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KAZAKHSTAN: Pensioners fined for praying with pensioners

By Felix Corley, Forum 18

Three pensioners were fined more than two months' pension for praying with hospice residents and offering New Testaments. Courts fined a yoga teacher and a bookseller for offering religious literature without compulsory state licences. But authorities abandoned attempts to restrict judges' freedom of religion.

One of three women fined in November for conducting "illegal" religious activity while visiting elderly residents of a hospice in East Kazakhstan Region lost her appeal on 7 December. The appeals of the two others were returned to the lower court for resubmission. The official who drew up the records of an offence told Forum 18 that information about the women's alleged "offence" had come from the Police Department for the Struggle Against Extremism.

In Kazakhstan's commercial capital Almaty, a court on 15 December fined a visiting Russia yoga teacher because "The Bhagavad-Gita As it Is" was available at a seminar he had organised on meditation. About ten police officers and other officials raided the seminar and took names of all 170 participants (see below).

And a bookseller in Almaty Region was fined for selling Muslim and Russian Orthodox books without the compulsory permission from the authorities before anyone is allowed to distribute any literature on religious themes (see below).

Two Baptists failed to overturn fines for offering uncensored religious literature to others in June on a visit to a village in East Kazakhstan Region (see below).

Meanwhile, the authorities abandoned plans to restrict judges' right to freedom of religion or belief (see below).

Strict restrictions

In defiance of its international human rights obligations, Kazakhstan imposes strict restrictions on where the exercise of freedom of religion or belief – such as praying with other people or offering books about religion – can take place. Courts hand down numerous fines on those who violate these restrictions (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Booksellers are frequently fined for selling religious literature and other materials – such as icons – without the compulsory state licence (see F18News 14 June 2016 http://www.forum18.org/archive.php?article_id=2188).

Praying at hospice residents' request

The three women fined in East Kazakhstan Region – Lyudmila Kerbele, Nadezhda Krasilnikova and Lidiya Kosatova, all pensioners between the ages of 61 and 72 – are members of Rodnik Baptist Church in Oskemen (Ust-Kamenogorsk). For many years the church has helped residents of the privately-run Zhandauren Hospice with clothes, wheelchairs and medicines.

"The place is quite poor, sad and depressing," one church member told Forum 18 from Oskemen, "and the 100 or so lonely elderly residents rarely have any visitors. Some of them live there for years, forsaken by their children or relatives, either unable to care for themselves or having no other place to live, and some require round the clock care." The church member stressed that the owners, management and staff are "very kind, hard working and dedicated people" doing all that they can to provide care for their residents.

On the afternoon of 14 October, the three women brought tea and sweets for the residents, talking to and praying with some of them and offering copies of the New Testament.

"Our ladies only visited and met with those who invited them to come," the church member added. "They did not impose themselves or their care on anyone, nor did they create any disturbance. The staff (particularly the head manager) were always open and happy to see them and others from Rodnik there and had no objections."

However, on the afternoon of 14 October, about ten officials "in dark clothes" suddenly arrived, Kerbele noted. "They split up us, wouldn't listen to us and wouldn't answer our questions as to what it was about and what had happened," she later told the news website Ratel.kz. "We couldn't take one step left or one step right." She recalled that she had been questioned "as if I had done something terrible".

Police acquired written statements from at least six elderly female residents of the hospice who allegedly objected to Kerbele, Krasilnikova and Kosatova's conduct. "The police had some of the residents sign a complaint and pressured our women to sign testimonies against themselves," the church member complained to Forum 18. "Older people in our country are fearful of the authorities and usually give in to whatever they are asked to do."

Eldar Meirbayev, a specialist at East Kazakhstan Regional Religious Affairs Department, told Forum 18 on 12 December that his office had received information that the women were praying in the hospice from the Regional Police Department for the Struggle with Extremism.

Asked why three women visiting a hospice and praying with some of its residents who wanted them to do so was a concern to the Department for the Struggle with Extremism, Meirbayev insisted that "everyone must be involved in observing the law, and we must react when we learn of violations".

Repeatedly asked by Forum 18 who had suffered because the women had prayed with some of the hospice residents at their request, Meirbayev appeared not to want to answer. "They shouldn't conduct such measures there," he kept repeating.

