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

By Felix Corley,

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.

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.

The punishment handed down on Leven comes as Kazakhstan's President, Nursultan Nazarbaev, has announced his intent to create a new Agency for 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. 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.

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, four 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.

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 on 18 September under the same Article to three other Baptists who had been present, K. Batimov, Ivan Isayev and N. 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 for 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.

Restrictive laws recycled

By Felix Corley

Forum 18 (08.10.2009) / HRWF Int. (12.10.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - Kazakhstan's proposed new Code of Administrative Offences – which proposes continuing existing punishments for exercising freedom of religion or belief without state registration – has been approved by the government and reached the country's Parliament today (8 October), the General Department of the Majilis (lower house) told Forum 18 News Service. "Unfortunately not many human rights activists pay attention to this Code – public attention is very low. Yet this is an important legal document, one of our country's fundamental legal codes," law professor Roman Podoprigora of the Caspian Public University in Almaty told Forum 18 on 8 October.

When the current version of the Code was adopted in 2001, "people missed the violations of religious freedom and other rights that it contained", Professor Podoprigora maintained. "I believe the draft new Code should go to the Organisation for Security and Co-operation in Europe (OSCE) for review, at least the two proposed Articles on religion."

At the same time, a new National Human Rights Action Plan has revealed plans to develop in the first quarter of 2011 amendments to the Religion Law and other legislation on freedom of religion or belief, for introduction in the fourth quarter of 2011. Human rights defenders fear that the same restrictive draft which was rejected as unconstitutional by the Constitutional Council in February 2009 could be revived by this plan. "I believe they will draw on the previous text – this text is not dead, it's just sleeping at the moment," Ninel Fokina of the Almaty Helsinki Committee told Forum 18 on 8 October. "Indeed, it could be even worse."

Fokina complained that her group had worked on the Freedom of Conscience section of the National Plan, but that the recommendations it had proposed for removing violations of human rights commitments in the area of religious freedom had been removed in the final version. "The Plan doesn't now say in which direction laws covering religion should be amended."

Vera Tkachenko, head of the Legal Policy Research Centre in Almaty, said she too did not understand why concrete recommendations are not included. "Lots of valuable recommendations on how to bring current laws into compliance with international human rights commitments were made by local civil society and by international partners during earlier consultations on amending laws on religion," she told Forum 18 from Almaty on 8 October.

She points out though that earlier moves to restrict religious freedom had the full backing of all the main government ministries and agencies. "The tendency of the government in this area over the past year is not very positive," she told Forum 18. "It is not excluded that restrictive provisions won't be presented again by the Government." She said it is therefore important for civil society to monitor the Government's legislative plans and engage in constructive dialogue.

Forum 18 was unable to reach Saginbek Tursunov, head of President Nursultan Nazarbaev's Human Rights Commission and a Majilis deputy who oversaw the preparation of the National Human Rights Action Plan, to find out why concrete recommendations were not included. Telephones at the Commission and at his office in the Majilis went unanswered on 8 October. Kanat Boranbaev of the Ombudsman's Office for Human Rights referred all enquiries about the Plan and the proposed new Administrative Code to Tursunov and his colleagues at the Commission.

Proposed Administrative Code continues existing punishments

Kazakh human rights defenders have indicated to Forum 18 that there are many problems with the proposed Administrative Code. In the field of freedom of religion or belief, two Articles in the current Code attack people exercising this fundamental

freedom. Article 374-1 – first introduced in 2005 - punishes leading, participating in or financing an unregistered religious community or social organisation. Article 375, a broadly framed article, punishes "violating the Law on Religion" (including by leaders who reject state registration) by communities whose activity "contradicts their aims and tasks" or which is not listed in their state-approved statutes, and by individuals who conduct "missionary activity" without a special licence from the state.

"Offences" under these Articles are punishable by fines of up to 300 times the minimum monthly wage and temporary or permanent bans on a religious organisation's activity. Foreign citizens or those without citizenship found guilty of conducting unauthorised missionary activity are liable to deportation.

The latest Justice Ministry draft – published on the ministry website on 10 September - leaves Article 374-1 unchanged, moving it to a new Article 443. The new Article 444 – which is set to replace Article 375 – removes several provisions of the original Article, but much of it remains intact, including punishment for religious activity without state registration. In several places, new minimum penalties have been introduced alongside maximum penalties.

Since the Justice Ministry's earlier draft of 20 July, one Part of the replacement to Article 375 has been removed entirely, the section punishing "violations of the law by religious organisations in carrying out their activity". The rest of these two Articles, moved to different numbers, remains unchanged.

Will punishments for exercising freedom of religion or belief be removed?

Forum 18 has been unable to find out if the draft text as approved by the Government, signed by Prime Minister Karim Masimov and presented to Parliament, is the same as the text posted on the Justice Ministry website on 10 September.

The Majilis General Department told Forum 18 that if the documentation of the draft Code presented by the Government to Parliament is in order, it will be registered within the next few days and will then be sent to the Majilis Legislative Committee to begin its passage.

Ardak Doszhan, head of the Justice Ministry's Religious Affairs Committee, told Forum 18 on 8 October – without apparent concern – that the new Administrative Code will largely carry over the provisions on religion in the current Code. Asked why, as the National Human Rights Action Plan agrees that banning unregistered religious activity violates international human rights commitments, the Administrative Code seems set to continue to punish it, Doszhan insisted this was not true. "We have an analysis that registration of religious communities is compulsory in many countries." He declined to name any such country.

The human dimension commitments of the OSCE – which Kazakhstan is due to chair in 2010 and whose commitments the country has promised to implement - specifically state that freedom of religion or belief can and should be exercised without a need for state registration.

Religious communities – especially those who have been fined or banned under these Administrative Code Articles – as well as human rights defenders have told Forum 18 they believe these Articles should be scrapped rather than carried over into the new Code. The Articles are often used to punish religious communities without registration exercising the freedom of religion or belief Kazakhstan has promised to allow. Amongst the specific activities the authorities use the Articles against is social welfare and charitable work carried out by religious believers.

Kamal Burkhanov, a Majilis deputy who led the parliamentary Working Group in 2008 which prepared the harsh new Law rejected by the Constitutional Council, refused to discuss what approach he will take to the continuing punishments for religious activity in the proposed new Code. "I haven't yet seen the text," he told Forum 18 on 8 October.

Fokina of the Almaty Helsinki Committee and Professor Podoprighora are pessimistic, both believing the new Administrative Code will continue to punish freedom of religion or belief. "There is no reason to think deputies will consider this in a democratic or progressive way," Podoprighora told Forum 18.

"These two Articles punishing religious 'offences' look like the Articles from the Soviet era. We need another approach to this," he insisted. "Religious organisations should not be looked at as potential violators of the law. I don't see why there should be any special Articles on religion. Many other Articles cover general violations of the law."

Will condemned 2008-9 draft Law be recycled in 2011?

Kazakh human rights defenders told Forum 18, when the Constitutional Council condemned the 2008-9 Law, that they thought its provisions would be re-introduced after Kazakhstan ceases to fulfil the role of OSCE Chairperson-in-Office at the end of 2010. Forum 18 understands that shortly before Parliament approved the Law, the then Foreign Minister Marat Tazhin – who is understood to be strongly in favour of it – suggested that the Law be postponed until after 2010.

Now the National Human Rights Action Plan – first published in late September on the Foreign Ministry website – indicates that the Justice Ministry is to "present to Parliament a draft Law on Introducing Amendments and Additions into Legislative Documents on the Securing of Freedom of Thought, Conscience and Religion" in the fourth quarter of 2011. Development of the Law is claimed in the Plan to start in the first quarter of 2011.

The Plan states that the current Law violates Kazakhstan's Constitution and the country's international human rights commitments, including by making registration for religious communities more cumbersome than for other non-governmental organisations, by making registration compulsory, and by imposing restrictions on "missionary activity" and religious education. However, the Plan makes no commitment to remove these provisions and gives no mechanism for doing so.

Majlis deputy Burkhanov said it is unknown how the new Law will look. "This is a living process – discussion is continuing," he told Forum 18. Asked if the rejected previous Law will be revived, he responded: "How can I know?" But he termed the National Plan a "very serious document and a strategy approved by the President and Government". Asked why, as the Plan describes provisions of the current Law as violating the Constitution and international human rights commitments, it is not possible to remove those provisions immediately, he responded: "This is a process that requires government approval. So I won't answer."

By contrast, Doszhan of the Religious Affairs Committee resolutely denied that current Law violates the Constitution or Kazakhstan's international human rights commitments. He appeared to be dismissive of the National Human Rights Action Plan. "The Plan is only of a recommendatory nature," he told Forum 18. "If a state body initiates a Law, it goes into the Government's Legislative Plan. Amendments on religion are not in it. Nor have there been any discussions on it."

The 2008-9 draft Law

In 2008-9, Kazakhstan passed through Parliament a highly restrictive "Law on Amendments and Additions to Several Legislative Acts on Questions of Freedom of

Conscience and Religious Associations" – a similar title to that of the latest proposed Law in the National Human Rights Action Plan. The 2008-9 draft Law would have amended numerous articles of the current Religion Law, the Code of Administrative Offences and several other laws. It was very strongly criticised by a wide range of national and international human rights defenders, other OSCE participating States, and an OSCE Legal Opinion.

Although the 2008-9 draft Law was eventually rejected, its contents provide an insight into the aspects of freedom of religion or belief officials are currently most hostile to. As with earlier legislation, legal specialists in Kazakhstan complained to Forum 18 that many of the provisions of the Law were ill-defined and allowed for broad interpretations which could be used to restrict freedom of religion or belief. Among the many new restrictions on fundamental freedoms, the text of the 2008-9 draft Law:

- for the first time explicitly banned all unregistered religious activity. Holding religious worship services, conducting charitable work, importing, publishing or distributing religious literature or building or opening places of worship, without state permission in violation of "demands established in law" would have been punished with a fixed fine of 50 times the minimum monthly wage. The Senate removed any judicial discretion in the level of fine;

- allowed indefinite delays in state registration of a religious community, if the registering body's expert opinion on the community's documents as well as founding documents was negative. Registered communities would also have had to provide the authorities every year with unspecified information on their activity;

- created three types of religious communities with some form of state status. One effect of these proposals would have been to bar two of Kazakhstan's four Catholic dioceses from retaining legal status. Small "religious groups" – the lowest level of registered community – would only have been authorised to carry out religious activity with existing members and would not have been allowed to maintain places of worship "open to a wide access". Nor would they have been allowed to conduct any activity to share their beliefs;

- allowed "religious groups" to only teach, propagate religious doctrines, and hold religious ceremonies and rituals "in their own circle", i.e. they would have been banned from spreading their faith. The Law did not clarify what "their own circle" meant. It was also unclear if new people joining a group would have been regarded as missionary activity;

- compelled "centralised religious groups" – the highest category – to be founded by a founders meeting. As Fr Vsevolod Chaplin of the Russian Orthodox Church pointed out to Forum 18, "in some religious traditions creating such organisations – like dioceses – takes place in another way";

- required both local and central religious organisations wishing to register to supply an account of their religious beliefs, practice and history, both of the faith as a whole and the individual community. They would also have been required to set out their attitude to marriage and the family, education and the health of their adherents. "Religious expert assessment" was the necessary "basis" for a registration decision. Subject to "expert assessment" were all the documents submitted as part of an association's registration application, its religious literature and other religious objects. Such "religious expert assessments" were described as being conducted "with the participation of representatives of state bodies and religious experts" (who were not identified). Other specialists were allowed to be brought in as needed. The Religious Affairs Committee in the Justice Ministry in Astana would have conducted these assessments. The government was to draw up the procedure;

- banned the creation of religious organisations under any other legal framework than religious associations, except religious educational organisations. It is unclear if this meant that organisations such as the Bible Society – founded in 1995 and registered as a non-commercial organisation with representatives from a variety of Christian denominations on the board – would have been allowed to exist;

- made refusing to register a religious community, or activity that is not specified in the community's charter, punishable by a fine imposed on religious leaders of 100 times the minimum wage;

- banned anyone – whatever their religious or non-religious belief - from sharing their beliefs without: the written backing of a state-registered religious association; personal state registration as a missionary in a particular geographic location for a specified time; state permission to use all literature or other material that would have been used for the missionary activity; and, in the case of communities seen as foreign, documentation that the community had state registration where its headquarters is located – even if no religious registration system existed in that country;

- restricted evangelism, or distribution of religious literature or informational materials, to fixed premises designated by local executive bodies:

- a wide-ranging and ill-defined clause, possibly written to make superficially alarming claims of "deception" against religious communities, stated: "Not allowed is the functioning of religious communities, religious groups forcibly involving citizens in their activity and/or [those] hindering [citizens] from leaving religious communities and religious groups by way of threats, inter alia, using violence or threat of using violence, by way of using material or other dependence of citizens or by way of deception." Why existing Kazakh criminal law is inadequate to deal with threats of violence, whatever their claimed motivation, is not explained. Similarly unexplained is why this Law does not punish acts of violence or deception by officials attacking freedom of religion or belief.

- faith-based charitable work, such as orphanages, social action, etc., was rendered very difficult to impossible by a ban on "charitable activity aimed at spreading religious teachings by exploiting material needs of citizens." Although ostensibly aimed at stopping the misuse of charity to recruit people into religious organisations, it could have made charitable or social work motivated by a religion or belief impossible;

- written permission was required from both parents or legal guardians for children to attend any religious event. As Fr Chaplin of the Moscow Patriarchate pointed out to Forum 18, "if a young person is walking past and goes into a mosque during prayers, this means the imam could be arrested." Fr Chaplin also observed that he himself was a believer when he was 13 years old, against the wishes of his parents;

- all religious literature imported into the country would have required approval through a "religious expert assessment", apart from some unspecified personal items. Any public library would require a positive "religious expert assessment" before it could enter its stocks any book on religion. Distribution of religious literature would be banned in state bodies, educational and health establishments and within 100 metres of them and on public transport. Published religious literature must include the full name of the religious association publishing them. It remained unclear what happened with religious literature published by individuals;

- the Justice Ministry's Religious Affairs Committee was allowed to call for law-enforcement agencies to ban the religious activity of individuals and associations and to appeal to courts for the liquidation of religious associations which it believed had broken the Law. It would check the veracity of data submitted in registration applications. It would also need to "agree" the appointment by foreign religious organisations of any

head of a religious association in the country or the work of any foreign religious organisation in the country;

- repeat "offences" would lead to a religious community being banned.

Religious associations would have had 18 months to re-register under the proposed new requirements. Religious organisations registered under different legal provisions would also have been required to register as religious organisations within six months. Given the illegality of any religious activity without registration, failure to retain registration would have led to the closure of a religious community.

Hostility to OSCE commitments and institutions

The 2008-9 draft Law clearly demonstrated hostility to OSCE human dimension commitments – which Kazakhstan as the 2010 Chairperson-in-Office is committed to implementing.

The draft Law also showed that Kazakhstan is hostile to OSCE institutions, such as the Office of Democratic Institutions and Human Rights (ODIHR), carrying out their assigned mandates. Kazakh diplomats repeatedly - falsely - claimed that the OSCE had blocked publication of a legal review of the Law. Kazakhstan also consistently refused to make successive drafts and amendments of the Law available for open discussion. The ODIHR told Forum 18 that it had "recommended to the Kazakh authorities that the legal review be made public, as is normal practice".

Why do the authorities want to close a rehabilitation centre?

By Mushfig Bayram

Forum 18 (06.10.2009) / HRWF Int. (12.10.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - The authorities in East Kazakhstan region's Beskaragai District appear determined to stop Protestant Christian involvement in rehabilitation work with addicts, Forum 18 News Service has been told. The Spiritual Centre for the Rehabilitation of Drug Addicts and Alcoholics, in the village of Steklyanka, was closed for six months by court order in January 2009 and its founder and head, Sergei Mironov, was fined. Since then, the District Prosecutor's Office has initiated cases against him under both the Criminal and Administrative Codes, he has been fined again, and the Centre has been permanently closed. Mironov – who is determined to try to continue rehabilitation work – insists that the authorities are using fabricated evidence.

The Spiritual Centre was founded by Mironov and in October 2006 registered by the Regional Justice Department as a Public Association. The main objective of the association, as indicated in its Charter, is the social and spiritual rehabilitation of drug-addicts and alcoholics. The residential Centre aims to accomplish this by giving psychological, legal and social help to those who are in crisis, and by creating the necessary conditions for re-adaptation to life in residents' families and wider society. Forum 18 was told that residents attended the Centre voluntarily, could leave at any time they wish, and were not pressured to adopt Christianity.

One official who knows of the Centre's work is Kulpash Mukhamedkalieva of the Social Policy Department of Beskaragai District Akimat (administration). She told Forum 18 in March that "we've got nothing against Sergei Mironov and his work," and that she did not "see any violations of the law." Expressing surprise at the January ban, she asked if it was related to the conditions for residents. "Living conditions there are not good – it's

very cramped. I could perhaps understand that." Told that Mironov had been fined and the Centre closed because residents had been praying together, Mukhamedkalieva responded: "Let them pray, I don't know if it is right or wrong".

Mukhamedkalieva and her Department declined to answer any questions from Forum 18 when contacted on 5 and 6 October.

The latest Administrative Code fine and permanent ban

The Centre was alleged in January, under Kazakhstan's Administrative Code's Article 374 Part 2, to be involved in unregistered religious activity and to have converted residents to Christianity. Mironov was fined and the Centre's activity was temporarily suspended for six months. An appeal against this was unsuccessful.

On 2 September, Mironov was put on trial again under Article 374 Part 2 by Beskaragai District Court. In the decision, which Forum 18 has seen, the Centre was permanently banned and Mironov fined 259,200 Tenge (9,745 Norwegian Kroners, 1,165 Euros, or 1,715 US Dollars). These are the maximum possible penalties, and the fine is equivalent to 200 times the minimum monthly salary.

"We told Mironov in January that he could not go on functioning as a Public Association," Bakhytzhhan Mambetov of the Regional Prosecutor's Office told Forum 18 on 28 September from Oskemen (Ust-Kamenogorsk), the regional centre. Mambetov was working as Beskaragai's Deputy Prosecutor in August and had brought the administrative charges against Mironov. "The Centre should have been registered as a religious organisation but was not," he claimed. Mironov "wilfully" continued his activities "even after the suspension, that is why the Centre was banned" [in the September administrative case], Mambetov stated.

Mironov told Forum 18 that he has appealed to the Regional Court against the District Court's decision, which was supposedly heard on 28 September. However Mironov was only told of this appeal date by ordinary letter one day afterwards – on 29 September. He has heard nothing from the Court since.

The Centre's approach to rehabilitation

Mironov objects to official statements about some residents saying prayers and reading the Bible, telling Forum 18 that these were "only part of the elements" of rehabilitation. This also included working as a form of therapy, doing physical exercise, and having group conversations. "We never held religious meetings," Mironov told Forum 18 on 28 September from Steklyanka. "Some residents cannot even properly pray. Some later became Christians, but some never became religious believers."

"A major reason" why the Centre did not want to become a religious organisation, Mironov stated, was that it might stop some people from requesting the Centre's help.

Raid by 25 officials with sub-machine guns

The latest Administrative and Criminal Code charges came after the Centre was raided by 25 officials from the ordinary police, KNB secret police, and the Sanitary-Epidemiological Service on 22 August, when the Centre resumed work at the end of its temporary ban. "Before resuming the work of the Centre on 22 August, as I thought the six months suspension should have ended on that date I went to the District Prosecutor to warn the authorities about it," Mironov told Forum 18.

On 22 August at 10 in the morning, the Centre was "attacked by 25 men, most of whom were armed with sub-machine guns," Mironov said. "At that moment in addition to three

visitors, who were former residents, there were eleven people at the Centre." Mironov complained that the residents and workers were "kept for more than two hours with the sub-machine gun muzzles pointed at their backs and hands raised" while some men who presented themselves as representing the Regional Organised Crime Police searched the building. "As a result of the search the officials found Serikbol Bekmukhammetov, a resident of our Centre, handcuffed in the cellar of the building," Mironov said.

Later, on the same day all who were present at the Centre were taken to the Police in Semey, which is 20 kms [12 miles] away from the Centre. "We were detained there from 12 in the morning until 11 at night, and questioned one by one," Mironov complained. "The residents told me that each one of them was compelled to say something that would blackmail me. But I understand that they refused to do so."

Pending criminal charges

Following the discovery of Bekmukhammetov in the Centre's cellar, Beskaragai District Prosecutor on 28 August has brought criminal charges against Mironov under Kazakhstan's Criminal Code's Article 126 Part 2. This punishes deprivation of a person's liberty, related to non-abduction, using material or other dependence of the victim. Law-enforcement agencies claim that Mironov deprived Bekmukhammetov of his liberty by handcuffing and placing him in the cellar of the Centre for refusing to work. He was allegedly kept there for two days, until the local police found him on 22 August during their sub-machine gun toting raid.

Bekkali Kunafin, Beskaragai District Prosecutor told Forum 18 on 30 September that Mironov's guilt was "proved" in the preliminary investigation. Asked why the case has not been brought to Court, he said that the investigation is still going on as the law allows up to two months for this. "We have Bekmukhammetov's and other witnesses' written testimonies proving Mironov's guilt," Kunafin said without giving the names the other alleged witnesses. Kunafin also claimed to Forum 18 that Mironov "actually used the residents for his gain. He did not pay them anything for their work, or transfer any funds to the State Pension Fund."

Mironov objected to the allegations saying that "it is obvious that the case with Bekmukhammetov was set up by the law-enforcement agencies." Regarding the incident, he said, "I have absolutely no idea how he was handcuffed, and he definitely was not in the cellar for two days."

"Literally minutes before the Police force came to our building on 22 August, Bekmukhammetov was at a breakfast table with us," Mironov told Forum 18. "Bekmukhammetov left the table and went out of the room, and it was just after this that the police arrived."

Mironov stated that there is evidence against the allegations. Bekmukhammetov's photograph was taken by another resident on his mobile phone on 21 August at 6:03 am. He had taken the photo "to record Bekmukhammetov making humorous movements" while he was getting up in the morning. The telephone has the date and time of the photograph recorded on it, Mironov said. "If as the Prosecutor's Office claims that Bekmukhammetov was kept in the cellar until he was freed on 22 August, how could he be in bed on the morning of 21 August," Mironov asked. Mironov said that their lawyer has attached the photograph to case files, and that the telephone was submitted to the investigator to be sent for technical examination.

