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KAZAKHSTAN: "I could now be deported at any time"

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

Kazakh-born Viktor Leven, who holds a German passport, is once again due for deportation to punish him for leading worship of a Council of Churches Baptist congregation in Akmola Region. On 26 November, the collegium of the Regional Court reinstated the initial court decision that he had successfully overturned on appeal. "I could now be deported at any time," Leven told Forum 18 News Service. Deportation would separate him from his wife and their six children, the youngest just three weeks old. The case came as local papers reproduced a hostile article by state-funded "anti-cult" activist Gulnara Orazbaeva, accusing Baptists of spreading the H1N1 virus, accusing Leven's brother David of causing the death of one of his children because of his faith and accusing Baptists of not reading newspapers or watching television. One newspaper wrote that material for the article was provided by the KNB secret police, but the KNB and Orazbaeva denied it to Forum 18, as did the newspaper's editor. Told that the Baptists complained that the article stirred up inter-religious hatred of them, the editor laughed.

Less than three weeks after the birth of his sixth child, Baptist leader Viktor Leven is again due for deportation from Kazakhstan to punish him for leading religious worship in his home, Forum 18 News Service has learnt. On 26 November, the collegium of the Regional Court in the northern Akmola Region reinstated a fine and deportation order handed down by a lower court which Leven had successfully challenged on appeal, the Regional Court chancellery told Forum 18 on 30 November. "I could now be deported at any time," Leven told Forum 18 the same day from his home in the small town of Esil.

Although Kazakh-born, Leven is a German citizen. Under Kazakhstan's Code of Administrative Offences, any foreign citizen found guilty of conducting missionary activity without state registration is to be deported. Leven insists he has not been sent to Kazakhstan as a missionary and that as a legal resident he has the right to profess his faith with others of his choice. "To be sent to do missionary activity someone would have had to give me a document sending me," he told Forum 18. "But no one did. I am a church member."

The moves to deport Leven come as at least five local state newspapers have reproduced an article written by a state-funded "anti-cult" activist with information from the National Security Committee (KNB) secret police attacking local Council of Churches Baptists. The article blamed the Baptist faith of Leven's brother David Leven in the death of one of his children, an accusation the family reject absolutely.

The article is part of a wave of activity by state bodies and often state-funded "anti-sect" organisations working together to criticise and at times slander minority faiths and their members, including various Protestant denominations, Jehovah's Witnesses, Ahmadi Muslims, Baha'is and Hare Krishna devotees (see forthcoming F18News article).

Another of Viktor and David Leven's brothers, Didrikh Leven, a Kazakh citizen who lives in the village of Zaporozhe in the neighbouring Zhaksy District of Akmola Region, was fined on 28 October 100 times the minimum monthly wage, or 129,600 Tenge (4,875 Norwegian Kroner, 575 Euros, or 860 US Dollars) for leading unregistered religious worship of his Baptist church (see F18News 5 November 2009 <http://www.forum18.org/Archive.php?article_id=1372>).

Moves to deport Viktor Leven

Official moves to deport Viktor Leven began in September, when his Council of Churches Baptist congregation was visited during a service by two officials from Esil Akimat (administration) and another man. In October, Leven was summoned to the Esil District Prosecutor's Office where he was accused of conducting unapproved missionary activity in an unregistered religious community.

A case was lodged against him under Article 375 Part 3 of the Code of Administrative Offences (carrying out missionary activity without local registration), which prescribes a fine and deportation for foreigners or people without citizenship found guilty under this Article. He was found guilty by Esil District Court on 14 October, ordered deported and also fined 6,480 Tenge (238 Norwegian Kroner, 29 Euros or 43 US Dollars). However, this decision was annulled by Akmola Regional Court on 2 November (see F18News 5 November 2009 <http://www.forum18.org/Archive.php?article_id=1372>).

Prosecutors were unhappy over the overturning of the prosecution, and two days later Leven was summoned to the Esil District Prosecutor's Office. There, he told Forum 18, an aide to the Prosecutor, Nurlan Mukanov, said that in view of the overturning of the

prosecution they would try to prosecute him under Article 374-1 of the Code of Administrative Offences (leadership or participation in the activity of an unregistered social or religious organisation). "Mukanov told me it wouldn't be so bad for me - I would just get a warning," Leven told Forum 18. "But I insisted I had done nothing wrong and rejected this." He said the Regional Prosecutor's Office then began seeking to challenge the Regional Court decision.

The appeal that led to the renewed deportation order against Viktor Leven was signed by the Regional Prosecutor Bulat Abdulov, but no officials of Akmola Regional Prosecutor's Office would tell Forum 18 who had initiated the appeal or why it had decided to challenge the earlier overturning of the deportation order. Serik Sultanov, an official at the Prosecutor's Office who worked on the appeal, refused to tell Forum 18 who had decided to lodge the appeal and why. "No one is persecuting Leven," he told Forum 18 on 30 November. "We studied the materials and we reached our conclusion."

