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KAZAKHSTAN: Three-day prison term for leading unregistered church

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

On 7 March an administrative court in the southern city of Shymkent sentenced Pastor Fauzi Gubaidullin to three days in prison for leading an unregistered Baptist church which refuses to abide by a court order banning it for three months. In Aktobe in late February, a washing machine and car were among items confiscated from a Baptist preacher to cover unpaid fines levied in punishment for peaceful religious activity. Shymkent congregation member Yuri Pfafenrot says life for Council of Churches Baptists in Kazakhstan is getting tougher. "First they came and offered us registration, but we refused," he told Forum 18 News Service. "Now they insist that we register, and when we don't they hand down big fines or even launch criminal cases." Backing the Baptists' demands for an end to compulsory registration is the Human Rights Ombudsperson, Bolat Baikadamov, but he insisted to Forum 18 it is up to religious believers to pressure parliamentary deputies to abolish this requirement. However, current plans to amend the Religion Law seek to make it even more restrictive.

As pastor Fauzi Gubaidullin ended a three-day administrative prison term on 10 March for leading his unregistered Baptist church in the southern city of Shymkent, members of his congregation vowed to continue meeting for worship in their church, whatever punishments are handed down. "We can't agree to having our church closed down," congregation member Yuri Pfafenrot told Forum 18 News Service from Shymkent on 12 March. "We will carry on holding services." However, he expressed pleasant surprise that Gubaidullin's predecessor as pastor, Adam Dengof, was acquitted of similar charges. "This is the first time this has happened in Kazakhstan."

Pfafenrot insists that the situation for Baptist congregations that refuse to register with the authorities is getting worse. "First they came and offered us registration, but we refused," he told Forum 18. "Now they insist that we register, and when we don't they hand down big fines or even launch criminal cases." He says he believes there will be many more administrative cases, hearings, fines, and criminal cases. "In our case they haven't said what they will do to us next time."

Kazakh officials insist that religious activity by unregistered religious communities is illegal, in defiance of the country's international human rights obligations. Council of Churches Baptists – to which the Shymkent church belongs – reject registration on principle as they believe it leads to unwarranted state interference in their internal affairs.

Their position is backed by Kazakhstan's Human Rights Ombudsperson, Bolat Baikadamov. "We appealed to the government last year to remove the compulsory registration requirement for religious organisations," he told Forum 18 from his office in the capital Astana on 12 March. "The law should be amended to abolish this." However, he has not so far been successful. He said the government told him it had sent an instruction to the Religious Affairs Committee (which is part of the Justice Ministry), which wrote to him to say it was analysing the issue.

However, Baikadamov maintains that it is up to religious believers to pressure parliamentary deputies to amend the law. "If believers appealed more the law could be amended to exclude the compulsory registration provision," he said. "Deputies depend on the strength of opinion in society."

Baikadamov told Forum 18 that Pastor Gubaidullin has not contacted his office to request assistance, but promised that if he did so he would try to help him.

However, Kanat Nalmagambetov, head of the Internal Affairs Department at the Shymkent city akimat (administration), whose duties include controlling religious activity, has little sympathy for Gubaidullin and his congregation. "Any religious organisation must be registered," he insisted to Forum 18 from Shymkent on 12 March. "We're talking here of a religious association that has its own prayer house, so it must be registered. This is the law." He rejected all suggestions that imprisoning a religious leader for three days for leading an unregistered community amounted to persecution. "Believers here are not persecuted," he claimed.

Nalmagambetov maintained that in his work with religious communities "we follow the religious policy of the president," which he identified as the promotion of peaceful relations between different religious confessions.

Pressed as to what will happen in future given that the Baptist congregation insists on continuing to worship without registration, Nalmagambetov told Forum 18 officials might consider allowing them to meet without registration, but made no commitment.

The Shymkent Baptist congregation – which has about 40 adult members plus children - has long faced official harassment (see F18News 8 September 2006 http://www.forum18.org/Archive.php?article_id=839).

After being "banned" for three months through the courts last year, court executors told the congregation they would inspect for compliance from 1 March. They took action when they discovered that the congregation was continuing to meet for worship in defiance of the ban. Dengof received a letter from the court executor on 5 March warning that unless all church members were present to meet them at the church at 11 am on 6 March they would break down the door to gain entry. However, the executors – accompanied by police and prosecutor's office representatives - did not arrive until 7 March. Gubaidullin and Dengof were arrested and immediately taken to separate administrative courts.

Pfafenrot – who was present at the hearings - told Forum 18 that in Dengof's case, the court executor gave contradictory testimony, claiming that Dengof was the congregation's leader while Gubaidullin had freely admitted that he is the pastor. He said Judge Aliev then threw out the case against Dengof.

However, Judge Marat Onlasov of the Shymkent town specialised court found the 35-year-old Gubaidullin guilty of violating Article 524 of the Code of Administrative Offences, which punishes "failure to carry out a court decision or official instruction" with a fine or up to ten days' imprisonment, for refusing to close down his church in line with the court-imposed ban. "He categorically refuses to carry out the court decision as he does not agree with this decision," the verdict noted accurately. "He also explained that he cannot not attend the prayer house as he needs to maintain spiritual contact."

Onlasov handed down the three-day prison term to start immediately. Congregation members complained to Forum 18 that the judge should not have imposed the punishment until any appeal to the South Kazakhstan Regional Court – which Gubaidullin has ten days from 7 March to lodge – was exhausted.

