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KAZAKHSTAN: Months in prison for leading unregistered worship?

By Mushfig Bayram, Forum 18 News Service <<http://www.forum18.org>>

If convicted at his trial due on 9 October in the northern town of Esile, Baptist pastor Andrei Blok could face up to four months' imprisonment. He is being tried for refusing to pay an earlier fine for leading his unregistered church, part of what local Council of Churches Baptists describe as the authorities' "economic war" against them. Local Baptists told Forum 18 News Service Blok considered the fine "unfounded and illegal". The town police chief admitted to Forum 18 Blok is being prosecuted because of his unregistered religious activity. In mid-September another Baptist pastor Aleksandr Kerker was given his second massive fine for leading unregistered worship, amid moves to seize his land and two cows for failure to pay his first fine. "The Baptists still go on holding their meetings - no one is really pressuring them," the judge who rejected Kerker's appeal told Forum 18. In the southern city of Shymkent, officials raided the Protestant New Life church's Sunday morning worship service. Like other religious leaders the pastor was forced to fill out an intrusive questionnaire asking about the ethnic composition of his community. One official accused the pastor of "corrupting Kazakh nationals to change their religion" and told him the Bible does not represent the truth.

Andrei Blok, a Baptist pastor in Esile in Akmola Region, which surrounds the capital Astana, is due to appear before Esile Town Criminal Court on 9 October, Baptists told Forum 18 News Service from the town. Samet Karimov, the Esile Town Police Chief, told Forum 18 on 3 October that Blok is being prosecuted because of unregistered religious activity. Blok faces criminal charges for refusing to pay fines imposed to punish him for his peaceful religious activity. Baptists fear he could face months in prison or six months of forced labour or his house will be seized. "Most probably he will end up in prison for three months," they told Forum 18. "He was told so by Police Chief Karimov."

In separate cases, another Baptist in North Kazakhstan Region was again fined heavily in September for leading unregistered religious worship amid moves to seize his land and two cows in recompense for unpaid fines. In Shymkent in South Kazakhstan Region, a Protestant church was raided during its Sunday service and the pastor was pressured to fill out an intrusive questionnaire.

Baptists told Forum 18 from Esile that Police Chief Karimov summoned Blok on 19 September and informed him about the criminal charges. Blok was released after his passport was taken away. He received the written summons to court on 26 September. Blok is due to be tried under Article 362 part 1 of the Criminal Code, which punishes "malicious non-execution of a court judgment or court decision" with a fine, compulsory labour or up to four months' imprisonment.

Asked why Blok and his co-believers could not gather in his home to pray and read the Bible, Karimov told Forum 18 to call back in ten minutes. Forum 18 tried to reach Karimov several times later, but his phone went unanswered.

Blok and his congregation belong to the Council of Churches Baptists, who reject state registration on principle. They point out that Kazakhstan's Constitution and its international human rights commitments do not require religious communities to have state registration before they can function. Many of their leaders have been fined, had property confiscated or been detained for up to several days. Their leaders have described the authorities' campaign of harassment as "economic war", because of the heavy fines handed down (see F18News 11 September 2008 <http://www.forum18.org/Archive.php?article_id=1186>).

Merekegul Karabaeva, head of the Organisational and Analytical Department of the State Religious Affairs Committee in Astana, insists that the Baptists must abide by the rules. "Rules are rules for everybody," she told Forum 18 from Astana on 6 October. "At the same time no one is going to imprison Blok." She said she would call the Esile authorities to clarify the situation.

Told that the amendments to the Religion Law and other laws - which has already passed two readings in the lower house of the Kazakh Parliament and is now in the upper house - would make religious activity by Council of Churches Baptists and many other small religious communities even more difficult, Karabaeva asked Forum 18 to call back later to get an expert opinion. "I am not really familiar with all the nuances of the new law," she responded.

Under the controversial new Religion Law, all unregistered religious activity would continue to be illegal, although this is in defiance of Kazakhstan's international human rights commitments. Amendments to the Code of Administrative Offences - also part

of the same planned Law - are likely to increase the punishments for people who conduct religious activity without state approval. The Senate press office has reported that a roundtable with senators and experts to discuss the proposed new Law is due to take place on 7 October (see F18News 3 October 2008 <http://www.forum18.org/Archive.php?article_id=1198>).

