

29 July 2020

KAZAKHSTAN: Two churches' buildings ordered confiscated in Nur-Sultan

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Nur-Sultan city administration ordered the confiscation of Grace Presbyterian Church, and of Agape Pentecostal Church's half-finished place of worship on the same site. Grace Church – which bought its building in 2001 - is challenging the order in court. "From 2002 we have dreamed of having our own building, and we just started building it," says Agape Church Pastor Igor Tsay. "And then this. It was unexpected – a shock."

City authorities in Kazakhstan's capital Nur-Sultan (formerly Astana) have ordered the confiscation of the buildings of both Grace Presbyterian Church, and of Agape Pentecostal Church which is building a place of worship on the same site. City authorities claim the land is needed for a new kindergarten. But officials refuse to explain why they cannot find another site for this, despite two possibly suitable other buildings being in the same Baikonur District of the capital.

Officials have also refused to explain why Grace Church is being offered compensation of far less value than its church building is worth. The Church legally bought the former college building in 2001 and has spent a lot of money on renovation (see below).

The decree to confiscate the property came on 14 February 2020 from Nur-Sultan Akim (head of administration) Altai Kulginov. An earlier 2014 attempt to confiscate the property – also allegedly for a kindergarten – was resolved between the Akimat and the Church. Grace Church is trying to challenge the 2020 decree through the courts, but the judge hearing the case is ill and it is unclear when it will resume (see below).

Dmitry Kan, Grace Church's Pastor, told Forum 18 that "we simply want to continue to use our property for worship" (see below).

"From 2002 we have dreamed of having our own building, and we just started building it," Igor Tsay, Pastor of Agape Church, told Forum 18. "And then this. It was unexpected – a shock." The Church stopped construction of its new place of worship and offices as soon as it learnt of the decision to confiscate the site (see below).

The move to confiscate both churches' property appears to have been initiated by the then Construction and Residential Policy Department of the Akimat (city administration). It is unclear if corruption is a factor in the confiscation decision. Local media reported on 17 July that an unnamed former head of the Department is being investigated over the alleged embezzlement of 200 Million Tenge (see below).

Bauyrzhan Bakirov, a deputy chair of the Religious Affairs Committee of the Information and Social Affairs Ministry, was unable to explain why the city authorities decided to confiscate Grace Church. "It is a complex issue. I must look into it," he told Forum 18. He insisted that "we have nothing against the Church" when asked why it has repeatedly faced state attempts to confiscate its property.

Both churches have appealed to President Kassym-Zhomart Tokayev, asking him to have the decree annulled and to allow the churches to continue using their site in central Nur-Sultan (see below).

The regime has often used property-related issues against religious communities exercising their freedom of religion and belief (see below).

Grace Church has earlier faced state hostility, culminating in the 2013 incarceration of its retired Pastor Bakhytzhon Kashkumbayev in a psychiatric hospital. In 2014 he was convicted of allegedly harming the health of a church member, despite credible denials of the allegation and a lack of legality and due process throughout the entire investigation and trial (see below).

Grace Church legal owners since 2001

Grace Presbyterian Church has nearly 500 members, Pastor Dmitry Kan told Forum 18 on 27 July 2020. Until the coronavirus

pandemic the Church held several meetings for worship each Sunday in its place of worship in central Nur-Sultan, with meetings also held on most evenings of the week.

Grace Church first gained state registration, and so the right to exist, on 26 June 1995. It gained re-registration in December 2012, according to the Justice Department certificate seen by Forum 18, following the adoption of the 2011 Religion Law requiring all religious communities to re-apply for state permission to exist (http://www.forum18.org/archive.php?article_id=2409).

The Church bought its building in what is now the Baikonur District of the capital on 3 September 2001. A former kindergarten, the building was then used as a Continuing Education College. The Church bought the building and the 0.136 hectares (0.336 acres) of land on which the building stands from the college.