Pfafenrot told Forum 18 that Gubaidullin was taken straight to prison and was freed at 8pm on 10 March, when church members greeted him with flowers. "He is now preparing to lodge the appeal as the sentence on him was unjust."

Pfafenrot also expressed concern that the authorities want to close down the church – which is privately owned by two congregation members – and "throw the owners onto the street". "They don't have the right to do this as it's a privately-owned house," he complained.

He says the congregation will never accept official registration. "Officials want to know how many people attend, who preaches and how much money is collected," he reported. "That's interference and we can't accept it." Kazakhstan's current registration procedures are highly intrusive, and clearly designed to provide means of control, and not just a mechanism for acquiring legal status (see F18News 9 June 2006 http://www.forum18.org/Archive.php?article_id=797).

Other Council of Churches congregations are also facing increased pressure across the country. In Aktobe [Aqtöbe] in north-western Kazakhstan, four court executors came to the home of Baptist preacher Andrei Grigoryev on 27 February to seize personal belongings to pay massive fines that he had refused to pay. On 16 January, an Aktobe court fined Grigoryev 43,680 Tenge (2,170 Norwegian Kroner, 270 Euros or 350 US Dollars) which, together with two earlier fines, brings the current total of fines he owes to 53,980 Tenge (see F18News 28 February 2007 http://www.forum18.org/Archive.php?article_id=921).

The executors seized a washing machine, a music centre and the documents for a Volkswagen car, as well as documents for a trailer owned by Grigoryev's brother. "The seizure document does not include the valuation for any of the items, nor the total value of the goods seized," local Baptists complained. The executors told Grigoryev the items would be auctioned and the proceeds would go to pay off the fines.

Local Baptists told Forum 18 on 11 March that when they came to seize his property on 27 February, the executors were accompanied by two official witnesses and Sergei Kalashnikov, a cameraman from the Aktobe-based Rika-TV television channel, who filmed the executors as they confiscated the property.

Kalashnikov told Forum 18 that the court executors had asked his television station to provide a cameraman to film the confiscation. "I was told to go, so I went," he declared from Aktobe on 13 March. "I'm just a cameraman." He said he handed over the tapes to the executors as soon as they had finished. He did not know why the executors wanted the confiscation filmed, declaring that one of the station's advertisement managers, Vladimir Kovub, had arranged it. The film has not been shown on the Rika-TV channel, Kalashnikov added. He did not know if the executors had paid the television station. Forum 18 was unable to reach Kovub on 13 March.

And the website of Kazakhstan's General Prosecutor's Office reported on 12 March that prosecutors in Semey (Semipalatinsk) in

Eastern Kazakhstan Region have prepared a case against the local Council of Churches Baptist pastor under Article 374-1 part 1 of the Code of Administrative Offences, which punishes leading or participating in the activity of an unregistered religious organisation. The town's deputy prosecutor Serik Turdin was quoted as complaining that the congregation has acquired its own prayer house, where it conducts services three times a week.

While Council of Churches Baptists do not seek official registration, other Protestant churches which do want registration – especially those led by ethnic Kazakhs – often face official obstruction, especially in small towns.

As government pressure mounts on Kazakhstan's religious minorities, Hare Krishna devotees told Forum 18 that they fear further homes will be seized at their embattled commune near the commercial capital Almaty (see F18News 20 March 2007 http://www.forum18.org/Archive.php?article_id=934). The authorities have already seized and bulldozed 13 homes amid a long-running campaign accompanied by a propaganda barrage against members of the Hare Krishna community, while several more homes are threatened (see F18News 31 January 2007 http://www.forum18.org/Archive.php?article_id=905).

The Jehovah's Witnesses report that their handful of congregations in the western Atyrau Region by the Caspian Sea cannot meet as communities because local officials have repeatedly refused to register them. "Our people can't rent anywhere to meet," Jehovah's Witness leader Fyodor Zhitnikov told Forum 18 from Yesik near Almaty on 12 March. "All they can do is meet quietly in twos or threes in private flats." Asked what would happen if these communities met together he responded: "Fines and administrative court cases would follow."

Zhitnikov says the communities in Atyrau have been seeking registration in vain for five years. "This is the only region in Kazakhstan where are communities can't get registration," he reported. "Officials keep sending our applications back citing various formal reasons or quibbling with the translation of the statute into Kazakh, even though we have used exactly the same statute to register communities elsewhere in Kazakhstan." He said one of the communities lodged its fifth application with the regional Justice Administration on 6 March.

He reported that in earlier years the communities in Atyrau had faced house searches, confiscation of literature and, in 2002, one Jehovah's Witness had been severely beaten by police.

Zhitnikov noted that the situation was better for them elsewhere in Kazakhstan, though occasionally individual Jehovah's Witnesses face administrative cases in punishment for their activity, especially for preaching in the street. He cited one case at the end of 2006 in the village of Kuran in Jambyl Region, though he said that was peacefully resolved when their lawyer went down to the village.

Far from seeking to ease problems for religious minorities, parliamentary deputies seem set to make restrictions even tighter in the planned new religion law now being prepared (see F18News 21 February 2007 http://www.forum18.org/Archive.php?article_id=916). Religious minorities and human rights activists have already condemned the proposed new restrictions.

Despite official claims that Kazakhstan's policy is to promote religious tolerance, the government, individual officials and teachers officially promote intolerance against religious minorities, a campaign fuelled by hostile media coverage (see F18News 3 April 2007 http://www.forum18.org/Archive.php?article_id=939). (END)

For a personal commentary on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=701

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806 and a survey of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Kazakhstan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kazakh>

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