In May 2007 Esile District Court fined Blok 16,380 Tenge (768 Norwegian Kroner, 97 Euros or 134 US Dollars) and ordered the church to halt its activity for six months to punish him for leading unregistered religious activity. Despite being warned by the bailiffs several times he refused to pay the fine, considering the court decision "unfounded and illegal" (see F18News 23 July 2007 <http://www.forum18.org/Archive.php?article_id=999>).

Thereupon bailiffs put a restraining order on the car and trailer registered in Blok's name, the Baptists reported. They once again summoned Blok on 5 March, demanding he pay the fine. On 4 August the Senior Bailiff S. Rakhimjanov moved for criminal charges to be brought against Blok for failing to comply with the court decision.

Aleksei Timofeev, the police officer who started the criminal investigation, summoned Blok on 27 August. Blok was told that among other accusations is also "the church's rejection of vaccinations". The names of three families who refused vaccination - of which "two are not believers" - are given in the case, Baptists told Forum 18.

Blok told Forum 18 on 3 October that the reason for the criminal charges may be because he gave away the car and the trailer. "I used the car by the power of attorney but it was not my car," he explained. "So the real owner came and took it from me before it was taken away by the court."

Meanwhile another Council of Churches Baptist in the town of Tayinsha in North Kazakhstan Region is being punished for leading unregistered religious activity. Baptists told Forum 18 from Tayinsha that on 11 September Judge K. Shaimerzhanov of Tayinsha District Administrative Court found Aleksandr Kerker guilty of violating Article 374-1, Part 1 of the Code of Administrative Offences. He was fined 116,800 Tenge (6,070 Norwegian Kroner, 721 Euros or 975 US Dollars). On 30 September North Kazakhstan Regional Administrative Court led by Judge Kaziza Junusova rejected his appeal.

Article 374-1 Part 1 of the Code of Administrative Offences punishes "leadership of the activity of public and religious associations that have not been registered in the proper manner, and also those organisations whose activity has been halted or banned" with a fine of up to one hundred times the minimum monthly wage. Article 374-1 was added to the Administrative Code on alleged "national security" grounds in 2005 (see F18News 15 July 2005 <http://www.forum18.org/Archive.php?article_id=608>).

The Tayinsha court decision states that Kerker "since 1985 has been involved in the organisation of the religious community in the prayer house located at 13 Tselinnaya Street, Tayinsha." The Baptists reject the validity of the statement "since Kerker moved to Tayinsha only in 1988, the house itself was bought in 1991, though the church has been holding services in the town since the 1970s."

The September fine was the authorities' latest attempt to compel the Tayinsha Baptists to officially register. Kerker was fined 109,200 Tenge by the Tayinsha Town Administrative Court in February 2007 under the same article of the Administrative Code. Kerker refused to pay the fine back then, the Baptists reported.

The court authorities have recently taken steps to try to enforce the first fine. A. Abishev, the Tayinsha district court bailiff, on two visits to Kerker's property put restraining orders on his 0.115 hectare (0.285 acre) plot of land on 10 September and two cows on 17 September, Baptists told Forum 18. "Without the land and cows it would be very difficult for Kerker to keep his family with 10 children, of which six are minors."

Kerker told Forum 18 from Tayinsha on 2 October that he appealed to Tayinsha district and North Kazakhstan Regional Administrative courts against both the bailiff's decisions to put restraining orders on his property under the old fine and Judge Shaimerzhanov's decision on the new fine. Although the Tayinsha District Court on 29 September cancelled the bailiff's decisions, Kerker reported, the Regional Court on 30 September rejected the appeal against the new fine imposed on 11 September. "We are going to make another appeal to the regional court - I am afraid they could seize my property again."

The Department for the Struggle against Extremism, Separatism, and Terrorism has been leading the investigation into Kerker's activity, Baptists told Forum 18. A. Akhmetzhanov, the Police inspector leading the investigation, "wrote in his report that Kerker did not work because he believed in God," the Baptists noted. "But this is not true since Kerker works for hire."

