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KAZAKHSTAN: Warned for violating coronavirus regulations, but fined for leading worship

By Felix Corley, Forum 18

After a raid on Baptists meeting for worship in Pavlodar despite coronavirus restrictions, Pastor Isak Neiman was warned for violating anti-coronavirus measures. But after the warning, which he accepted, he was fined nearly two months' average wages on a second charge of leading an unregistered religious community meeting for worship without state permission. Officials in Aktobe fined a shopping centre administrator for allowing Muslims to pray in a unit there.

Police in the north-eastern Kazakh city of Pavlodar who raided a 29 March Baptist church meeting for worship brought two charges against Pastor Isak Neiman. The first charge was for violating anti-coronavirus health measures, for which the Pastor received a warning. But for the second charge of leading an unregistered religious community meeting for worship without state permission Pastor Neiman was fined nearly two months' average wages.

Kazakhstan's President Kassym-Zhomart Tokayev introduced a state of emergency from the morning of 16 March because of the coronavirus pandemic. This halted public meetings nationwide, including those for worship. The state of emergency was officially ended on 11 May, though some restrictions remain.

After the emergency was ended, police in May raided a Muslim prayer room being used for Friday prayers in a unit in a shopping centre in the north-western city of Aktobe. A court banned the prayer room, fined the shopping centre's administrator about one month's average wage, and banned the unit from functioning for three months (see below).

A fellow Council of Churches Baptist in Pavlodar Region, Aleksei Asetov, has been banned from leaving Kazakhstan since July 2018 after failing to pay a fine similar to Pastor Neiman's imposed to punish leading an unregistered religious community. Asetov has now been banned from leaving Kazakhstan since his first unpaid fine in 2012 (see below).

The bailiff responsible for recovering the unpaid fine from Asetov insisted to Forum 18 that she is simply carrying out the decision of the court and cannot lift his ban on leaving the country without a legal basis. Numerous Council of Churches Baptists who refused to pay fines to punish them for exercising freedom of religion or belief have been banned from leaving the country (see below).

Pavlodar: Warned for violating coronavirus regulations, but fined for leading community

The Council of Churches Baptist congregation in the north-eastern city of Pavlodar – led by the 65-year-old Pastor Isak Neiman – meets for worship on private premises. Like all Council of Churches Baptist congregations, it chooses not to seek state permission to be allowed to exist and meet.

About seven police officers raided the congregation during its Sunday morning meeting for worship on 29 March, claiming to be checking compliance with anti-coronavirus health measures. About 300 church members were present, according to the subsequent court decision seen by Forum 18. Officers told church members they had to disperse, which they did.

Officers drew up a record of an offence for violating anti-coronavirus health measures. At the hearing the following day at Pavlodar's Specialised Administrative Court, Pastor Neiman "completely admitted his guilt" and said that he had been unaware of the order by Pavlodar Region's chief doctor banning mass gatherings. He promised not to hold such events during the time when they were banned on health grounds. Judge Marat Musabayev found him guilty and issued him with a warning, according to the decision seen by Forum 18.

But although only a warning was issued for violating anti-coronavirus measures, a fine of nearly two months' average wages was imposed for leading an unregistered religious community meeting for worship without state permission.

On the day of the raid, 29 March, police also brought a second charge against Pastor Neiman, this time under Administrative Code Article 489, Part 9. This punishes "Leadership of an unregistered, halted, or banned religious community or social organisation" with

a fine of 100 MFIs (http://www.forum18.org/archive.php?article_id=2409) (277,800 Tenge since 1 April). This is about two months' average wages for those in formal work.

On 20 April, the case for leading an unregistered religious community meeting for worship without state permission was heard at Pavlodar's Specialised Administrative Court. Pastor Neiman told the court that any demand to register his church would be against the Constitution and the Bible, also pointing to the "constantly changing laws".

However, Judge Serik Mardanov found Pastor Neiman guilty and fined him the specified 100 MFIs, reduced by 30 per cent to 194,460 Tenge because he is a pensioner.

An officer at Pavlodar Police Department, which issued the record of an "offence" about the meetings without state registration, defended his fellow officers. "There was a basis for issuing the record," the officer, who did not give his name, told Forum 18 on 28 May. "We don't work illegally."

Asked why people are punished for leading an unregistered religious community meeting for worship without state permission, the officer put the phone down. Forum 18 did not get the chance to ask why leading an unregistered religious community meeting for worship without state permission is thought to be a more serious offence than violating coronavirus regulations.

"Our church hasn't been raided since the 2000s," Pastor Neiman commented to Forum 18 on 27 May. "We had lots of raids then. But other churches in Ekibastuz (http://www.forum18.org/archive.php?article_id=2334) and Semey (http://www.forum18.org/archive.php?article_id=1963) have been raided in recent years."

Council of Churches Baptists follow a policy of civil disobedience, refusing to pay fines handed down to punish the exercise of their freedom of religion or belief. "We usually don't pay such fines," Pastor Neiman told Forum 18, "as that would be to admit we're guilty, that the punishments are justified." He said that, in the case of pensioners like himself, the authorities usually take the fines directly from pensions.

Pastor Neiman lodged an appeal against the punishment, which reached Pavlodar Regional Court on 12 May. The appeal, finally heard on 28 May online, was rejected.

Aktobe: Prayer room banned, administrator fined, unit banned from functioning

Police raided a unit in the ZapKazYarmarka shopping centre in the north-western city of Aktobe on 15 May. They found a Muslim prayer room in the unit being used for Friday prayers.

Forum 18's calls to Aktobe Police on 28 May were not answered.

The raid took place four days after the end of the national emergency period because of the coronavirus pandemic, though social distancing measures remain. Aktobe Regional Akim (head of administration) Ondasyn Urazalin had allowed the ZapKazYarmarka shopping centre to reopen on 17 April, noting that social distancing was able to be maintained.

Following the 15 May raid, a prosecution was then brought against the 53-year-old administrator of the shopping centre, Gulnar Kurmangaliyeva, for allowing use of premises in the shopping centre for a religious meeting.

The case was brought under Administrative Code Article 490, Part 1, Point 1. This punishes "violation of procedures established in law for conducting rites, ceremonies and meetings". The punishment for individuals is a fine of 50 MFIs, and for organisations a fine of 200 MFIs and a three-month ban on activity (http://www.forum18.org/archive.php?article_id=2409).

Kurmangaliyeva admitted the "offence" at Aktobe's Specialised Administrative Court and asked that the court "not take harsh punishment measures against her", according to the court decision. At the end of the 15 May hearing, which took place online because of the coronavirus pandemic, Judge Mukhtar Toibazar found her guilty and fined her 50 MFIs, 132,550 Tenge, according to the decision seen by Forum 18. This represents about one month's average wage for those in formal work.

Judge Toibazar also banned the unit with the prayer room from functioning for three months.

Sabit Mukanov, deputy chair of Aktobe Region's Religious Affairs Department, claimed that he was not familiar with the action against Kurmangaliyeva. "The police drew up the record of an offence, not us," he told Forum 18 on 28 May.

Mukanov defended the prosecution of individuals for exercising freedom of religion or belief if the activity is banned by law, even if it is in defiance of Kazakhstan's international human rights obligations. "We defend the law," he insisted. "We have our path, our development."

Frequent fines for exercising freedom of religion or belief

Kazakhstan frequently punishes individuals, religious communities and companies for not seeking state permission to exist, maintaining prayer rooms without state permission, holding meetings for worship, offering religious literature and items (including online), sharing or teaching faith, posting religious material online, praying in mosques, inviting a child to meetings, or inadequate security measures (http://www.forum18.org/archive.php?article_id=2409).

In 2019 there were at least 168 such cases for exercising freedom of religion and belief. Of these, 145 ended with convictions, with 141 individuals (1 twice), 2 religious communities and 1 company being punished, almost all of them with fines (http://www.forum18.org/archive.php?article_id=2532).

Such administrative cases continue in 2020. Individuals are known to have been fined between January and March 2020 for offering religious literature for sale online, for offering Korans for sale in shops, for lending two religious books to another individual, and for posting Islamic materials on the Telegram messaging app.

In February a court in the southern Zhambyl Region ordered the destruction of a hadith collection confiscated from a Kyrgyz citizen who had crossed the border into Kazakhstan (http://www.forum18.org/archive.php?article_id=2558). The judge ordered the one Muslim book destroyed even though the Religion Law allows individuals to bring into the country one copy of any one religious book for personal use (http://www.forum18.org/archive.php?article_id=2409).

Police in a village in Pavlodar Region detained two Baptists and confiscated Christian literature they were sharing free on the streets. In early March, the local court fined them each one month's average wages and ordered the 196 items of Christian literature destroyed. The Regional Court has now ordered that the confiscated literature should be sent for "expert analysis" (see below).

In addition to fines and bans, individuals, all Sunni Muslims, are known to be currently jailed for terms of up to eight years for exercising freedom of religion or belief (http://www.forum18.org/archive.php?article_id=256624).

Confiscated books saved from destruction?

When Akkuly District Court fined two Council of Churches Baptists, Oleg Stepanenko and Nadezhda Smirnova, on 2 March, it also ordered the 196 Christian publications confiscated from them to be destroyed (http://www.forum18.org/archive.php?article_id=2558).

Stepanenko and Smirnova were among four Baptists who on 29 February travelled to the village of Akkuly in the north-eastern Pavlodar Region close to the border with Russia. There they offered Christian literature to villagers on the street (http://www.forum18.org/archive.php?article_id=2558).

Officers confiscated their Christian literature, which was in Russian and Kazakh: 3 copies of "Jesus our Destiny", 10 copies of "The Most Important Truths", 15 copies of "All Children Need to Know This", 98 copies of the newspaper "Do You Believe?" and 70 Christian leaflets.

The Court punished the two under Administrative Code Article 490, Part 1, Point 3 ("Violating the requirements of the Religion Law for .. import, manufacturing, production, publication and/or distribution of religious literature and other religious materials, and items for religious use") (http://www.forum18.org/archive.php?article_id=2409). Each was fined 50 MFIs each (about one month's average wage).

Asked by Forum 18 in April why he had ordered the confiscated literature to be destroyed, Judge Kairbulat Karimov (who punished Stepanenko) responded: "The literature they sought to distribute was destroyed because it was the instrument of their violation." Asked if he liked ordering religious literature to be destroyed, he responded: "When we're enacting the law we don't distinguish on the basis of individuals' religious, racial or ethnic affiliation." (http://www.forum18.org/archive.php?article_id=2558)

Both Stepanenko and Smirnova appealed against the punishments. In separate hearings on 16 April, Judge Saltanat Tasmagambetova of Pavlodar Regional Court ruled that in neither case had an "expert analysis" been conducted on the confiscated literature. She ordered that such an analysis be carried out and suspended consideration of the appeals until that is produced.

Judge Tasmagambetova assigned the analysis to an unnamed "expert" at the Justice Ministry's "Institute for Judicial Expert Analysis" in the capital Nur-Sultan, according to the court decision seen by Forum 18. She ordered that the analysis determine whether the books are religious and if so of what faith, and "whether the confiscated materials contain information aimed at inciting social, racial, ethnic, religious, class or tribal discord".

The Judge's decision has the effect of suspending the order for the 196 items of literature to be destroyed. However, "expert analyses" are frequently used to justify state violations of freedom of religion and belief including the destruction of religious literature (http://www.forum18.org/archive.php?article_id=2409).

Defending court-ordered religious literature destruction

In August 2019, Aktobe's Specialised Administrative Court fined Murat Dosmagambetov, who had been offering four Muslim leaflets at a railway station, and ordered the leaflets to be destroyed (http://www.forum18.org/archive.php?article_id=2532).

In December 2019, the same court fined local Protestant Amangali Shabakov for sharing religious books, including two which had not undergone state censorship, and ordered the books to be destroyed (http://www.forum18.org/archive.php?article_id=2532).

Sabit Mukanov, deputy chair of Aktobe Region's Religious Affairs Department, defended court decisions in his Region in 2019 that religious publications confiscated from a local Muslim and a local Protestant should be destroyed, but said he did not know how such literature destruction is carried out.

"We're obliged to abide by the law," Mukanov told Forum 18 on 28 May. "But the court made the decisions, so you have to ask the court. I don't know the further fate of these religious materials."

Nine-year exit ban

A Council of Churches Baptist from Ekibastuz in Pavlodar Region, Aleksei Asetov, has been banned from leaving Kazakhstan since 2011 for failing to pay successive fines to punish leading an unregistered religious community.

Pastor Asetov's most recent exit ban was imposed on 30 July 2018 after he failed to pay a fine imposed under Administrative Code Article 489, Part 9 to punish him for leading an unregistered religious community (http://www.forum18.org/archive.php?article_id=2409).

Police in late October 2017 raided a Sunday morning meeting for worship of Pastor Asetov's Baptist congregation in Ekibastuz (http://www.forum18.org/archive.php?article_id=2334). Police summarily fined him 226,900 Tenge or 100 MFIs, about two months' average wage. His wife and 18 other church members were given smaller fines.

As Pastor Asetov refused to pay the fine, court bailiffs brought proceedings against him to recover the money on 25 July 2018, according to the court debtors' register seen by Forum 18.

Asetov – a shoe-repairer with 10 children - has now been banned from leaving Kazakhstan since his first unpaid fine in 2011. After a police raid on the congregation in November 2011, he was fined about a year and a half's average wage in February 2012 (http://www.forum18.org/archive.php?article_id=1666). After failing to pay the fine, Pastor Asetov was in May 2013 given a three-day prison term (http://www.forum18.org/archive.php?article_id=1868).

The bailiff responsible for recovering the unpaid fine from Asetov, Karlygash Sadvakasova, insisted to Forum 18 on 28 May that she is simply carrying out the decision of the court and cannot lift Asetov's ban on leaving the country without a legal basis.

Numerous Council of Churches Baptists who refused to pay fines to punish them for exercising freedom of religion or belief have been banned from leaving the country. Yevgeny Zhovtis, of the Kazakhstan International Bureau for Human Rights and the Rule of Law, described this as "double punishment" (http://www.forum18.org/archive.php?article_id=2409). Most of the earlier exit bans appear now to have lapsed. (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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