Fined for "illegal religious rituals"

On 27 October, Meirbayev drew up a record of an offence against Kerbele, Krasilnikova and Kosatova under Administrative Code Article 490, Part 1 for conducting religious rituals in an unapproved venue.

Article 490, Part 1 punishes "Violation of the demands established in law for the conducting of religious rites, ceremonies and/or meetings; carrying out of charitable activity; the import, production, publication and/or distribution of religious literature and other materials of religious content (designation) and objects of religious significance; and building of places of worship and changing the designation of buildings into places of worship" with fines for individuals of 50 Monthly Financial Indicators (MFIs).

On 11 and 14 November, three different Judges at Oskemen Specialised Administrative Court found Kerbele, Krasilnikova and Kosatova guilty, according to the decisions seen by Forum 18. The Judges fined each of them 50 times the minimum monthly wage, reducing each of the fines by 30 percent to 74,235 Tenge as the women are all pensioners. The Judges also banned each from conducting unspecified activity for three months.

The fine of 74,235 Tenge (1,900 Norwegian Kroner, 210 Euros or 225 US Dollars) represents more than two months' old age pension.

Kerbele, Krasilnikova and Kosatova appealed against the punishments to East Kazakhstan Regional Court. On 7 December, Judge Irina Dorosh upheld the fine on Kerbele, according to the decision seen by Forum 18. The appeals by Krasilnikova and Kosatova were sent back to the lower court on 5 and 6 December, according to court records.

"Our church will bear the burden of the fines and the lawyer's fees," the church member told Forum 18. "But it is not just about the fines but about the freedom of religion, the freedom of ministering to people in need and protecting our people who are trying to serve others."

Fined for religious book at yoga seminar

The Chintamani Yoga and Meditation Centre in Almaty organised a one-day seminar in the city's Astana Hotel on 5 November. The seminar was led by Sergei Savelev (yoga name Balakhilya das), who was visiting from Russia.

That evening, while the event was still underway with about 170 participants, officials arrived from the City Akimat (Administration) Religious Affairs Department. The officials called the police and about 10 officers then arrived, Radio Free Europe's Kazakh Service noted on 7 November. Savelev and four others were taken away.

"I'm shocked by what happened this evening at the seminar," one attendee Oleg Khe noted on his Facebook page on 5 November. "All participants in the seminar were forced to give their personal data. They took the organisers – among them were guys from Russia and Ukraine – to the Migration Police to establish their identity and the circumstances." He noted later that they were all freed about midnight.

Savelev later told Radio Free Europe that he spent three hours at Bostandyk District Police Station. Officers took his passport from him.

Officials accused the five organisers of distributing religious literature without the state licence required before anyone can distribute religious literature and which specified the location where this is allowed.

Savelev said that brochures on healthy eating were available at the seminar, as well as "The Bhagavad-Gita As it Is", a translation of and commentary on the ancient Sanskrit text by Swami Prabhupada, founder of the International Society for Krishna Consciousness. Savelev stressed to Svetlana Glushkova of Radio Free Europe that they did not particularly distribute literature, simply leaving a few copies at the back of the venue.

"And I didn't know permission from the Akimat is needed if you hold a seminar on the theme 'Yoga, Meditation' and you need to get extra permission if someone wants to buy this brochure." Savelev described "The Bhagavad-Gita As it Is" as a "philosophical book about yoga", while the Akimat insisted it is religious literature.

A case was prepared against Savelev under Administrative Code Article 490, Part 1. Savelev's case was handed on 29 November to Almaty's Specialised Administrative Court. On 12 December Judge Zaure Olzhebayeva began hearing the case against him. On 15 December – at a hearing attended by the prosecutor and an official of Almaty Akimat's Religious Affairs Department - she found him guilty and fined him 50 MFIs, 106,050 Tenge.

The Judge's assistant, who did not give her name, refused to discuss anything with Forum 18 on 15 December.

The court chancellery told Forum 18 the same day that the Judge had not yet submitted the written verdict. However, the chancellery official noted that only Savelev had faced an administrative case.

