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KAZAKHSTAN: "This is not persecution on religious grounds – the law demands this"

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

Kazakhstan-born Baptist Viktor Leven, who holds German citizenship, will be deported if a Kazakh court upholds a decision punishing him for "unregistered missionary activity", local prosecutor Kairat Ramazanov told Forum 18 News Service. "This is not persecution on religious grounds – the law demands this," he insisted, claiming that preaching at a church service represented missionary activity and was thus illegal without state approval. Constitutional guarantees of freedom to practice a faith or none are not, Ramazanov claimed, infringed by the restrictions on religious activity imposed in the Religion Law. Leven, who along with his family was born in Kazakhstan, insisted to Forum 18 that he is not a missionary. "This is where I live and all five of our children were born here," he stated. Leven also told Forum 18 that the family are in the process of renouncing German citizenship – which many people born in the former Soviet Union have received – to claim Kazakh citizenship. Also, President Nursultan Nazarbaev has announced a need for a new state body to oversee religion.

Kazakhstan-born Baptist Viktor Leven, who currently holds German citizenship, will be deported if Akmola Regional Court upholds the lower court decision punishing him for "unregistered missionary activity", local prosecutor Kairat Ramazanov told Forum 18 News Service from the town of Esil on 26 October. "This is not persecution on religious grounds – the law demands this." He said preaching at a church service represented missionary activity and was thus illegal without state approval. He insisted that Constitutional guarantees of freedom to practice a faith or none are not infringed by the restrictions on religious activity imposed in the Religion Law.

Leven insists he is not a missionary. "This is where I live and all five of our children were born here," he told Forum 18 from Esil on 26 October. He said that his wife, who was also born in Kazakhstan but lived for a time in Germany, is like himself currently a German citizen but they all hope to become Kazakh citizens.

Another Council of Churches Baptist told Forum 18 that he believes this is the first time the Kazakh authorities have ordered the deportation of one of their members to punish them for religious activity.

Fined and sentenced to be deported

On 14 October, Judge Akmaral Zhumabekova of Esil District Court fined Leven for preaching at a service in a private home in the town and ordered him deported for conducting "missionary activity". He was punished 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. Leven was also fined 6,480 Tenge (238 Norwegian Kroner, 29 Euros or 43 US Dollars).

Esil District Court told Forum 18 that on 23 October it passed on Leven's appeal to Akmola Regional Court in Kokshetau. The Regional Court told Forum 18 it has not yet received the appeal, so no date can yet be set for the hearing.

The wider context

2009 has seen continuing raids not only on Council of Churches congregations across Kazakhstan, but on other religious communities, including Ahmadi Muslims (see F18News 29 September 2009 http://www.forum18.org/Archive.php?article_id=1355).

The Administrative Code Article - 375 Part 3 - used to punish Leven will be incorporated unchanged as Article 444 Part 3 into the proposed new Administrative Code. This is set to begin passage through Parliament soon (see F18News 8 October 2009 http://www.forum18.org/Archive.php?article_id=1360).

The punishment handed down on Leven comes as Kazakhstan's President, Nursultan Nazarbaev, has announced his intent to create a new Agency of Religious Affairs to control religious activity in the country (see below).

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).

Church inspection and spying used as court evidence

Two officials from the Esil Akimat (administration) – Valentina Voitovich and Sholtan Shaikhistanova - and an unknown man visited the Council of Churches Baptist congregation during worship on 9 September. The Baptists complain that the two women took photos of the congregation, while the man filmed on his mobile phone.

Shaikhistanova insisted to Forum 18 that she and her colleague had no connection with the man who filmed on his mobile phone and declined to speculate on whether he was from a government agency. She said she had visited the local mosque, the Grace Protestant church and the Baptist congregation as part of their annual check-up on local religious organisations. "All we did was to see what religious organisations exist and we put the photos in our files." She claimed that the Baptists had told them they could take photos after the service was over and they complied with this.

The Baptists told Forum 18 that the two officials had insisted that the congregation should seek official registration and left application papers for this as well as for foreign citizens to gain registration as missionaries. However, Shaikhistanova told Forum 18 she did not know that the congregation functioned without registration.

Asked why Leven was prosecuted, fined and ordered deported, Shaikhistanova said she was not at court and did not even know the result of the hearing.

The Baptists say that in the wake of the 9 September visit, a different unknown man attended services. They told Forum 18 that it became clear in court that his name is Ivan Vyatkin and that he had secretly made video and audio recordings of services on his mobile phone which were used as evidence in the case.