Retired Grace Church pastor targeted along with Church

Masked police searched Grace Church on 3 October 2012 and seized computers, valuables and religious books they insisted were "extremist", though they could not explain what was "extremist". Police also took blood specimens to see if the Church uses "hallucinogenic" substances for Communion – local media carried the same allegations (http://www.forum18.org/archive.php?article_id=1756). The alleged "hallucinogens" were a commonly drunk local red tea used as a non-alcoholic communion wine. Church members noted that police displayed a curious lack of interest in the allegations they were supposedly investigating.

In 2013 the regime put Grace Church's retired Pastor Bakhytzhn Kashkumbayev and atheist writer Aleksandr Kharlamov into a psychiatric hospital (http://www.forum18.org/archive.php?article_id=1939). No official ever produced medical reasons for these incarcerations, despite repeated questioning by Forum 18 and others. A criminal case was brought against Pastor Kashkumbayev, who led Grace Church until his retirement in October 2011, claiming he had harmed the health of a church member who repeatedly insisted that they had not been harmed and that the Pastor was "totally innocent".

Pastor Kashkumbayev was convicted on 17 February 2014 (http://www.forum18.org/archive.php?article_id=1929), despite credible claims of lack of legality and due process throughout the entire investigation and trial.

2014 confiscation decree resolved

On 5 November 2014 a previous Akim ordered the confiscation of Grace Church's building and land, also ostensibly to build a kindergarten. The deadline for seizing the site was given as 6 February 2016.

Grace Church tried to challenge the decree in court. However, the Akimat's Specialised Inter-District Economic Court rejected the suit on 1 April 2015, according to the decision seen by Forum 18.

However, the Akimat did not confiscate the Church property. "The parties reached a compromise," Grace Church notes. "What has changed in six years?"

Recent Akimat approvals for buying and building

On 23 January 2018 the Church bought from the Akimat two garages in a corner of the site, but not the land on which they stand. The remainder of the site (which the Church could not afford to buy) remains the property of the Akimat.

The Akimat gave Grace Church free use of 1.2158 hectares (3 acres) on the site (which excludes the garages) for 10 years at a time. The current 10-year period on that part of the site runs out in May 2026. The Akimat also gave the Church free use of the land under and around the garages until March 2029, according to the February 2020 decree ordering the confiscation of the site.

In the years since 2001, Grace Church has reconstructed the main building. This is used both for meetings for worship and for homes for about 20 people who are church leaders and their families.

Grace Church points out that as recently as 18 November 2019, the Akimat's Architecture Department approved further renovation work on their building. Internal works have been completed, but the Church has had to put on hold renovation of the facade which had been due to be carried out in summer 2020.

On 20 December 2019, the Architecture Department approved the Church's plans to demolish the old garages and build a new garage and office building.

In January 2020, the Akimat's Urban Environment Control and Quality Department similarly approved the Church's plans to build another building.

2020 confiscation decree

The order to confiscate Grace Church's property came in a 14 February decree from Nur-Sultan Akim (head of administration) Altai Kulginov. The decree – seen by Forum 18 – orders the confiscation of the Church's buildings and land between 24 May 2020 and 24 May 2021 "in order to conduct investigative and planning work for a kindergarten". Responsibility for fulfilling the decree was assigned to the Construction and Residential Policy Department. Responsibility for overseeing the decree's implementation was assigned to a Deputy Akim, Nurlan Nurkenov.

Officials informed Grace Church of the work to begin to plan a new kindergarten on 11 March.

Grace Church points out that Baikonur District contains two other buildings which have long been left half-built. The Church thinks either could be turned into a kindergarten.

Deputy Akim Nurkenov's phone went unanswered each time Forum 18 called on 28 and 29 July.

The Church wrote to Akim Kulginov asking why the city authorities had decided to confiscate its place of worship, residence for its clergy, and land. It received no reply. The Church then asked the Akimat's Architecture Department, which replied in writing that the initiator and overseer of the decree was the Akimat's Construction and Residential Policy Department (which was then led by Asylbek Esenbayev).

In March 2020 the Akimat was reorganised. Esenbayev was put in charge of the new Housing and Housing Inspection Department. The new Building Department is headed by Samat Sarsengaliyev.

The Housing and Housing Inspection Department confirmed to Forum 18 that it is in charge of implementing the February 2020 decree. However, an official told Forum 18 on 29 July that Esenbayev was unavailable in a meeting.

Soon after getting news of the confiscation decree, Grace Church leaders met a Nur-Sultan Deputy Akim, Askar Amrin, Pastor Kan told Forum 18. Amrin claimed to Church leaders that complaints had come in – allegedly from local residents – that the Church is a "sect" and demanding that the Akimat take its building away.

State-funded so-called "anti-sect centres" have long been used to encourage hostility against the exercise of freedom of religion and belief (http://www.forum18.org/archive.php?article_id=1568).

Deputy Akim Amrin asked Grace Church representatives about their faith, then summoned the head of the Akimat's Religious Affairs Department, Nurdaulet Almukhanov, asking him to investigate if the Church is a "sect" and to report back to him. Amrin gave Church leaders no clear answer to why the Akimat had issued the confiscation decree.

Deputy Akim Amrin told Forum 18 on 29 July through his assistant that responsibility for implementing the decree lies with Deputy Akim Nurkenov, and refused to come to the phone.

Religious Affairs Department head Almukhanov refused to discuss with Forum 18 on 28 July what he had told Deputy Akim Amrin about Grace Church. "Grace Church is a registered religious organisation," he kept repeating.

Grace Church lodged a suit against Nur-Sultan Akimat and its Housing and Housing Inspection Department at the Akimat's Specialised Inter-District Economic Court. On 1 July, the Court assigned the suit to Judge Kulimzhan Zhilbayeva, according to court records. On 9 July, Judge Zhilbayeva set a hearing date for 21 July, according to her decision seen by Forum 18.

"The Judge then fell ill and it is not clear when the suit will now be heard," Pastor Kan told Forum 18. The Court website lists no new date for the hearing.

Agape Church building also ordered confiscated

The confiscation decree also affects Nur-Sultan's Agape Pentecostal Church. Since 2006, Agape Church has been renting a commercial venue elsewhere in Nur-Sultan for meetings for worship.

"We collected donations to build our own place of worship from church members from 2002 and in the early 2010s we found a site," Pastor Igor Tsay told Forum 18 on 28 July. "But after a whole year of planning the authorities then refused permission to build. They claimed the land was needed for a block of flats." He said the flats had never been built and the land remains unused.

Because of the difficulty Agape Church has had since 2002 in trying to find land on which to build, Grace Church allowed the Church to build on its property. "When we got permission for building, we went to the Akimat's Land Committee," Agape Church's Pastor Tsay explained. "The specialist told us that if they give us permission to build, that means that afterwards they will allow us to buy the land."

Once the Akimat gave permission to build, Agape Church began building. It has built two storeys of what it had intended to be its first-ever dedicated place of worship, as well as offices for it and for Kazakhstan's Pentecostal Union which it is a member of.

"For 18 years we have dreamed of having our own building, and we just started building it," Pastor Tsay added. "And then this. It was unexpected – a shock." The church stopped construction of its new place of worship and offices as soon as it learnt of the decision to confiscate the site.

Corruption?

It is not clear if corruption plays any part in the repeated Akimat attempts to confiscate both churches' property. The 2020 move to confiscate the property appears to have been initiated by the then Construction and Residential Policy Department of the Akimat (city administration). Local media reported on 17 July that the Nur-Sultan branch of the Anti-Corruption Agency is investigating an unnamed former head of the Department over the alleged embezzlement of 200,000,000 Tenge (480,000 US Dollars).

"Our property is close to the centre of the capital, and the site might be worth the equivalent of 3,000,000 US Dollars [1,255,000,000 Tenge]," Grace Church Pastor Kan told Forum 18. "The Akimat is offering compensation of the equivalent of about 100,000 Dollars [42,000,000 Tenge]."

Officials have told Pastor Tsay that because the Agape building is unfinished, the Church will receive compensation only for the cost of the materials used so far. "We're not seeking money, but this was money we painstakingly collected over 18 years from 2002," Agape Church Pastor Tsay noted. "They're trying to take away even that from us."

In late July 2020, Pastor Tsay wrote to President Tokayev, expressing alarm at the confiscation with almost no compensation. "A representative of the Akimat cynically said that we have no chance, compensation will only cover the building materials," he told the President. "My request is to cancel the decree of the Akimat. Let us complete the construction of the building and conduct meetings for worship there."

Nurdaulet Almukhanov, head of the Akimat's Religious Affairs Department, insisted to Forum 18 that "this is not confiscation" and the Akimat is offering a lot of money". He refused to say how much. He also refused to say why the Akimat is not considering other sites for the proposed kindergarten.

Grace Church's Pastor Kan declined to comment on whether he thinks corruption might be involved. "We simply want to continue to use our property for worship."

Asked by Forum 18 if he suspects corruption might be behind the decision to confiscate the two churches' property, Agape Church's Pastor Tsay replied: "Honestly, I don't know."

Kazakhstan scores poorly, at 113 out of 198 countries globally (<http://www.transparency.org/en/cpi/2019/results/kaz>), on Transparency International's 2019 Corruption Perceptions Index.

The telephone of the Investigation Department of the city branch of the Anti-Corruption Agency was not answered each time Forum 18 called on 29 July.

Property issues used to restrict freedom of religion and belief

Before 2011, the regime frequently used property issues as a way of restricting the freedom of religion and belief of religious communities officials disliked (http://www.forum18.org/archive.php?article_id=1352). The tactics used included stripping religious communities of legal ownership of buildings and land, and the use of excuses such as fire safety. In one such example, Grace Protestant Church in Semey was forced to brick up windows "in case there is a fire in the neighbouring property". The Church was also prohibited from using its own building.

Since the latest Religion Law came into force in October 2011, the regime's use of property issues to restrict freedom of religion and belief has been less frequent (http://www.forum18.org/archive.php?article_id=2409). But occasional examples of this have included a Methodist Church being forced in 2012 to "voluntarily" announce its closure in local media after the wife of the Church's Pastor was fined for the Church using her private home – the Church's registered legal address - for meetings for worship (http://www.forum18.org/archive.php?article_id=1708). In a different case, Kentau's Love Presbyterian Church was fined and forced to close for alleged violations of fire safety rules in a building it rents (http://www.forum18.org/archive.php?article_id=1731).

More recent excuses to stop religious communities using their own property have included use in November 2017 of the entire Jehovah's Witness Administrative Centre in Almaty being banned for three months because the 25 surveillance cameras it had installed to comply with the law left three small areas without camera coverage (http://www.forum18.org/archive.php?article_id=2313).

Similarly, in March 2018 Shymkent's Protestant New Life Church in South Kazakhstan Region was fined and banned for a month for having only three rather than five fire detectors in a building on church property used for storage only (http://www.forum18.org/archive.php?article_id=2360). 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.

Among the regime's other restrictions on the exercise of freedom of religion and belief, it is illegal for communities without state registration to exist, and it is illegal for state-registered religious communities to meet for worship anywhere other than within state-registered buildings. All Muslim communities and all mosques are state-controlled (http://www.forum18.org/archive.php?article_id=2409).

Online prayer and fasting

On 16 July 2020, more than 200 church members from both Grace Church and Agape Church gathered in a socially-distanced circle around their building for silent prayer, Agape's Pastor Tsay told Forum 18.

Agape Church has organised online prayer and fasting this week as they press for the confiscation decision to be overturned, Pastor Tsay added.

He said he had been encouraged by the response and support from around the world after on 27 July writing on his Facebook page about the proposed confiscation of the Church's half-finished building. (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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