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KAZAKHSTAN: One church, two prosecutions

By Felix Corley, Forum 18

Shymkent's New Life Protestant Church was fined for having three not five fire detectors in a storage building and banned for one month. The ban will go into force if the church's appeal fails. But the court acquitted a church member of helping an apparent police agent provocateur download a Bible onto her phone.

A court in Shymkent in South Kazakhstan Region fined and banned for a month the Protestant New Life Church for having only three rather than five fire detectors in a building on church property used for storage only. The fire inspector who brought the case refused to explain to Forum 18 why he did not issue the order to install the extra fire detectors in writing and why the church was punished despite having installed the extra detectors he demanded within the specified one month.

All exercise of the right to freedom of religion or belief without state permission is banned on Kazakhstan, in defiance of the country's international human rights commitments (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

The one-month ban therefore means that the entire church community's exercise of the right to freedom of religion or belief will be banned for one month when the ban comes into force. Only if the Regional Court overturns the lower court decision will the Church avoid being banned (see below).

This latest court-ordered ban is part of a growing trend of banning religious communities on various grounds from exercising the right to freedom of religion or belief. Forum 18 found 20 such court-ordered temporary or permanent bans in 2017 (see below).

At the same time as the case was going through the court, police officers targeted the same New Life Church using an apparent agent provocateur. Police officers arrested a church member just after they had helped the apparent agent provocateur download a Bible onto her mobile phone. The woman had repeatedly and insistently requested the church member's help. Police accused the church member of "missionary activity", but a court acquitted her (see below).

Other religious communities have faced raids and fines so far in 2018. In the most serious case, officers of the police Department for the Struggle against Extremism and local police officers in the southern city of Kyzylorda raided a Protestant church during its Sunday meeting for worship on 25 February. Officers halted the service, detaining and questioning church members and seizing religious literature. They opened an investigation against the pastor, Serik Bisembayev, on charges of "inciting discord" under Criminal Code Article 174, Part 2 (see F18News 26 March 2018 http://www.forum18.org/archive.php?article_id=2364).

Legal amendments imminent?

The moves against Shymkent's New Life Church come as Parliament's lower house, the Majilis, is preparing the final text of a wide-ranging set of amendments to make the exercise of religion or belief more difficult.

The draft Amending Law proposes many changes to the 2011 Religion Law, Administrative Code and many other laws (see F18News 29 November 2017 http://www.forum18.org/archive.php?article_id=2335).

A Working Group of the Majilis International Affairs, Defence and Security Committee began a line-by-line consideration of the draft text on 6 February. Further meetings to consider the draft were held throughout February and March, most recently on 13 March. The next is due on 20 March, according to the parliament website.

Only once the Committee has agreed the text will the draft Amending Law be sent to the full lower house for consideration.

Widespread bans

The ban on the Protestant Church in Shymkent is the latest of a series of such bans on the functioning of places of worship.

In addition to fines in administrative cases against individuals and religious communities in 2017, courts issued one complete ban on a place of worship. When an Oskemen court fined the company Central Market in March 2017, it permanently banned the Muslim prayer room (namazkhana) on its premises.

Courts in 2017 also imposed 17 three-month bans on activity to punish unapproved meetings for worship. Of these, four were on an entire religious community: Vefil Pentecostal Church in Belousovka in Glubokoe District in March 2017; Source of Life Protestant Church in Almaty in March 2017; New Life Church in Oskemen in August 2017; and the unregistered Council of Churches Baptist congregation in Shu District in November 2017. In addition, an Astana court fined the company Mega Plaza in November 2017 for hosting a Muslim prayer room (namazkhana) and banned the prayer room for three months. The Jehovah's Witness regional headquarters in Almaty was banned for three months for having insufficient security measures (see F18News 30 January 2018 http://www.forum18.org/archive.php?article_id=2347).

Fire inspection with no written demand, fine, ban

On 4 January Captain Nurdaulet Bekseitov of the Fire Inspection Service in Shymkent inspected the premises of the Protestant New Life Church. He ordered the Church to instal an extra two fire detectors to the three existing fire detectors in a run-down building used for storage on church property within a month. Although he presented a letter confirming the inspection, he did not issue his order in writing, church members complained to Forum 18.

The Church's Pastor Zhetis Rauilov told Forum 18 the extra detectors were installed later in January in line with Captain Bekseitov's verbal order.

"We gave them one month to correct the fault and they told us it would be enough," Captain Bekseitov told Forum 18 from Shymkent on 14 March. He admitted that the Church had done what had been demanded of it but refused to say when it had done so. He refused to say why he had not issued his order in writing. However, he stressed that not he but the court had issued the punishment on the Church.

Captain Bekseitov also refused to say how many administrative cases are brought each year in Shymkent to punish organisations for failing to abide by such orders.

Despite the Church abiding by the order, a case was lodged against it under Administrative Code Article 462, Part 3. This punishes "Non-fulfilment or inadequate fulfilment of legal orders" with a fine for organisations of 100 Monthly Financial Indicators (MFIs) and a possible ban on all or some activity.

On 22 February, Judge Abdugappar Beknazarov of Shymkent's Specialised Administrative Court found New Life Church guilty. He fined it 100 MFIs, 240,500 Tenge (5,750 Norwegian Kroner, 605 Euros or 750 US Dollars), equivalent to about two months' average wages for an individual in formal work. He also banned it for one month, according to the decision seen by Forum 18.

"I took all the documents to court to show that we had installed the extra fire detectors, but the Judge didn't even look at them," Pastor Rauilov lamented to Forum 18.

Judge Beknazarov's assistant said the Judge was unavailable when Forum 18 called on 14 March. The assistant was unable to comment on the decision, including why the Church had been punished despite having abided by the order and why the Judge had deemed it necessary to ban the Church for one month.

The Judge's assistant added that the Church had appealed against the decision and this would be heard in South Kazakhstan Regional Court. The lower court decision – including the fine and the ban – will go into force only if it is upheld on appeal.

Helping Bible download – an offence?

Meanwhile, a woman who began attending Shymkent's New Life Church in late 2017 was apparently an agent provocateur acting on police instructions. She repeatedly asked that a church member help her download the Bible on her mobile phone. This action was instrumental in the administrative prosecution of a church member.

Church member Dilobarkhon Sultanova got to know Elmira Inibekova in the church in December 2017. On 11 January 2018, Inibekova asked Sultanova to meet her near a local cafe to help her download the Bible on her mobile phone. Sultanova saw Inibekova in the cafe talking to a young man. She phoned her and Inibekova came out onto the street. There, at Inibekova's request, Sultanova helped her download the Bible and they parted, church members told Forum 18.

Two police officers immediately detained Sultanova. A third then arrived with Inibekova. "Literally a minute and a half after we parted they detained me," Sultanova told Svetlana Glushkova of Radio Free Europe's Kazakh Service for a 9 March article.

Sultanova noted that Inibekova had requested her help to download the Bible after requesting a copy in book form. Sultanova denied

any wrongdoing. "The Bible is freely available and doesn't belong to any one religious association," she told Radio Free Europe.

The officers took Sultanova by car to the city's Abai District Police Station, where they held her for an hour. They then showed her a statement from Inibekova accusing her of drawing her into religion. Sultanova denied this, pointing out that Play Market – from which Inibekova downloaded the Bible – was offering the text, not her.

The subsequent court decision reveals that Inibekova had herself phoned the police before she met Sultanova near the cafe, claiming that Sultanova's activity constituted illegal "missionary activity".

On 29 January, Sultanova received a letter from the Regional Religious Affairs Department summoning her two days later. On 31 January at the Department, Chief Specialist Abduvakhit Absamatov showed her the information sent to it by Abai District Police. He told her he intended to prepare a case against her 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.

Sultanova insisted on her right to refuse to sign any record without a state-funded lawyer or other defender.

On 2 February, Chief Specialist Absamatov phoned Sultanova, telling her that he was refusing her request for a state-funded defender. Sultanova then lodged a complaint to court (which she withdrew on 6 March, according to the court document seen by Forum 18).

Absamatov also refused Sultanova's request for an official translation into Russian of Kazakh-language police statements, as she does not know Kazakh well. He similarly refused her permission to make copies of the material in the case. He claimed that the Department does not have money for translations and that her demands were not based in law.

In mid-February, Chief Specialist Absamatov tried to pressure Sultanova to accept a lawyer Aygul Dosymbekova. When Sultanova met her on 13 February, the lawyer refused to give her a copy of the letter of appointment or the letter from the College of Lawyers confirming this. The lawyer also pressured Sultanova to sign the record of an offence. Sultanova refused and renounced the lawyer's services.

That same evening, Chief Specialist Absamatov phoned Sultanova to accuse her of stirring up "fuss" about the case. Church members complained to Forum 18 that Absamatov was aggressive on the phone.

Sultanova later engaged her own lawyer, Zulfiya Shigapova. On 16 February the record of an offence was officially drawn up.

Acquittal

On 20 February, the case against Sultanova reached Shymkent's Specialised Administrative Court. However, on 13 March Judge Abdugappar Beknazarov found Sultanova not guilty, according to the decision seen by Forum 18. The court noted that the Bible "is not banned literature in the Republic of Kazakhstan and does not require a positive religious studies expert analysis". It found that Sultanova's actions did not constitute an offence as Inibekova's attendance at New Life Church was documented.

Absamatov led the case against Sultanova in court, while Inibekova appeared as a witness. Inibekova told the court that she had decided to start attending New Life Church as a result of family problems.

The same Judge Beknazarov had found Sultanova's New Life Church guilty on 22 February (see above).

Lawyer Shigapova welcomed Sultanova's acquittal. "The court studied all the materials in the case and came to the correct and just conclusion," she told Forum 18 from Shymkent on 15 March. "The Religious Affairs Department has the right to lodge an appeal, but as far as I can see there is no basis for such an appeal."

Officials were unavailable or unwilling to talk to Forum 18. Chief Specialist Absamatov refused to take Forum 18's repeated calls on 15 March. He had similarly refused to speak to Radio Free Europe's Kazakh Service. Religious Affairs Department Head Samat Saparbayev was unavailable each time Forum 18 called on 15 March.

Abai District Police told Forum 18 on 15 March that the Head, Nurzhan Tileuov, was on leave and referred it to his deputy, Yekirali Mirbekov. However, his phone went unanswered each time Forum 18 phoned on 15 March.

Radio Free Europe reached Inibekova, but she declined to comment for its 9 March article. (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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