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KAZAKHSTAN: Never too old to be fined

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

Among seven members of a small Baptist church in Ayagoz in East Kazakhstan Region punished for holding unregistered religious services were two grandmothers in their late seventies, according to the verdicts seen by Forum 18 News Service. All seven were fined the equivalent of nearly two months' local average wages for a teacher. The fines followed a 4 April police raid on a prayer service. Asked by Forum 18 whether judges and court officials were not embarrassed to be involved in punishing religious believers for meeting for prayer, the judges' assistant at Ayagoz District Court laughed. Meanwhile, a court decision on another Baptist Vyacheslav Cherkasov that Bibles confiscated from him should be destroyed has been overturned and the Bibles returned. But the fine remains. Journalist Sergei Duvanov had predicted that the book-burning would be overturned. "But this will only happen because someone was able to report on the act of vandalism being prepared to human rights defenders in Oslo and they gave it wide publicity."

Two grandmothers in their late seventies were among seven Baptists fined in early April for participating in an unregistered religious meeting in a private home in the town of Ayagoz in East Kazakhstan Region, according to the verdicts seen by Forum 18 News Service. Each was fined between one and two months' average wage for a local state employee. Asked by Forum 18 whether the judges and fellow court officials were not embarrassed to be involved in punishing religious believers for meeting for prayer, the judges' assistant at Ayagoz District Court laughed. "We can't comment on judges' decisions," added the woman, who would not give her name.

The oldest of the fined Ayagoz Baptists is 77. However, another Baptist – former Soviet-era religious prisoner Yakov Skorniyakov – was 79 when he was given a massive fine for his religious activity in April 2006, two years before his death (see F18News 13 April 2006 http://www.forum18.org/Archive.php?article_id=759).

The seven fines bring to eight the number of members of the Council of Churches Baptist Church in Ayagoz fined in 2013. Another is awaiting trial. Members of the Council of Baptists have a policy of not seeking state registration, insisting that Kazakhstan's Constitution and the country's international human rights commitments cannot require communities to have registration before they can meet for worship. They also have a policy of not paying the many administrative fines handed down to their members across Kazakhstan.

The 4 April raid on the Baptist service in Ayagoz came just four days after a raid on New Life Church's Easter Sunday service on 31 March in Stepnogorsk in Akmola Region. The raid followed an apparent state attempt to discredit or blackmail the Church (see F18News 16 April 2013 http://www.forum18.org/Archive.php?article_id=1825).

As well as Council of Churches Baptists, Jehovah's Witnesses too are facing increasing numbers of administrative fines (see below).

After widespread outrage among believers and human rights defenders in Kazakhstan, an appeal court has cancelled the part of the lower court decision ordering that Bibles and other Christian literature confiscated from Baptist Vyacheslav Cherkasov should be destroyed. However, it left the fine unchanged (see below).

The raids and fines come as an atheist writer and anti-corruption campaigner from East Kazakhstan Region, Aleksandr Kharlamov, is in detention under investigation on criminal charges of inciting religious hatred for his writings on religion (see F18News 18 April 2013 http://www.forum18.org/Archive.php?article_id=1826). In addition, several prominent members of religious communities have found themselves on criminal investigation lists despite the fact that they have never been prosecuted or investigated on administrative or criminal charges (see F18News 21 April 2013 http://www.forum18.org/Archive.php?article_id=1827).

Raid and administrative cases

For at least the second time in 2013, Police raided a service at the Council of Churches Baptist church in the town of Ayagoz on the afternoon of 4 April, according to Serik Turdin, Ayagoz District Prosecutor. "Police drew up a record of an offence because they were meeting without state registration," he told Forum 18 on 10 April.

Administrative cases against eight church members were prepared and sent to Ayagoz District Court. All were accused of violating Code of Administrative Offences Article 374-1, Part 2 ("Participation in the activity of an unregistered or banned social or religious organisation").

Seven of the eight cases have already been heard. Turdin's assistant Zukhra Shaimukhametova represented the Prosecutor's Office at all seven hearings, according to the verdicts. She was unavailable at court hearings each time Forum 18 tried to reach her on 10 April.

Fines

At separate hearings at Ayagoz District Court on 5 April, Judge Korlan Khalelova sentenced Valentina Dyakova, who is 77 years old, and Tatyana Agaeva. The same day, Judge Nurzhalgas Tompakova sentenced Vera Poltoratskaya and Viktor Poltoratsky.

At separate hearings on 8 April, Judge Bakdarly Orazbek sentenced Svetlana Zaitseva and Natalya Andryusheva. The same day, Judge Khalelova sentenced Raisa Bakenova, who is 76 years old.

Each of the seven was fined 50 Monthly Financial Indicators (MFIs), 86,500 Tenge (3,300 Norwegian Kroner, 440 Euros or 575 US Dollars), the maximum penalty under Article 374-1, Part 2. An official of the court chancellery – who would not give his name – told Forum 18 on 10 April that state employees locally receive a salary of between 50,000 and 90,000 Tenge per month. He said a teacher would generally receive about 50,000 Tenge per month.

At each trial, the court noted the 1 March letter from East Kazakhstan Justice Department (produced for the earlier prosecution of the church's leader) that the church does not have state registration. At Poltoratsky's trial, the verdict records that the court examined photographs of the church where the Baptists meet, with a sign outside that it is a "Prayer House for all Nations of the International Council of Churches of Evangelical Christian Baptists", and inside a room with a pulpit, benches, and quotations from the Bible on the wall.

The administrative case against an eighth church member, Valentina Bliznova, has also been handed to court. However, court officials refused to tell Forum 18 when the case will be heard.

District Prosecutor Turdin defended the cases against the eight church members. "They were praying illegally," he insisted to Forum 18. "If they registered their church, they wouldn't have these problems." Asked why people need to gain state registration before they can hold religious meetings, he responded: "It's the law. They have the right to appeal against the decisions if they're not happy with them."

Church leader's fine appeal fails

Two of the same judges have earlier handed down punishments on the church's leader, Pavel Leonov.

On 4 March, Judge Khalelova fined Leonov 100 MFIs, the maximum penalty under Code of Administrative Offences Article 374-1, Part 1 ("Leadership of an unregistered or banned social or religious organisation"). He was punished for leading a service which was raided by the police on 28 February (see F18News 18 March 2013 http://www.forum18.org/Archive.php?article_id=1814).

Leonov appealed against the punishment. However, on 1 April – three days after the latest raid on his church - a panel of judges at East Kazakhstan Regional Court led by Judge Naylya Nuralyeva rejected his appeal, according to the verdict seen by Forum 18. Leonov had insisted to the appeal court that he had the right to invite relatives, friends and fellow-believers to his private home for religious meetings. The court held that the lower court had correctly characterised this as an administrative offence.

Judge Khalelova had also sentenced Leonov in April 2009 to one day's detention under Code of Administrative Offences Article 524. He had "categorically refused" to pay a fine of 100 MFIs handed down by Judge Tompakova in July 2008 under Article 374-1, Part 1, according to the verdict seen by Forum 18 (see F18News 9 June 2009 http://www.forum18.org/Archive.php?article_id=1309).

"Missionary activity" cases

Two Jehovah's Witnesses given administrative punishments in March on accusations of conducting "missionary activity without registration" have appealed against their fines. Both were found guilty under Code of Administrative Offences Article 375, Part 3.

Judge Bolat Kenzhenov of North Kazakhstan Regional Court is due to hear the appeal of Valeri Alekseev on the morning of 11 April. Judge Abay Ryskaliyev of the same court is due to hear the appeal of Nikolai Kokotov later the same morning, Jehovah's Witnesses told Forum 18.

Alekseev and Kokotov were each fined 100 MFIs – the maximum penalty for Kazakh citizens under this Article - at Mamlyut

District Court on 12 March. Two female Jehovah's Witnesses were fined for the same "offence" in January 2013 (see F18News 18 March 2013 http://www.forum18.org/Archive.php?article_id=1814).

"The two men had peacefully spoken to a few persons about their religious beliefs, as is expressly guaranteed by the Constitution and the International Covenant on Civil and Political Rights (ICCPR)," Jehovah's Witnesses insisted to Forum 18. "We have at least six further cases in three different courts on the same accusation – and we expect more."

However, in the case of one Jehovah's Witness accused of illegal missionary activity - Sergei Chuvashkin - Judge Akmorol Zhumabekova of Esil District Court of Akmola Region on 18 March sent back the case for further investigation. The Judge complained that Galina Bessmertnaya of the Akmola Region Department of the government's Agency of Religious Affairs (ARA) had prepared the records incorrectly, according to the decision seen by Forum 18.

The ARA Department had prepared the original administrative case against Chuvashkin (see F18News 18 March 2013 http://www.forum18.org/Archive.php?article_id=1814).

Religious literature destruction overturned – but not fine

On 26 March Judge Nurlan Kurmangaliev of Akmola Regional Court overturned part of the decision in the case of the Baptist Cherkasov that 121 Bibles and other Christian literature confiscated from him should be destroyed.

Judge Damir Shamuratov of Burabai District Specialised Administrative Court had ordered the books destroyed when he fined Cherkasov on 5 March under Code of Administrative Offences Article 375, Part 1. A Justice Ministry official in the capital Astana told Forum 18 that "most likely the books would be burnt" (see F18News 14 March 2013 http://www.forum18.org/Archive.php?article_id=1813).

The court-ordered religious literature destruction provoked widespread outrage within Kazakhstan. "Information that preparations are underway in Kazakhstan to burn the Bible have raced around the planet," Almaty-based journalist Sergei Duvanov – citing Forum 18's report of the case – noted on his Facebook page on 26 March, the same day that Cherkasov's appeal was heard.

"Just tell me, what was this official thinking when they said that the Holy Scriptures will be burnt?" Duvanov asked. "Did they realise that by this they had put themselves, their ministry and the Akorda [Presidential Palace] on a par with the inquisition of the Middle Ages? Had this person heard of the prophetic words of [the German writer] Heinrich Heine: 'Where they burn books, they will end in burning human beings'? I doubt it!" He argued that such decisions are a symptom of "the moral degradation of the system".

Duvanov predicted that the decision to burn Cherkasov's Bibles and other literature would be overturned in view of the negative publicity around the world. "But this will only happen because someone was able to report on the act of vandalism being prepared to human rights defenders in Oslo and they gave it wide publicity." He feared what would have happened had the threatened religious book burning not gained worldwide attention "and officials in accordance with the law had thrown books holy for Christians into the bonfire".

"Thank God they didn't destroy my books"

Cherkasov insisted to the Regional Court at the 26 March hearing that distributing religious literature to those that want it is not banned and "is his constitutional right, both to freedom of speech and freedom of religion", according to the appeal court verdict seen by Forum 18. He asked the court to return the books. Even the Prosecutor called for the cancellation of the part of the verdict ordering the confiscated books to be destroyed. Instead, the Court ordered the books to be handed to the Akmola Regional Department of the ARA.

However, the court upheld Cherkasov's guilt under Code of Administrative Offences Article 375, Part 1 ("illegal distribution of religious literature") and upheld the fine of 50 MFIs, the maximum under this Article for individuals.

"Thank God they didn't destroy my books," Cherkasov told Forum 18 from his home in Shchuchinsk [Shchüinsk] on 9 April. He said he went to the ARA Department in the regional centre Kokshetau on 8 April, where Department official Bessmertnaya – who had been involved in the court case – returned the confiscated books.

Cherkasov complained to Forum 18 that the fine had not been cancelled and said he intends to appeal against it further. He also complained that religious literature confiscated from him earlier has not been returned. Moreover, Bessmertnaya is preparing material for a further administrative case against him, he added. "She refused to tell me when it will reach court," he told Forum 18.

Forum 18 was unable to reach Bessmertnaya at the ARA Department in Kokshetau on 10 April. Officials told Forum 18 she was out of the office giving a lecture. (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.

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