

4 March 2019

KAZAKHSTAN: One city, two raids, three fines

By Felix Corley, Forum 18

Police in Taraz – including anti-terrorism officers – raided two Baptist worship meetings on successive Sundays in February. Police fined three Baptists and issued two warnings. Despite claiming "our laws don't ban praying", state religious affairs official Balgabek Myrzayev defended punishing people meeting for worship without state permission. A government minister has claimed that legal changes restricting freedom of religion and belief may be brought back in 2020.

Police anti-terrorism officers and other officials raided two Baptist worship services on successive Sunday mornings in February in Taraz in the southern Zhambyl Region. Police issued three summary fines of one and two months' average wages and two warnings to punish meeting for worship without state permission.

The two congregations belong to the Council of Churches Baptists, who choose not to seek state registration in any of the former Soviet countries. They also follow a policy of civil disobedience, refusing to pay fines handed down to punish the exercise of their freedom of religion or belief.

The man who answered the phone at Zhambyl Regional Police's Anti-Extremism and Anti-Terrorism Department in Taraz did not respond to Forum 18's questions as to why the Baptist communities were raided and put the phone down. When Forum 18 called back, the line had been switched to a fax machine (see below).

One police officer admitted that he had taken part in the first raid. But he refused to answer any of Forum 18's questions as to why police raided the community (see below).

The head of the Regional Religious Affairs Department in Taraz told Forum 18 he had no information about the raids and that his officials had not been involved. But he insisted that people cannot meet for worship without state registration (see below).

Similarly, Balgabek Myrzayev, acting head of the Social Harmony Committee (which restricts freedom of religion and belief) (http://www.forum18.org/archive.php?article_id=2409) in the capital Astana, claimed to Forum 18 on 4 March that he was not informed about the raids on the Baptists and fines in Taraz.

Despite claiming that "our laws don't ban praying", Myrzayev defended punishing people who meet for worship without state permission. "Our laws don't allow unregistered religious organisations and I don't have the right to change the law," he told Forum 18. "If a law has been adopted and comes into force, everyone must abide by it."

A government minister has claimed that legal changes restricting freedom of religion and belief may be brought back in 2020 (see below).

Following a 21 February government shake-up, President Nursultan Nazarbayev on 25 February handed restricting freedom of religion and belief to yet another ministry, this time the newly-created Information and Social Development Ministry. He named Dauren Abayev as the new minister. Myrzayev had been named acting head of the Ministry's Social Harmony Committee (which restricts the exercise of freedom of religion and belief) on 21 February.

A court in the commercial capital Almaty fined another Council of Churches Baptist two months' average wages on 28 February for meeting for worship without state permission. Police raided his congregation in late 2018 during a midweek worship service and conducted an "expert analysis" of seized religious literature. The Baptist intends to appeal against the fine when the court decision is issued in writing (see below).

Police in the Caspian port city of Atyrau raided a meeting of the Hare Krishna community on 3 February. Officials claimed that the community - which gained state registration in October 2018 - was meeting at an unapproved venue. An administrative case against the community is likely to reach court soon (see below).

Frequent raids, fines

Raids on locations where the government says religious worship is not allowed are frequent. In 2018, at least 37 administrative cases were launched to punish individuals, charities or companies for hosting, holding or participating in meetings for worship. Known cases were brought against 25 Muslims, 7 Protestants (all Council of Churches Baptists), 3 companies, 1 Jehovah's Witness, and 1 charity. Of these 37 known cases in 2018, 28 ended up with fines. (http://www.forum18.org/archive.php?article_id=2447)

In three known cases in 2018, two administrative cases and one criminal case, courts ordered religious literature seized from individuals to be destroyed. In December 2018, a judge in Atyrau ordered several Muslim books seized from two defendants in a criminal case to be destroyed. These included a collection of hadith (sayings attributed to the Muslim prophet Muhammad). The judge refused to discuss his order to destroy the books with Forum 18. (http://www.forum18.org/archive.php?article_id=2457)

Myrzayev of the Social Harmony Committee – an official of the state-controlled Muslim Board from 2010 to 2013 between appointments in the state's religious affairs bodies - did not sound surprised to hear of courts ordering religious literature to be destroyed.

"We can reconsider this," Myrzayev told Forum 18 about the book-destruction orders. Told that the court decisions had already entered into force and it was therefore too late, he responded: "I mean about the future."

First 2019 Taraz raid

On 10 February, about ten officers and individuals in civilian clothes arrived at the house in Taraz where one of the city's Council of Churches Baptist communities was meeting for Sunday morning worship, church members told Forum 18. Among them were at least one officer of the Police Anti-Extremism and Anti-Terrorism Department, a criminologist B. Shermatov, operational officers Zh. Satkanbayev, local police inspector Zhalgas Sugirbek and Talgat Taishiybayev of the city administration's Internal Policy Department.

The intruders began to film the service and all those present. "They waited for the end of the service, then the officials approached church members at the front and asked: 'Why are you meeting without registration?'," church members noted.

Officers demanded that several church members write statements. "They wrote that they meet here to worship God," church members told Forum 18.

Two days later, on 12 February, local police summoned two church members, the brothers Yakov and Viktor Fot, to the police station. There officers demanded that they sign the records of an offence drawn up against them. Both refused.

On 23 March, police sent the two brothers by post the decisions to fine them. Police declared Yakov Fot guilty of violating Administrative Code Article 489, Part 9. The police handed him a summary fine of 100 Monthly Financial Indicators (MFIs), 252,500 Tenge. This represents about two months' average wages for those in formal work.

Police declared the 37-year-old Viktor Fot guilty of violating Administrative Code Article 489, Part 10. The police handed him a summary fine of 50 MFIs, 126,250 Tenge. This represents about one month's average wages for those in formal work.

Article 489, Part 9 punishes "Leadership of an unregistered, halted, or banned religious community or social organisation" with a fine of 100 MFIs.

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

The Fot brothers intend to appeal against their fines to Taraz Specialised Administrative Court, church members say.

The man who answered the phone of the head of Zhambyl Region's Anti-Extremism and Anti-Terrorism Police in Taraz did not respond to Forum 18's questions as to why the Baptist communities were raided and put the phone down. When Forum 18 called back, the line had been switched to a fax machine.

Police Inspector Sugirbek admitted from Taraz on 4 March that he had taken part in the raid. But he refused to answer any of Forum 18's questions as to why police raided the community, and put the phone down.

Forum 18 was unable on 4 March to reach Daniyar Musayev, the head of Taraz Police Station No. 2, which oversees policing in that part of the city.

Taishiybayev of the city administration's Internal Policy Department insisted that although the Baptists had done nothing wrong they had to register their communities. "We've got nothing against holding prayers," he claimed to Forum 18 from Taraz on 4 March. Asked to justify raiding a community at worship, and asked whether a group of people drinking vodka together or watching football

on television would have been raided, Taishiybayev did not respond.

Zhangeldi Omarov, the head of Zhambyl Regional Religious Affairs Department, said that he had no information about the 10 or 17 February raids and that his officials had not been involved. But he insisted that people cannot meet for worship without state registration. "If the Baptists are unhappy, let them appeal to us," he told Forum 18 from Taraz on 4 March.

Second 2019 Taraz raid

On 17 February, exactly one week after the first raid of 2019, police raided the Sunday morning worship service of another Council of Churches Baptist community in Taraz.

Four officers arrived, Captain A. Shukamonov, Captain S. Kazbekov, senior operational officer N. Zholmukhamedov and another officer who did not identify himself. They demanded that all those present remain after the service and write statements. However, in the end they took statements only from a few church members.

Police summoned the 37-year-old Vitaly Ryzhkov to the police station on 18 February. There local police officer N. Syzdykov drew up a record of an offence against Ryzhkov under Article 489, Part 10 and handed him a slip instructing him to pay a fine of 50 MFIs, 126,250 Tenge.

Police also issued an official warning to two other church members, Aleksandr Bogdanov and Sergei Tyan.

Ryzhkov has lodged an appeal against his fine to Taraz Specialised Administrative Court. Judge Duman Maulenov is due to hear the appeal on 12 March, according to court records.

Earlier Taraz raids

Police and other officials have repeatedly raided the Council of Churches Baptist communities in Taraz.

Police raided one of the Taraz Baptist congregations during their meeting for worship on Easter Sunday, 16 April 2017. Police handed summary fines to three church members, including Ryzhkov and Yakov Fot. Police launched further raids in May and June 2017. Officers took church members' fingerprints, photographed them both face on and from the side, and recorded their home addresses and other personal data. Police issued summary fines with no court hearing to eight of those present, including Yakov Fot again and Viktor Fot. (http://www.forum18.org/archive.php?article_id=2285)

Almaty raid, fine

Police in Almaty raided a Council of Churches Baptist congregation on the evening of 14 November 2018 as the meeting for worship was beginning, fellow Baptists complained to Forum 18. Officers filmed all those present and seized religious literature the community has available at the entrance to the church.

Police sent the literature for an "expert analysis", but this found nothing extremist, fellow Baptists said. "They have checked our literature so many times and found nothing," they added.

Although Eduard Neifeld was not preaching at the time of the raid, he stepped forward when the police officers asked who was responsible. "That's why they drew up a record of an offence against him," Baptists told Forum 18. "They had to draw it up against someone."

Neifeld was accused of violating Administrative Code Article 490, Part 1 and Article 490, Part 3.

Article 490, Part 1 punishes: "Violating the requirements of the Religion Law", including by holding unapproved worship. The punishment is a fine on individuals of 50 MFIs.

Article 490, Part 3 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.

The case against Neifeld reached Almaty's Specialised Inter-District Administrative Court on 30 January 2019, according to court records. It was assigned to Judge Murat Alimbek. On 28 February he found Neifeld guilty and fined him 100 MFIs, 252,500 Tenge, two months' average wages, Baptists told Forum 18. They said that as soon as the Judge issues the decision in writing Neifeld will appeal to Almaty City Court.

Atyrau raid on registered Hare Krishna community

On 3 February, police in Atyrau raided a flat of a community member where the registered Hare Krishna community was meeting for worship. More than 10 officers and officials interrupted the prayers, filmed those present and demanded that many of them write statements. Officials insisted that the worship meeting was illegal because the registered community has the right to meet only at its registered address.

The Regional Religious Affairs Department prepared a record of an offence against the community under Administrative Code Article 490, Part 1, Point 1. This punishes "violation of procedures established in law for conducting rites, ceremonies and meetings". Punishment for individuals is a fine of 50 MFIs, and for organisations a fine of 200 MFIs and a three-month ban on activity.

Any administrative case would be heard at Atyrau Specialised Administrative Court.

Restrictive legal amendments to be re-presented in 2020?

In January 2019 the government withdrew from Parliament amendments to a variety of laws which would have restricted the exercise of freedom of religion or belief still further. The draft Amending Law proposing many wide-ranging changes to the 2011 Religion Law, Administrative Code and many other laws. The changes included but were not limited to: greater state control of religious communities the regime allows to exist; more restrictions on religious teaching without state permission, and sharing the beliefs of religious communities denied state permission to exist; and ordering that all religious literature that has not been passed state censorship must be confiscated (http://www.forum18.org/archive.php?article_id=2419). Then Prime Minister Bakytzhan Sagantayev issued the brief decree withdrawing the Amending Law from the lower house of parliament, the Majilis, on 29 January. The decree gave no reason for the decision. (http://www.forum18.org/archive.php?article_id=2452)

However, the then Social Development Minister Darkhan Kaletayev told the journalist Svetlana Glushkova of CurrentTime.tv on 18 February that the government is working on revising the Amending Law and would submit it to Parliament again in 2020.

President Nazarbayev removed Kalatayev several days later during a government reorganisation and created the Information and Social Development Ministry, moving to the new Ministry the Social Harmony Committee which restricts freedom of religion and belief (http://www.forum18.org/archive.php?article_id=2409).

Acting head of the Social Harmony Committee Balgabek Myrzayev claimed to Forum 18 on 4 March that the government has no intention "at present" of in 2020 re-presenting legal amendments restricting the exercise of freedom of religion and belief.

Myrzayev was among Ministry officials invited to Parliament in 2018 as the Amending Law was being considered. (END)

Full reports on freedom of thought, conscience and belief in Kazakhstan
(<http://www.forum18.org/archive.php?query=&religion=all&country=29>)

For more background, see Forum 18's Kazakhstan religious freedom survey (http://www.forum18.org/archive.php?article_id=2409)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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