under Article 374, Part 2 and ordered the suspension of the Centre's activity.

The fine of 100 MFIs or 185,200 Tenge (Norwegian Kroner, Euros or US Dollars) represents about two months' average wage.

Article 374, Part 1 of the old Administrative Code punished "violation of the law on social organisations" by conducting activity not mentioned in an organisation's statutes. The maximum penalty for organisations was 200 MFIs. Article 374, Part 2 punished illegal activity by social organisations with a maximum fine for leaders of 100 MFIs and suspension of an organisation's activities for from three to six months. The "offences" are now punished by Article 489, Parts 1 and 2 of the new Administrative Code, which came into force on 1 January 2015 (see F18News 21 July 2014 http://www.forum18.org/archive.php?article_id=1979).

In two separate hearings at Pavlodar Regional Court on 19 January 2015, Judges Rakimberly Suleymenov and Lyudmila Klimashina respectively upheld the penalties given to the Centre and Morozov, as well as the three-month suspension of the Centre's activity, according to the decisions seen by Forum 18. However, Judge Klimashina amended the decision to remove accusations that the Centre had violated health norms, accepting that the record of an offence mentioned only violations of the Religion Law.

Forum 18 pointed out to Judge Klimashina the similar attempted prosecution of a Pentecostal-run rehabilitation centre in Aksu. There the District Court threw out the case, explaining that the presence of religious books and believers in the Centre was not enough to classify it as a religious association (see below).

Asked why the Pavlodar Courts gave a contradictory decision over the Sychevka Centre, Judge Klimashina responded: "First of all every case is different, and then it's not ethical for you to call us. You are meddling with the judiciary and state organs." She refused to talk further to Forum 18.

"Now I have to pay both fines since the Regional Court decision was final in terms of execution of the penalties," Centre director Morozov lamented to Forum 18. "But we will continue our appeals by way of cassation and through the Prosecutor General's Office, since we don't agree with the decisions and penalties."

Rehabilitation Centre "harmed the psychological and physical health"

Police – including officers from the Department for the Struggle with Extremism – raided the Sychevka Centre on 9 March 2014, seizing 18 religious books (including Bible texts) and other materials. Investigators claimed to have discovered activity which was not envisaged in its statute, including religious worship.

In the first case, Major Roman Gudin of the Regional Police's Investigation Department admitted in court that a criminal investigation had been initiated against the Centre in 2010 that it had been spreading religious materials inciting "religious hatred", but that during the March 2014 search nothing of that nature had been found. The criminal case was abandoned on 24 November 2014.

Natalya Fesenko of the Analysis and Interconfessional Relations Centre of Pavlodar Regional Religious Affairs Department described the Centre in court as "bearing a destructive character" and claimed it had "harmed the psychological and physical health" of those who had chosen to live there. She alleged that the Centre "zombified" its residents. She complained that it had really been a religious organisation and had deceived the Justice Ministry when gaining registration that it was secular.

Centre representative Igor Skurikhin insisted in court that religious activity had not taken place there since the new restrictions in the 2011 Religion Law had come into force and complained that the accusations against the Centre had been prepared "with violations".

Judge Ishchanov ruled in the first case that religious activity at the Centre had been outside the terms of its statute and therefore a violation. He ordered that the confiscated religious texts be kept in the case file.

In the second case, attention focused on whether it had been safe for the three children of resident parents also to be living at the Centre. Fesenko claimed in court it had not.

Judge Ishchanov ruled against the Centre, issuing the second fine (on Morozov personally) and banning its activity for three months. However, the second ruling also orders that during the three month suspension, the Centre must also "stop the use of religious literature which has not undergone a religious studies expert analysis". It is not explained which of the confiscated religious books (including the New Testament) had not undergone such "expert analysis" by state officials, nor why this provision was included in the punishment for having children resident in the centre with their parents.

In separate rulings – also issued on 15 December 2014 and seen by Forum 18 – Judge Ishchanov rebuked the leaderships of Pavlodar Regional Police and of the Sanitary-Epidemiological Service (and the District head of administration) for their officials' failure to take action against the Centre for so long.

Religious or health care "expert"?

Rustem Dosmatov, Expert of Pavlodar Regional Religious Affairs Department, confirmed to Forum 18 on 29 January that Fesenko is an employee of the Religious Affairs Department. Asked why Fesenko, who is not a health specialist, gave an evaluation of the impact of the Centre's work on residents' health, Dosmatov responded: "The Police asked us." When Forum 18 repeated the question, he said, "She evaluated the religious activity."

Asked whether it is right for one State organ to ask another State organ for a religious "expert analysis" of religious activity or books, Dosmatov changed his previous statement, claiming that Fesenko is an "independent" expert. Asked why he is contradicting himself, Dosmatov responded, "Why don't you call us back tomorrow?" He refused to talk further.

Administrative case fails again

Meanwhile, a police officer who brought a second administrative case against Vladimir Styopin, the church overseer of a Pentecostal-led drug and alcohol rehabilitation centre in the town of Aksu in Pavlodar Region, again failed to secure a prosecution. Rizabek Bilyalov was attempting to have Styopin punished under the old Administrative Code Article 374-1, Part 1 for leading an unregistered religious community at the centre.

The old Article 374-1, Part 1 ("Leading, participating in, or financing an unregistered, halted, or banned religious community or social organisation") carried a fine of 100 MFIs. The "offences" and punishments under Article 374-1 have been transferred, with new police powers to impose fines without a court hearing, into the new Administrative Code's Article 489, Parts 9, 10 and 11. These came into force on 1 January 2015 (see F18News 21 July 2014 http://www.forum18.org/archive.php?article_id=1979).

On 28 October 2014, Judge Gulnar Mukhametkaliyeva of Aksu Specialised Administrative Court again threw out the case, according to the decision seen by Forum 18. She ruled that any religious activity at the Centre "does not involve the required numbers and the necessary characteristics of a religious association which would demand its registration". Despite clearing Styopin of any wrongdoing, Judge Mukhametkaliyeva ordered that a confiscated booklet, "His Name is Love", be kept in the file and not returned to him.

Colonel Murat Alikhanov, Chief of Aksu District Police, defended the Police actions. Asked by Forum 18 on 28 January why the Police continued action against the Rehabilitation Centre after the first failed prosecution, he responded: "The Court earlier referred the case back to the Police for further investigation, and so our job was to do namely that and present it back to the Court."

But, Colonel Alikhanov added, "after the latest Court decision we will not take further action against the Centre."

Raid against "sect"

A police "investigative operational group" had raided the centre in July 2014. They were responding to an alleged complaint by a local resident that a "sect" was operating there. Officers inspected, filmed and photographed the centre. They also seized a copy of a 48-page booklet "His Name is Love".

A judicial/psychological/philological "expert" analysis of the seized booklet from the Justice Ministry's Central Institute of Judicial Expert Analysis in Astana found that it contained "no statements of an arousing nature, calling for an incitement to religious and ethnic enmity, the superiority of one religion over another or statements of the superiority of citizens because of their attitude to religion".

Police officer Bilyalov then launched the first administrative case against Styopin, but Judge Mukhametkaliyeva sent it back on 7 October 2014, as the case had not been properly documented. Bilyalov refused to discuss his attempts to prosecute Styopin with Forum 18 in October 2014 (see F18News 14 October 2014 http://www.forum18.org/archive.php?article_id=2006). (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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY