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KAZAKHSTAN: Fingerprints, mugshots, fines follow worship raid

By Felix Corley, Forum 18

After one of many recent raids on Baptist Sunday meetings for worship in Taraz, police took 21 people present to the police station. Claiming they were looking for criminals, officers fingerprinted and photographed them and took addresses and personal data. Police issued summary fines.

Police who raided a Baptist Sunday morning meeting for worship on 28 May in the southern city of Taraz took 20 of the men and one of the women present to the local police station. There they took their fingerprints, photographed them both face on and from the side, and recorded their home addresses and other personal data. Police have already issued summary fines with no court hearing to eight of those present.

Exactly a week later, police raided a second of the three Taraz congregations affiliated with the Council of Churches Baptists during their Sunday meeting for worship. Police issued further summary fines (see below).

At least a further five men have been fined in western Regions of Kazakhstan for saying the word "Amen" aloud in mosques during prayers. Police and imams back the imposition of such fines (see below).

Almaty City Court has overturned a fine and deportation order handed down to an Indian citizen long resident in Kazakhstan for addressing a Protestant Church. The Church itself – which was also fined and ordered to close for three months from April to July – has been trying to challenge the fine and closure order. However, the Supreme Court in the capital Astana returned their appeal without a hearing (see below).

Also in Almaty, an administrative case against a rehabilitation charity was dismissed (see below).

Growing summary police fines

Many Council of Churches Baptists have been handed summary fines by police with no court hearing for leading or participating in religious meetings without state permission.

Council of Baptists have adopted a policy of civil disobedience, refusing to pay fines imposed to punish them for exercising their human rights. Many who refuse to pay such fines are then placed on Kazakhstan's exit ban list, preventing them from leaving the country. Some have property confiscated, such as washing machines or cars. Others have restraining orders placed on property, such as homes, cars or calves, preventing them from selling or disposing of them (see F18News 13 May 2016 http://www.forum18.org/archive.php?article_id=2177).

The power to impose summary fines without initial due process was first given to police under the 2015 revision of the Code of Administrative Offences. Such fines are first known to have been imposed in 2016, also against Baptists (see F18News 18 July 2016 http://www.forum18.org/archive.php?article_id=2200).

It is possible to challenge police-imposed fines through the courts or a Prosecutor's Office. However, this process is more difficult than (as with court convictions) lodging an appeal to a higher court against a lower court decision.

Taraz: Sunday worship raided

On 28 May, while a Baptist congregation in Taraz in the southern Zhambyl Region was meeting for Sunday worship, a state official in civilian clothes filmed the community from through an open door, Baptists complained to Forum 18 on 6 June.

When the meeting finished, police officers blocked the exit and prevented anyone from leaving. "We've come to conduct prophylactic measures and we need to check whether any criminals are here," Baptists quoted police as telling them. They then said they would take all those present to the police station, before agreeing to allow women, children and the sick to leave.

Officers took 20 men and one woman (who insisted on accompanying her husband) to Police Station No. 2. There officers took fingerprints from all of them, photographed each face on and from the side, and recorded their personal data, including home addresses, Baptists complained to Forum 18.

Forum 18 was unable to find out why police thought criminals might be found among the men present at the worship service, why they needed to take fingerprints and photographs of the men and what they would do with the information collected.

The telephone of Murat Umbetaliyev, head of Zhambyl Region Anti-Extremism Police went unanswered each time Forum 18 called on 8 June. Baurzhan Udergenov, who is in charge of Police Station No.2, acknowledged to Forum 18 the same day that the raid and data collection had happened. "I won't answer your questions by phone," he added and then put the phone down.

The day after the raid, 29 May, Police summoned five church members to their local police stations. Each of them – Pyotr Demchenko, Viktor Fot, Aleksandr Fot, Stanislav Denisov and Aleksandr Strignatsky – was handed notification of a summary fine of 50 MFIs, 113,450 Tenge. They were punished under Administrative Code Article 489, Part 10.

Article 489, Part 10 punishes: "Participation in an unregistered, halted, or banned religious community or social organisation" with a fine of 50 MFIs.

On 30 May Police handed notifications of a summary fine to two more people present at the worship meeting, church member Konstantin Nurtazin and visitor Vladimir Klochan. Police warned them that they had orders to fine all those detained, Baptists told Forum 18.

On 2 June the local police officer summoned another church member Oleg Getman and told him police were sending him a notification of a fine of 50 MFIs by post.

At least some of those given police fines have lodged appeals to Taraz Specialised Administrative Court. Judge Duman Maulenov is due to hear Viktor Fot's and Demchenko's appeals on the afternoon of 12 June, according to court records. Judge Kamar Usembayeva is due to hear Denisov's appeal on the afternoon of 13 June.

Taraz: Another raid on worship meeting, summary fines

On 4 June, exactly a week after the previous raid, three ordinary Police and two Anti-Extremism Police officers raided the Sunday meeting for worship of a second Baptist congregation in Taraz. Again they filmed the meeting through the open door, Baptists complained to Forum 18.

After the service Police took seven of those present to the local police station, including Aleksei Tishko, Sergei Tyan, Vitaly Relin, Shukhrat Alzhanov and his mother Tamara Alzhanova. As Relin had been fined in April (see below), police let him leave. Later they called him back to say he would be fined a second time.

Police accused the remaining six of violating Administrative Code Article 489, Part 10. They issued notifications of a fine to Tishko and Alzhanov, Baptists told Forum 18. Officers told Tyan that notification of a fine would be sent to him by post in the District where he lives.

Yerkebulan Akbai, Chief Specialist of Zhambyl Regional Religious Affairs Department, claimed that "we're not informed" about the repeated raids on two of the Baptist congregations in Taraz. "This is the work of the law-enforcement agencies," he told Forum 18 from Taraz on 8 June.

Asked how his Department would defend the rights of the Baptists – and other local people – to exercise their right to freedom of religion or belief, Akbai insisted that they had been punished for breaking the law. "Their services were illegal – worship without state registration is banned." Told that the Baptists were exercising the rights set out in the Constitution, he responded: "Of course the Constitution allows it, but under the law it is banned."

Asked what would happen to the fingerprints and photos of the Baptists taken at the police station Akbai responded: "They were taken to provide evidence."

Taraz: Appeals against Easter Sunday fines fail

Police raided one of the Taraz Baptist congregations during their meeting for worship on Easter Sunday, 16 April. Police handed summary fines to three church members: one under Administrative Code Article 489, Part 9 ("Leadership of an unregistered, halted, or banned religious community or social organisation") of 100 MFIs to Pastor Pyotr Panafidin, and two under Administrative Code Article 489, Part 10 of 50 MFIs each to Vitaly Ryzhkov and Vitaly Relin (see F18News 25 April 2017 http://www.forum18.org/archive.php?article_id=2275).

On 18 May, Judge Maulenov of Taraz Specialised Administrative Court rejected Pastor Panafidin's appeal, according to the decision seen by Forum 18. However, the Judge reduced the fine from 100 MFIs to 70 MFIs. In separate hearings on 19 May, Judge Usembayeva of the same Court rejected Ryzhkov's and Relin's appeals, according to the decisions seen by Forum 18.

Yakov Fot also appealed against a summary fine of 100 MFIs handed down by police on 5 April under Administrative Code Article 489, Part 9 to punish him for leading a meeting for worship police raided several days earlier (see F18News 25 April 2017 http://www.forum18.org/archive.php?article_id=2275).

However, on 27 April, Judge Usembayeva of Taraz Specialised Administrative Court rejected Yakov Fot's appeal, according to the decision seen by Forum 18.

Astrakhanka: Worship meeting raided, police fine

Three police officers raided the 24 May evening meeting for worship of the Council of Churches congregation in a home in the village of Astrakhanka in Akmola Region, Baptists complained to Forum 18 on 31 May.

Operational officer Ayazbek Toishibayev came into the prayer room where Pastor Aleksandr Gorbunov was leading a Bible hour, interrupting with questions. Gorbunov told him he would answer questions after the meeting. A detective, Talgat Zhadayev, then began filming those present despite requests to stop.

When the meeting was over, officers drew up a record of an offence against Pastor Gorbunov and ordered him to go to the police station the following day, 25 May, Baptists told Forum 18. When he went to the Police Station, officers handed him notification of a summary fine of 100 MFIs, 226,900 Tenge, under Administrative Code Article 489, Part 9 ("Leadership of an unregistered, halted, or banned religious community or social organisation").

Pastor Gorbunov insists he did nothing wrong by leading a meeting to worship and study the Bible, Baptists told Forum 18. He lodged an appeal against the fine to Astrakhanka District Court. On 5 June the Court assigned the case to Judge Aleksei An, according to court records. No date has yet been set for the appeal hearing.

The duty officer at Astrakhanka District Police told Forum 18 on 8 June that neither Zhadayev nor Toishibayev were present and nor was the district police chief. An officer – who would not give his name – acknowledged to Forum 18 that the raid and fine had occurred but immediately added: "We don't give commentary." He then put the phone down.

Further fines for "Amen" in mosques

Administrative cases have been brought against at least one man in West Kazakhstan Region and five in Atyrau Region for praying the word "Amen" aloud in mosques. Five of these were fined (see below).

In November 2016 the state-controlled Muslim Board – which adheres to Sunni Hanafi Islam only - banned saying the word "Amen" out loud in mosques. Human rights defenders in Kazakhstan, who wish to remain anonymous for fear of state reprisals, state that fines for saying "Amen" aloud in mosques are common, especially in western areas of Kazakhstan.

At least five Muslims in Zhanozen, in the south-western Mangistau Region, were fined in February and March for saying "Amen" aloud at the end of their prayers in the city mosque. A regional religious affairs official who brought the cases, with the support of the state-appointed imam and the police, claimed the men thereby obstructed other people's prayers. All five men denied this allegation, and one managed to overturn his fine on appeal (see F18News 28 March 2017 http://www.forum18.org/archive.php?article_id=2267).

All have been punished under Administrative Code Article 490, Part 2. This punishes: "Impeding lawful religious activity as well as violation of the civil rights of physical persons on grounds of their religious views or insulting their feelings or profanation of items, buildings and places revered by followers of any religion, unless there are signs of criminally punishable actions". The punishment for individuals is 50 Monthly Financial Indicators (MFIs), and for legal entities 200 MFIs (see F18News 21 July 2014 http://www.forum18.org/archive.php?article_id=1979).

West Kazakhstan Region: Fine for "Amen" in mosque

In Oral (Uralsk) in West Kazakhstan Region, on 23 February Judge Kanat Makhmetov at the city's Specialised Administrative Court fined a 40-year-old local man Marat Mukhanbetov under Administrative Code Article 490, Part 2. Judge Makhmetov fined Mukhanbetov 35 MFIs, 79,415 Tenge, according to the decision seen by Forum 18.

Mukhanbetov appealed against the decision. However, on 16 March Judge Aygul Mashtakova of West Kazakhstan Regional Court rejected his appeal, according to the decision seen by Forum 18.

Mukhanbetov was punished under Administrative Code Article 490, Part 2 for praying with the word "Amen" aloud during the namaz at Oral's central Aksham mosque on Friday 23 December 2016. The Regional Police described Mukhanbetov to the local media on 1 June 2017 as being of a "destructive religious tendency" without identifying which one or why they regard it as "destructive".

During the prayers, Mukhanbetov heard mosque officials asking loudly who had used the word "Amen", he told Radio Free Europe's Kazakh Service for an 8 June article. After prayers were over, he walked past the imams' office where he heard mosque officials "talking to some lads crudely and with raised voices". He went in and told the mosque officials: "Have fear of Allah. What are you doing?"

Imams asked the young men if they had spoken the word "Amen" aloud, but they denied it, Mukhanbetov told Radio Free Europe. After they had left, an imam asked him if he had done so and he said he had. "It's not forbidden," Mukhanbetov explained. "They jumped on this. And in court they used my acknowledgment as proof."

In January a police officer had ordered Mukhanbetov to visit the Regional Religious Affairs Department "for explanatory work", he told Radio Free Europe. There he was forced to write a statement. On 27 January the record of an offence under Administrative Code Article 490, Part 2 was issued against him.