Viktor Leven told Forum 18 that he will lodge an appeal to Kazakhstan's Supreme Court in the capital Astana. He believes, though, that the only appeal he is able to lodge is a supervisory appeal, not a direct challenge to the collegium's decision. Akmola Regional Court would not tell him or Forum 18 whether any appeal he lodges would suspend the carrying out of the deportation.

Kazakh authorities have previously spied on and expelled foreigners - but not Kazakh-born people - involved in religious activity. In 2006 Dan Ballast, an American working as a university lecturer in Oskemen, was deported after officials secretly filmed him participating in a Bible discussion at a Baptist church he attended (see F18News 12 December 2006 <http://www.forum18.org/Archive.php?article_id=886>). More recently, the authorities have excluded from the country the leader of its Hare Krishna community - making claims of a court hearing which apparently never took place (see F18News 30 January 2009 <http://www.forum18.org/Archive.php?article_id=1247>).

KNB helping media attacks

Local Baptists have expressed concern to Forum 18 about an article accusing Baptists of spreading the H1N1 virus by refusing to allow a visiting German Baptist with the illness to go to hospital. The article also attacked David Leven, claiming that the death of his child was the result of his refusal to allow his wife to go to hospital in the lead-up to the birth. The article also claimed that Baptists refuse to permit such vaccinations and put their children "at great risk of succumbing to tuberculosis, viral hepatitis and other infectious diseases".

Baptists pointed out that Leven's child died not at birth, as the article appears to claim, but four months later in April 2008. They insisted to Forum 18 that the death was the result of traumas sustained at birth, as noted on the death certificate. They expressed concern that personal details of a family tragedy were being used to slander Baptists. "Our Church has no special position on vaccinations," Viktor Leven told Forum 18. "Some parents accept them, some don't. It's an individual decision."

The article was written by Gulnara Orazbaeva, head of the Kokshetau-based Centre for Assistance to Victims of Destructive Religious Movements, which receives state funding. It was published on the front page of Esil District's official weekly newspaper, Zhana Esil, on 16 October, as well as in five or six other local state newspapers.

After detailing the medical cases, Orazbaeva then attacked the Baptists for what she says is their refusal to read newspapers, watch television, "show interest in the political and social situation" or show enthusiasm for the achievements of the country. She said their children in Aktobe regularly arrive late for school on Mondays so that they miss having to sing the national anthem.

"It is well known that one of the characteristic features of destructive cults is their isolation from society," she claims. "What good do the Evangelical Christian Baptists do for the happiness, love and flourishing of their adherents and the state in which they live?" Her article concludes with a call for the state to take "all possible measures to overcome the negative physical, psychological and social consequences of destructive cults."

The Zhana Esil article - seen by Forum 18 - noted at the bottom that it was based on information provided by Esil District Department of the KNB secret police (although David Leven and his family live in the neighbouring Zhaksy District). This note was omitted when the article was reproduced by other local newspapers, local Baptists told Forum 18.

The head of Esil District KNB, Aset Sagydov, was not available when Forum 18 called on 30 November. However, an officer who would not give his name denied that it had contributed information for the article. "We have no connection with newspapers," he told Forum 18. "Ask the editor." He then put the phone down.

Marina Popova, editor of Zhana Esil, insisted to Forum 18 on 1 December that the statement that the article had been based on KNB material was published in error. "Orazbaeva wrote the article." Asked why her paper published such a hostile article attacking members of one local religious community, she responded: "The paper says on the back that the editors do not take responsibility for what is published. I just publish what I am given."

Asked whether she had contacted David Leven to check the facts of the article or given the Baptists the opportunity to respond to the article, Popova replied: "No, why should we?" Told that the Baptists complained that the article stirred up inter-religious hatred of

them, she laughed.

Orazbaeva of the Centre for Assistance to Victims of Destructive Religious Movements denied that she had worked with the KNB on the article. "It was my initiative and I wrote the article with help from the health agencies, not the KNB," she told Forum 18 on 30 November. Asked to explain why Zhana Esil noted that the article had been written with KNB help, she again denied it. "I was not ordered by the state to write it."

Told that the Baptists complained that the article slandered them and incited inter-religious enmity, Orazbaeva defended what she had said. "Inciting inter-religious enmity was not my aim," she claimed. "The Baptists and Grace Church [another Protestant denomination in Kazakhstan] are not my enemies - I don't want to see them destroyed. I just point out their weaknesses."

Orazbaeva told Forum 18 she had received information about the death of David Leven's child from the chief doctor at the local hospital. Asked who had given the chief doctor and her the right to make public private information about the tragic death of a child, she responded: "It's painful, but the death is a fact."

Told that the Baptists and the Leven family insist the child's death was related to what happened at the birth and their distress at what they regard as the misuse of the case to promote hostility to their faith, Orazbaeva paused before responding: "Perhaps I did wrong. I feel some guilt about this." (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=1352>.

More 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>>.

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>.

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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