Yoga hearing a "one-sided game"

Khe, the seminar attendee who also attended the 15 December hearing, described it as a "one-sided game". He noted on his Facebook page that the Judge read out the "expert analysis" of "The Bhagavad-Gita As it Is" from Almaty Akimat's Religious Affairs Department. This said that although the book "does not contradict Kazakhstan's Constitution and is authorised for distribution", this does not mean that the book can be distributed in unapproved locations.

Khe added that when the Religious Affairs official present during the 5 November raid had told one of the seminar organisers to remove "The Bhagavad-Gita As it Is" from the table at the back, she had immediately done so. When Khe asked the Judge after the hearing whether this did not nullify the accusation of distributing religious literature without permission, Judge Olzhebayeva hurried away without answering.

"They say we violated the law by distributing religious literature," a member of Almaty's yoga community told Forum 18 from the city after the hearing. "We'll pay the fine and that's the end of it from our point of view." The community member indicated that they are not intending to appeal against the punishment.

The Religious Affairs Department refused to discuss anything with Forum 18 on 13 December. On 7 November Nurmukammed Meimankhozha, head of the Department's Information/Analytical Department, told Radio Free Europe that his colleagues had received a call warning them that "religious literature of Krishna content" was being distributed.

"This hotel is not a place of worship, nor is it a specially-assigned place for distributing religious literature," Meimankhozha added.

Bostandyk District Police refused to discuss their role in the raid on the yoga seminar with Forum 18 on 13 December. One officer referred Forum 18 to Aizhan Aimukhambetov, head of the District Local Police Service, a neighbourhood police force. However, he told Forum 18 on 13 December that he had no knowledge of the incident.

Fined for unapproved selling of religious books

A resident of Almaty Region, Nazira Kidirbayeva, was fined for distributing Muslim and Russian Orthodox books in the village of Uzhkonyr without state approval. On 4 August, Judge Turdakyn Tutkushbayev of Karasai Specialised Administrative Court found her guilty of violating Administrative Code Article 490, Part 1. He fined her 50 MFIs, 106,050 Tenge, according to the decision seen by Forum 18. The decision came into force on 22 September.

Under the 21 July record of an offence prepared by Almaty Regional Religious Affairs Department, Kidirbayeva was accused of having for sale four copies of the Koran as well as other Muslim books, as well as one copy of the Russian Orthodox book "Prayers of the Optina [Monastery] Elders".

Appeals fail

Two Council of Churches Baptists from Taldykorgan [Taldyqorgha], Mikhail Lozovoi and Nadezhda Pikalina, have failed to

overturn fines for offering uncensored religious literature to others in June on a visit to a village in East Kazakhstan Region. On 12 October Judge Nurgul Aimkhanova of Almaty Regional Court rejected Pikalina's appeal. On 2 November, the same Judge rejected Lozovoi's appeal, according to the decisions seen by Forum 18.

On 13 September, Taldykorgan Specialised Administrative Court found both Lozovoi and Pikalina guilty under Administrative Code Article 490, Part 1, Point 3. She fined each 50 MFIs, 106,050 Tenge (see F18News 17 October 2016 http://www.forum18.org/archive.php?article_id=2225).

Plan to restrict judges' freedom of religion or belief abandoned

The new Code of Judges' Ethics – which sets out rules for judges' conduct inside and outside the courtroom – was finally adopted on 21 November at the Seventh Congress of Judges in the capital Astana, according to the Prime Minister's website.

Article 7 of the new Code requires Judges to refrain from expressing their views on religion in their public duties. While upholding their right to freedom of religion or belief outside the courtroom, the Code requires them to maintain "reserve and moderation" in order "not to put the authority of the judicial system in doubt".

The final version of this Article was very different from the 1 October draft of the Code of Judges' Ethics, which would have seriously restricted the rights of judges to exercise freedom of religion or belief. Several legal experts criticised the October draft version as violating the human rights of judges (see F18News 21 October 2016 http://www.forum18.org/archive.php?article_id=2227).

One of the critics of the October draft, Aina Shormanbayeva, who heads the International Legal Initiative non-governmental organisation, welcomed the authorities' decision to abandon the proposed restrictions. She told Forum 18 from Almaty on 5 December that the authorities had changed the Code of Judges' Ethics before its adoption "because of the criticism". (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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