Forum 18 has been unable to speak with Bekmukhammetov.

Residents' comments on the Bekmukhammetov claims

Countering the claims of Prosecutor Kunafin were both former and current residents, such as Olga Ivashina and Alexandra Alpysbayeva.

"I actually happened to visit the Centre on the evening of 21 August together with my husband," Ivashina told Forum 18 on 28 September from Oskemen. "We came there at 8 p.m. and left around 10:30 pm. It was none other than Serikbol [Bekmukhammetov] who closed the gates after us," she said without hiding her surprise. "He was safe and sound then."

Bekmukhammetov "was at the breakfast table with the rest of the residents on the morning of 22 August," Alpysbayeva told Forum 18 on 28 September from Steklyanka.

Mironov also considered "groundless" Prosecutor Kunafin's statement that he should have paid his residents for their work at the Centre. "Why should I pay the residents for cleaning the house where they live and to prepare the food they eat," he asked. "It would be ridiculous for anyone doing work in their own home to ask for payment."

Mironov said he thought that Bekmukhammetov was "pressured" by the authorities to complain against the Centre. "It could be that he got into trouble with authorities because of drugs, and was offered a reward in exchange for complaining against us."

Confirming the pressure on the residents, Sergei Urmanov told Forum 18 on 28 September that the two officials who questioned him at Semey Police on 22 August "scolded" him for betraying Islam and becoming Christian. "They were asking tricky questions so I would say something against Mironov," he stated.

Urmanov also said that he and Alpysbayeva were taken to the Glukhovka village Akimat (Administration), near Steklyanka, the next day on 23 August for further questioning. Law-enforcement and Akimat officials, who did not identify themselves, "compelled" them to write a complaint against Mironov, the resident said.

Prosecutor Kunafin objected to the claims of pressure against residents. "I hear this for the first time from you," he said, brushing off Forum 18's question.

Why is the Spiritual Centre being targeted?

Aslan Tekebayev, the Assistant to Makhat Sadykov, Beskaragai District's Deputy Akim (Head of Administration) who oversees social and healthcare issues, said he did not think "Mironov's Centre harmed anyone medically" but that he was "not sure how effective" the Centre was.

Kayirbek Sadykov, another official in charge of social issues at the Beskaragai Akimat (Administration) refused to tell Forum why the Centre was banned. "I cannot answer you," he told Forum 18 on 28 September. Giving his reason for not wanting to talk about the issue he said that "it is dealt by the KNB secret police."

Yuri Fyodorov of Semey Organised Crime Police concurred. "The KNB secret police asked us to assist them with police on 22 August," Fyodorov told Forum 18 on 28 September, outlining why police raided the Centre. "We brought the detained to our Police Department but we did not question them." Fyodorov did not say who did the questioning but said that the "KNB secret police has been investigating the Centre." He said that the case later was referred to Beskaragai District Police.

Mambetov of the Regional Prosecutor's Office, however, rejected this saying that it was the Beskaragai District Prosecutor's Office and District Police that have been investigating the case.

What residents say about the Centre

Forum 18 has spoken to several former residents of the Centre to find out what they think of it.

Ivashina said she spent 11 months in 2007 at the Centre, and that she "never" witnessed any punishment "let alone" depriving someone of their liberty. "There is no punishment at the Centre, only a condition that whoever does not like the rules may leave the Centre of their free will." The rules include no smoking, no drinking, no sexual intercourse while at the Centre, and no leaving the Centre without warning, she told Forum 18. "When people come for treatment, some may not like some of the rules at first, but because they voluntarily come with the desire to get rid of their problem, they take the rules as natural."

"Sergei [Mironov] is gifted educator, a very kind person. He applied a lot of energy and patience to restore me a desire to live again, to really live and not exist as a prisoner of drugs. My family is only a drop in the bucket compare to how many people were helped by the Centre. We are all so thankful to Sergei and the Centre."

Concurring with these comments about the Centre were six former residents Forum 18 has spoken to, from Ridder, Oskemen and other places in East Kazakhstan region. They also sent Forum 18 copies of their letters to the Prosecutor General of Kazakhstan, complaining about the closure of the Centre and the criminal case opened against Mironov. The complaints state that they have known Mironov as a good person, who could not ever commit such a crime, they have never seen any such punishment throughout the existence of the Centre, and that the Centre has helped them to get rid of drug and alcohol-addiction, for which they are thankful.

Media campaign against the Centre

Kazinform, the national news agency of Kazakhstan, express-K newspaper, ERA-TV television channel and several other news agencies and newspapers have published information accusing Mironov of handcuffing Bekmukhammetov for not working for him, and using the residents of the Centre as free labour for his own gain.

Explaining why they did not give Mironov's or any resident's response, Bagdat Ilyasova, the Deputy Editor-in-Chief of Kazinform's Russian Edition told Forum 18 on 25 September that there was "no need to talk to Mironov, as his guilt was proved in the pre-trial investigation." When Forum 18 insisted with the question, Ilyasova said, "I do not need to give an account to you." Then she hung up the phone.

Andrey Kratenko, of express-K, told Forum 18 on 25 September that he only gave the information provided by the Press-Service of the Regional Police. The authorities often use the mass media to attack religious communities, and freedom of religion or belief.

Will Mironov be punished for the alleged crime?

Prosecutor Kunafin refused to say what could be a possible punishment for Mironov.

However, Mambetov of the Regional Prosecutor's Office played down the seriousness of the criminal case. "Mironov may be just fined, and go free." When Forum 18 pressed the question, he said, "Well, the investigation must prove that Mironov was really guilty of committing the act."

Hostility to religious involvement with social or charitable care

Officials have in the past taken action against religious believers involved in social care or charitable projects, in a late 2004 case closing down a Baptist-run orphanage. It was described by local people, including staff of a state-run orphanage, to be one of the best in the area with higher standards than state-run orphanages.

In June 2009 a Catholic priest was denied access to a resident of a psychiatric home who had asked for a visit so that the priest could hear his confession. An official told Forum 18 that the resident "does not have rights", which have now been handed to the head of the home as official guardian. "This includes his right to freedom of conscience." The priest noted that access to people in closed state institutions, including prisons, had become more difficult and bureaucratic.

Restrictive laws recycled

Kazakhstan is currently revising its Administrative Code, and the revision continues the existing punishments on people exercising their right to freedom of religion or belief without state registration. The country also appears to be planning to re-introduce draft legislation restricting freedom of religion or belief similar to a draft which was strongly criticised by a wide range of international and Kazakh human rights defenders, as well as an Organisation for Security and Co-operation in Europe (OSCE) Legal Opinion. Kazakhstan will be Chairperson-in-Office of the OSCE in 2010.

Officials who raid religious communities "merely fulfilling their duty"

By Felix Corley

Forum 18 (29.09.2009) / HRWF Int. (30.09.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - An anti-terrorism police officer who raided an Ahmadi Muslim community at worship in Semey (Semipalatinsk) in East Kazakhstan Region and two officials who raided Baptist congregations at worship in the northern Kostanai [Qostanay] Region have separately insisted to Forum 18 News Service that they have not conducted raids. All three refused to say how a religious community at worship in a private home should interpret the sudden, unannounced arrival of police and officials, filming of their religious worship, the searching of the place where they meet, the questioning of all those present and the recording of personal details, and pressure to write statements for the police about the activities of the religious community.

Talgat Nagumanov of the Kostanai Regional Justice Department, who took part in a raid on a Baptist congregation in the town of Rudny on 26 August and on another Baptist congregation in Kostanai on 2 September, insisted to Forum 18 on 29 September that he and his colleagues "were merely fulfilling their duty".

Both congregations belong to the Baptist Council of Churches, who reject state registration on principle.

Nagumanov said the Baptists were violating Article 4 of the Religion Law, which requires religious communities to have registration before they can function. "This is an administrative violation and the Baptists will be fined in court." Indeed, Timur Aliev, the pastor of the Rudny congregation, was fined on 29 September, as he told Forum 18 from Rudny.

Kanan Tasyrbekov of the Regional Administration's Internal Policy Department, who took part in the raid on the Rudny congregation, likewise insisted that it was not a raid. "Officials from various state organs made a visit," he maintained to Forum 18 from

Kostanai on 29 September. "That's all. No-one disturbed the service – to allege this is slander. We waited till it was over." He said the church was raided because it functions without registration, rejecting suggestions that this represents a return to the Soviet system, where religious communities which functioned without registration were punished.

Also defending the raids on the Baptists was Tasyzbekov's boss, Tamara Zhakupova, head of the Internal Policy Department of Kostanai Region. "It was not a raid," she told Forum 18 on 29 September. "We are working through the information received." However, she repeatedly refused to say why – as happened in Rudny - a peaceful religious worship service in a private home needed to be raided by more than ten police officers and officials and put the phone down.

Banning unregistered religious activity and punishing those who participate in it violates Kazakhstan's international human rights commitments, including those it has promised to implement as a participating State in the Organisation for Security and Co-operation in Europe (OSCE). New restrictions on freedom of religion or belief proposed in 2008-9 would have imposed further limits on both registered and unregistered religious activity; Kazakh human rights defenders think these will be re-introduced.

The authorities have no plans to remove provisions of the Code of Administrative Offences which punish unregistered activity – and which have been used hundreds of times in recent years against members of unregistered religious communities. Indeed, the proposed new Code of Administrative Offences – due in Parliament shortly - aims to retain them almost word for word.

The Kostanai Baptist raids

Justice Department official Nagumanov and Internal Policy Department official Tasyzbekov, who were accompanied by about ten officers from various police agencies, burst into the worship service of the Baptist congregation in Rudny on 26 August. "The intruders wanted to break up the service," local Baptists told Forum 18. "Officer A. Khakimov of the Criminal Police immediately began to film and didn't react to our repeated pleas for him to stop. He filmed the whole service and all those present. When people prayed aloud he pointed the camera at them."

After the service the police forced church members to submit to interrogation in different rooms of the congregation's building, which lasted some 90 minutes. "They asked about the church's internal life: of what faith are we, why we don't register, who is the leader, on what days do we hold meetings, how many people attend, and how much does the church collect in offerings."

Police drew up an official record that 24 adults and children were present and demanded that church members sign it.

Several days after the raid, some of the film was shown in a hostile broadcast on regional television, Pastor Aliev told Forum 18. The Kazakh media often show film taken by police or secret police in reports aiming to discredit religious minority communities.

Pastor Aliev was fined by the town court on 29 September under Article 374-1 Part 2 of the Code of Administrative Offences, which punishes "participation in the activity of a banned religious organisation". He was fined 64,800 Tenge (2,505 Norwegian Kroner, 295 Euros or 430 US Dollars), which he estimated to Forum 18 as being equivalent to two months' average wages locally "if you didn't spend anything on food or clothes for your family". The court was also shown part of the film.

Pastor Aliev told Forum 18 that "of course" he will not pay the fine, as he does not consider himself guilty of any wrongdoing. "This Article of the Administrative Code violates our rights – we have repeatedly said so," he told Forum 18. He said the church will not register with the authorities "as they would make us give so much information about the internal life of the church". He insisted that his congregation will continue to meet for worship despite the state harassment.

On 2 September, exactly a week after the raid in Rudny, police raided another Baptist congregation in Kostanai. Baptists told Forum 18 that again police tried to film the service but this time complied when a church member asked them to stop. "They didn't obstruct the service but afterwards wanted to address church members, but we didn't allow them to," church members told Forum 18.

After the service a group of police officers waiting on the street with the required official witnesses came into the house and searched all the rooms. They took the names of all those present and filmed them. "Interrogations of church members were conducted crudely," church members complained to Forum 18. "One young church member had his personal Bible and hymnbook seized." Police confiscated some ten books from the church library "allegedly to familiarise themselves with the religious teaching".

Raids on Ahmadi Muslims in Semey

Like the Kostanai Region officials, Murad Ashkhayanov, an officer of the Police's Department for the Struggle with Terrorism in Semey, defended the police raid on the Ahmadi Muslim community in the town back in March in which he participated. "It was not a raid," he insisted to Forum 18 from Semey on 29 September. "We received a call and we responded."

Asked to explain the nature of the call to the police about the community's meeting in a private flat he refused to say anything more. He also refused to say why the police asked the Ahmadi Muslims intrusive questions about their faith. "Who gave you the right to bother me? I'm a state employee," he told Forum 18. "I won't give any information." He then put the phone down.

The Ahmadi Muslim community in Semey - which has state registration and rents a flat for worship - has complained about "violations of our rights and freedoms" over two raids in March. On Friday 6 March, Ashkhayanov and another officer of the Department for the Struggle with Terrorism conducted the first raid. They told the community they had come to learn more about their activity and asked to see the community's documents.

They then stayed for the Friday prayers, afterwards insisting that everyone present write a statement to the town's then police chief Zhumabek Isadilov explaining: when they adopted Islam and joined the Ahmadi movement; their home address; what the differences are between Ahmadi Muslims and other Muslims; and whether anyone pressured them to join the Ahmadi community.

They asked the community's religious leader, Rufat Tukamov, to write a statement indicating: when he adopted Islam and joined the Ahmadi movement; the juridical and de facto address of the community; that they rent a flat; details of the flat's owner; why community members do not go to the mosque; and when and why we meet at the flat. Officers asked Tukamov why he is registered as living in Almaty and not in Semey and told him he should register in Semey.

The officers said they would return the following Friday to photograph everyone "so that they would know each face".

Another officer arrived to join the other two, Zh. Malaev, whom community members recalled as having visited them in 2005. He demanded copies of the community's documents and rental agreement for the flat, and also asked the differences between Ahmadi Muslims and other Muslims and why they do not go to the mosque.

The return visit came three weeks later, during Friday prayers on 27 March. "They required those present to write the statement in a different way," the Ahmadi community told Forum 18. "When the branch contacted the Imam-in-Charge in Almaty, he told them not to write anything at all, as this was already an obvious breach of the law since the beginning. We tolerated it once out of respect, but as the police's attitude did not return into the law-abiding boundaries, the 'full stop' was applied."

The police then ordered everyone present to come to the police station. However, the summonses merely stated as the reason: "on the topic concerning you". "This was contrary to the law, as no legal ground was mentioned," the Ahmadi community complained to Forum 18. They say all those present did go to the police station, where they were questioned individually and pressured to write a statement. They were freed several hours later.

Tukamov, the community's leader, asked the police for the legal basis for the raid and were eventually told that police had received a call from a neighbour about "bearded people meeting". The Ahmadi community dismisses the claim that police received such a call. "A few of those attending wear a small beard, and hardly the author of the call genuinely met or had any personal concern, so it was obvious, that all of it was fabricated by the police itself," they told Forum 18. They also question why it took so long for the police to claim that a call had come in.

Further surveillance of Ahmadi Muslims

Police attention gradually diminished, but revived on 16 July when the community received a visit from a community member in Almaty and a visitor from Britain, Tukamov told Forum 18 on 29 September. While they were showing the visitors around Semey as they look for new premises for an Ahmadi centre, they say they observed an unknown man outside the entrance to the block of flats where they currently rent premises. The following day the same man was seen with another man observing their actions as they prepared to take the visitors to the airport.

Tukamov, another community member Bulatbek Ibraev and the two visitors then went by car to Oskemen (Ust-Kamenogorsk) to take the visitors to the airport for their return flight to Almaty. Tukamov told Forum 18 that a white car followed them until they reached the police traffic checkpoint on the edge of the town. Then their car was stopped at the traffic checkpoint on the entrance to Oskemen. An officer of the Migration Police and three other identified plain clothes officers ordered them all to the police station and they drove there accompanied by three police cars.

At the police station Tukamov, Ibraev and the driver (who is not a community member) had to give statements about the aim of the visitors' trip to Semey. "They also asked again what the differences are between our beliefs and those of other Muslims," Tukamov told Forum 18. Then police scanned copies of the visitors' passports and flight tickets before letting all of them leave for the airport.

However, surveillance of the community in Semey continued, with the same "suspicious" man seen watching them from 20 July. Tukamov told Forum 18 that he was followed over the next week wherever he went, whether on public transport, by foot or by taxi. He said after Friday prayers on 24 July, all those present were followed back to their homes.

Tukamov complained of the "unpleasant sensation" of being under surveillance. The head of the community, Aidar Shaken, lodged an official complaint with the Prosecutor's Office, of which Forum 18 has seen a copy. Tukamov said that after the complaint the surveillance appeared to stop.

UN Independent Expert on minority issues and religious minorities in Kazakhstan

HRWF Int. (15.09.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - From 6 to 15 July 2009, the Independent Expert on minority issues, Ms. Gay J. McDougall, concluded a 9 day official visit to the Republic of Kazakhstan on Tuesday 14 July. The Independent Expert visited Astana and Almaty and held consultations with senior government representatives with responsibilities in the field of minority rights, culture and language, anti-discrimination and equality. She also held numerous meetings with ethnic and cultural associations, non-governmental organizations, journalists, and members of minority communities. The visit allowed the Independent Expert a unique opportunity for dialogue in relation to her mandate to promote implementation of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic minorities.

Ms Gay J. McDougall recognized that Kazakhstan has exhibited a high degree of inter-faith harmony and religious freedom for those religions recognized as traditional or orthodox. However, those faiths considered to be non-traditional in the country (including Jehovah's Witnesses, Baptists, evangelicals, Scientologists, non-recognized forms of Islam and others) feel that they have not been accorded the same freedoms. The Independent Expert has received information about rules for registration of religious groups that may violate both the Constitution and international norms; public statements and publications by government warning the population against certain religious faiths; confiscation of property, imposition of fines, arrests, deportations and other abuses of power by police, national security agents and bureaucrats that appear to constitute repression of religious groups. The freedoms accorded to traditional religious groups must be extended to all religious groups. The government would breach its obligations to guarantee freedom of religion, freedom of thought and freedom of association if it denies registration to an organization as a way to deny the legitimacy of its religious doctrine. Further, the government must not make a determination that someone's belief system constitutes a threat to national stability that is punishable without the commission of a criminal act.

The Government of Kazakhstan is urged to engage in a wide-ranging dialogue with "non-traditional" religious groups about ways to guarantee their full rights and freedoms. The existing law on registration of religious organizations and activities should be brought into compliance with the Constitution of the Republic and international legal standards. Such laws should in no way restrict the legitimate activities of individuals or religious groups. Repressive measures against religious groups and their members must stop immediately.

The Administrative Code shouldn't punish the core practice of a faith

By Felix Corley

Forum 18 (31.08.2009) / HRWF Int. (07.09.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - Kazakhstan should abolish entirely the two articles of the Code of

Administrative Offences which punish peaceful religious activity, rather than carry them across almost word for word into the new version of the Code due to reach Parliament this autumn, human rights defender Ninel Fokina told Forum 18 News Service from the southern city of Almaty on 28 August. Her concern over the two Articles – which are included in the draft new text made public by the Justice Ministry – was echoed by members of religious communities which have been fined and banned under the current Code.

Vera Tkachenko, head of the Legal Policy Research Centre in Almaty, said the two Articles in the current and proposed new Administrative Code punishing religious "offences" are part of the "high level of state control" over the activities of non-governmental organisations, including religious communities. "For example there should be no requirement for registration and penalties for this should be removed from both the current and the proposed new Code," she told Forum 18 on 31 August.

Several Justice Ministry officials told Forum 18 from the capital Astana on 28 August that the draft text of the proposed new Code is now with the Presidential Administration for comments. Only once these are returned will the Ministry be able to complete the draft and pass it to the government for final approval before the text goes to Parliament.

Current Administrative Code articles violate religious freedom

The current Administrative Code includes two Articles punishing peaceful religious activity, which human rights defenders and religious believers have long argued violate Kazakhstan's international human rights commitments.

Article 374-1 punishes leading, participating in or financing an unregistered religious community or social organisation. Article 375, a broadly-framed article, punishes "violating the law on religion", including by leaders who reject state registration, by communities whose activity "contradicts their aims and tasks" or which is not listed in their state-approved statutes, and by individuals who conduct "missionary activity" without a special licence from the state.

"Offences" under these Articles are punishable by fines of up to 300 times the minimum monthly wage and temporary or permanent bans on a religious organisation's activity. Foreign citizens or those without citizenship found guilty of conducting unauthorised missionary activity are liable to deportation.

The proposed new Code moves Article 374-1 to a new Article 451, while Article 375 becomes Article 452.

The officially-published draft of the proposed new Code leaves Article 374-1 unchanged as Article 451. It softens Article 375 – due to become Article 452 – in only two places: the fine for one provision is reduced from 100 times the minimum monthly wage to between 50 and 80 times; and removed as "offences" are "violating the rules for conducting religious events outside the place of location of the religious association" and "organising and conducting by servants of cult and members of religious associations of children's and youth meetings and groups not connected with the conducting of the cult" (Soviet-era wording that persists to this day).

All the other changes to Article 375 (Article 452 in the proposed new Code) make the provisions marginally harsher, removing the option of a warning instead of a fine in one case and imposing minimum in addition to the current maximum fines.

Fokina, who heads the Almaty Helsinki Committee, welcomes the removal of the punishment for creating children's and youth meetings. "This unclear formulation is being misused even today," she told Forum 18. But she laments the proposed imposition of

minimum levels of fines. "In an ideal world a court could give a fine of just one or two months' average wages, but that would now be impossible."

Victims of these Articles echo criticism

Sharing Fokina's concern is Dmitry Yantsen, a member of a Council of Baptists congregation. "We want them to remove these two Articles entirely," he told Forum 18 on 28 August from the town of Temirtau in the central Karaganda [Qaraghandy] Region. "They are against the Constitution." He points out that Kazakhstan's Constitution guarantees freedom of religion and freedom of worship.

Council of Churches Baptists – who reject state registration on principle – have been particular targets of these two Articles. Their leaders have repeatedly been fined for leading unregistered religious worship and their congregations have repeatedly been banned, often for six month periods.