Judge Junusova justified the high fines, insisting that the punishments under the Article under which Kerker was charged gave no other options. "Well, I do not think he is going to pay the fines this time either," she told Forum 18 on 2 October. "The Baptists still go on holding their meetings - no one is really pressuring them," she claimed. "We just want them to register." Told the Baptists did not want to be registered legally, Junusova objected: "This is the law for now, and we have to work with it until a better one comes."

In another case on the other side of Kazakhstan, the New Life Protestant Church in the city of Shymkent in South Kazakhstan Region was checked up by the authorities. Representatives of the Regional Justice Department and Shymkent city Akimat

(Executive Authority) raided the Sunday morning service on 14 September, local Protestants told Forum 18.

Jotis Rauliov, the pastor of the church, reported that prior to the raid he was invited for interviews on 12 September to the Shymkent City Akimat's Religious Affairs Division and on 13 September to the Regional Justice Department. "I was cross-examined by the Head of the Justice department and his deputy," he complained to Forum 18 on 6 October. Rauliov said he was questioned by Muratali Kalmuratov, the Head of the Justice Department, about his background, the ethnic composition of his church - i.e. how many ethnic Kazakhs among other nationalities attended - the total number of church members, the number of branches in Kazakhstan, and the amounts of funds regularly collected in offerings.

"I was also asked to fill out a questionnaire including similar questions," Rauliov reported. He said he has already filled this out and returned in to the Justice Department. Asked why, he responded: "I had to do it, they left me no other options. All kinds of officials were visiting, and I felt pressured to do it." He said Kalmuratov told him that under a Decree signed by the President, Nursultan Nazarbaev, all organisations needed to fill out such questionnaires.

"Kalmuratov accused me of corrupting Kazakh nationals to change their religion," Rauliov complained. "He told me that our church was a dangerous organisation for Kazakh society." Kalmuratov also tried to convince me that the Bible was changed by people and did not represent the truth, Rauliov added.

However, Kalmuratov adamantly denied to Forum 18 on 6 October that the Justice Department had checked up on the New Life Church. "Why should New Life be a dangerous organisation," he asked laughing. "It is an officially registered organisation."

Although the Kazakh authorities have for some years been demanding that non-Muslim religious communities complete highly intrusive questionnaires, both the numbers of communities asked to complete the questionnaires and the pressure officials exert to get the questionnaires completed have been increasing (see F18News 25 February 2008 <http://www.forum18.org/Archive.php?article_id=1093>).

Karabaeva of the Religious Affairs Committee in Astana defended such check-ups to Forum 18, describing them as a "routine measure" across all of Kazakhstan to monitor the activity of religious organisations. "Sometimes some organisations are registered but do not function," she claimed. "So we regularly need to find out what is the latest, their membership numbers, just like taking the census." Karabaeva denied that any instructions from President Nazarbaev whether written or oral were given to the regional authorities for the questionnaires.

Yerbol, who did not give his last name, of the Shymkent City Akimat's Religious Affairs Division, denied that the City Akimat was in any way involved in the check-up. "Ask the Justice Department," he insisted to Forum 18 on 6 October. "The Department did the check-up."

Rauliov added that the church secretary was also invited to the City Akimat for an "interview" on 18 September. "She was asked questions about her salary, and some of the same questions asked to me."

Another Protestant, who preferred not to be identified for fear of reprisals, told Forum 18 that Pastor Rauliov was also summoned for questioning by the National Security Committee (KNB) secret police on 15 September. However, a KNB officer Ruslan, who did not give his last name, denied to Forum 18 on 6 October that his agency was involved with the New Life Church. "We have not been involved in any check-ups," he objected. "Why should we check up churches?" Ruslan said he had heard that the Regional Justice Department checked up on the church recently.

Asked why the South Kazakhstan agencies contradicted each other on whether or not the New Life was checked up, Karabaeva said it was the fault of the South Kazakhstan Regional Justice Department. "They did have a routine check-up of the church," she told Forum 18. "They could not have denied that." Karabaeva insisted that she was not responsible for the actions of each official. (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>.

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 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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