Mukhanbetov denied that he had shouted the word "Amen" or disturbed other worshippers. He insisted he had been punished simply for stepping in to defend others. He argued that he had been chosen to make an example to others.

Atyrau Region: Fines for "Amen" in mosques

Four Muslims were fined in Atyrau Region in May, according to the court decisions seen by Forum 18. The imam of a mosque in Kulsary in Zhiloi District was forced to halt namaz prayers on the evening of 22 February, claiming that the four young men present had disturbed the prayers by concluding the Fatiha sura by shouting out the word "Amen".

Officials prepared records of an offence against Ali Seyilkanov, Nurzhan Asylbekov, Sayran Tobysbayev and Kuantai Tuleushev under Administrative Code Article 490, Part 2. In separate hearings on 12 and 17 May, Judge Abai Asalov of Zhiloi District Court fined each the prescribed 50 MFIs, 113,450 Tenge. This represents about one month's average wages for those in work.

A similar case under Article 490, Part 2 was brought against 39-year-old Nurlan Dauletov from the village of Dossor in Atyrau Region. The imam claimed he had said the word "Amen" aloud at evening prayers on 9 February. However, at a hearing at Makat District Court on 4 May, Judge Boldyk Ismagambetova dismissed the case because it had been brought after the deadline for bringing such administrative cases, according to the decision seen by Forum 18.

Almaty: Deportation order overturned

Indian citizen Ayothi Daniel Gunaseelan has succeeded in overturning the fine and deportation order imposed after a 25 January raid on an Almaty Protestant community, Source of Life Church. On 24 April Judge Zhenis Karibayev of Almaty City Court overturned both punishments, according to the decision seen by Forum 18. Strangely, the Judge does not appear to have issued the decision in writing until 31 May.

Not only did Gunaseelan and his lawyer back the overturning of the original guilty decision. Nariman Beknazarov, Prosecutor of Almaty's Zhetysu District, also backed the overturning of the decision. He blamed the lower court judge for "inappropriate conclusions" and "significant violations of procedural norms".

Officials brought the case against church member Gunaseelan under Administrative Code Article 490, Part 3. This punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

Gunaseelan is a businessman who had been living and working legally in Kazakhstan. He insisted in court that he was not the Church's pastor. "He is a member of the church, not the pastor, and shares God's word like any other believing member of this church," the court decision quotes him as declaring.

However, Almaty Specialised Administrative Court found Gunaseelan guilty on 15 March and handed down the prescribed fine of 100 MFIs and deportation (see F18News 25 April 2017 http://www.forum18.org/archive.php?article_id=2275).

Officials of the city's Religious Affairs Department raided Source of Life Church's meeting for worship on the evening of 25 January. The Church was meeting in a rented venue, not their legal address, of which they had informed the city's Almaty District authorities.

Despite this on 15 March Almaty Specialised Administrative Court fined the Church under Administrative Code Article 490, Part 1, Point 1. This punishes "violation of procedures established in law for conducting rites, ceremonies and meetings". As well as the prescribed fine for religious organisations of 200 MFIs, the Church was also banned for three months (from 13 April to 12 July). On 13 April, Almaty City Court rejected the church's appeal (see F18News 25 April 2017 http://www.forum18.org/archive.php?article_id=2275).

Source of Life Church then appealed to the Supreme Court in Astana, where the case was assigned to Judge Denis Shipp. However, on 19 May he sent the case back without hearing it, according to court records.

Almaty: Case against rehabilitation charity dismissed

Officials lodged a case in Almaty against the local branch of the charity Teen Challenge over its Chance rehabilitation project. The charity is part of an international organisation founded in 1958 by an American Pentecostal Pastor to tackle drug, alcohol and other addictions. Officials accused the Almaty branch of violating Administrative Code Article 490, Part 1, Point 1 ("violation of procedures established in law for conducting rites, ceremonies and meetings").

The case was handed to Almaty's Specialised Administrative Court on 24 April, where it was assigned to Judge Zhanna Nurgaliyeva. After initially postponing the case she dismissed it on 22 May, according to court records. (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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