In addition, sentences under these two Articles lead to further harassment. Rejecting state accusations that meeting for worship without state registration is a crime, Council of Churches Baptists refuse to pay fines imposed by the courts. This often leads courts to send bailiffs to issue restraining orders on property or to confiscate items of value, including cars, calves and washing machines. Courts have also ordered that the fines be deducted at source from individuals' wages.

In several cases, refusal to pay fines or to halt worship by communities which have been "banned" has led Baptist pastors to face further charges under Article 524 of the Code of Administrative Offences (failure to carry out court decisions). Baptist pastor Vasily Kliver, who has been fined many times for leading unregistered worship, was given a five-day prison term in June 2009 for refusing to pay the fines, the fourth Baptist leader to be given a short sentence since 2006.

Also calling for the removal of these provisions punishing religious communities and individuals for practising their faith without registration is Nurym Taibek, spokesperson for the Ahmadi Muslim community. "We would prefer to see these changed. The Administrative Code shouldn't punish the core practice of a faith," he told Forum 18 from Almaty on 31 August. "We don't believe worship to God should require registration."

Taibek insists that religious communities should not be exempt from abiding by the law, but believes other criminal and administrative penalties already exist to prosecute any individuals who commit any genuine crimes in the name of religion. "There shouldn't be separate Articles that just cover religious communities and individuals."

Also complaining of the harsh impact of these two current Articles are the Jehovah's Witnesses. Their representatives pointed out to Forum 18 that in the western Atyrau Region, their adherents suffered heavy fines in 2007 and 2008 merely for conducting religious activity that was not registered. In June 2007 one Jehovah's Witness was fined 109,200 Tenge, (5,410 Norwegian Kroner, 670 Euros or 902 US Dollars) and five others half that amount under Article 374-1. In May 2008 one was fined 116,800 Tenge and seven others half that amount under the same Article.

In addition, Jehovah's Witness congregations in several places have been banned for six month periods under Article 375, although in two cases in South Kazakhstan Region in late 2008 Jehovah's Witnesses were able to have these bans overturned by the Regional Court.

Jehovah's Witnesses declined to say whether they believed these Articles should be retained, amended or abolished when the new Administrative Code is adopted, stressing that they do not comment on "political issues".

In addition to fines and bans handed down under these two Articles, foreigners have been ordered deported for "illegal missionary activity". Among them have been foreign Muslims and Christians, while a Hare Krishna devotee was barred entry after the authorities claimed a court had found him guilty of the "offence".

Steadily increasing administrative penalties

The new Code of Administrative Offences would replace the one first adopted in January 2001 and repeatedly amended since then.

Article 374-1 was first introduced in July 2005 as part of harsh new "national security" amendments to various laws – including the Religion Law - which severely increased the controls on religion. Article 375 was amended at the same time to introduce the penalties for missionary activity. The amendments were strongly criticised at the time by human rights groups and by the Organisation for Security and Co-operation in Europe.

In 2006, an official of the government's Human Rights Ombudsperson's Office told Forum 18 that the Article 375 must be removed to bring the law into line with the International Covenant on Civil and Political Rights. Local Baptists and law professor Roman Podoprighora agreed with this view.

What further changes before draft Code reaches Parliament?

The website of the Justice Ministry – which posted the Russian-language text of the proposed new Code on 20 July – does not indicate whether this is the final Justice Ministry text or not. Mervert Kabylbaeva of the Ministry's Institute of Legislation told Forum 18 on 28 August that the Ministry drew up the text and has gained the backing of various government agencies, which she declined to identify, but has not yet adopted a final draft. She added that it cannot do so until it receives back the comments from the Presidential Administration, though she said these are expected soon.

"Once the comments from the Presidential Administration are received, the Ministry will then amend the text and pass it to the government for final approval before it goes to Parliament," she told Forum 18.

Nikolai Golysin of the Presidential Administration press office declined to say when the draft text would be returned to the Justice Ministry and what changes might be made to these two Articles in the draft. "The Presidential Administration gives no information on the procedure over draft laws until the President has signed them [after parliamentary approval]," he told Forum 18 from Astana on 28 August. "This is the internal affair of the Presidential Administration."

The press office of the Majilis, the lower house of Parliament, told Forum 18 on 28 August that a draft new Code would be considered like any other draft Law. It would be assigned to a Majilis Committee (probably the Legislation Committee), which would assign a working group to consider the text. The new Code would require three readings in the full Majilis before being sent on to the upper house, the Senate. Once approved by both houses it would then go to President Nursultan Nazarbaev to be signed into law.

Adopting an entirely rewritten Code was included in the government's legislative plan for 2009 adopted in February 2009. It said the Justice Ministry would present the draft text in June, the government would approve it in July and Parliament would approve it in September. However, it appears there has been some delay.

Tkachenko of the Legal Policy Research Centre laments that "the whole process of law-making is not transparent". She calls on Parliament to ensure "wide discussion" with

experts, members of civil society, including religious organisations, and international experts before any new Administrative Code is adopted.

Fokina of the Almaty Helsinki Committee remains pessimistic, believing the new Code will be adopted with the restrictive provisions punishing peaceful religious activity. She adds that parliamentary deputies might introduce even harsher provisions of their own. "As a rule deputies introduce amendments increasing responsibility for 'offences', and the government doesn't object," she told Forum 18. "Here there's the fear that they'll sneak in new elements from the harsh Religion Law rejected in February."

She calls for "all the idiotic limitations and bans" to be removed not just from the current and proposed new Administrative Codes, but from the Religion Law also.

"Such preaching is prohibited by our law"

By Mushfig Bayram

Forum 18 (27.08.2009) / HRWF Int. (28.08.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - Three cases since the beginning of August – all against various Protestant churches – illustrate the efforts of Anti-Terror Police, ordinary Police and prosecutors to try to prevent individuals and religious communities from sharing their faith and gaining new adherents, Forum 18 News Service notes. Local Christians in the town of Uspen in north-eastern Pavlodar Region were beaten and forced by local Police and Prosecutor's Office officials to write complaints against visiting members of the officially registered Grace Presbyterian Church of Pavlodar. The authorities accused the Church of "illegal" missionary activity and "coercing" people to perform a religious rite, the church's lawyer told Forum 18. Two church members face administrative trial on 31 August.

Police photographed and fingerprinted ten unregistered Baptists in Jambeyt in West Kazakhstan Region after they tried to preach their faith in the town, and beat one of them. Also fingerprinted was the pastor of a registered Nazarene Protestant Church in Atyrau Region after he was summoned and interrogated "for no specific reason" by Atyrau Anti-Terror Police, as he complained to Forum 18. He also said the local National Security Committee (KNB) secret police "kept close tabs" on him.

In each case, local officials denied to Forum 18 pressure on the Protestants and in Uspen and Jambeyt denied allegations of police brutality.

Officials at the Justice Ministry's Religious Affairs Committee in Astana refused to comment on any of the cases. Both Ardak Doszhan the Chair of the Committee, and Amanbek Mukhashev, one of the Deputy Chairs, hung up the phone as soon as they heard Forum 18's question on 25 August why the Police in those regions harassed the church members. Spreading one's faith is not illegal in Kazakhstan, though it would have become so had the Constitutional Council not rejected the controversial and highly restrictive proposed new Religion Law in February 2009.

Raids and pressure on religious communities by Police Departments for the Fight against Extremism, Separatism and Terrorism are common in Kazakhstan. The authorities also routinely clamp down on individuals and religious communities who try to share their faith.

Independent Muslims, Protestant Christians, Jehovah's Witnesses and Hare Krishna devotees have been particular targets of the government's tight and increasing controls on religious activity in recent years.

Police use force to extract false testimony against church visitors

Police took immediate action against four members of Grace Presbyterian Church in the city of Pavlodar in north-eastern Kazakhstan – Yelena Tsai, Yuliya Weber, Ramil Imankulov and Kayrat Zhangozhin - when they arrived on 5 August in the nearby town of Uspen "in order to organise a branch of the church," Grace Church members told Forum 18. Local church member Valentina Fishcheva invited them "temporarily" to stay in her home.

The same evening at around 10.30 pm, local Police Inspector Nurserik Aytzhanov and two persons in plain clothes broke into Fishcheva's home "without any authorisation" and searched it. Inspector Aytzhanov "illegally seized" the identity documents of the church members "without presenting a warrant" to do so.

The Inspector told the church members that charges for "illegal" missionary activity were being brought against them. Zhangozhin was taken to the Uspen District Police and questioned for several hours before being released, church members told Forum 18.

The following day, on 6 August, when the Pavlodar Church's Pastor, Aleksandr Tsoi, was submitting a complaint against the actions of Inspector Aytzhanov, the Uspen District Prosecutor Kanat Atygayev told him that administrative charges were being brought against his church members for "illegal" missionary activity. Prosecutor Atygayev had Pastor Tsoi read a statement by Safura Mil, an Uspen resident, stating that she was prayed for by the Grace Church members whom she met while she was visiting Fishcheva's home at her own request, church members told Forum 18.

On 7 August the Uspen Police "forcefully brought Mil to Prosecutor Atygayev's office – which was seen by neighbours – where she was forced to write a slanderous statement against Zhangozhin and Imankulov 'for coercing Mil to perform a religious rite'," church members told Forum 18, "after which Prosecutor Atygayev opened an administrative case."

Church members said Mil had told them that since 5 August she has been beaten several times at the Police Station and the Police forced her to write the complaint. They added that Mil said that her family members were also beaten to force them to write complaints against the church.

However, Inspector Aytzhanov did not stop what church members call his "unlawful actions". On 16 August, eleven days after he broke into her home the first time, he brought Fishcheva to the District Police, where he pressured her to write a complaint saying that she did not want the Grace Church members to stay in her home. He told her that if she did not sign the complaint her husband would be arrested. Fishcheva gave in to the pressure and signed the complaint, church members told Forum 18, after which the Inspector told her that he would come by in the evening to drive out the Protestants and confiscate all the literature.

Mil left Uspen and at the moment is "hiding for fear of the Uspen Police". On 19 August she wrote a complaint to the Pavlodar Regional Prosecutor's Office asking them "to defend her from the Uspen Police," church members said.

Arman Khasenov of the Regional Prosecutor's office told Forum 18 on 25 August that they have received two complaints, one of 18 August from Fishcheva against the action of Uspen District Prosecutor and another of a later date from Mil against the actions of Inspector Aytzhanov. "Fishcheva's complaint was referred back to the Uspen District Prosecutor's office for investigation as the procedure requires," Khasenov responded,

"and Mil's complaint was referred to the Internal Security Division of Uspen District Police."

Inspector Aytzhanov denied the allegations altogether. "No one has beaten Mil, and I don't know why she has left the town," he told Forum 18 on 24 August. Asked why the Police targeted the group, he said: "They were imposing their religion on the residents of the town by saying that 'Jesus Christ is the only God and you must believe in him'." Asked what was wrong with sharing one's beliefs with others, Aytzhanov said: "Such preaching is prohibited by our law." He did not clarify where exactly it said so in the law.

Asked what prompted him to start an investigation against the Protestants, Aytzhanov said: "I had the information that Grace Church members had arrived, and were involved in missionary activity." Asked if the local authorities had anything against the Grace Church, he responded: "I needed to collect the preliminary materials for the investigation, and I have already passed the materials to the Prosecutor." He refused to discuss the case further.

Also denying allegations of Police brutality was Prosecutor Atygayev. Asked by Forum 18 on 24 August why Police beat local residents and pressured them to write complaints against the church members, he responded: "You were given wrong information." He refused to discuss the case further, insisting he needed to investigate it further.

Church members still face prosecution

Prosecutors brought a case against two of the visitors from the Pavlodar Church, Imankulov and Zhangozhin, under Article 375 Part 1 of the Code of Administrative Offences. This wide-ranging article punishes "violation of the laws on religion", including a provision to punish "forcing individuals to conduct religious rites or participate in other religious activity", with a fine for individuals of up to 20 times the minimum monthly wage and the banning of a religious organisation.

During the hearing in the Uspen District Court on 19 August, Pastor Tsoi of the Pavlodar Church challenged Judge Yersyn Kozhaberginov, who led the case, for being partial. He insisted that the case should be heard by a higher court. It was sent to Pavlodar Regional Court on 20 August, Judge Kozhaberginov told Forum 18. He refused to discuss why the two men were being prosecuted.

However, the Regional Court refused to hear the case and returned it to the lower court which, according to the church's lawyer, Kaukhar Ayseyeva, is due to hear it on 31 August.

Ayseyeva insisted to Forum 18 on 25 August that the activity of Zhangozhin and Imankulov in Uspen is authorised, since they were sent there from the Pavlodar Grace Church. The Pavlodar Church is a founding member of the Kazakhstan Centre for Grace Church, which has registration covering the whole of the country. "The court is trying to punish our believers for allegedly coercing local residents to perform a religious rite," she complained.

The Grace Church has faced repeated raids and pressure across the whole country and a ban on its senior pastor – a US citizen - from entering the country.

Baptists photographed and fingerprinted, literature confiscated

Meanwhile, in West Kazakhstan Region, ten members of the Oral (Uralsk) City Council of Churches Baptist Church were detained on 7 August while visiting the town of Jambeyt in Syrym District to share their faith with residents, local Baptists told Forum 18.

"Soon after they started the evangelism at 1 pm some of the believers were arrested, and brought to the local police station," the Baptists said. The rest of the group were stopped and taken to the station at 5.30 pm. Police Captain Y. Shuraliyev under the guidance of Gizat Kubashev, Deputy Chief of Syrym District Police, questioned the Baptists – S. Krasnov, G. Pryakhin, K. Batimov, N. Naumov, V. Nelepin, I. Isayev, R. Nasyrova, N. Budanova, N. Maksina, G. Novikova – and drew up an official record on each, Baptists told Forum 18. All the Christian literature was confiscated from the church members.

"Police officers present in the process were very rude, and one officer several times hit brother Naumov," the Baptists complained. "The believers were released several hours later after their photographs and fingerprints were taken."

Deputy Police Chief Kubashev told Forum 18 that the Baptists are being investigated for unregistered religious activity (Council of Churches Baptists refuse on principle to register with the state authorities). However, he denied that his officers were rude and hit Naumov. "Nothing like that happened," he claimed to Forum 18 on 24 August. Asked why the Police fingerprinted the Baptists, Kubashev responded: "We fingerprint anyone who is arrested and brought to the Police station."

Kubashev said the investigation has not finished, but complained that the Baptists had failed to return for further questioning. He refused to say what further action he was going to take against them. "Let them come, and I will talk to them," he said. "I cannot tell you about that over the phone."

Anti-Terror Police harass Atyrau pastor

In Atyrau Region of south-western Kazakhstan, Valeri Sudorgin, the Pastor of Atyrau City Nazarene Protestant Church, is also facing harassment. On 17 August he was summoned to Atyrau City Anti-Terror Police, where he was questioned, photographed, fingerprinted and then released. "Police officer Amantai, who did not give a last name, asked me to bring with me the church's charter and the list of church members," Sudorgin told Forum 18 on 24 August. The questioning lasted one and half hours, he added.

"Officer Amantai asked questions like 'where I was born,' 'where I came from,' 'how I became a pastor,' 'who opened the church,' 'where do the church members work,' 'how much they earn,' 'how much in offerings are collected in the church,' 'where we get funds,' 'on what means I survive,' whether there are members with court convictions,' 'whether we distribute religious literature,' 'where we get the literature from,' 'whether we hold meetings for a wider public,' 'whether we compel ethnic Kazakhs to convert to Christianity," Sudorgin told Forum 18.

He said Amantai forced him to give written answers. "He also pressured me to give a written commitment to notify the Police about my movement inside and outside Kazakhstan," he complained. Later Sudorgin was taken to another room at the Police, and his photograph and fingerprints were taken. "I felt like a criminal," he lamented.

Sudorgin insisted to Forum 18 he would not have provided written answers had the police not put "psychological pressure" on him. "I want to honestly confess that I - as a citizen of Kazakhstan - do not know my rights, and the officer is also to blame as he did not explain to me my rights," he complained.

Officer Amantai identified himself when reached on 24 August, but hung up the phone as soon as Forum 18 asked why Sudorgin had been interrogated.

Secret police surveillance

Sudorgin also told Forum 18 that he used to work as an assistant of the church's pastor, a South Korean missionary, whose visa was not extended by the authorities and had to leave Kazakhstan on 23 May. He said in April or May a KNB secret police officer named Salamat started visiting the church. "Salamat wrote down my phone number then, asked me to meet him several times, which I did. Each time he asked me for information about our church," Sudorgin said. "He probably knew that I would become the new pastor of the church if the Korean pastor left."

Sudorgin said he had earlier that day (24 August) met the KNB officer and told him that he would "no longer meet with him".

Officer Salamat, who did not give his last name, denied Sudorgin's allegations to Forum 18. "Why should I meet with him?" he asked Forum 18 on 24 August. "No one is pressuring him to give any information."

Anti-terror police, prosecutor, justice department and courts target church

By Felix Corley

Forum 18 (10.07.2009) / HRWF Int. (11.07.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - A Protestant congregation in the Caspian Sea port town of Aktau [Aqtau] in western Kazakhstan is facing sustained targeting by the Department for the Fight against Extremism, Separatism and Terrorism of the Mangistau Regional Police, with the backing of local prosecutors, the courts and an imam from the town's mosque, church members complained to Forum 18 News Service. Two members of the New Life Full Gospel Pentecostal congregation were fined in June and July, one of whom also faces deportation to her native Uzbekistan. The Police tried to recruit one church member as a spy, church members say. The church has already been banned for six months.

Nurlybai Aigarakov, an officer of the Department for the Fight against Extremism, Separatism and Terrorism said by church members to have been heavily involved in the raids, interrogations and threats and was present during court hearings, refused to discuss why such pressure is being directed at the church. "We don't act against anyone," he told Forum 18 from Aktau on 9 July. "We uphold the law." When Forum 18 detailed the harassment church members say he personally had been involved in, he put down the phone.

On the other side of Kazakhstan, Saparbek Abdulin, the director of a Psychiatric Home in the village of Michurino not far from the north-eastern town of Pavlodar has prevented one of the residents from giving his confession to a local Catholic priest. "I can't allow an ill person to confess," he told Forum 18 on 9 July. "A court has ruled that the man is not competent for his actions and I have been appointed his official guardian. If his mental state becomes adequate, I will allow him access to the priest."

Abdulin's decision was backed by Vladimir Berkovsky, the head of the Department for Social Programmes at the Regional Administration in Pavlodar. "The man does not have rights – these have been handed to his guardian," he told Forum 18 from Pavlodar on 9 July. "This includes his right to freedom of conscience."

Independent Muslims, Protestant Christians, Jehovah's Witnesses and Hare Krishna devotees have been particular targets of the government's tight and increasing controls on religious activity in recent years.

The United Nations (UN) Independent Expert on Minority Issues, Gay McDougall, arrived in Kazakhstan on 6 July to investigate the situation for ethnic, religious and other minorities, the UN office in the country reported on its website. McDougall is expected to meet members of religious minorities at the UN office in Kazakhstan's commercial capital Almaty on 13 July to hear their concerns.

New Life fines and deportation order

Two members of New Life church in Aktau have been singled out for fines. Feruza Utegenova, originally from Uzbekistan but who has lived in Kazakhstan for more than a decade, was fined by Aktau Town Administrative Court on 26 June, court officials told Forum 18 on 9 July. She was found guilty of violating Article 375 Part 3 of the Code of Administrative Offences, which punishes "carrying out missionary activity without local registration" with a fine of up to fifteen times the minimum monthly wage. It also prescribes administrative deportation when such activity is carried out by foreign citizens.

The court sentenced Utegenova to a fine of 6,365 Tenge (275 Norwegian Kroner, 30 Euros or 42 US Dollars) and deportation, court officials told Forum 18.

Fellow church member Vera Alibekova was found guilty also of violating Article 375 Part 3 by the same court on 2 July, court officials told Forum 18. They say she was fined 12,730 Tenge (550 Norwegian Kroner, 60 Euros or 84 US Dollars).

The New Life congregation in Aktau was banned by a court in Kyzylorda [Qyzlorda] Region on 9 June after its pastor, Maksim Tashenov, was found guilty of conducting religious activity in a region other than that in which his congregation has state registration. He had participated in a Christian meeting while visiting Kyzylorda. He was also fined 12,730 Tenge.

Pastor Tashenov says Kyzylorda Regional Court rejected his appeal on 2 July and upheld the fine and ban on the church. "We are now preparing an appeal to the Supervisory Commission of the Supreme Court," he told Forum 18 on 8 July. He says he has refused to pay the fine. "The court violated our rights – and violated procedure."

Church members complain

Church members insist the two women have done nothing wrong. Pastor Tashenov said Utegenova in particular has appealed to the Aktau Regional Court against her fine and deportation, and remains in Aktau while the appeal is pending. He too had sent a complaint to Kazakhstan's General Prosecutor, Kairat Mami, and other agencies on 22 June.

Tashenov said Aigarakov of the Department for the Fight against Extremism, together with a colleague Zhaylybaev, had visited the church during a service in 2008 and had filmed those present on their mobile phones. The two officers had then questioned children in the church's foyer without their parents being present (they were inside at the service). The officers asked the children what they did at the church and said that as ethnic Kazakhs they should not be there.

Alibekova, who worked as a technician in a local school, said the two officers repeatedly summoned her for questioning over what they claimed was her "illegal missionary activity" while she was at work, but refused to go as they did not provide a written summons. Aigarakov then came to the school and took her to the police station, where he questioned her for three hours. Alibekova said he threatened that she would be imprisoned and that her children would be interrogated.

He then proposed that she should become an informer, providing information on the pastor, church members, finances and contacts. She said Aigarakov offered financial rewards if she agreed.

The following day he came to her home and, with the use of threats, seized her identity document without leaving a written confirmation. After she complained about these threats and actions to the Prosecutor's Office, she says she was summoned to the acting head of the Regional Police, Amanzhol Kabylov, where she asked him to prevent the two officers from harassing her.

On 19 June Alibekova was summoned for trial at Aktau Town Administrative Court accused of missionary activity, where the two officers were present, together with Ainur Chigirova of the Regional Justice Department and an imam of Aktau's Beket-Ata mosque. However, the judge returned the case to investigators as the evidence against her was insufficient. She was then found guilty on 2 July.

Pastor Tashenov said Alibekova was sacked from her job and in the wake of the sacking, Chigirova of the Justice Department and the imam had addressed the school to warn them of the "harm" caused by New Life church. When the church asked Chigirova later what right the imam had to speak to the school about the church, she said he had "permission". The church was unable to establish who had granted this permission.

Pastor Tashenov said Utegenova had been accused of giving a 12-year-old girl a Christian children's magazine. The child lived in a flat next to her home which Utegenova rented to the family. When Aigarakov was interrogating Utegenova at the police station, the girl was brought in without any relatives being present and was herself subjected to interrogation by Zhaylybaev for two hours. The girl, who was already suffering from toothache, was so frightened that she began to choke, Utegenova said.

Utegenova too initially faced trial on 19 June, but the case was also sent back to prosecutors for further investigation.

Pastor Tashenov, who was present in court on 19 June, reported that Zhaylybaev said to him: "Wasn't what happened in Kyzylorda enough for you?"

Officials dismiss complaints

Forum 18 was unable to reach Regional Justice Department official Chigirova, who church members say had been present at court hearings. Her colleagues said she was out of the office on 9 July. However, the Deputy Head of her Department, Tanatar Kadzhikov, told Forum 18 on 9 July that "there is no persecution". Asked why two church members have been fined, one of whom has been ordered deported, and why the New Life Church has been temporarily banned, he responded "Don't bother me" and put the phone down.

Also dismissing concerns about the way New Life Church has been targeted is Abdula Mugalov of the Internal Policy Department of Aktau Town Administration. His Department handles religious affairs. "If the Police have been acting against them, ask them why it's happening," he told Forum 18 on 9 July. "If it's the court, ask them. I can't question the decision of a court."

Asked why so many different agencies have acted against the Church, and why an imam was involved in actions against a different religious community, Mugalov responded: "I am not in the picture about all this. I have only been in the job for a week or two." Asked what would happen to the church if it continues to meet for worship despite the ban, he replied: "If the court took the decision to ban them and they carry on meeting, the Police will come for them again."

Do psychiatric patients have religious freedom rights?

In May a group of Germans visited the Psychiatric Home in Michurino near Pavlodar, which has some 500 residents, where they handed out aid. Accompanying the foreigners was local Catholic priest Fr Iosif Shmidtlein. A resident had asked him during the visit to hear his confession. "I wanted to do this immediately, but the staff said it would be better to wait for another day," he told Forum 18 on 9 July. "So I accepted this." He said when he returned in June specially to hear the man's confession, Abdulin, the director, would not allow him in. Fr Shmidtlein says this is a violation of the man's right to freedom of conscience.

Abdulin – who had not been present during the May visit - told Forum 18 that the man's psychological state had been "adequate" then. However, he said it had deteriorated by the time Fr Shmidtlein returned 20 days later. "The man doesn't recognise anyone now. I can't let anyone in to see him – he could attack them." Asked whether it was right to prevent the priest meeting him if the priest was prepared to take the risk on himself, Abdulin replied: "I can't allow this risk."

Abdulin then added that the man is a Muslim. Asked by Forum 18 whether it was not the choice of the individual whether he wished to see a representative of a religious community, the director responded: "I spoke to him about this, and he's a Muslim. But I don't oppose him meeting a priest."

Told that the director had claimed to Forum 18 that he was afraid the man could attack the priest if he went to hear his confession, Fr Shmidtlein responded: "They've made up this claim – the director didn't say this to me."

Berkovsky of the Regional Administration said he had received a report on the issue and backed Abdulin's stance, stressing that Abdulin is the resident's court-appointed guardian. "There is no subjective factor – the Ministry draws up the rules," he told Forum 18. "There have been cases when residents have attacked visitors." Asked whether Fr Shmidtlein could visit the resident if the priest is prepared to take the risk on himself, Berkovsky too said this is impossible. "We have no right to put others at risk."

Institutions closed to religious care?

Fr Shmidtlein links the denial of access to the resident of the Psychiatric Home to greater difficulty and bureaucracy for Catholic priests to gain access to closed institutions, including prisons. "There are lots of demands by the prison administration before you are allowed in," he complained to Forum 18. "We have to get a document giving us permission, then officials tell us we must provide a plan of our activity. It's not impossible, but just very difficult."

Asked whether any prison inmates had requested a visit from a Catholic priest, Fr Shmidtlein said no such requests had ever been passed on by local prison administrations. "But how can we find out if any Catholics are there or if anyone wishes for a visit unless we can go there? We used to go there before it became so difficult."

Kazakh Scientologists appeal church closure

RFE/ RL (23.06.2009) / HRWF Int. (24.06.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - The leader of the Church of Scientology in the central Kazakh city of Qaraghandy has said he will appeal a decision to close their church, RFE/RL's Kazakh Service reports.

The Qaraghandy Appeals Court on June 12 upheld a lower-court decision to close the church.

Church leader Vadim Vitushkin told RFE/RL that if the decision to close his church stands, then other churches could face closure in the future. He said the closure of his church violates Kazakh law and the rights of the 5,000 followers of the Church of Scientology in Qaraghandy.

The Church of Scientology was officially registered in Kazakhstan in 2000 and has since come under pressure numerous times.

The Qaraghandy court ruled the church's activities were "threatening Kazakhstan's stability and security."

Vitushkin estimated there are more than 30,000 Scientologists in Kazakhstan.

Five days jail for unregistered worship

By Felix Corley

Forum 18 (11.06.2009) / HRWF Int. (17.06.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - Judge Zhanar Zhubatova of the Administrative Court in Aktobe [Aqtöbe] in north-western Kazakhstan told Forum 18 News Service that the five-day prison sentence she handed down on local Baptist pastor Vasily Kliver on 8 June is "not persecution". Asked why he is being punished for meeting for religious worship without registration she responded: "It's not for that." She added "We don't discuss court decisions" before putting down the telephone. Officials of the court refused to tell Forum 18 where Kliver is being held.

Pastor Kliver's wife Maria appeared philosophical about her husband's imprisonment. "We accept it from the Lord," she told Forum 18 from Aktobe on 9 June. She said her husband is being held by the police but she does not know exactly where. She said no meetings with herself or their five children are allowed before he is due for release on 13 June. She stressed that the church will continue to meet for worship.

Three Council of Churches pastors have been sentenced since 2007 to three-day prison terms, Forum 18 notes. The most recent was Pastor Yuri Rudenko from Almaty Region, sentenced in January 2009 after being found guilty of not paying fines imposed on him for unregistered religious activity.

The five-day sentence comes as a court in the town of Kyzylorda today (9 June) fined another Protestant pastor, Maksim Tashenov, for participating in religious activity in a different region of Kazakhstan from where his Full Gospel Church is registered. The court also banned his church for three months.

The continuing pressure is despite President Nursultan Nazarbaev's decision not to challenge the Constitutional Council's 11 February finding that the proposed new law amending various laws on religion is unconstitutional. However, human rights defenders and religious communities have told Forum 18 that they suspect there will be future attempts to introduce a similar law restricting freedom of thought, conscience and belief.

Five days jail for unregistered worship

Pastor Kliver has been fined many times for leading his unregistered Council of Churches congregation in Aktobe. He was twice fined in 2003. In June 2004 he was fined twice the

minimum monthly wage under Article 375 part 1 (breaking the law on religious organisations) and Article 525 of the Code of Administrative Offences (refusing to appear to give evidence when summoned by the Prosecutor's Office). The court also banned the church for six months. Kliver was again fined in 2006, as well as in 2008.

The church was again banned in December 2006 and another of the church's pastors, Andrei Grigoryev, was fined. After he refused to pay the fine court executors seized the family's washing machine, music centre, documents for their Volkswagen car and his brother's trailer.

Kliver too refused to pay the fines, and after the first fine court executors seized the family's freezer. Court executors again arrived at the family home on the morning of 8 June. "Not finding anything they could take to pay the fine they took him back to court," local Baptists told Forum 18 on 9 June. Judge Zhubatova handed down the five-day sentence at the end of the working day after finding him guilty of violating Article 524 of the Code of Administrative Offences (failure to carry out court decisions).

The Baptists say Pastor Kliver was immediately detained and taken to serve the five-day sentence. They complained that officials refused to give him a copy of the decision.

Also sentenced under Article 524 was Pastor Pavel Leonov, Council of Churches Baptists told Forum 18. He leads a small church in the village of Ayagoz in East Kazakhstan region. He was sentenced to one day's detention on 16 April.

Pastor Leonov has been fined several times in recent years for leading unregistered worship.

Fined for religious activity outside registered region, church banned

Pastor Tashenov, who leads the New Life Full Gospel Pentecostal congregation in the city of Aktau [Aqtau] on the Caspian Sea in Mangistau Region, was prosecuted for participating in a Christian meeting while visiting Kyzylorda [Qyzlorda] Region, in the south of the country.

The accusation against him drawn up by Kyzylorda Prosecutor Daniyar Syzdykov – of which Forum 18 has seen a copy – records that Tashenov took part in meetings in the local Hope Church and in a cafe on 21 and 22 March. Syzdykov reported that "in the course of operational/investigation measures" by the Regional Police, it was established that Tashenov had violated the "procedures for conducting religious measures away from the location of the religious association". Syzdykov maintained that as the Church's statute declares that it functions in Aktau and Mangistau Region, any activity outside this area is illegal.

Syzdykov urged the town's Specialised Administrative Court to prosecute Tashenov under Article 375 Part 1 of the Code of Administrative Offences, which punishes a number of religious "offences", including "conducting religious activity by religious associations contradicting their aims and tasks set out in their statute". If found guilty, leaders can be warned or fined up to twenty times the minimum monthly wage. Religious organisations can be fined up to 100 times the minimum monthly wage, with the possibility also of being banned for six months or completely.

Indeed, Syzdykov pointed out that under Article 10 Part 1 of the Religion Law, religious organisations can be banned for activity outside the scope of their charter.

Judge Marmagambet Abdykalykov told Forum 18 from the Court on 9 June that he began hearing the case against Tashenov the previous day. Asked when he might reach a verdict, Abdykalykov responded: "Maybe tomorrow, maybe the day after."

Shortly afterwards, however, Tashenov told Forum 18 that the judge had issued his verdict that same day. He said he was fined 12,000 Tenge (500 Norwegian Kroner, 60 Euros, or 80 US Dollars). In addition he said the court ordered his church banned for three months. "Of course I will lodge an appeal as soon as I get the written verdict," he told Forum 18 on 9 June.

The 8 June hearing was also attended by two cameramen and two journalists from local television. Asked who had invited them, Judge Abdykalykov repeatedly declared: "I don't know." He then muttered: "Maybe they invited themselves." He refused to discuss the case further and put the phone down.

Tashenov told Forum 18 the journalists said to him they were from Khabar television, but Maksim Vorontsov, one of the Aktobe-based correspondents for Khabar, denied to Forum 18 on 9 June that any of their journalists had attended the court hearing.

Forum 18 was unable to reach Prosecutor Syzdykov between 5 and 9 June – his telephone went unanswered each time Forum 18 called.

Tashenov rejected the accusations against him, insisting to Forum 18 that he was merely the guest of the local New Life Church which was renting the premises of the Hope Church. He complained that officials from the Police, Prosecutor's Office and National Security Committee (KNB) secret police burst into the church meeting with cameras and took him to the police station. He said he was held for some three hours before being freed about midnight.

Tashenov said he and his church members are concerned because the authorities are using the case to try to close down the Aktau congregation. He said Mangistau Regional Prosecutor's Office is already working on this. However, he stressed that the court ban has not yet come into force.

Pastor Tashenov has previously been targeted for religious activity away from Aktau, when a worship service in the north-western city of Aktobe was raided.

Ban on Baptists overturned

Meanwhile, Akmola Regional Court on 12 May overturned a decision by the court in the town of Shuchye to ban a Council of Churches Baptist congregation led by Pyotr Zimens because it functions without state registration. (The Region surrounds the capital Astana.) "God heard our prayers," members of the Zimens family told Forum 18 from the town on 9 June. "They [officials] haven't disturbed us and we can pray freely now."

On 26 March, after a trial lasting several days, Judge Gayna Khamzina of Shuchye Town Administrative Court ruled to accept the motion by Assistant Prosecutor Zhanat Turalinov that the church should be banned for six months for functioning without registration.

Church members at the time called such a ban "persecution" and insisted that Kazakhstan's Constitution and the country's commitments as a member of the Organisation for Security and Co-operation in Europe (OSCE) guarantee the right to worship freely without the need for state registration.

Hare Krishna negotiations continue

Negotiations between representatives of the Hare Krishna commune near the southern city of Almaty and state officials are continuing, the head of the Almaty Hare Krishna community Viktor Golous told Forum 18 on 9 June. The authorities have long sought to oust the commune from the land it bought some years ago.

Golous noted that the commune is still functioning and worship is continuing at the temple on the farm.

He added that the community has now been able to gain a six-month multi-entry visa for their leader, US citizen Seane Hobgood (religious name Govinda Swami). "Everything is now normal with his visa and he can enter the country freely when he needs to," Golous told Forum 18.

Govinda Swami was denied entry to Kazakhstan at Almaty airport on 27 January despite having a valid multi-entry visa.

The director of the Almaty Society then requested the General Prosecutor's office to investigate the issue and the result is that the ruling of his deportation was withdrawn. Govinda Swami returned to Kazakhstan on 26 March. He was met at Almaty airport in the early hours of the morning by officers of the KNB secret police, the General Prosecutor's Office and Kairat Tulesov, the deputy head of the Justice Ministry's Religious Affairs Committee.

Drug and alcohol rehabilitation centre closed down

By Felix Corley

Forum 18 (09.06.2009) / HRWF Int. (10.06.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - State actions against freedom of religion or belief in Kazakhstan are continuing, Forum 18 News Service has learnt. The continuing pressure against religious communities includes a court-ordered closure of a Christian-run rehabilitation centre for alcoholics and drug-addicts in East Kazakhstan Region. Council of Churches Baptists are continuing to be prosecuted and fined for holding unregistered worship services, and have their property confiscated for non-payment of these fines. At the same time, officials continue to insist that the Hare Krishna commune near Almaty must leave its site.

The continuing pressure is despite President Nursultan Nazarbaev's decision not to challenge the Constitutional Council's 11 February finding that the proposed new law amending various laws on religion is unconstitutional. However, human rights defenders and religious communities have told Forum 18 that they suspect there will be future attempts to introduce a similar law restricting freedom of thought, conscience and belief.

Less than three years after it was set up in April 2006, the Spiritual Centre for the Rehabilitation of Drug Addicts and Alcoholics in the village of Steklyanka in East Kazakhstan Region was closed down by court order in January 2009. Its founder, Sergei Mironov, a Protestant Christian was fined at the same time. He established the Centre as a Christian initiative to treat those addicted to alcohol and drugs. Those who attended did so voluntarily, and could leave at any time. They were not forced to accept Christianity or participate in any religious activity if they did not wish to do so, he told Forum 18 from the village on 17 March.

Four or five official check-ups on the Centre, from its foundation onwards, had found nothing wrong.

However, officials who raided the Centre on 22 January 2009 "had a very different attitude", Mironov complained. The local deputy prosecutor, an officer of the National Security Committee (KNB) secret police and three ordinary police officers took part in the raid. Mironov told Forum 18 that residents were singing hymns together when the

officials arrived, and were filmed against their will. "Prosecutors claimed that we were forcibly converting Muslim Kazakhs into Christians – they say they had a tip-off about this. But all this is untrue," he said. "The closure and the fine are without foundation."

Court documents seen by Forum 18 show that the Centre gained legal registration as a social organisation at the regional Justice Department in October 2006. However, officials who participated in the January raid found that Mironov was conducting "religious measures without state registration" in the centre, with the participation of 23 people. The "religious measures" were the singing of hymns. Prosecutors insisted this was "in violation of the aims and tasks of [the Centre's] statutes" and that conducting religious activity on the premises of a social organisation violated the Law on Social Organisations, as well as the Religion Law.

On 23 January, the day after the raid, Judge Rakhimkul Turabaev at Beskaragai District Court found Mironov guilty of violating Article 374 Part 2 of the Code of Administrative Offences, which punishes violation of the law by leaders and members of social organisations. The court pointed out that religious activity requires a registered religious organisation. Mironov was fined 25 times the minimum monthly wage, 31,825 Tenge (1,432 Norwegian Kroner, 163 Euros or 211 US Dollars). In addition, the judge banned the Centre's activity for six months, the maximum possible ban under this Article.

Any further "offence" under this article could lead to a much higher fine and a total ban on the Centre.

Mironov appealed against the judgment to East Kazakhstan Regional Court in Oskemen (Ust-Kamenogorsk). However, on 18 February, in a ruling seen by Forum 18, Judge Zh. Kalymzhanova rejected Mironov's complaints that he had been given less than 24 hours to prepare for the first trial. Mironov also pointed out that the Centre's legally-registered statute specified "the development of moral and spiritual values" of those being helped as among the main aims of the Centre. Despite this, the judge upheld the earlier punishments.

Beskaragai District Prosecutor, Bekarai Kulnasin, insisted that there had been "violations" at the Centre. "We got a complaint," he told Forum 18 on 17 March. But he refused to say who had made the complaint, or what it was about. He defended the check-up, which he claimed had been in accordance with the law, and refused to discuss the nature of the video recording and photos used as evidence at the trial. Asked what the Centre had done wrong by allowing residents to pray together, he repeatedly avoided the question. "How can I explain it to you? They violated the law."

Mironov told Forum 18 that he has already closed the Centre and paid the fine. He said many of the residents are still living in his home. "I can't just abandon them." He said he hopes to re-register the Centre with the Justice Department and resume its activity. Mironov pointed out that the government has drawn up a policy to counter drug-addiction and alcoholism. "But how can we do this?" he asked.

Professing surprise at the court-enforced closure of the Centre was Kulpash Mukhamedkalieva of the Social Policy Department of Beskaragai District Akimat (administration), whose duties include oversight over religious and social activity locally.

"We didn't impose any ban – we've got nothing against Sergei Mironov and his work," she told Forum 18 from Beskaragai on 18 March. "I don't see any violations of the law."

Told about the court-ordered closure, she asked if it was related to the conditions for residents. "Living conditions there are not good – it's very cramped. I could perhaps understand that." Told that it was closed down for six months and Mironov fined because

residents had been praying together, Mukhamedkalieva responded: "Let them pray, I don't know if it is right or wrong. But I don't have the right to comment on the actions of the law-enforcements agencies."

The telephones of the Justice Department in Oskemen, which had registered the Centre in 2006, went unanswered on 17, 18 and 19 March.

Forum 18 has learnt of similar moves this year to try to close down a Baptist-run old people's home in a town in northern Kazakhstan. However, Baptists who belong to the officially-registered Baptist Union told Forum 18 on 17 March that the situation is now quiet and that the home continues to function. In 2005, the Baptist-run Hope Orphanage was closed down by the authorities.

Officials' "narrow interpretation" of the law was condemned by Ninel Fokina, head of the Almaty Helsinki Committee. "Non-commercial organisations must be social organisations, religious organisations or political parties and officials insist that all three be kept separate," she told Forum 18 from Almaty on 19 March. "But this is absurd, as everything that is not forbidden should be allowed. Officials don't interpret the law in a logical, sensible way."

Council of Churches Baptists are continuing to be prosecuted and fined for holding unregistered worship services, and their property is being confiscated for non-payment of fines imposed for holding such services. Baptists in Kyzylorda [Qyzylorda], in the south of the country, have told Forum 18 of repeated harassment of their local congregation which, like all their congregations, refuses to accept state registration. On 21 January, church member Yuri Shlyapkin was found guilty of violating Article 374-1 Part 2 of the Code of Administrative Violations, which punishes participation in unregistered religious activity with a fine of 50 times the minimum monthly wage. He was fined 63,650 Tenge (2,865 Norwegian Kroner, 326 Euros or 423 US Dollars), Baptists told Forum 18 from Kyzylorda on 14 March. Shlyapkin lodged an appeal against the decision.

On 21 February, four Prosecutor's Office officials and two official witnesses came to the prayer house in Kyzylorda. "At first they complied with church members' requests not to disturb the service and not to make film recordings," church members told Forum 18. "But later, sitting on a bench at the back, they went ahead and filmed church members on a video camera. After the service, they tried to write down the names of all those present and asked questions of the adolescents and children."

Church members told Forum 18 that on 10 March Kyzylorda's Prosecutor Daniyar Syzdykov launched administrative cases against three church members, Sergei Sychev, Pavel Pak and Valeri Skorobogatov. Church members call for the fine on Shlyapkin and the cases against the three other church members to be cancelled and for the church not to be obstructed in meeting for worship.

Prosecutor Syzdykov confirmed to Forum 18 that he had sent his officials to the church on 21 February, but categorically denied that this had been a raid. "No one is raiding anyone – that couldn't be," he told Forum 18 from Kyzylorda on 16 March. "This is not persecution." Asked how he would describe a visit by four Prosecutor's Office representatives who filmed a service and questioned those present, including children, he declined to respond. Asked what would happen to the three church members, he responded: "I don't have full information – investigations are still underway."

In Almaty Region, court executors came to the home of Yuri Rudenko in the town of Taldykurgan [Taldyqorghhan] on 11 March to confiscate property in lieu of an unpaid fine. In the presence of two witnesses, court executor N. Utetleuov seized his music centre, local Baptists told Forum 18 from the town on 14 March. In January he had already spent

three days in prison to punish him for refusing to pay the fine, which had been imposed for conducting religious worship without state registration.

"Our brother had served his term and yet they still confiscated his music centre," local Baptists complained. Rudenko had refused to pay the fine imposed in February 2008, arguing that Kazakhstan's Constitution guarantees freedom of religious worship. The church calls for an end to what it calls the "persecution" of Rudenko and obstruction to its worship services.

Local Baptists told Forum 18 on 22 February that Christian magazines confiscated from church members in Iskra, in Akkol district of the central Akmola region, in January had been returned. Police and unidentified officials had travelled 75 kms (45 miles) each way from Akkol to raid the small group of Baptists and threaten them with holding an "illegal meeting".

Meanwhile, Elizaveta Drenicheva, a Russian working as a missionary for the Unification Church (commonly known as the Moonies) in Almaty, has been freed from jail. She had been jailed for two years for sharing her beliefs at a trial in Almaty on 9 January, but was freed in the wake of a court ruling on 10 March that her prison term be changed into a fine of 25 times the minimum monthly wage, 31,825 Tenge (1,432 Norwegian Kroner, 163 Euros or 211 US Dollars). As she had already served two months' imprisonment, she is not required to pay the fine.

"Drenicheva was released because of international pressure," Yevgeny Zhovtis, head of the Almaty-based Kazakhstan International Bureau for Human Rights and Rule of Law, told Forum 18 on 15 March. "But the absolutely ridiculous and stupid accusations were not dropped and she still has a criminal record."

Other religious believers who strongly disagree with her beliefs, as well as human rights defenders, were alarmed by the jail sentence, regarding it as a "highly dangerous precedent".

The Hare Krishna commune in a village near Almaty is still facing pressure to leave as part of long-running attempts by officials to oust the community. The head of the local community, Viktor Golous, said that officials removed an earlier deadline of 1 March to vacate their land where the temple, a garden and a herd of cows are located. "We proposed that they just give us back the five hectare site which they earlier took from us through the courts, but they refuse," he told Forum 18 on 19 March. "They won't even discuss the possibility of us staying there."

Golous said that community members and officials have together looked at other prospective sites for the temple to be relocated. "We looked at one good site and officials are promising to facilitate that, but we haven't found a site for our farm and herd of cows." He said local officials had received an instruction from the Presidential Administration in the capital Astana to find new land by 1 April for the community to move to. Officials had earlier proposed moving the community to a rubbish dump. The leader of the Hare Krishna community in Central Asia, Seane Hobgood (religious name Govinda Swami), was banned from further visits to Kazakhstan in January.

'This is not the end of the attempt to adopt such a law'

By Felix Corley

Forum 18 (17.03.2009) / HRWF (18.03.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Human rights defenders and religious communities have

cautiously welcomed the decision by President Nursultan Nazarbaev not to challenge the finding of the Constitutional Council that the proposed new law amending various laws on religion is unconstitutional. The Constitutional Council insisted to Forum 18 News Service on 16 March that the Presidential Administration has informed it that President Nazarbaev agrees with its finding and is not planning to challenge it. "The Law violated the rights of Kazakh citizens, foreign citizens and people without citizenship in the area of freedom of religion. The President agrees with this assessment."

The Constitutional Council announced on 11 February its finding that the restrictive "Law on Amendments and Additions to Several Legislative Acts on Questions of Freedom of Conscience and Religious Associations" violated the Constitution. President Nazarbaev had up to one month to challenge or accept the finding. The Constitutional Council's reasoning implied, although it did not explicitly state, that the current Religion Law is also unconstitutional and open to challenge.

On 11 March, the Constitutional Council noted in a terse announcement on its website that it had already ruled that the Law approved by Parliament was "not in accord with the Constitution". It quoted the Presidential Administration as stating that President Nazarbaev agreed with the Constitutional Council decision and "does not intend to present an objection to it". It said the Constitutional Council's decision would be published in the official media.

Curiously, as of 17 March the Presidential website made no mention of the President's decision not to challenge the Constitutional Council's finding of the Religion Law's unconstitutionality. Several times a week, new presidential decisions are recorded on the website. Almost every day indeed, the website has made no mention of the proposed Law since it was adopted by Parliament in late 2008.

Even more strangely, Nikolai Golysin, the President's deputy spokesperson, told Forum 18 categorically on 16 March that the press service has no official information about any presidential decision and has made no official announcement. "The head of state has given no official information on this. I don't know what official gave these remarks to the Constitutional Council," he told Forum 18. "You're not the first to ask about this."

Many in Kazakhstan remain wary, certain that officials will try again to impose harsh new legal restrictions on freedom of religion and belief. "This is not the end of the attempt to adopt such a Law," Yevgeny Zhovtis, head of the Almaty-based Kazakhstan International Bureau for Human Rights and Rule of Law, told Forum 18 from Almaty on 15 March. "I think they will try again." He believes fresh attempts could come in 2011 or 2012, after Kazakhstan has completed its chairmanship of the Organisation for Security and Co-operation in Europe (OSCE), which will be at the end of 2010. "But I'm not sure that they won't try again in 2009."

Some Protestant leaders share Zhovtis' concern. "We have three years' grace before officials will adopt a new law with similar provisions," one Protestant who preferred not to be identified told Forum 18.

Forum 18 has learnt that, even before the Law was adopted by Parliament in late 2008, some extremely senior officials were alarmed by international protests. They proposed to President Nazarbaev that he postpone such a law until after Kazakhstan has completed its chairmanship of the OSCE at the end of 2010.

One of the deputies of the Majilis (Lower House of Parliament) who initiated the rejected Law, Berik Bekzhanov, acknowledged to Forum 18 on 17 March that the Constitutional Council ruling cannot be challenged and that this version of the Law has come to a halt. Asked whether deputies like him who advocate tighter restrictions on religious activity will continue to push for such legal changes, he responded: "We don't know what we'll do – the question remains open."

Bekzhanov insisted that the current Law should be amended to tackle religious groups "which violate the rights of young people and others". "There must be a ban on a legal basis." Asked to identify religious communities that he had in mind, he specified the Jehovah's Witnesses. "They don't recognise secular laws, symbols of the state, won't undergo secondary education, won't defend the country and ignore their obligations as citizens," he alleged. "Such groupings shouldn't be allowed to exist." Asked if he believes they should be banned in law, he responded: "Yes, of course."

Bekzhanov also approves of the fining of Council of Churches Baptists who hold worship services without state registration. "They have violated the law," he told Forum 18.

Zhovtis of the Kazakhstan International Bureau for Human Rights and Rule of Law told Forum 18 that in mid-February, after the Constitutional Court made its ruling and before the President made his final decision, the Justice Ministry's Religious Affairs Committee held a round-table meeting in Astana where "practically all the ideas of the Law were again repeated and supported as if there were no decision of the Constitutional Council". He believes it was an attempt to influence the final decision of the President.

He added that a big international conference is being held in Astana on "destructive sects" where Aleksandr Dvorkin, "the notorious Russian 'specialist' and author of a number of xenophobic and aggressive books about sects", is the key "expert".

Zhovtis told Forum 18 that, given these moves, the decision not to adopt the Law will make "no difference" to the life of religious communities, insisting that life for them has not become easier. "The pressure is still underway." He believes officials will continue to crack down on religious communities that they do not like, including independent Baptists, Jehovah's Witnesses, independent Muslims and Hare Krishna devotees. "Where possible they will threaten, blackmail and discredit them," he told Forum 18. "It seems that the National Security Committee (KNB) secret police, backed politically from the top, has a special department to harass religious minorities jointly with the Prosecutor's Office and the Interior Ministry."

Recent pressure on religious communities known to Forum 18 includes continued administrative cases launched against Council of Churches Baptists for holding unregistered worship services and confiscation of their property for unpaid fines imposed to punish them for such services, the court-ordered closure of a Christian-run rehabilitation centre for alcoholics and drug-addicts and continued pressure on the Hare Krishna commune near Almaty to leave its site.

Zhovtis also points out that the official press is still publishing "dirty articles" about "sects". "Maybe it is not so intense, as no such political request is coming from the top at this point, but it depends on the will," he told Forum 18. A media campaign against religious communities the authorities do not like was a key feature in the campaign to tighten legal controls on religious activity.

An official of the Prime Minister's Office, who asked not to be named, told Forum 18 on 17 March that the Justice Ministry had drawn up the rejected Law. "All of this came from them," the official insisted. "They were responsible. It came from the Religious Affairs Committee and was channelled through the Justice Minister." The official said the Justice Ministry had drawn up the conclusion endorsing the Law which Prime Minister Karim Masimov had signed and sent to Parliament in spring 2008.

"No new Religion Law is in the government's plan of new laws, which covers the next three years," the Prime Minister's Office official noted. "But I don't know if the Justice Ministry has abandoned this Law or not."

Officials at the Justice Ministry's Religious Affairs Committee in Astana refused to discuss with Forum 18 whether or not work on new legal restrictions on religious activity is continuing. One deputy chair, Amanbek Mukashev, put the phone down as soon as Forum 18 introduced itself on 16 and 17 March. The other deputy chair Kayrat Tulesov referred all enquiries to the parliamentary deputies who he said were behind the Law. "It was their initiative," he told Forum 18 on 17 March.

However, the Justice Ministry press office told Forum 18 categorically on 17 March that work on the Law has stopped with the Constitutional Council ruling. "The Law won't be considered further – nothing is planned at present. It would only happen if parliamentary deputies initiate it." The press office insisted that the Ministry did not write the rejected Law and merely gave its expert conclusion on it. Asked how the Ministry could have approved a Law that was so clearly in contradiction to Kazakhstan's Constitution and international human rights commitments, the press office declined to comment.

The new Law had been widely criticised by a range of religious communities within Kazakhstan, as well as international bodies, including the OSCE.

On 21 November 2008, the United Nations Special Rapporteur on Freedom of Religion and Belief, Asma Jahangir, had written to the Kazakh government pointing out that the Law "would impose undue restrictions on freedom of religion or belief". She highlighted the Law's continuation of the ban on unregistered religious activity, restrictions on missionary activity, controls on distributing religious materials, "theological analysis" of religious communities' registration applications, the ban on private religious education, "vague provisions" allowing for "abusive interpretation and discrimination on the part of the law enforcement authorities" and the lack of "public and open debate" on the Law.

Elizaveta Drenicheva is free

Report about Elizaveta Drenicheva Hearing at Almaty City Court of Kazakhstan on March 10, 2009

By Konstantin Krylov

Foreff (11.03.2009) / HRWF (11.03.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - On March 10, 2009 Almaty City Court held a hearing on the appeal on Elizaveta Drenicheva's criminal case. She had been incarcerated for 2 years on January 9 by the Decision of Almaty District Court found guilty while doing a missionary activity of Unification Church in intentional propaganda of strife between tribes and strata of Kazakhstan people.

The board of 3 Judges of the City Court was composed of Mr. Beymbetov, Mr. Makhpirov and chaired by Mrs. K.S.Bukhbanova. The other participants of the hearing were Mr. Berikhan Idrisov the lawyer of Elizaveta Drenicheva and Mrs. S.Kobzhanova the Assistant of the City Prosecutor. Among the audience were the representative of OSCE, US Embassy, Human Rights Committee and Radio Liberty.

Elizaveta Drenicheva was not brought to the court and Mr.Idrisov's motion to have the hearing in her presence was declined by the court. During the hearing Elizaveta was staying in prison located a few blocks away in the same city not informed of the content of the deliberations at the hearing.

Another solicitation of the lawyer to interrogate Mr. Konstantin Krylov as a witness from the Unification Church of Russia was also declined by the court as unnecessary.

The hearing continued by Mr. Idrisov the lawyer who spoke the appeal. He spoke about an unprecedented significance of the case, because the issue at stake was a potential "danger" of any religious beliefs in the nation. He also enumerated the expert opinions of prominent scholars Dr. Gordon Melton and Jim Richardson from USA and Dr. Elbakyan from Russia who possessed far higher academic merits than Mrs. Burova's whose expert opinion on the case was used by Kazakhstan Security Service as a many punitive evidence in the case. The statements of the three scholars and the other support material were applied to the court prior to the hearing, Mr. Idrisov also reminded the court that the witnesses whose testimonies were the evidence in the lower court were actually not independent but intentionally brought by Kazakhstan Security Service to Unification Church facility to listen to Elizaveta's lectures. Moreover their statements were contradictory. Mr. Idrisov finished his speech by reminding that court that the day of the hearing was March 10 a religious holiday for the people of Jewish faith to commemorate the role of women and need for forgiveness. The lawyer appealed to fully justify Elizaveta Drenicheva and free her immediately.

While speaking the lawyer was interrupted by the judge to shorten his speech and not to speak unnecessary details because those were already filed and studied by the judges previously.

The prosecutor was the second to speak. She stressed that the sentence of the lower court was correct in essence. The prosecutor stressed that the evidence and expert opinions were correct. Elizaveta's activities were harmful and her lectures were dangerous. Nevertheless, her age and absence of criminal record in the past allow the court to ease the punishment. The prosecutor requested to change the 2 years incarceration term to 3 years of the probation conditional imprisonment. After hearing the prosecutor the judge dismissed the hearing.

The lawyer noted that whereas normally the appeals court makes decisions almost instantaneously, this time it took about 40 minutes for the court to come to the conclusion. The audience were summoned again and the court announced the following. The appeal was satisfied partly. Elizaveta Drenicheva is found guilty on all points and the sentence does not change in this respect. The court decision reads that Elizaveta Drenicheva's lectures on the Principle of Creation, the Fall, the Purpose of the Messiah were a public propaganda of inferiority of Kazakhstan citizens same as were her statements on ideal and true family, salvation and perfection. The court further accepted the fact that Elizaveta Drenicheva's punishment was too strong. Since she was young, never committed a crime before and was positively characterized, she "could be corrected without being isolated from the society". The court made a decision to free Elizaveta Drenicheva immediately. The court also stated that she should be fined 200 USD. Nevertheless, since she already spent 2 months and 3 days in prison, this time can be considered equivalent to paying this fine.

The court finished. We gave interviews in the corridor of the court to Radio Liberty commenting that "Most important is that Elizaveta Drenicheva is to be freed. This decision is already an important step forward". We refrained from any critique.

It is a law that prisoners should be freed immediately on such court rulings. Surprisingly, the court wrote a wrong paper to prison and the prison refused to let Elizaveta out on the same day. Despite our pressure to court executives, the documents were not fixed quickly. Elizaveta stayed in prison another night on March 10. This made us also cancel the press-conference scheduled for March 11 since Elizaveta stayed "hostage" of the situation. Next day, we received the corrected court decision and delivered to the prison in the morning. Mr. Idrisov the lawyer privately told us that when he came to the judge

with a protest against Elizaveta's not being freed immediately, the judge told him "Your speech in the court was too long today. If you spoke shorter, you could have the document on time. Otherwise, you can wait 3 more days".

The International Coalition for Religious Freedom: Should Kazakhstan head the Organization for Security and Cooperation in Europe?

Business Wire (09.03.2009) / HRWF (10.03.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - The International Coalition for Religious Freedom calls for Kazakhstan to overturn the conviction of Elizaveta Drenicheva, who is currently serving a two-year sentence due to a court's ruling that her church's innocent religious teachings were interpreted by the court as a criminal offense. Her appeal is scheduled for March 10.

On January 9, 2009, Elizaveta Eugenievna Drenicheva was sentenced to two years in prison by Almalinsky district court of Almaty, Kazakhstan, under the chairmanship of Judge Z.B. Keikibasova. She had been charged under Section 164, part 1 of the Kazakh criminal code. The judge ruled that she was guilty of a "crime against peace and security of humankind" because she had taught that certain groups of people are inferior on the basis of their relation to "tribal and class identity."

In fact, Mrs. Drenicheva was simply teaching the Unification Church's doctrine on original sin, which holds that all human beings are born into a sinful state and need to attain salvation through God's grace and their own efforts. The Unification Church is an officially registered religion in Kazakhstan and had received no previous indication from the government that its teachings were legally problematic.

Kazakhstan is currently facing a crossroads in its human-rights policy. Its constitutional committee (high court) recently overturned a repressive new religious law. However, Mrs. Drenicheva's case shows that certain forces in Kazakhstan still have the power to imprison religious minorities by distorting their teachings.

Today, Dr. Antonio Stango, a distinguished advisor to the European Parliament Subcommittee on Human Rights, expressed his concern about the decline of human rights in that country: "Kazakhstan's commitments to improving freedom of expression, including freedom of religion, are not being implemented. Jailings of Baptists, Pentecostals, Jehovah's Witnesses, Hare Krishnas, Unification Church members, and others confirm the hardships still faced by the followers of the so-called 'non traditional' religions. Particularly as Chair-in-office of the OSCE next year, Kazakhstan should adopt more positive measures and defend the integrity of the OSCE's human rights principles."

We call on human-rights organizations, political and diplomatic leaders, and all people of conscience to signal to the appropriate Kazakh authorities that Mrs. Drenicheva's conviction must be overturned on appeal and that she should be immediately released.

Kazakhstan government demands Krishna Society to vacate property by March 1

Society for Krishna Consciousness (23.02.2009) / HRWF (24.02.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - On February 19, 2009 the assistant Hakim of Almaty province, S. Mukanov, has demanded the farm property occupied by the

Krishna Society be vacated by March 1, 2009. Mukanov emphasized that failure to vacate will result in new court cases against the Krishna Society.

Mukanov visited the Krishna farm on February 14, 2009. During the visit he demanded the directors to confirm in writing that they are satisfied with the Kazakh government allocation of a garbage dump. He also demanded a written statement confirming that the Society will relocate to the dump.

The proposed property has been a point of serious contention for the past ten months. It is actively used as a garbage dump that has no water for drinking or irrigation. The property has been seen by international observers and deemed unfit for usage.

Despite numerous appeals the Krishna Society has not been offered an alternative land plot. The Kazakh government states that there is no other land to offer the in the Republic of Kazakhstan.

Mukanov's order was unacceptable to the Krishna Society. He then issued the ultimatum that the Krishna Society vacates the property by March 1, 2009. He stated that if his demand is not satisfied new court cases would be opened against the Krishna Society.

The last case against the Krishna Society was heard from October 28, 2008 till December 1, 2008. The Kazakh government argued that the Temple and barn of the Krishna Society were illegal and moved for the demolition of the structures. During the trial the Kazakh government failed to present documents to support its argument.

In the same hearing it was found that the buildings of the Krishna Society had been constructed and brought into service on legal grounds. On December 1, 2008, the Kazakh government withdrew its claim against the Krishna Society.

Following the case Mukanov instructed the Society to independently search for a suitable land plot in the Iliysk district. Mukanov promised the help of district authorities in exchanging the garbage plot for the land plot which the Krishna Society would find suitable.

In December 2008 and January 2009 the Krishna Society found three suitable plots of land in the Iliysk district. However, on January 19 2009, neglecting the previous agreement, the Kazakh government refused to help exchange the plots. The government officials emphasized that the garbage dump allotted to the Society was the only alternative.

The struggle of the Krishna Society has continued for the past four years. The Kazakh government destroyed 26 homes of Hindu practitioners and confiscated 47.5 hectare (116 acres) of legally registered property. The land was transferred to the land reserve of the Kazakh government for resale and the Krishna followers who were left homeless were never given humanitarian aid or compensation. Since the systematic demolition of the Krishna community began other minority religious communities in Kazakhstan have had their properties confiscated.

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Kazakhstan backs off religion limits

By Julia Duin

Washington Times (13.02.2009) / HRWF (14.02.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Kazakhstan, a key U.S. economic partner in Central Asia, has dramatically reversed legislation curtailing religious freedoms after the measure and the jailings and expulsions of two religious activists caused an international outcry.

With little explanation, the country's constitutional council announced Wednesday that amendments to a religion law were "inconsistent" with Kazakhstan's constitution.

A spokesman for the Kazakh Embassy said Thursday that the amendments did not dovetail with international human rights law and were sent back to committee.

On Feb. 4, the Organization for Security and Cooperation in Europe (OSCE) assessed the law as not complying with human rights standards. The amendments bolstered the main religions in the country - Islam and the Russian Orthodox Church - whose leaders have been asking the government to crack down on religious minorities.

Human rights groups around the globe had complained about the amendments, which ratcheted up penalties for unregistered religious groups such as Baptists and Jehovah's Witnesses, and increased from 10 to 50 the minimum number of members a religious organization must have in order for it to register.

Any community smaller than that could not teach, profess their religion, own property or rent public space for religious activities. Contributions from foreigners and anonymous donors were prohibited.

"We are pleased that Kazakhstan has finally listened to the international outcry about the draconian religious registration law," said Bennett Graham, international programs officer at the Becket Fund for Religious Liberty. "It is encouraging to see the balance of powers play out in this budding democracy.

"However, it is unfortunate that the Kazakh government continues to imprison and persecute members of minority religions, including members of the Hare Krishna community, Baptists and members of the Unification Church."

In January, the oil-rich country west of China deported an American-born Hindu swami and jailed a member of the Unification Church.

Bhakti Bringha Govinda Swami of the International Society for Krishna Consciousness and the head of ISKCON operations in Kazakhstan since 1997, ran into problems on a return trip from Moscow. When he tried to re-enter Kazakhstan on Jan. 27, he was detained for 12 hours, then denied entry despite having a valid visa according to ISKCON's Web site.

Elizaveta Drenicheva, 30, a Russian and a member of the Unification Church, was sentenced Jan. 9 to two years in prison after Kazakh authorities infiltrated her meetings in Almaty, the cultural capital.

Zhanbolat Ussenov, press attache for the Kazakh Embassy, said the swami had been "carrying out missionary work without due notification" of the government before he left the country and thus could not be readmitted. As for Miss Drenicheva, she had committed "a crime against peace," he said.

"She taught that people should be divided into sinful and righteous groups - perfect and imperfect. This is a discrimination on a religious basis. Religious experts and political scientists studied her lectures. Our court found she demeaned people based on their social and religious status," he said.

Spokesmen for the two faiths and religious specialists said the two did nothing wrong.

"Simply teaching others about the doctrines of one's faith as a missionary is no crime," said Joseph K. Grieboski, president of the Institute on Religion and Public Policy, a Washington think tank.

When asked whether a government should be injecting itself into theological questions, Mr. Ussenov said, "We have a volatile environment and we have to take precautionary measures. This was a measure to protect peace and domestic stability in our country."

Doug Burton, a spokesman for the Unification Church in Washington, said the church has been registered in Kazakhstan since 1992 and that Miss Drenicheva is in a freezing jail cell with seven other women, subsisting on food delivered by friends.

"This is not typical procedure; usually such people are allowed to be free while the case is appealed," he added. "The government for the past two years has been steadily regulating, fining, harassing and jailing people of minority religious faiths. They're going to control religion as they are going to control all sectors of civil society."

The Washington Times was founded in 1982 by the Rev. Sun Myung Moon, founder of the Unification Church. It is operated by a media conglomerate called News World Corp. that is led by one of his sons and operates several outlets, including the United Press International wire service and a television company that produces shows for the ESPN sports network.

The government of Kazakh President Nursultan Nazarbayev denies acting in a heavy-handed way, instead presenting itself as a beacon of religious tolerance. Mr. Nazarbaev invited dozens of religious and political leaders to Kazakhstan for World Congresses of the Leaders of World and Traditional Religions in 2003 and 2006. A third world congress is slated for July 1-2 in Astana, the political capital. The site is the Palace of Peace and Reconciliation, a futuristic five-story glass pyramid.

Additionally, Kazakhstan in 2010 will chair the OSCE, which is supposed to safeguard human rights.

Kazakhstan's back and forth on religious freedoms is awkward for the United States, which is eager to maintain a toehold in Central Asia for strategic and economic reasons. The U.S. wants to retain access to a base in next-door Kyrgyzstan used for transit of troops to Afghanistan. U.S. companies, primarily in the oil and gas sector, were responsible for a quarter of foreign direct investment in Kazakhstan in the first half of 2007, according to the State Department. U.S. firms have invested about \$14.3 billion there since 1993.

The largest of the former Soviet republics, Kazakhstan considers itself far more advanced than neighboring "stans," such as Uzbekistan and Turkmenistan, which have levied worse restrictions on religion. The U.S. Commission on International Religious Freedom has labeled those two countries "egregious" violators of religious liberties.

The situation isn't much better in Tajikistan and Kyrgyzstan. During 2008 in the Tajik capital, Dushanbe, 147 mosques, numerous Protestant churches and the country's sole synagogue were closed and sometimes demolished.

In November, Kyrgyzstan's parliament passed a law banning proselytism and distribution of religious literature. Involving children in religious organizations also would be against the law.

The Kazakhs say they sit on a potential religious tinderbox, with a population split evenly between Muslims (47 percent) and Russian Orthodox (44 percent), with the rest Protestants and other religions. Because of evangelical missionaries, the number of Protestant groups has vastly multiplied, Mr. Ussenov said.

In December, the Kazakh government released a lengthy statement saying it "has been widely demonized as a wicked oppressor deliberately discriminating against religious groups and suppressing religious freedoms in the country." In fact, the statement said, the country is struggling to deal with "insensitivities" by religious groups, such as the establishment of Muslim madrassas in the south, young men avoiding the military draft because of their religion and a case of a boy dying because his parents refused a blood transfusion for religious reasons.

Media intolerance "has one source: the KNB secret police"

By Felix Corley, and Mushfig Bayram

Forum 18 (05.02.2009) / HRWF (06.02.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Human rights defenders and religious minorities have complained to Forum 18 News Service of a "wave" of hostile media coverage of religious communities. They think this is part of a government-sponsored campaign to gain greater public acceptance of a new Law restricting freedom of thought, conscience and belief. "All these articles have one source: the KNB secret police," Ninel Fokina, head of the Almaty Helsinki Committee, told Forum 18. Told that journalists and editors had denied this to Forum 18, she responded: "Who's going to admit such coverage is ordered?" Protestants such as Seventh-day Adventists, Baptists and Pentecostals have faced media attacks along with Ahmadi Muslims, the Hare Krishna community and Jehovah's Witnesses. One of many examples of media intolerance is four separate newspapers publishing an identical article attacking the Jehovah's Witnesses. One of the newspapers credited the article to a named former Jehovah's Witness, one credited a different author, and two of the newspapers credited KNB secret police offices in different Kazakh regions.

As Kazakhstan's Constitutional Council prepares to deliver its view of the constitutionality of the highly restrictive Law amending various laws covering religion, human rights defenders and religious minorities have complained to Forum 18 News Service of a "wave" of hostile media coverage of religious communities. They think this is part of a government-sponsored campaign to gain greater public acceptance of the new Law restricting freedom of thought, conscience and belief. "All these articles have one source: the KNB secret police," Ninel Fokina, head of the Almaty Helsinki Committee, told Forum 18 on 5 February. Told that journalists and editors had denied this to Forum 18, she responded: "Who's going to admit such coverage is ordered?"

The controversial new Law has been considered by the Constitutional Council since 8 January. In a brief announcement posted to its website today (5 February), it stated that the Law will be discussed at a meeting in the capital Astana, on the morning of 10 February.

Fokina told Forum 18 that Nikolai Belorukov from the Constitutional Council will present its view of the Law, while invited experts are expected to speak also. She said the public are allowed to attend such sessions by arrangement. She added that Constitutional Council decisions are generally released a day or two after such sessions.

The announcement of 10 February as the date when the Constitutional Council will hold its meeting on the Law came the day after the Legal Opinion by the Organisation for Security and Co-operation in Europe (OSCE) on the draft Law was made public. The OSCE Legal Opinion – prepared by the OSCE/ODIHR Advisory Council on Freedom of Religion or Belief – makes very serious criticisms of the Law, finding that "significant outstanding issues remain if the law is to be brought into full compliance with Kazakhstan's OSCE commitments and other international standards".

Fokina of the Almaty Helsinki Committee said coverage of religious issues in Kazakhstan's media is now ten times greater than five years ago, with about seventy percent of such coverage consisting of hostile attacks on religious communities. She said organising such coverage falls within the "ideological work" each Akimat (administration) undertakes. She said that Kazakhstan's media are so dependent on government resources that they cannot refuse to publish material officials want to see published.

The state-controlled mass media has regularly been used to promote intolerance of religious organisations the authorities dislike, as well as support for the draft Law's restrictions on freedom of thought, conscience and belief.

Forum 18 notes that prosecutors repeatedly tell the Kazakh media of cases where "dangerous" or "illegal" religious literature is confiscated and individuals are punished for often unspecified "illegal" religious activity. In its report of its activity in 2008 posted to the General Prosecutor's Office website on 29 January, the Kyzyl-Orda Prosecutor's Office reported checking up on local religious organisations, political parties and the media, resulting in 12 unnamed individuals being prosecuted under the Code of Administrative Offences. One woman, G. Asylova, was also reported as having been punished administratively on 20 October 2008 for "violating the procedure for conducting religious events".

Akmolinskaya Pravda, a Russian-language newspaper, reported on 13 December 2008 that local officials had taken part in a July 2008 training seminar on "legal aspects of the struggle with totalitarian religious cults". Volunteers from Zhas Otan, the youth division of the ruling Nur Otan party, were brought in to help in the "struggle" with such groups, while lectures were held at colleges. The paper said a Centre to Help the Victims of Destructive Religious Movements had also been set up in Kokshetau, one of several in the country. Kazakhstan Today reported on 22 November that at its opening ceremony, Gulmira Karimova, deputy head of the Regional Akimat's Department of Social Policy, said the authorities are concerned by the attraction of young people to "pseudo-spiritual movements".

Individual, named communities are often singled out for hostile coverage. "A great wave of newspaper articles against Protestants has begun," one Protestant who preferred not to be identified told Forum 18 in mid-January. "I believe this is designed to influence the Constitutional Council's decision on the new Law."

Among many recent articles seen by Forum 18, on 16 January the Russian-language paper Kazakhstanskaya Pravda criticised the Grace Church's activity across the country.

The Church has faced repeated raids and pressure and a ban on its senior pastor – a US citizen – from entering the country.

The article, by a freelance contributor Roman Tkachev, reported that 44 church members had faced legal cases and more than ten foreigners associated with the church had been expelled. It said the church was engaged in "subversive activity" and embezzlement, and concluded: "As long as such religious movements function in the country, society – and that means each of us – will remain in danger. So do we need such 'Grace'?" The article did not include any response to such accusations from Church members.

The following day Grace Church was attacked in Ekspress K newspaper by its Taraz correspondent, Gulzhan Asanova, who claimed that Justice Ministry experts had found that a sermon in its local congregation had incited "religious intolerance". She said the preacher, whom she did not name, faced criminal trial for inciting religious and ethnic hatred under Article 164, Part 2 of the Criminal Code. This appears to be a reference to Sarybai Tanabaev.

Both newspapers – which drew entirely on material from state security agencies such as the KNB secret police – rejected suggestions that the articles had been part of any campaign against religious minorities timed to coincide with consideration of the new Law. Sergei Volkov, deputy editor of Kazakhstanskaya Pravda with responsibility for the Friday edition where the article was published, laughed at the suggestion. "I can say firmly it was not part of any campaign," he told Forum 18 from Astana on 5 February. "We gave space to a journalist and he presented this material, that's all."

Asked whether the journalist could have been working with the National Security Committee (KNB) secret police or the Police, Volkov said it was "one hundred per cent not true". Asked whether he was concerned that the article described the Grace Church as dangerous without giving church members the chance to respond, he declared "No, I'm not worried."

Equally insistent that her article was not part of any campaign against religious minorities was Asanova of Ekspress K. She told Forum 18 from Taraz on 5 February that she had read about the church in a local paper and had approached the security agencies for more information. Asked why the article did not have any response from church members, she responded: "I didn't ask them. I was only interested in the fact that a criminal case is due to go to court and I didn't name the man or say he was guilty." She said church members could have contacted the paper after the article was published but had not done so. She told Forum 18 she was unaware that the same Church had been written about the day before in Kazakhstanskaya Pravda.

But not only have Protestant communities such as the Seventh-day Adventists, Baptists and Pentecostals faced media attacks, hostile coverage has extended to Ahmadi Muslims, the Hare Krishna community and Jehovah's Witnesses.

Growing use in the media is being made of claims by individuals who have left such communities. Former Jehovah's Witness Bakhitbek Tarzhanov and former Ahmadi Aleksei Tolchennikov and Yerlan Bektimirov have repeatedly been interviewed on television and in the press criticising their former faiths. On 1 December the KTK commercial television station interviewed the two former Ahmadis, declaring in its summary: "The new Religion Law must be harsher – that's the view of former sectarians".

Nurym Taibek of the Ahmadi community told Forum 18 on 4 February that Tolchennikov had been excluded from the community for drinking alcohol and financial impropriety and complained that he "earned money" by repeating allegations in the media. He also complained that their representatives had been invited several times to filmed debates

with representatives of the state-backed Muslim Board and while "slandorous" comments about the Ahmadi community were shown on television, their own responses were cut out. He said the 31 Kanal television station repeatedly showed such material.

Four separate newspapers published an identical article attacking the Jehovah's Witnesses, and quoting their former member Tarzhanov, in February and March 2008. In a clear signal of the involvement of the KNB secret police, one of the newspapers gave Tarzhanov as the author, one credited a different name Kharuan Yakhniya, one the KNB for Atyrau Region and one the KNB for Almaty Region.

Jehovah's Witnesses told Forum 18 from Almaty that Tarzhanov could be being used to discredit the organisation through the media. "Similar media attacks took place earlier too." They said it is unclear whether it is coincidence that articles against Jehovah's Witnesses and other religious groups coincided with the new Law reaching its last stage. "However, if it enters into force, the Religion Law would seriously restrict the practice of our religion."

The hostile press coverage also coincides with the launch of a new network, the Association of Centres for Work with Victims of Destructive Religious Movements, of which the Kokshetau centre is a part. A centre was originally founded by Yulia Denisenko in Kostanai several years ago, but, as she told Forum 18 on 5 February, she now has seven centres in the Association. "An eighth is being opened now and by the end of the year we will have a centre in each region of Kazakhstan."

She said the centres work against religious movements that are "against the family, the individual, society and the state". She did not name any groups she believe fall into this category, referring Forum 18 to the website run by the Moscow-based anti-cult activist Aleksandr Dvorkin who, she said, first gave her the idea of launching such work in Kazakhstan.

Denisenko insisted to Forum 18 that her centre in Kostanai and the Association are non-governmental organisations, but admitted that the bulk of the funding comes from the government. "We draw up projects and enter them in competitions for government funds and get support if we win." She said the centres also retain close ties with local Akimats, the Justice Ministry, the Culture Ministry and the Presidential Administration, but "most of all" with the Justice Ministry's Religious Affairs Committee.

A supporter of the proposed new Law, Denisenko said the Religious Affairs Committee and the two chambers of Parliament had invited her several times to take part in public discussions of the Law, paying her travel costs. "I gave my recommendations. If they want someone to be there it's normal for them to pay for the trip."

Mirambai Kemalov, Head of the Analytical Department of the Constitutional Council, told Forum 18 on 4 February that it is not authorised to answer whether the recent arrests of members of religious groups and media attacks against various religious communities is related to the moves to adopt the new Law.

Zhanna Onlashova, a legal expert at the Justice Ministry's Religious Affairs Committee, said the media attacks and arrests of religious believers were not being done to prove any point and have no connection to the process of new law's adoption.

"The New Law is not against religious organisations," she claimed to Forum 18 from Astana on 4 February. "On the contrary: many articles which could have made the Law stricter were removed during parliamentary discussions." She claimed that discussions had been "completely open" and that the views of religious communities had been listened to. "They never told us anything like the new Law was threatening their existence."

However, religious believers and human rights defenders have made numerous repeated criticisms of the Law.

Onlashova of the Religious Affairs Committee claimed that it is in constant touch with OSCE experts to improve the Law. "It's not perfect but it is much more lenient towards religious organisations than say, in Azerbaijan, or other countries of Central Asia."

She refused to say whether the Religious Affairs Committee at the Justice Ministry considers Ahmadis, Jehovah's Witnesses, Adventists, Baptists, and Hare Krishna devotees as "dangerous" for society. The Justice Ministry has supported screenings of a film claiming that the Hare Krishna faith incites devotees to commit murder. Onlashova said she first needed to find out who Forum 18 is.

OSCE Legal Opinion seriously criticises draft Law

By Mushfig Bayram, and Felix Corley

Forum 18 (04.02.2009) / HRWF (05.02.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Four weeks after Kazakhstan's Constitutional Council began reviewing a highly restrictive Law amending various laws covering religion, the Constitutional Council has told Forum 18 News Service that it has not finished its review. Human rights defenders and religious communities remain highly concerned about the Law, which has been seriously criticised in a Legal Opinion from the Organisation for Security and Co-operation in Europe (OSCE) made public today (4 February). The OSCE's Legal Opinion notes that "many serious issues remain with respect to the Proposed Religion Law's compliance with international human rights standards, including in particular OSCE commitments." Kazakhstan is due to chair the OSCE in 2010, and the OSCE Legal Opinion finds that there are serious problems with the Law, when it is compared against the country's OSCE commitments and international problems. Kazakhstan – also in breach of its OSCE commitments – continues to routinely incite intolerance of religious minorities.

Four weeks after Kazakhstan's Constitutional Council began reviewing a highly restrictive Law amending various laws covering religion, a senior official at the Constitutional Council has told Forum 18 News Service that final discussions on what their review will say have not yet taken place. "We have to finish the process of evaluation before 10 February," Mirambai Kemalov, Head of the Analytical Department, told Forum 18 from the capital Astana on 4 February.

Human rights defenders and religious communities remain highly concerned that the Constitutional Council will approve and President Nursultan Nazarbaev will sign the controversial Law. Many provisions of the Law have been seriously criticised in a Legal Opinion from the Organisation for Security and Co-operation in Europe (OSCE) made public today (4 February).

Highly sceptical of the authorities' intentions is Ninel Fokina, head of the Almaty Helsinki Committee, who has long opposed the new Law. "The Constitutional Council will do what it is told," she told Forum 18. "But what it is being told is unknown." She said she hopes the Constitutional Council will reject the Law as unconstitutional, but believes that even if it does so a similar Law will be proposed very quickly as the authorities are intent on increasing their control over religious activity still further. "The state's policy towards religion is part of its general policy towards civil society – including political parties, the media and non-governmental organisations," she told Forum 18. "This policy is to

strengthen and harshen control." She predicted that arrests, raids and fines on religious communities would continue, whether or not the new Law is adopted.

The OSCE Legal Opinion – prepared by the OSCE/ODIHR Advisory Council on Freedom of Religion or Belief – highlights many provisions of the proposed Law which severely restrict freedom of religion and belief. As the OSCE Legal Opinion notes, at the start of its detailed analysis of the Law's non-compliance with international standards (which begins at paragraph 27): "many serious issues remain with respect to the Proposed Religion Law's compliance with international human rights standards, including in particular OSCE commitments."

The adoption of the new Law by Parliament in 2008 was surrounded by a campaign of intolerance against religious minorities from officials and the media, a campaign that has continued since the Law was sent to President Nazarbaev in late December.

Kazakhstan is due to chair the OSCE in 2010, and the OSCE Legal Opinion finds that there are serious problems with the Law, when it is compared against the country's OSCE commitments and international problems. Among the many problems identified in the OSCE Legal Opinion, the Executive Summary at paragraph 21 notes:

- a general pattern of structuring provisions in ways that impose impermissible limitations on manifestations of religion, in violation of applicable limitation clauses of international instruments;
- failure to fully respect the right of religious communities to acquire legal entity status;
- lack of clear standards for ascribing liability for wrongdoing of particular individuals to religious organizations;
- vague provisions which fail to comply with fundamental rule of law constraints because they are insufficiently precise and fail to give fair notice of what the law requires;
- inappropriate constraints on rights to express and disseminate religious beliefs;
- risks of non-neutral evaluation of the substantive content of religious beliefs;
- proscription of religious activities carried out by unregistered groups and on some of the religious activities of groups that have only "record registration";
- the requirement of an excessive number of members in order to obtain legal entity status (50 for each local religious organization);
- inadequate protection of the right of religious communities to autonomy in structuring their own affairs;
- parental consent provisions that are overly rigid and could deprive mature minors of religious freedom rights and could impose liability on religious groups for unpredictable teenage behavior despite good faith efforts to respect parental wishes regarding involvement of their children in religious activities;
- excessive penalties for non-compliance with registration rules;
- transition provisions that fail to adequately protect vested rights of existing religious organizations.

Paragraph 21 also notes that "in many key respects, their [smaller religious groups] rights to engage in the full range of religious activities are subjected to inappropriate limitations or restrictions."

The OSCE Legal Opinion notes in paragraph 22 that "rather than facilitating religious freedom, the Proposed Religion Law's registration provisions create potential obstacles to the rights of many groups to acquire legal entity status. The Proposed Religion Law is structured to make it difficult for smaller groups to carry out the full range of religious activities in which such groups would reasonably be expected to engage. Religious groups and local religious organizations and groups are not authorized to establish religious educational organizations. Rights to engage in missionary work, while less restricted than in an earlier draft of the legislation, are still constrained. Re-registration of all religious groups is required, putting at risk existing organizations and vested property rights in the event re-registration is denied."

The "Law on Amendments and Additions to Several Legislative Acts on Questions of Freedom of Conscience and Religious Associations" amends numerous articles of the current Religion Law, the Code of Administrative Offences and several other laws. The Law flagrantly ignores the suggestions contained in the OSCE / Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief.

As the OSCE Legal Opinion concludes at paragraph 104: "significant outstanding issues remain if the law is to be brought into full compliance with Kazakhstan's OSCE commitments and other international standards. In many areas, the problems with the legislation reflect legitimate concerns that appropriate legislation can address, but in a manner that addresses problems with more narrowly tailored and sensitive provisions that can solve actual problems without imposing excessive burdens on freedom of religion or belief."

Kazakh officials repeatedly - and falsely - claimed that the OSCE blocked publication of the OSCE Legal Opinion. Kazakhstan has also consistently refused to make successive drafts and amendments of the Law available for discussion, both within and outside the country. As Kazakh officials continued to claim that publication of the Legal Opinion was being blocked by the OSCE, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) told Forum 18 that it "has recommended to the Kazakh authorities that the legal review be made public, as is normal practice".

Ambassador Janez Lenarcic, Director of the ODIHR, expressed disappointment at the "hasty" passage of the Law through Parliament, and has called for it to be changed to make it "fully reflecting OSCE commitments and other international standards" (see F18News 26 November 2008 http://www.forum18.org/Archive.php?article_id=1222).

Kazakhstan - also in breach of its OSCE commitments - routinely incites intolerance of religious minorities. Kazakh Air Force personnel, for example, have been shown a film by the Justice Ministry claiming that the Hare Krishna faith incites devotees to murder people.

Official incitement to intolerance has also been formalised in a "State Programme of Patriotic Education," approved by a decree of President Nazarbaev, and a Justice Ministry booklet "How not to fall under the influence of religious sects". President Nazarbaev has openly attacked the right to freedom of religion or belief in Kazakhstan, despite the country being due to be Chairman-in-Office of the OSCE in 2010.

Nurym Taibek of the Ahmadis pointed out that the Justice Ministry booklet "How not to fall under the influence of religious sects" - which includes the Ahmadis - was just a "small link in a chain" of measures against them by government officials.

Intolerance of everyone's right to freedom of religion and belief has been repeatedly incited through the mass media, which has been used by the state to encourage support for both the Law and police raids on religious communities.

Religious communities in Kazakhstan have also been disturbed by increased official demands that they and their leaders complete highly intrusive questionnaires covering personal, political, religious and other matters, including who the close friends of leaders are.

Even the administration of legal rights supposedly guaranteed in Kazakhstan is open to serious criticism. In a February 2007 report on trial monitoring, the OSCE found that Kazakh court proceedings needed to offer "the right of the public to attend court, equality between the parties and the presumption of innocence".

In late January Kazakhstan banned a Hare Krishna devotee from visiting the country, openly breaking its own laws and also citing as a reason a trial which apparently never took place. Baptists and a missionary for the Unification Church (commonly known as the Moonies) – jailed after proceedings they strongly object to – are among the religious minorities who complain of unfair trials.

Similarly, legal experts have told Forum 18 that terrorism charges brought against 15 devout Muslims – which resulted in jail sentences of up to 19 and a half years – were not proven, and that at least fourteen of the accused are completely innocent.

This is a highly dangerous precedent

By Mushfig Bayram

Forum 18 (03.02.2009) / HRWF (09.02.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Kazakhstan has punished a third unregistered Baptist pastor in Almaty Region with three-day imprisonment, Forum 18 News Service has learnt. Baptist churches have also been raided and their members questioned by Prosecutors and Police in Akmola Region, where another Baptist pastor could be jailed tomorrow (4 February).

The renewed attack on freedom of religion or belief of Baptists comes as a follower of a new religious movement has been jailed for teaching her beliefs. On 9 January, a judge at Almaty District Court in Almaty sentenced Elizaveta Drenicheva, a Russian citizen who lived in Kazakhstan, to two years' corrective labour in a general regime camp to punish her for teaching the beliefs of the Unification Church (commonly known as Moonies). She was accused of teaching at seminars in a private flat in Almaty that individuals need help to achieve perfection and free themselves from sin.

The National Security Committee (KNB) secret police sent an officer under a false name to attend her seminars, the verdict reports, while prosecutors ordered "expert analyses" of the recordings of her lectures. She was convicted of violating Article 164 Part 1 of the Criminal Code, which punishes "incitement to social, national, racial or religious hatred" in public or through the media with a sentence of up to five years' imprisonment.

The verdict – of which Forum 18 has seen the text – reveals that the court determined that the "social danger" of her "crime against the peace and security of humanity" dictated the sentence. The verdict makes clear that the prosecution was based not on any actions but on the content of what she taught. Twelve video-recordings of her teaching are ordered to be preserved with the case file. She was also ordered to pay 85,200 Tenge (4,761 Norwegian Kroner, 529 Euros or 690 US Dollars) for the cost of official "expert analysis" – which she strongly disagrees with – of her teaching.

Yevgeni Zhovtis, head of the Kazakhstan International Bureau for Human Rights and Rule of Law, told Forum 18 on 2 February that although Drenicheva has appealed against the conviction, no date for the appeal hearing has yet been set. His group, as well as the Almaty Helsinki Committee and other human rights defenders, have denounced Drenicheva's prosecution. A joint appeal from the human rights defenders states that punishing her for what she taught is "in the worst traditions of the Soviet past".

Protestant Christians, who strongly disagree with the beliefs Drenicheva was propounding, are among those who are also concerned. "This is a highly dangerous precedent," one Protestant who preferred not to be identified told Forum 18 on 10 January. "It seems to me that any believer who preaches about sin and how to be saved from it could be convicted in the same way."

The authorities are particularly hostile – despite the country's international human rights commitments – to alleged missionary activity by foreign nationals, claiming this as a reason to ban a Hare Krishna devotee from the country in late January.

The draft Law amending various laws on religious activity, currently being considered, imposes severe restrictions on missionary activity of all kinds, whether or not it is conducted by foreigners. It also seriously restricts other aspects of freedom of religion and belief in the country.

Kazakhstan has also resumed jailing unregistered Baptists, although as before for much shorter lengths of time than Drenicheva. Judge Raushan Tursunbaeva of Almaty Region's Taldykurgan [Taldyqorgha] city Administrative Court punished Pastor Yuri Rudenko with three days' administrative arrest for leading his unregistered Baptist congregation, Baptists told Forum 18.

Dmitri Jantsen of the Council of Churches Baptists said it is not for the first time that Kazakhstan authorities put their members under administrative arrests for not paying fines "unlawfully" imposed on them. "The court decision against Rudenko was against the Constitution, which openly declares that citizens are free to believe in and practice their religion," he complained to Forum 18 on 28 January. He said they sent complaints to Kazakhstan's President, Nursultan Nazarbaev, and other senior officials. "This will not help Rudenko as he has already endured his punishment," Jantsen said, "but we hope similar cases will not take place in future."

Rudenko told Forum 18 that he was arrested in court on 23 January 2009, after being found guilty of not paying fines imposed on him for unregistered religious activity by the same court on 28 February 2008 and on 23 February 2007. "The judge told me to bring a receipt that I have paid the fines or else I get three days' arrest," he told Forum 18 from Taldykurgan on 30 January. The Court did not explain to Rudenko whether he still had to pay fines after the punishment, he reported. He said he was released from prison on the evening of 26 January.

In March 2007 Shymkent city Administrative Court in South Kazakhstan Region sentenced Baptist Pastor Fauzi Gubaidullin to three days in prison for leading an unregistered church. The church had refused to obey a court order banning it for three months.

Another Baptist pastor, Pyotr Panafidin, was imprisoned for three days in February 2006 for refusing to pay a large fine. This had been imposed on him for leading an unregistered church in the southern town of Taraz.

The Council of Churches Baptists, who reject state registration on principle, 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.

Judge Tursunbaeva told Forum 18 on 26 January that she punished Rudenko on the basis of the Code of Administrative Offences' Article 524, for not paying the fines handed down to him in 2007 and 2008 for unregistered religious activity. Asked whether court decisions to punish Rudenko for his religious activity contravened Kazakhstan's Constitution she responded: "I understand your question but cannot answer it."

Baurzhan Orynbaev, Assistant Prosecutor of Taldykurgan – who brought the case in court against Rudenko – also did not want to discuss whether or not unregistered religious activity was legal. He referred Forum 18 to the court.

"I think he [Rudenko] could have afforded to pay the fines but did not," Orynbaev told Forum 18 on 26 January from Taldykurgan. "I understand he owns six cars." Jantsen of the Council of Churches Baptists stated that the cars are not Rudenko's personal cars but "only" registered to his name. "They belong to the church, and other church members who could not register the cars in their names in the past," he responded. He added that they are now re-registering the cars separately.

"Secondly, even if Rudenko could afford to pay the fines, he should not," Jantsen insisted, "because we think it is unlawful to punish unregistered religious activity."

Baptists said Assistant Prosecutor Orynbaev personally came to Rudenko's house, to summon him to court on 23 January, and demanded Rudenko go with him immediately. Rudenko went to the court a second time on the same day at 3 pm. At 4.30 pm, when the hearing was over, Prosecutor's Office officials accompanied Rudenko back to his home. He was given ten minutes to pack and then was taken to prison.

Kanat Vaytlenov, Deputy Chief of the Taldykurgan Justice Department, said his department had explained to Rudenko several times last year that he needed to register his church. "I do not think the court violated his rights," Vaytlenov told Forum 18 on 26 January. Asked whether or not Kazakhstan's Constitution allows unregistered religious activity, he too referred Forum 18 to the city court.

Meanwhile Prosecutors with other law-enforcement agencies in Akmola Region, close to the capital Astana, raided Baptist services and questioned those present between 6 and 26 January. Nikolai Levin, the pastor of the church in Balkashino village of Sandyktau district, Oleg Kosenko and Yevgeni Demidov of the church in Shuchye district's Burabai village, Pyotr Zimens, Pyotr Mirau, Mikhail Milkin, Andrei Milkin, Vyacheslav Cherkasov, Sergei Golovonenko and Sergei Fedoseykin of the Shuchye church, were summoned and questioned by Prosecutors and police in Akmola.

Zhanat Turalinov, Assistant Prosecutor of Shuchye town, and officials from the KNB secret police, the Justice Department, as well as district Police departments also raided church services and meetings, took names and photographs of church members and recorded what was being said in the church services and meetings in the aforementioned places as well as the home of a 73 -year-old woman in Akkol district's Iskra village, Baptists reported.

A case under the Administrative Code was brought against Pastor Levin and is due to be heard at the Sandyktau District Administrative Court on 4 February (see forthcoming F18News article). Zimens said he also was warned by Assistant Prosecutor Turalinov that an administrative case could be brought against him. Zimens told Forum 18 from Shuchye on 2 February that he has not received a summons to court so far.

Assistant Prosecutor Turalinov was unavailable whenever Forum 18 tried to reach him between 27 and 29 January. A Prosecutor's official, who answered the phone – he did not give his name – told Forum 18 on 29 January that Turalinov did not want to talk to Forum 18. "The Baptists are being checked on the subject of registration of their churches," he explained. Asked where exactly in Kazakhstan's Law it required religious organisations to be registered, he said, "We will not discuss this with you over the phone." He then hung up the phone.

Council of Churches Baptists reported that on 6 January Zimens from the Shuchye Baptist Church, was summoned to the city Prosecutor's office for a talk about registration. The next day on 7 January the church's service was visited by Assistant Prosecutor Turalinov, the District Police Officer, and two witnesses. They did not disturb the meeting but listened and took notes, Baptists reported. The officials "tried" to write down the name of the speaker and take his photograph. They told the Baptists that they deleted the photograph when reprimanded for taking it, Forum 18 was told.

On 9 January the Prosecutor's office then summoned and questioned Golovonenko and Fedoseykin, also from Shuchye Baptist Church. On 14 January Assistant Prosecutor Turalinov, two officials from the district police, and two other policemen visited the church again. They remained in the service for a while, and having taken notes left. Turalinov then summoned and questioned Mirau on 15 January and Zimens on 16 January about registration and the charter of the Council of Churches Baptist.

Zimens once again together with Mikhail Milkin was summoned to the Prosecutor's office on 19 January, where they went accompanied by their wives. Turalinov threatened them with fine or imprisonment for not testifying on who the leader of the church was, Baptist told Forum 18.

Baptists told Forum 18 that authorities in Shuchye district also interrupted their open-air book-stand. On the morning of on 24 January, Cherkasov and Andrei Milkin were offering people on the street to read free-of-charge Christian literature. At around noon a Shuchye district prosecutor's official, who did not identify himself, came up to them and asked whether they had a permission to stand there, and offer books. He then phoned the Shuchye District's Police Captain Zh. Samyrbaev and Assistant Prosecutor N. Mukanov (first names unknown) to come by, Baptists reported.

As soon as the officials arrived they demanded to take away the books, to which the Baptists replied that they would do it after they finished their service. Then the Baptists were taken to the District police department Police Lieutenant K. Ashkenov (first name unknown) took photographs of the Baptists, and Captain Samyrbaev wrote a report to the District Prosecutor accusing them in distributing Christian literature. Cherkasov and Milkin refused to sign any papers, Forum 18 was told.

The authorities also visited the church in Burabai, close to Shuchye, the Baptists stated. On 8 January, Kosenko was summoned to the Shuchye City Prosecutor's office for a talk about the church's registration and financial donations given to the church. Turalinov, the District Police Officer and two other persons visited the church in Burabai on 9 January, reported the Baptists. Later on 12 January Demidov was summoned to the Prosecutor's office, and warned that he could be punished with a ten-day administrative arrest.

Another raid in Akmola region was on the home of Zinaida Buyanova, a 73 year-old woman, on 8 January. Her home in the Akkol district village of Iskra village was raided by Akkol District Police while she was celebrating Christmas together with local Baptists and five other members of the Baptist church of Akmola's Stepnogorsk city. Operative Dualet Amanzholov and Sergeant Azamat Nurov of Akkol Criminal Police arrived at 5.30

pm at Buyanova's home, asking about a woman who had allegedly gone missing in the village.

The officers checked the ownership documents of the house, questioned Buyanova and took down official records. Afterwards they questioned the visitors from Stepnogorsk and local Baptists, whose number is less than ten in Iskra village, Baptists stated. The officers told the gathering that they were having an "illegal meeting without license." "Only then we understood the real reason of the police officials' visit," reported the Baptists.

Three more officials arrived at Buyanova's home at 7 pm who refused to identify themselves. They made attempts to check all the rooms in the house, and take photographs of the believers without their consent, said Baptists. They picked up a few Christian magazines – "Herald of Truth", and read them through. The officials then took the magazines, and left without making an official record of the confiscation.

Baptists also told Forum 18 that Panel of Judges of Akmola regional criminal court overruled on 26 November 2008 the Esil district criminal court's decision, and freed Andrey Blok from criminal responsibility. The regional court, however, upheld two other decisions of Esil district court on imposing fines on Blok.

Blok was punished by the Esil court with 150 hours' compulsory labour for refusing to pay fines imposed to punish him for leading unregistered worship. "If not for many telephone calls to the court and city officials from outside Kazakhstan, Andrei could have been put into prison for several months," his family told Forum 18.

Jehovah's Witnesses also face difficulties in Kazakhstan for unregistered activity. In summer and autumn 2008, several communities of Jehovah's Witnesses in South Kazakhstan Region were raided.

The court hearing which never was?

By Mushfig Bayram

Kazakhstan has barred the Hare Krishna community's leader in Central Asia from visiting the country, Forum 18 News Service has found. Kazakh officials have claimed that US citizen Seane Hobgood (religious name Govinda Swami) was found guilty of "illegal missionary activity" by Aktobe Regional court in 2008. The alleged "illegal missionary activity" was a private talk to devotees. However, Aktobe Regional Court, Aktobe City Administrative Court and City Civil Court all confirmed to Forum 18 that they did not hear any case relating to Govinda Swami (Seane Hobgood) in 2008. Also, Govinda Swami had previously visited Kazakhstan since the alleged conviction, without being banned. Human rights defender Yevgeni Zhovtis pointed out to Forum 18 that describing Govinda Swami's talk to a registered religious community as "illegal missionary activity" is "absolute rubbish". Aktobe City Prosecutor's Office confirmed to Forum 18 that police filmed the gathering. In 2006, an American university lecturer was fined and given a deportation order, after the authorities filmed him taking part in a Bible discussion at a Baptist church he attended.

The leader of the Hare Krishna community in Central Asia, Seane Hobgood (religious name Govinda Swami), was denied entry to Kazakhstan at Almaty airport on 27 January, his colleague Maksim Varfolomeev who had arrived on the same flight from Moscow told Forum 18 News Service. Officials told Govinda Swami, who holds a US passport and has a valid multi-entry Kazakh visa which runs out in April 2009, that he has been barred from the country in the wake of a conviction by Aktobe [Aqtobe] Regional Court in 2008. Ruslan Zhasanov, who covers religious cases at Aktobe City Prosecutor's Office, told

Forum 18 on 28 January from Aktobe that Govinda Swami has been barred from the country because of his "illegal missionary activity" in Aktobe in May 2008. He said the Prosecutor's Office asked the Migration Police to impose the ban. However, Forum 18 has been unable to find that any legal case ever took place.

Yevgeni Zhovtis, head of the Almaty-based Kazakhstan International Bureau for Human Rights and Rule of Law, said it is "nonsense" to say that the Migration Police has the authority whether or not to allow a foreign citizen into Kazakhstan. "It can only be done on the basis of a court decision by the State Border Service, which is under the auspices of the National Security Committee (KNB) secret police," he told Forum 18 on 29 January.

He added that under Kazakhstan's current Religion Law it is "absolute rubbish" to talk about Govinda Swami's "illegal missionary activity". Zhovtis said, according to the Law, propagation of a religion by an individual is only considered missionary activity if that religion does not already exist or is not registered in Kazakhstan. "As I understand, Govinda Swami was preaching in a registered Hare Krishna community."

Kenzhebulat Beknazarov, the KNB secret police spokesperson, insisted that the KNB has nothing to do with the case but defended the ban. "The authorities acted lawfully while barring Seane Hobgood from entry," he told Forum 18 on 27 January from the capital Astana. He too claimed that Govinda Swami had engaged in illegal missionary activity in May 2008. "The decision to bar Hobgood's entry into Kazakhstan was made by the Migration Police on the claim brought by the Aktobe City Prosecutor's office."

An official of Aktobe City's Migration Police, who did not give his name, refused to talk to Forum 18 on 27 January about the case. Forum 18 was also unable to discuss the case with the Justice Ministry's Religious Affairs Committee on 27 and 28 January.

Aktobe Regional Court, Aktobe City Administrative Court and City Civil Court confirmed to Forum 18 on 27 January that they did not hear any case relating to Govinda Swami (Seane Hobgood) in 2008.

Varfolomeev complained to Forum 18 that the community has not seen any court verdict. "This is the first any of us knew about this case against him," Varfolomeev told Forum 18. He said the border guards at Almaty Airport had initially told Govinda Swami merely that he was on the entry blacklist and refused to explain the denial of entry, claiming it was a "state secret". They then suggested Govinda Swami should ask the KNB secret police. It was only when the Hare Krishna devotees called Kayrat Tulesov of the Religious Affairs Committee in Astana that they were told of the conviction. Tulesov told them that the General Prosecutor's Office had denied that they had ordered Govinda Swami barred, but did not say who had ordered the bar.

Govinda Swami then asked the community's lawyer to come to the holding area at Almaty Airport, but security staff refused to allow him access to the area where Govinda Swami was being held, Varfolomeev added. Govinda Swami told Forum 18 on 29 January from Dubai that he was detained at the airport for twelve hours and forced to buy a return ticket to Moscow on the evening flight. He was accompanied on the flight by Kazakh border officials who returned his passport to him only at Sheremetyevo Airport in Moscow.

Govinda Swami said their lawyers are now in the process of trying to get a written official declaration giving the cause of deportation. "As I understand it, the deportation can be ordered only by a court decision," he told Forum 18.

Govinda Swami visited the registered Hare Krishna community in Aktobe on 28 May 2008. "As soon as we arrived in Aktobe's Airport, we took him directly to the Regional

Akimat (administration) to get permission for his planned activity," Varfolomeev said. He reported that Yermek Tauanov, the Regional Akimat's Chief Expert on religious affairs, did not give permission for public meetings but said that Govinda Swami "could meet with his fellow-believers in Aktobe in private."

Zhasanov of Aktobe City Prosecutor's Office confirmed to Forum 18 that Hare Krishna devotees had asked the Akimat for permission but that this was refused. However, Tauanov denied ever speaking about permission for Govinda Swami. "I have worked in this office for almost 10 years but I have never seen or talked to Seane Hobgood," he told Forum 18 on 28 January.

In the wake of the refusal, Govinda Swami addressed devotees in a private house, Varfolomeev reported. However, two people not recognised by the community were also present. "They filmed the meeting on their mobile phones, to which we made no objection," Varfolomeev told Forum 18. "Soon they left and officers from Aktobe city Police arrived, telling Govinda Swami that he was engaged in illegal activity." He said officers forced Govinda Swami to sign a document which he did not understand and appear at the Prosecutor's Office the following morning.

Zhasanov of the Prosecutor's Office also confirmed that the police checked up on and filmed the gathering. "Based on the video materials, and the refusal of the Akimat, we evaluated his actions as illegal missionary," he told Forum 18. Asked why Govinda Swami's activity was illegal if he was talking to a private gathering, Zhasanov was vague. "Of course he could have avoided the problem if he just came to the prosecutor's office back in May and explained what happened." Zhasanov said in the worst case he might have been fined. But he said Govinda Swami did not come and instead left the city the next day for Almaty.

Varfolomeev said Govinda Swami was advised by his lawyer to go to Almaty and sort out the incident by a help of a professional interpreter and inform the US consulate about the issue, which he did. Govinda Swami spoke to the US Consul and gave his contacts in case the authorities in Aktobe had any questions. Varfolomeev said Govinda Swami stayed in Almaty until 5 June and then left Kazakhstan, but that the Aktobe authorities never tried to reach him.

Varfolomeev pointed out that Govinda Swami had been in Kazakhstan in mid-January without problem and had even had to show his passport and visa to three Migration Police officers who questioned him one night after he left his birthday party in Almaty. "Everything was in order then, so we don't understand why this has happened."

Later, Varfolomeev added, local Hare Krishna members heard rumours that Aktobe city Prosecutor's Office was seeking to ban Govinda Swami's entry into the country. "We did not want to believe this then," he said.

Varfolomeev said they understood the rumours of the-sought-for ban could be true when they saw an article by Alina Pak in Megapolis, an Almaty-based national newspaper, on 7 July 2008. The article, entitled "Like an Englishman, Without Saying Goodbye", claims that an unnamed American Buddhist preacher, instead of appearing before the Prosecutor, "ran away" from Aktobe. The author reported that prosecutors were insisting on a ban of his entry into Kazakhstan.

Zhaslan Zhugunisov, head of a division of the State Agency of Oversight of Prosecution Bodies, told the newspaper that the foreigner was invited to the city Prosecutor's Office to testify about his activity in Aktobe, but instead "he packed up, and left the city." Zhugunisov claimed that had the visiting American asked for a registration from the local Akimat, without which he said it is illegal to engage in missionary activity, he would not have had any troubles.

Varfolomeev told Forum 18 that before this article they did not even worry about the incident in Aktobe, because they "received no phone calls, or inquiries from the authorities on Govinda Swami's visit to Aktobe."

Zhasanov of Aktobe City Prosecutor's Office defended the refusal to give Govinda Swami reasons for the deportation. "Imagine that I go to the United States," he said, "if I am stopped at the border and deported, the officials will not explain to me the reasons." He added that just like America, Kazakhstan is a sovereign state with its own rules and regulations. "Even though we are a secular state, the issue of religion is a very sensitive one in Kazakhstan where the majority of population is Muslim," he said.

A source from Kazakhstan, who preferred to remain unnamed, told Forum 18 on 28 January that in June 2008, Aktobe City Prosecutor's Office officials had contacted them to "broker a deal" between the Hare Krishna devotees and the authorities. If the Hare Krishna community was "prepared to pay five thousand US Dollars each to the Aktobe's City's Prosecutor, KNB secret police and Migration Police" then the case would be closed. Zhasanov vigorously denied to Forum 18 that Aktobe City Prosecutor's Office had demanded any bribe since he was appointed to the post in October 2008.

Asked how long the ban would remain in force, Zhasanov told Forum 18 that although the ban on his entry into Kazakhstan was permanent, Govinda Swami might get his ban lifted. "Let him write letters to the Migration Police, General Prosecutor's office, KNB, and the Border Service explaining why he did not appear before the Prosecutor back then," he said, "and promise in the letter that he would not in the future violate Kazakhstan's law, then it might be possible to lift his ban."

Varfolomeev said they remained pessimistic over the success of the community's efforts to bring a legal appeal against the denial of entry. "Govinda Swami is our spiritual master and the community wants to hear from him," he told Forum 18. "He is also our administrative leader. The community had invited him and paid for his ticket."

The Kazakh authorities have previously spied on and expelled foreigners 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.

Still barred from entry into Kazakhstan is Aleksei Ledyayev, chief pastor of the New Generation Pentecostal church which has congregations in the country. Ledyayev – who was born in Kazakhstan, and is a permanent resident of Latvia – told Forum 18 from the Latvian capital Riga on 28 January that he remains barred from Kazakhstan, Russia, Belarus and Armenia, and often encounters problems when he applies to visit Ukraine. "There are no changes – I am persona non grata," he told Forum 18. He said he believes he was placed on the Kazakh blacklist after being blacklisted by Russia in 2002. "The Russians dictate to Belarus, Armenia and Kazakhstan."

Kazakhstan denied Ledyayev a visa in 2005, which led the New Generation Church to cancel a conference due to have been held in Almaty. The Kazakh consulate in Riga told him he was on a blacklist and that his presence in Kazakhstan was "not desirable".

Varfolomeev of the Hare Krishna community also told Forum 18 that the authorities are now pressuring the Hare Krishna commune near Almaty to vacate their land by 1 May. The authorities have long been seeking to close down the commune and seize the land.

"Officials from the Religious Affairs Committee in Astana told us by phone we have a deadline of 1 May to leave. They sounded very angry that we have not written to say that we are happy to accept the rubbish dump that has been offered to us." He

speculates that officials are desperate to have in writing a letter from the community renouncing any claims against officials and accepting the loss of their land. He said officials' promises in late December that they would help the community try to exchange the rubbish dump for a more suitable alternative site have now been abandoned. "They are now telling us they cannot help us exchange the site. This completely contradicts their earlier statements."

Deportation of Hare Krishna religious leader

Society for Krishna Consciousness (28.01.2009) / HRWF (02.02.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - On January 27, 2009, the religious leader of the International Society for Krishna Consciousness, US citizen B.B. Govinda Swami, was deported from the airport of Almaty while attempting to enter Kazakhstan. The officials have given no explanation.

Govinda Swami was invited to Almaty by the Society for Krishna Consciousness in Kazakhstan. With the valid passport and the valid visa to Kazakhstan on hand, he arrived to the Almaty airport from Moscow on January 27, 5:45 a.m. Govinda Swami was unexpectedly stopped at the passport control desk: the border guards confiscated his passport and told him that he would be deported back to Moscow. They did not disclose the cause for deportation.

The chief officer of the Airport Border Service did not allow the lawyer of Govinda Swami, who came to the airport, to meet with him.

Govinda Swami was kept in the airport for 12 hours. He was obliged to pay for his ticket for the evening (6:55 p.m.) flight to Moscow. Govinda Swami got his passport back only in Sheremetievo, Moscow.

The Society for Krishna Consciousness was informed of the so called "black list" of personae non grata who cannot enter Kazakhstan. Govinda Swami's name was put in that list. According to information from the Committee of Religious Affairs, the decision about prohibiting Govinda Swami from entering the country was taken by the migration police of Actobe city that acted on the order of the Actobe Prosecutor's office.

The RK law stipulates that the decision about declaring a foreigner persona non grata can only be taken by the court. Upon what rules of law did the Actobe migration police base their decision against the US citizen Govinda Swami? The Society for Krishna Consciousness, as the inviting party, intends to go into court to appeal against the decision of the Actobe authorities.

Kazakhstan launches attack on religion

By Artur Artemyev

UPI (28.01.2009) / HRWF (29.01.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - In Kazakhstan, on the governmental level religious tolerance is proclaimed and appeals are constantly being made for spiritual harmony. Yet in practice things are somewhat different.

Only the representatives of worldwide and traditional national religions are invited to forums of religious leaders, even though in Kazakhstan there are over 50 different faiths and denominations. Many Protestant, neo-Protestant, and new religious groups find

themselves excluded in their own country. These sentiments are aggravated by constant persecution, senseless inspections and searches of houses of prayer.

In the last year and a half all this has taken on particular severity as Parliament has been considering changes and amendments to various legislative acts regarding freedom of the exercise of faith and religious organizations. This project has been fully deliberated in Parliament, but in light of numerous remarks by international experts, religious leaders and the society at large, is now being presented to the Constitutional Council for its conclusions.

The law has not yet been passed, but we already observe its application in practice. Let me bring up just a few of the many examples.

First is the pogrom launched by the authorities of Karasayskiy district of Almaty, whose victims were the members of the Society for Krishna Consciousness. The law enforcement officers tore down all the dwellings of the group's monastics with bulldozers and demolition cranes.

That served as a signal to local officials and law enforcement agencies to launch an onslaught of dirty deeds against any and all "undesirable" religious entities.

From that point searches and confiscation of religious literature began against Jehovah's Witnesses, Pentecostals, charismatic Christians, Scientologists, the Unification Church, the Akhmady group, etc. A campaign unfolded on television and in the government press to discredit and discriminate against Protestant, neo-Protestant and new religious groups, unprecedented in its ignorance and aggressiveness.

Moreover, the methods used are altogether filthy. Now they are summoning highly dubious people for questioning through the press and television broadcasts – such as, for example, the former elder of the Church of Jehovah's Witnesses, Bakhytbek Tarzhanov, who was publicly expelled for immoral behavior, and the "spiritual daughter" of Russian religious official Alexandr Dvorkin, a certain Julia Denisenko, who is displaying film clips supposedly taken by a concealed camera, although in fact they were taken in a psychiatric ward or appropriated from artistic films.

And all this is being given the nod of consent by the official, active religious communities. In a word, there is blatant falsification of the facts.

To take an example, on television they have shown segments of the film "Darkness Shrouds the Borskiy," and in the background the narrator explains that it was filmed by a hidden camera at an gathering of Pentecostals.

A certain Alexey Tolchennikov has spoken out as a "debunker" of the Akhmady community, whereas in fact he was kicked out on account of drunkenness and for stealing 32,000 tenge (US\$262) from the person who rented an apartment together with him in a suburb of Almaty. But this is the most telltale indicator: The claims of this indecent character, fabricated and having nothing to do with the truth, are accepted as the grounds for conducting a search of the community, a financial investigation of its activities, and more.

There is another even more outrageous case. At the beginning of last year, almost simultaneously, material was published in both the official district administration newsletter and the city newspaper – which were identical word for word – under the title, "The most dangerous sect is the one which the person near and dear to you has fallen prey to."

But what is surprising is that the same material appeared in different publications accredited to different authors. For example, in Paris Commune the author was A. Morskoy, in Tekel Worker it was Kharuan Yakhniya, and so forth. The true author, the Committee for National Security, openly revealed itself in only two publications – The Fires of Alatau and Evening Almaty.

But the key point is not who wrote this article. What is important is that the author, or authors, had a very rude and vague understanding of the subject of this “journalistic” work – the doctrines of faith and the ritual practices of the Church of Scientology and the religious organization Jehovah’s Witnesses.

Yet it was on the basis of these articles and their innuendos that searches were conducted in the premises of the Church of Scientology in Karaganda and Almaty and in a series of communities of the Jehovah’s Witnesses. At the Church of Scientology the special forces confiscated the writings of religious manifestos, and in so doing violated the holy of holies – their sacrament. Leading out of this inquest, a criminal case has now been opened against the leaders of the community.

The list of such cases goes on and on. But the case of Elizaveta Drenicheva has evoked particular social resonance. A Russian citizen, she came to Kazakhstan as a volunteer for the Unification Church, and was found guilty of “crimes against humanity” on Jan. 9 this year and sentenced to two years’ imprisonment. She was taken into custody right in the courtroom.

Here is what Evgeniy Zhovtis, the director of the Kazakhstan International Bureau for Human Rights and Preservation of Legality, member of the Public Council at Mazhilis of the Kazakhstan Parliament, and member of the Expert Council on the Presidential Commission for Human Rights of the Republic of Kazakhstan, wrote in his statement to the international community:

“The text of the verdict needs no commentary since, to put it in even the mildest terms, it is patently demonic, a witchhunt, medieval, a peculiar atheistic inquisition. Drenicheva is nothing more and nothing less than accused of committing a crime against the peace and security of humanity, in propagandizing the inferiority of citizens on account of ethnic and class traits. In fact, the court called belonging to the human race an ethnic trait (I’m not joking, the text of the verdict reads thus) and considered the family a class. Drenicheva’s sermon on the sinfulness of man and the truthfulness of service to God was evaluated by the court as propaganda demeaning all people, on the basis of the expert conclusion of Ms. Burova, who has taught atheism her whole life long and does not know that freedom of conscience, religion and evangelizing is upheld in Kazakhstan and that from the year of independence our country has actively promoted itself as a place where the secular state and religion freely coexist. The court completely ignored the conclusions of the leading experts on religious science in Kazakhstan.”.

The defense attorney of Kazakhstan would add to this emotional but completely objective opinion:

"First of all, who is this Burova? She has a Ph.D., furthermore, she is a leading member of the science faculty of the Institute of Philosophy and Political Science. In her days she has participated somewhat in the propaganda of atheism and apparently just awoke from her liturgical sleep. Perhaps E. Burova is indeed competent in her field of specialization, ‘Philosophy and Methodology of Science,’ but all that has no relation whatsoever to religious science.”.

All of this bears witness to the fact that in our ranks everything is not in order, that we who are avowed to religious science are only weakly upholding the principle of freedom

of conscience, and as a result it is more and more losing its significance as a ground-laying cornerstone, for which science is paying its disrespect.

Therefore it would seem fit to me that each person who holds dear the ideals of democracy, freedom, tolerance, religious tolerance, freedom of thought, and harmony and agreement among the nationalities, ought to raise his or her voice in defense of the values which all humankind holds dear.

Our nation, which expects to preside over the Organization for Security and Cooperation in Europe, must show an example of impeccable fulfillment of its founding documents, in particular, the Copenhagen Declaration made on June 29, 1990 at the Conference for the Human Dimension.

I would appeal, paraphrasing the German philosopher Theodor Adorno, not to make the laws harsher, but rather to frame a new categorical imperative: to think and act in such a way as to never repeat the mistakes of the war against religion, for he who advocates war "directly facilitates barbarism."

(Dr. Artur Artemyev holds a PhD in philosophy, and is professor of philosophy and religious studies at the Kazakh Academy of Transport and Communication in Almaty, Kazakhstan. ©Copyright Artur Artemyev.)

Unification Church: Two-year jail sentence for Elizaveta Drenicheva

By Peter Zoehrer

Foreff (10.01.2009) / HRWF (12.01.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Yesterday, Friday, 9 Jan 2009, Mrs. Drenicheva (28) had to go to jail in Almaty. The pronounced punishment for the young missionary is no less than two years behind bars in a District prison. According to the prosecutor, E. Drenicheva was sentenced for "having committed heavy crimes against the peace and security of humanity".

Mrs. Drenicheva, who is a Russian citizen, joined the Unification Church in 1995 and started her missionary work in Kazakhstan only 3 years ago.

Already in April last year the Committee for National Security (KNB - former KGB) of Almaty undertook operations, such as bugging phones and offices. Also they are said to have observed Church members and associates in their activities related to the Unification Church, which has been a registered NGO in the country since 1997.

Elizaveta Drenicheva reports in her own words: "On July 2nd, 2008 at 6 am KGB officers broke into the building of the Peace Embassy as well as into our flats to make a random search. They took away all our literature and computers. I was arrested. Other members were asked not to leave the country. After two days I was released from the pre-trial prison and had to sign a written pledge not to leave the country.

On October 24, legal proceedings got under way in the Almalinskiy District Court of the City of Almaty. I was accused according to the article 164 part 2 of the Criminal Code of Republic of Kazakhstan for "having violated the peace and security of humanity!"

"The big crime"

Mrs. Drenicheva gathered 4 people for a seminar and over a course of four days she taught to her audience the Unification Principles, the Theology of the Church of the Rev. Sun Myung Moon.

An operational agent of the KNB under the pseudonym "Medvedev", under authorization of the office of prosecutor, infiltrated the audience and covertly recorded four lectures.

Her teaching must have appeared to the undercover "KGB" agents to be dangerous to listeners from the standpoint of their potential implications for overthrowing the constitutional order, for violating the integrity of the Republic of Kazakhstan, and for propagating religious and other types of conflict.

This is how the agent continues to analyze the content of the lectures: "The materials presented "contain a) propaganda demeaning persons for signs of their ethnic affinity; and b) propaganda demeaning persons for signs of their class affinity. Moreover it shows signs of harmful effects on individual, family, society, and likewise the moral integrity of the state."

Evgeniy Zhovtis, the chief of the Kazakhstan International Bureau of Human Rights, summed up the situation: "You could hardly imagine a better way to discredit our country." In his opinion, this trial clearly portrays the level and stature of the Kazakh government agencies from the bottom up. The teaching of the Unification Church does not contain great differences from the other religions. Do we have to worry now, that the government starts putting also priests, monks and nuns into jails?

Mr. Zhovits continues: "For in fact this is the nation which is slated to occupy the chair at the Organization for Security and Cooperation in Europe (OSCE) in 2010, the nation which is bragging all over the place about its experience in resolving international conflicts! The fact that such a trial even got under way is truly a disgrace. Shame on a country that has suffered so much due to religious persecution that one can scarcely even imagine..."

The expert on human rights is referring to Kazakhstan's expected OSCE Presidency in 2010. This has not been confirmed yet, since a proposed new law on religion has caused an outrage of critique from the international human rights community as well as from OSCE itself. The draft of the law is said to fail the OSCE standards of human rights by far. That may well be the main reason, why the passing of the law is still on hold.

In October at the OSCE Human Dimension Implementation Meeting (Warsaw) Kazakhstan was heavily rebuked by various human rights defenders and NGOs for restrictive measures on religious communities and the proposed law (see attachment). One of the numerous examples for that practice was the tearing down of the only Krishna Temple in the country.

Once the news get around the world, that a young missionary women has just been put behind bars for doing nothing else but practicing her religious duties in proclaiming her faith, the prospects of Kazakhstan holding one day the OSCE presidency may become more distant than ever.

Repressive actions continue, repressive law sent for review

By Felix Corley

Forum 18 (09.01.2008) / HRWF (12.01.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - President Nursultan Nazarbaev of Kazakhstan has sent a repressive new law severely limiting freedom of religion or belief for review by the country's Constitutional Council, Forum 18 News Service has learnt. Meanwhile, the government continues to repress the exercise of freedom of thought, conscience and belief. A Baptist has this month had his main source of income confiscated and been fired from his job, because he led worship without state permission. Speaking of his former employer, who fired him after being visited by court officials, Pastor Aleksandr Kerker said that "he is not to blame though – he was afraid." Hare Krishna devotees have been detained by police in Almaty for handing out religious literature. Officer candidates and other students at the Kazakh Air Force's main training establishment have been warned against "religious extremism" and "religious groups non-traditional for Kazakhstan". They were also shown a film claiming that the Hare Krishna faith incites devotees to commit murder.

Human rights defenders and religious communities have given a cautious welcome to President Nursultan Nazarbaev's decision to send the restrictive new Religion Law for a review by the Constitutional Council. "We'll be delighted if the President doesn't sign the law," Baptist pastor Yaroslav Senyushkevich told Forum 18 News Service from the capital Astana on 8 January. "The Law would introduce harsh persecution." However, he pointed out that his communities – which refuse to seek state registration on principle – already face repression. "We're fined and banned from meeting for worship – they want to close our churches."

The Constitutional Council consists of people directly nominated by President Nazarbaev and by the upper and lower houses of parliament – both of which are dominated by the President's own party. The new Law was passed by both houses of parliament.

The government continues to repress people exercising freedom of thought, conscience and belief in the country. In the latest problem for Baptist pastor Aleksandr Kerker in Tayinsha in North Kazakhstan Region, court bailiffs seeking to recover the fine he has refused to pay for leading unregistered worship went to his private employer in early January 2009, demanding that he hand over the money from Kerker's wages. "He refused, telling them they should deal with this directly with me," Kerker told Forum 18 from Tayinsha on 8 January. "But he sacked me anyway, saying he can do without such problems. He is not to blame though – he was afraid."

Kerker said he now has no source of income to support himself, his wife and his ten children, six of whom are minors. Bailiffs have already told him they will return after New Year to confiscate a cow, his refrigerator and gas stove.

Kerker defended his right to worship without seeking state permission and insisted that such items should not be confiscated as they are necessities. He said it is not clear when the bailiffs might return to take away the items.

Court bailiff Vladimir Kapareyko denied any responsibility for Kerker's sacking. "It has nothing to do with us," he told Forum 18 on 9 January. "If he had paid his fine this would never have happened." Asked why Kerker is being punished for meeting for worship Kapareyko responded: "They were meeting without state registration – he even opened a prayer house in a private home." Asked what was wrong with that, Kapareyko responded: "We're acting in accordance with the law. We're getting on with our job."

He declined to say when the cows, refrigerator and stove are due to be confiscated and declined to discuss whether bailiffs are allowed to confiscate necessities.

Other members of the Council of Churches Baptists point to continuing problems. The church in the village of Konaevo near the town of Shu in the southern Zhambyl Region

remains sealed. "The authorities said it would remain sealed until we register," church members told Forum 18 from Konaevo on 8 January. "But we will never do this." The authorities sealed the church in May 2008 after it was "banned" by a local court.

Pastor Senyushkevich remains sceptical about the authorities' intentions. He pointed out that President Nazarbaev refused to sign a harsh new Religion Law in 2002 after the Constitutional Council ruled it unconstitutional. "Despite this, in 2005 new amendments were adopted increasing state control," he told Forum 18. "Maybe even if the President doesn't sign the Law now, he will in future."

State officials also continue to incite hostility against religious minorities. This continues, the Justice Ministry stating that on 6 December 2008, the local Religious Affairs Department in Aktobe [Aqtobe] lectured all students at the Kazakh Air Force's main training establishment about what it described as "religious extremism" and "religious groups non-traditional for Kazakhstan." Officer candidates and other students at the "Military Institute of Air Defense Forces named after twice Hero of Soviet Union T.Y. Begeldinov" were also shown a 2004 Russian film "Religious Sect – Freedom from Conscience", made with the support of the Orthodox Church. At one point the film - which has been seen by Forum 18 - claims that the Hare Krishna faith incites devotees to commit murder.

The website of the Constitutional Council noted in a brief statement on 8 January that President Nazarbaev had sent on the Religion Law "for verification of [its] conformity to the Constitution". It added that the date when the Constitutional Council will meet to review the Law will be given later. Curiously, the presidential website has made no mention of the decision to send the Law for a review.

The Law on the Constitutional Council gives it one month to rule on whether a draft law complies with the Constitution. "The President has the right to reduce this period to ten days when he considers it urgent, but there was no information on that," Yevgeny Zhovtis, head of the Almaty-based Kazakhstan International Bureau for Human Rights and Rule of Law, told Forum 18 on 8 January. He said this means that the Constitutional Council has until 8 February to rule on the Religion Law, though he believes a decision could be made by the end of January.

Murat Telibekov, who heads the Union of Muslims of Kazakhstan, an independent grouping, says the President's decision to send the Law to the Constitutional Council was "predictable". "It is a highly reactionary Law and has many critics in society," he told Forum 18 from Almaty on 8 January. "Adopting it would put the country and the President in a bad light." He speculated that the decision to send the Law for review could be a "political game to raise the image of the President in the eyes of the international community" ahead of Kazakhstan's role as Chairman-in-Office of the Organisation for Security and Co-operation in Europe (OSCE) in 2010.

Telibekov told Forum 18 he believes the current Religion Law is adequate and sees no reason to adopt a new Law. However, he pointed to "negative factors" that already exist, including state pressure on "non-traditional" forms of Islam and state pressure on imams to "orient listeners to their sermons to one form of Sunni Islam". He said religious affairs officials in local akimats (administrations) and the National Security Committee (KNB) secret police already watch imams closely.

Bishop Yuri Novgorodov of the Lutheran Church welcomed the President's decision, pointing to the Law's "contradictions" with the Constitution. Like Telibekov, he believes the current Law is broadly adequate, though he would like to see a few improvements to it. "But any changes should be responsible," he told Forum 18 from Astana on 8 January. "The whole process of creating this new Law was too fast and too emotional."

Viktor Golous, head of the Hare Krishna community in Almaty Region, shares many of Novgorodov's views. "If this Law had been signed it would have done great harm to believers," he told Forum 18 from Almaty on 8 January. "The Law was directed at restricting religious rights. We believe this Law must be reconsidered."

Golous pointed out that even under the current Law, their commune near Almaty has faced sustained official attempts to close it down. "Of course, there was no need for them to have moved against the commune at all," he insisted. "Twenty-six homes were destroyed and they are trying to close the rest down. We're barely existing there."

Golous said the state has prevented the Hare Krishna community developing elsewhere in the country too. "Difficulties arise when we become visible in any particular place." He said that in Almaty, two devotees were held by police for nearly three hours in December 2008 for giving out literature. He said they were freed without charge.

The Law on Amendments and Additions to Several Legislative Acts on Questions of Freedom of Conscience and Religious Associations amends numerous articles of the current Religion Law, the Code of Administrative Offences and several other laws.

Among the new restrictions, the Law would for the first time explicitly ban unregistered religious activity. It would also ban anyone from sharing their beliefs without both the written backing of a registered religious association and also personal state registration as a missionary. It would require permission from both parents for children to attend any religious event.

Small "religious groups" – the lowest level of registered community – would only be authorised to carry out religious activity with existing members and would not be allowed to maintain places of worship "open to a wide access". Nor would they be allowed to conduct missionary activity. Apart from a few personal items, all religious literature imported into the country would require approval through a "religious expert assessment".

Penalties for holding religious services, conducting charitable work, importing, publishing or distributing religious literature or building or opening places of worship in violation of "demands established in law" would be increased. Repeat "offences" would lead to a religious community being banned.

The controversial Law was approved by parliament and sent to President Nazarbaev on 2 December 2008, despite widespread criticism by human rights defenders and many of Kazakhstan's religious communities. It was also criticised by many institutions, governments and organisations around the world, including the European Union, the Moscow Patriarchate, the Lutheran World Federation, and Pope Benedict XVI.

The Kazakh authorities have repeatedly refused to allow the publication of a legal review of the draft conducted by the OSCE, claiming – falsely – that this refusal is due to the OSCE. Ambassador Janez Lenarcic, Director of the ODIHR, has expressed disappointment at the "hasty" passage of the Law, and has called for it to be changed to make it "fully reflecting OSCE commitments and other international standards".

Pope Benedict XVI made a further apparent reference to this Law and proposed harsh new Religion Laws in Kyrgyzstan and Tajikistan in his traditional annual address to the diplomatic corps accredited to the Holy See on 8 January. "The Church, as has often been said, does not demand privileges, but the full application of the principle of religious freedom," he was quoted by the official Vatican Information Service as declaring. "In this perspective, it is important that, in central Asia, legislation concerning religious communities guarantee the full exercise of this fundamental right, in respect for international norms."