Shaikhistanova from the Akimat again told Forum 18 she knew nothing of Vyatkin.

On 2 October, an aide to the Prosecutor, Vladimir Galnykin, summoned Leven, accused him of conducting unapproved missionary activity in an unregistered religious community. He demanded that he write a statement, but Leven refused as he regarded the accusation as unfounded. The case was lodged on 5 October.

"Conducting missionary activity"

The court verdict declares that Leven, who has only a residence permit for Kazakhstan, "is conducting missionary activity by holding and spreading by way of religious/educational sermons the ideas of Protestantism on the territory of Esil District". The court cited evidence from the two officials that on 9 September Leven took part in the 90-minute service, which was attended by 43 people, including 14 school-age children and four pre-school age children. The mobile phone recordings, transferred onto DVDs, were used as evidence.

Leven and his family's citizenship

Leven told Forum 18 that he was born in Kazakhstan in 1973, but emigrated to Germany with his parents in 1992, soon after Kazakhstan became independent with the collapse of the Soviet Union. He received German citizenship, as have many from the former Soviet Union, and said he subsequently returned to live in Kazakhstan with his wife and one of his brothers. Two of his sisters and three of his brothers live in Kazakhstan with their families.

Leven wants to apply for citizenship of Kazakhstan, where he was born. The country does not allow dual citizenship. Leven said he received confirmation from the Kazakh authorities that, as soon as he has renounced his German citizenship, his application for Kazakh citizenship will be granted. He said the German consular authorities in Kazakhstan are currently processing his documents.

Other Baptist fines, with more expected

In West Kazakhstan Region, nine of the ten members of the Oral (Uralsk) City Council of Churches Baptist Church detained on 7 August while visiting the town of Jambeyty in Syrym District to share their faith with residents have now been punished, local Baptists told Forum 18 (see F18News 27 August 2009 http://www.forum18.org/Archive.php?article_id=1342).

On 28 August Sergei Krasnov was found guilty of violating Article 374-1 Part 2 of the Code of Administrative Violations. He was

fined 64,800 Tenge (2,393 Norwegian Kroner, 287 Euros or 430 US Dollars). Exactly the same penalty was handed down in subsequent hearings in September under the same Article to eight other Baptists who had been present, Kenzhetai Baytinov, Ivan Isayev, Nikolai Naumov, Rufina Nasyrova, Grigory Pryakhin, Vladimir Nelepin, Nina Budanova and Nadezhda Maksina.

In the wake of these cases, local television and radio gave hostile coverage of the Baptists which, church members say, has influenced local officials and police officers and led local people to be frightened to be seen talking to church members.

Despite these penalties, church members have continued sharing their faith in villages around Oral, Baptists told Forum 18. On 24 October, however, the Akim (administration chief) in one village shouted at them, trying to drive them out. In the village of Kosaral, the local policeman called for reinforcements to drive them out. Also the same day in Jambeyty, some fourteen church members were detained and taken to the police station. There they were fingerprinted, and questioned. All the church members refused to write statements.

The police told church members that giving out religious leaflets is banned. However, when church members asked which law bans this, officers could or would not say.

In Aktobe, a police major and two official witnesses arrived during the Baptist congregation's Sunday worship on 25 October, church member Andrei Grigoryev told Forum 18 on 26 October. He said the major – who had visited the congregation before and secretly filmed them at worship for evidence to present in court – climbed over the fence to gain entry to the building. "It's a shame we didn't have a camera to photograph him climbing over the fence," Grigoryev remarked. The major again filmed the congregation despite complaints from church leaders.

President's proposal for new state agency

President Nazarbaev announced what he sees as the need to create a new state body to oversee religion in an address on 26 October to the Assembly of the People of Kazakhstan, a government-sponsored body supposed to reflect the varied ethnic make-up of the country. "It is possible that there is a need to create a special Agency of Religious Affairs," he declared in his address as published on the presidential website. "I am instructing the Presidential Administration and the Government to present an agreed proposal."

It remains unclear what the tasks of such an Agency would be, who it would report to and whether it would replace or supplement the Justice Ministry's Religious Affairs Committee, currently headed by Ardak Doszhan.

On a local level, the National Security Committee (KNB) secret police, police, Prosecutor's Office and officials of Akimats, especially the Internal Policy Departments, already closely monitor religious activity. (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>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY