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## **"Mosques cannot be independent"**

By Mushfig Bayram

Forum 18 (14.10.2010) – HRWF (15.10.2010) - Kazakhstan continues to pressure independent Muslim communities to join the state-favoured Muslim Board, Forum 18 News Service has found. Five legally registered Muslim communities in Karaganda Region and their Imams, who have diplomas from the Muslim Board, are currently being pressured by the Regional Administration and various regional state agencies to join Kazakhstan's Muslim Board as its branches. Another Muslim community in East Kazakhstan Region joined the Board under state pressure, after several years unsuccessfully trying to register as an independent mosque. An official of the Culture Ministry's Religious Affairs Committee told Forum 18 that the number of independent mosques went down from ninety to some twelve in recent years. "Mosques cannot be independent," he told Forum 18, insisting that all mosques in Kazakhstan "must be" under the Muslim Board. A Muslim Board official claimed independent mosques "could breed terrorists".

The pressure to subordinate the Karaganda mosques to the Muslim Board seems to be part of a wider state-backed campaign, which has also seen pressure on mosques which have traditionally catered to worshippers of one ethnic background (see forthcoming F18News article).

The authorities have in the past shown hostility to independent Muslims, and 14 were in 2008 sentenced to between 14 and 19 and a half years in jail at a closed trial in the southern city of Shymkent. Now jailed human rights defender Yevgeny Zhovtis told Forum 18 that he thought this was a show trial, to scare other Muslims who try to be independent in their theology and practice from the state-backed version of Islam.

**One last warning?**

Karaganda Regional Administration on 17 September summoned four imams from the five independent Muslim communities, to give them one last warning that they must join the Muslim Board, local Imams told Forum 18.

The five communities are all legally registered in Karaganda Region – two are in Abai District, and three are in the town of Karaganda. The four imams were: Nurmukhamed Ahmedyanov, Imam of Abai town Mosque; Meyram Ibray, Imam of Topar mosque in Abai District; Berik Zhagipar, the Imam of Hazret Ali Mosque in the town of Karaganda; and Zhanarbek Mambar, Imam of Akyt kazhy Mosque, also in Karaganda. Inoyatzhan Ismailov, Imam of Tautan Molla Mosque, another Muslim community under official pressure, was not present.

The Imams told Forum 18 that Arman Kyrykbayev, Deputy Akim (Head of Administration) of the Regional Administration, led the meeting, and that representatives of the Religious Affairs Committee and the Muslim Board were present.

Imam Ahmedyanov complained to Forum 18 on 6 October, along with the other imams, that "because we keep refusing, the regional authorities have run a campaign against us during the last two years, with all kinds of officials visiting us, and court cases against us".

Referring to the meeting on 17 September, Imam Ahmedyanov said that officials told them that "if we joined the Muslim Board, it would help us, and all our problems would disappear". Seeing that this did not work, Deputy Akim Kyrykbayev and the other officials warned the Imams that there could be negative consequences for them, and demanded that they join the Board.

Imam Ibray said that all the Imams at that meeting once again told the officials that they did not want to be part of the Muslim Board. "The representative of the Muslim Board told me in that meeting to my face, 'you are an unworthy person'," the Imam complained. He said that the officials gave them two days to think about it, and "make up your mind." He told Forum 18 that "of course we did not send them any messages after the meeting, because we don't want to be part of the Muslim Board."

Imams Ahmedyanov and Ibray also told Forum 18 that Naurzybay Utpinov, Karaganda Region's Chief Imam and the representative of the Muslim Board, held a meeting in 2008 in the Abai District where representatives of State Agencies, directors of secondary schools and others were gathered, and told those present to discourage people from going to the two mosques in Abai District. "Utpinov spoke insulting words about us in that meeting," Imam Ibrai complained. "He told the audience that our mosques were not under the Muslim Board, and that people should not attend our mosques."

### **No official pressure or "mosques cannot be independent"?**

All five imams told Forum 18 that their complaints to Kazakh President Nursultan Nazarbayev, Ardak Doszhan, Chair of the Religious Affairs Committee, and Absattar Derbisali, Head of the Muslim Board and the Chief Mufti, about the attacks against them produced no results.

Karaganda Regional Administration told Forum 18 on 7 October that Deputy Akim Kyrykbayev was not available to talk. Forum 18 was referred to Kayrat Nurkenov, Kyrykbayev's Assistant. Nurkenov said that he did not remember any such meeting, and did want to comment on the complaints of the five Imams.

Regional Chief Imam Utpinov of the Muslim Board told Forum 18 on 12 October that all the five imams have diplomas of qualification from the Muslim Board, and that there is no official pressure on them to join the Board. However, when Forum 18 asked why he held

a public meeting in 2008 where he spoke against the imams, he replied: "call me in an hour's time, I am about to start a prayer". Called back several times on 12 and 13 October, Utpinov's phone went unanswered.

Asylkhan Nurmagambetov of the national Religious Affairs Committee denied that the Committee is forcing any mosque to join the Muslim Board. "They voluntarily do so," he insisted to Forum 18 on 7 October. Asked whether mosques can remain independent, he responded: "Mosques cannot be independent. Just like any other religious organisation, because it belongs to a certain confession, it must be subordinated to a religious centre. Mosques also must do this."

Told that the five communities, as legally registered organisations, see no reason why they should join another registered organisation - such as the Muslim Board - Nurmagambetov said that the imams "should resolve their problems with the Muslim Board themselves". He refused to answer when Forum 18 asked by what right the Muslim Board can demand that other Muslim communities join it, and what would be done if the communities continue to refuse to join the Board.

### **If mosques are independent "they will breed terrorists"?**

Nurzhan (he did not give his last name) of the Muslim Board's headquarters in Almaty, who presented himself as Chief Mufti Derbisali's Assistant, told Forum 18 on 11 October that the law "demands all the mosques, not the other faiths or religious communities, join the Muslim Board." He added that President Nazarbayev "many times in his speeches has said that mosques in Kazakhstan cannot be uncoordinated and separate." Nurzhan said that "if the mosques are not run from one centre and are independent, there is a risk that they will breed terrorists like Hizb-ut-Tahrir."

### **Hizb-ut-Tahrir is a radical Islamist party, which is banned in Kazakhstan.**

When Forum 18 asked where exactly Kazakh law demands that mosques join the Muslim Board, and where is the proof that the five mosques in Karaganda "bred terrorists", an irritated Nurzhan asked why Forum 18 was "arguing" with him. He then put the phone down.

The authorities have in the past publicly linked religious activity without state permission with terrorism, for example activity by unregistered Baptists. Raids on Baptist and Pentecostal congregations have been described by police as "part of the fight against terrorism and religious groups without registration".

In contrast to Nurzhan, Imam Muhammad-Hussein Alsabekov of the Muslim Board told Forum 18 on 11 October that although the law does not require mosques to join the Board, it is "advisable" for them to do so. Asked whether the Muslim Board will issue fatwas (decisions and interpretations on faith and practice) against the mosques and their imams, if they continue refusing to join the Board, Imam Alsabekov replied: "It is too early to talk about this - we will wait and see whether or not they will join us. If they don't, then we will consult within the Board and then make our decision."

### **The mosques have visitors.**

Karaganda Regional Tax Authority, Emergency Service, Sanitary-Epidemiological Service, Architecture Department, Prosecutor's Office, and Land Committee have made numerous visits to the five Muslim communities in the last two years, the five Imams told Forum 18. "Using different ways the authorities are putting pressure on us so that we give up our mosques to the Muslim Board," Imam Ahmedyanov complained.

"I saw an order of the Karaganda Regional Administration, signed in 2009, addressed to regional law-enforcement agencies, to visit and monitor the activity of the five mosques." Imam Zhagipar told Forum 18. He was shown the order by a state official, who was apologetic about the visit.

"The Sanitary-Epidemiological Service even visited us on the day of Kurban Bayram [Id al-Adha], the Holy Day of Sacrifice, in November 2009, when everybody, including most officials, was on public holidays," complained Imam Ahmedyanov. "They wanted to see our bathroom facilities, knowing that we would have very many people visiting it then."

### **Use of building laws against mosques**

Karaganda City and Abai District Architecture Departments in November-December 2009 opened administrative legal cases against all the five mosques, claiming that the buildings were not used for the purpose for which they were built. Karaganda city and Abai District Courts stopped the prosecution of the mosques in all cases, the Imams told Forum 18.

Judge Gulnara Mikhanova of Abai District Court told Forum 18 on 11 October that the case against the mosque in Abai was brought on 18 January 2010 by the Abai District Architecture Department, under Article 36 Part 3 of the Law on Architecture and Construction Activity ("obligatory carrying out of instructions issued by organs of architectural-building control") and Article 356 Part 3 ("failure or inappropriate carrying out of legal demands, instructions, representations, or decrees by organs of state control and supervision") of the Administrative Code. The charges are that the mosque was not put properly into operation, as a certificate from an appropriate inspection board that the building was ready to be put into operation was not obtained. The Court on 22 April decided to suspend the case, as the mosque admitted its guilt and promised to eliminate the violation, Judge Mikhanova said.

Biysimbay Aysanov, Head of Abai District Architecture Department, told Forum 18 on 12 October that it is the duty of his Department to make sure that buildings in the District are used for the "purpose they were built for". The buildings of both Abai Mosques in the past were used as kindergartens, he said. "Now the imams must obtain the necessary documents from the District Administration to legalise their buildings as mosques," he claimed. Asked what will happen if the mosques fail to do so, Aysanov said that his Department will again file complaints in court. The mosques "may be stripped of their buildings" if they do not legalise them, he stated.

Asked why his Department visited the two Abai Mosques, Aysanov said that "I don't remember now, it was an order from some state authority."

Imams Ahmedyanov and Ismailov from Abai said that they were not going to ask for legalisation of their building as mosques. Both said that they did not believe the local administrations would give them such certificates, and that they did not need such documents since they were only providing their private buildings to the local Muslim communities for worship.

Imam Ismailov, of Karaganda's Tautan Molla Mosque, told Forum 18 on 13 October that he in 2003 personally bought a one-storey building of an abandoned factory, with the purpose of using it as a mosque. "I renovated it, made it usable as a mosque," he pointed out, "which I later provided at no cost for use by the local Muslim community." The law allows citizens to rent any usable building for worship, Imam Ismailov stated. "The rented premises neither have to look like a mosque and the original purpose of use does not need to be use as a mosque," he added.

Imam Zhagipar from Karaganda City said that although he did not need to legalise his building as a mosque, he would ask the authorities for legalisation.

Nationwide, the authorities have previously seemed particularly keen to deprive minority religious communities of places of worship and other buildings. Communities so targeted have included Protestants and Hare Krishna devotees.

### **Other types of pressure**

Imam Ahmedyanov also told Forum 18 that their Mosque was cut off from the city central heating system "in the middle of winter when the temperature was 40 degrees Centigrade below zero". The claimed reason was delay in payment of the heating bill. "We somehow managed to put in electric heaters to the main hall for Friday prayers to get through the winter days," he said. He admitted that the Mosque was indeed behind in paying the bill, but said that he thought the cutting off of heating was also done to pressure the community.

Imam Ahmedyanov also lamented that local businesspeople who used to support the Mosque financially "are now afraid to support us". He said that he believed they also were pressured by the local authorities. "One businessman even told me that we should join the Muslim Board."

### **The Muslim Board's "standard agreement"**

Muhammadi Mosque in Oskemen, in Eastern Kazakhstan Region, was built in 2003 and began to work in 2004. At the same time the community submitted the documents for registration to the regional Justice Department. Imam Ibrahim Karnakbay-uuli said that they "did not tell us that they did not want to register us openly, but each time we met to discuss our registration we were given different excuses like something was wrong in our charter." Finally the Justice Department told the community in 2009 that it was possible to register the mosque, but only "if the community agreed" to register under the Muslim Board.

The community was registered on 24 August on the basis of an agreement with the Muslim Board. The mosque community undertook: to follow the Board's fatwas; to pay 30 percent of its income from offerings to the Board; and not to allow members of the Muslim movements banned in Kazakhstan - as well as members of the officially registered Ahmadi Muslim community - to preach in the mosque.

Imam Karnakbay-uuli said that, despite subordination to the Muslim Board, the agreement allowed them to keep a certain degree of independence. This is expressed in the agreement, which states that: in a case of force majeure [legally, when a major event happens which is beyond the control of both parties] the property will be returned to its owner, local entrepreneur Kazyken Muhamadiyev; the name of the mosque will remain the Muhammadi Mosque after registration; and that the current imam will remain until the community by election decides otherwise.

Asked if he was happy with the registration, Imam Karnakbay-uly said that "at least we can function without worries now." Commenting on the conditions of the "standard agreement" with Muslim Board, he said that it "will not be difficult" for them to pay 30 percent of their income to the Board. But he noted that "mosques which want to remain independent in rural areas across Kazakhstan will not be able to do this".

Yernar Seydimbekov, Head of Eastern Kazakhstan Regional Administration, was not available to talk, his Secretary told Forum 18 on 6 October. She referred Forum 18 to Askarbek Bilgibayev, Seydimbekov's Deputy, who refused to speak to Forum 18. Through the Secretary he said that he was not prepared to talk over the phone. When Forum 18

asked how many independent mosques there were in the region, and why mosques were asked to be put themselves under the Muslim Board's control, Bilgibayev through the Secretary said that he could not talk over the phone.

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## **"Cancel the OSCE Summit in Kazakhstan", says a member of the European Parliament**

GUE/NGL Press statement (08.09.2010) - On 13 September, MEP Joe Higgins spoke in the Human Rights Sub-Committee about the appalling detention conditions in Kazakhstan and called upon the EU member states to request the cancellation of the OSCE Summit due to take place in Kazakhstan later this year. You will find the video on this link:

<http://www.europarl.europa.eu/wps-europarl-internet/frd/vod/player?eventCode=20100913-1500-COMMITTEE-DROI&language=en&byLeftMenu=researchcommittee&category=COMMITTEE&format=wmv#anchor1>

Last week, a press conference was held in the European Parliament in Strasbourg to report on the GUE/NGL delegation led by Joe Higgins MEP (Socialist Party in Ireland) to Kazakhstan from August 30 to September 6 2010 (See link <http://vimeo.com/14926219>).

This delegation, composed of Joe Higgins and Tanja Niemeier (Political Advisor for GUE/NGL), met with human rights activists, defenders of prisoners' rights, independent trade union activists, journalists and activists from the social movement, 'Kazakhstan 2012'. They also met with representatives of the Organisation for Security and Cooperation in Europe (OSCE), the EU Delegation to Kazakhstan and a government representative in the Ministry of Foreign Affairs of Kazakhstan, Ms Madina B Arbussynova.

The meetings took place in the cities of Karaganda, Almaty, Shymkent and the capital, Astana.

The first meeting of the delegation in the city of Karaganda was to hear testimony from prominent Human Rights Defender, Vadim Kuramshin. Mr Kuramshin had been in jail for three years essentially for exposing corruption by local authorities in his home area. In prison, he was subjected to horrific abuse and witnessed widespread brutality against other prisoners. He wanted to give our delegation testimonies on the situation in the prisons which he visited as a lawyer and appeal to us to report to the European Parliament the horrors inflicted on prisoners in Kazakhstan as part of a campaign to end this abuse.

However, the political police 'disappeared' Vadim Kuramshin for the duration of the delegation. He was arrested two days beforehand and framed on a stitched up charge of having 'insulted' somebody. He was sent to jail for ten days, to be released one day after the delegation left Kazakhstan.

The fact that the police in Kazakhstan could act in this blatant fashion to 'disappear' a citizen so that he could not meet a parliamentary delegation speaks volumes about the blatant repression of civil, political and human rights in this country. The Delegation made strong protest at this abuse of civil rights at meetings with the OSCE and with the representative of the Kazakhstan government.

### **Chilling Brutality in Kazakhstan's Prisons**

Despite Vadim Kuramshin's jailing, individuals who are campaigning with him were able to meet the delegation including a number of recently released prisoners and relatives of current prisoners. Their evidence was compelling and chilling.

Alexander Leonidovich Krivoruchko, aged 23, described arriving at the Granitny Prison (ETs 165-25) in northern Kazakhstan in the autumn of 2009. Guards immediately began to beat the prisoners. Grotesque degradation of prisoners was graphically described such as being ordered to clean up the floor after the prison guards had urinated on it or to lick spittle off the floor. Refusal meant systematic, savage beatings that went on for days or even weeks.

Prisoners were hung from ceilings and left there for hours receiving systematic, brutal beatings.

### **'The Camera'**

The former prisoners described a weapon used in the beatings, A metre or so long, it was a flat length of rubber used, they said, because it leaves less heavy marks on the body. Prisoners called it 'the camera' because 'when you were hit with it, your eyes flashed with the intensity of the pain'.

Even worse there was sexual abuse of prisoners by some guards including brutal male rape.

Another former prisoner, Azamat Gapsagitovich Dautov, aged 23, gave a vivid account of horrifying brutality, also in Granitny prison. Being beaten severely when he arrived, worse was to follow. Guards urinated and spat on the prison floor and then, using him as a mop, dragged him around to clean up the mess. On one occasion he was hung up by his hands for three days with his legs being severely beaten for refusing to sign a paper saying he agreed with the prison regime. On the third day, only when threatened with being raped, did he sign but had to do so by putting the pen in his mouth because his hands were totally paralysed from being hung up.

The extreme brutality in Kazakhstan's prisons resulted in a dramatic, gruesome protest by prisoners on August 10 when dozens of them mutilated themselves indicating their utter desperation. The Delegation was given a short video taken on a mobile phone from inside one of the prisons showing the protest.

### **Cancel OSCE Summit in Kazakhstan**

Joe Higgins comments: "I am horrified by the situation in the Kazakh prisons, particularly, it would seem in the northern regions of Kazakhstan. Outrageously, Kazakhstan is this year, the Chair of the OSCE, which has the monitoring of human rights as one of its mandates. This prestige was conferred on it by the 56 member states of the OSCE.

"Members of the OSCE which claim to be paragons of democracy have handed the Kazakh regime a public relations tool to cover this regime's despicable crushing of human rights. In my opinion, the real reason for this is Kazakhstan's geo strategic position including in relation to the Afghanistan war, and its huge reserves of oil and gas which European states are desperate to exploit. Kazakhstan is the EU's biggest trading partner with 75% of EU imports being made up of energy products.

"At the beginning of December, Kazakhstan will host a special OSCE Summit which it lobbied hard for, with the heads of state of the 56 countries invited. I am calling for this summit to be cancelled to show the world the truth about the human rights situation in

the country. We will seek a meeting with the Minister of Foreign Affairs, Micheal Martin, in relation to this summit and the oppression in Kazakhstan."

### **Denial of Human, Civil and Political Freedom**

The GUE/NGL Delegation heard testimony from the many groups which have encountered the routine denial of human, civil and political rights generally. Workers and activists travelled thousands of kilometres to meet the delegation in order to report the difficulties they face in exercising basic trade union rights. The constitution and the law officially allow for pickets and protests but it is the authorities that decide on whether to allow a picket and its location. Usually activists are "hidden" away to places miles away from where they want to hold their protest. The newspaper, "Respublika", a paper that is known for critical economic analysis has not been able to publish for a year. The reason given for that is a "lack of printing facilities" despite the recent crisis in the economy.

"We are deeply moved and impressed by the courage of those young prisoners to meet with us and speak out", commented Tanja Niemeier. "Alexander and Amazat repeatedly told us that they want the truth to be heard and justice for all those who are still in prison and for their families who are worried about the fate of their loved ones. Representatives of Vadim Kuramshin were able to pass on credible information to the delegation which convince us that the events in Granitny are not isolated cases. Similar brutal regimes are maintained in ETs 166/25 (Derzhabinsk), 166/18 (Stepnogorsk), 166/4 (Atbasar), 166/11 (Stepnogorsk), 161/3 (Zhemikaras), 161/4 (Kushmurun) and 161/2 (Kostanai)."

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Video footage taken on a mobile phone by prisoners inside a Kazakh prison and recorded oral testimonies of ex-prisoners is available at Human Rights Without Frontiers.

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## **Proposed new Administrative Code to be reworked, existing penalties remain**

By Felix Corley,

Forum 18 (08.09.2010) / HRWF (09.09.2010) - Website: <http://www.hrwf.net> - The government's decision to withdraw from Parliament the controversial draft Code of Administrative Offences was not connected with the widespread criticism by human rights defenders and religious communities over provisions that violate Kazakhstan's international human rights commitments, Forum 18 News Service has learned. "It was withdrawn for other reasons, together with the draft Administrative Procedure Code, and they will be reworked and presented to Parliament again," Bulat Beisov, head of the Directorate of Criminal Legislation in the Justice Ministry's Legislation Department, told Forum 18 from the capital Astana on 8 September.

Law professor Roman Podoprigora of the Caspian Public University in Almaty agrees. "The government wasn't responding to pressure over human rights – the withdrawal merely reflects fierce arguments within different parts of the government over conceptual questions as to what should go in one Code and what in the other," he told Forum 18 on 8 September from Almaty. "The argument mostly focuses on the Administrative Procedure Code, but both were withdrawn together and will be presented again after redrafting."

Professor Podoprigora says the impact on human rights and religious freedom of the withdrawal of the proposed new Code of Administrative Offences is "neutral". He points out that the Code in force today already includes punishments for non state-approved religious activity which are likely simply to be carried over into the new Code when it is presented once again.

Vyacheslav Abramov, Deputy Director of Freedom House in Kazakhstan, welcomes the withdrawal of the proposed Code of Administrative Offences. "It's definitely a positive step as, instead of improving the situation, the new Codes would have made it considerably worse," he told Forum 18 from Almaty on 8 September.

However, he remains sceptical that the Government will introduce "perfect versions". "But we human rights defenders are ready for new discussions." He said human rights groups must continue to send the Government their comments in the hope that "at least some will make their way through" to improve the drafts.

Like Professor Podoprigora, Abramov also points out that for religious believers, the withdrawal of the new Codes "changes nothing" as the current Administrative Code Articles punishing peaceful religious activity remain in force. "Let's hope the Government will listen to the recommendations from civil society and change these Articles too in the new version," he told Forum 18. "Human rights defenders sent their proposals on this to the Government and Parliament a long time ago."

### **Codes withdrawn**

The Government has long promised to revise these Codes. It sent its approved drafts to Parliament in November 2009, where they were handed to the Majilis (lower house) Legislative and Judicial-Legal Committee. A working group to prepare the texts had already begun its work, but neither draft Code had reached the full Committee, let alone a plenary session of the Majilis.

The two draft Codes were withdrawn by the government on 6 August, the Majilis noted in its list of pending legislation published on its website on 3 September.

Beisov told Forum 18 that the Justice Ministry is now redrafting the two Codes, but refused to discuss any time scale. "It will take as long as it takes," he told Forum 18.

### **Will Government seek OSCE review?**

Asked whether this time his Government will seek a legislative review by the Organisation for Security and Co-operation in Europe (OSCE) – which it failed to do for the withdrawn drafts, despite pressure from human rights groups and religious communities – Beisov of the Justice Ministry said the texts "will definitely be available to the OSCE".

However, asked if the Government will request OSCE assistance in preparing a text in line with international human rights commitments, Beisov responded: "That decision will be taken above my level. But we have here in Kazakhstan many qualified legal experts."

Two members of the Majilis Legislative and Judicial-Legal Committee refused to comment on 8 September on whether the reworked Code of Administrative Offences will still include punishments for peaceful religious activity. Serik Temirbulatov, who had been chairing the working group preparing the Codes, told Forum 18 he was too busy to talk, while Ramazan Sarpekov told Forum 18 he was in hospital and unable to talk.

### **Articles punish religious activity**

Human rights defenders and religious believers have long complained about two Articles of the current Code of Administrative Offences which violate religious freedom.

Article 374-1 – first introduced in 2005 – punishes leading, participating in or financing an unregistered, halted or banned 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.

The now-withdrawn Government draft would have retained Article 374-1 (renumbered as Article 451) in its entirety.

Article 375 (renumbered as Article 452) would have had some provisions deleted, but would still have punished: "refusal by leaders of religious associations to register them with state bodies, carrying out of activity by religious associations not in accordance with their statute, participating in the activity of or financing political parties, violating the rules governing holding of religious events outside the location of a religious association, organising of special children's or youth meetings not related to worship, and forcing individuals to carry out religious rituals". Also still punished would have been unauthorised missionary activity by foreign citizens or those without citizenship.

Professor Podoprigora was one of those who presented a written analysis of how these Articles violate Kazakhstan's international human rights commitments and calling for them to be abolished almost in their entirety.

### **Justice Ministry official rejects criticism**

Yet Beisov of the Justice Ministry vigorously rejects suggestions that these two Articles of the Code now in force or the draft new Code just withdrawn by the Government violate international human rights standards, even over the punishment of religious activity simply because it is not authorised by the government.

"I wouldn't say there are any deficiencies or violations of international norms in these Articles," Beisov insisted to Forum 18. "Everyone can pray, but a religious organisation or association is a different matter." Told that international human rights norms make no mention of any requirement to register with the government before a religious community can function and told that many countries practice this by not requiring such registration – including Russia, Ukraine and Norway – he responded: "I think you are looking at this from a completely different angle."

Official agencies regard punishing individuals who violate these two Articles as vital. The website of Pavlodar Regional Police for example lists identifying "offenders" under these Articles as two of the nine "basic tasks" of its Department for the Fight against Extremism, Separatism and Terrorism.

### **Wide use of administrative penalties**

Article 374-1 and Article 375 have often been used to punish religious activity, particularly by Council of Churches Baptists, who reject on principle any demands that they register with the state. Many have been fined and, after refusing to pay such fines, some of their pastors have been given short-term detentions. They have also been used to punish Muslims, as well as Jehovah's Witnesses in earlier years.

However, Council of Churches Baptist Dmitry Janzen says he knows of no such prosecutions in the previous two months. "It seems a bit quieter," he told Forum 18 from Temirtau on 8 September. "But though there have been no court cases, police and local officials continue to visit, summon, question and watch."

Janzen cited a visit by three police officers to his church's Sunday service on 8 August, during which a wedding also took place. "They didn't disturb the service, but drew up a record of an administrative violation which they refused to show to us." He added that officials have also examined closely all the documents related to ownership of the Temirtau church's worship building.

Janzen also pointed to the case of Nikolai Levin, a pastor in Balkashino in Akmola Region. He was questioned by the Regional police Department for the Fight against Extremism, Separatism and Terrorism in June after earlier pressure to register from local administration officials.

After Forum 18's calls to local officials, Janzen said, Pastor Levin had received a "very angry call" from a local official who asked why he had brought his case to international attention. However, the local official was soon overridden by a more senior regional official, who instructed that Levin be left unpunished until after the end of the year.

### **Punishments overturned or ignored**

Despite the frequent punishments handed down under Article 374-1 and Article 375, and the continuing attempts to impose further punishments by police officers, the National Security Committee (KNB) secret police and prosecutors, the authorities often find it difficult to follow through on the punishments. Religious believers prepared to challenge the punishments right through the judicial system can have them overturned.

Council of Churches Baptists routinely refuse to pay fines, and court executors often struggle to find property they are able to seize from them. Restraining orders have been handed down on livestock, but these are rarely seized.

Baptist Viktor Leven was ordered deported in 2009 under Article 375 for leading a church service while he was still a German citizen. However, Janzen told Forum 18 that while officials still threaten to do so they appear reluctant to fulfil their pledge.

On 17 March, the Supervisory Judicial Collegium for Civil and Administrative Cases of Kazakhstan's Supreme Court in Astana reviewed the fine of 100 times the minimum monthly wage handed down on Zhanna-Tereza Raudovich under Article 374-1 Part 1 for hosting a small Sunday worship service in her home. She was given a "verbal reprimand" instead.

On 10 March the same Collegium of the Supreme Court had overturned the punishments handed down to two visiting Jehovah's Witnesses, 82-year-old American Theodore Jaracz and 69-year-old Canadian John Kikot. Both were detained by police and counter-terrorist police in Almaty in May 2008 after giving a 30 minute "pastoral discourse" at a Jehovah's Witness meeting. They were both found guilty by an Almaty court under Article 375 Part 3, each fined 15 times the minimum monthly wage and ordered deported. They were both barred from reentering Kazakhstan for five years.

On 17 June 2008 Almaty City Court rejected their appeal, but they took the case further. Eventually, in an 11 February 2010 protest seen by Forum 18, Kazakhstan's Deputy General Prosecutor Askar Sekishev wrote to the Supreme Court asking it to annul the penalties as the two visitors had committed no offence.

However, although the Supreme Court vindicated Jaracz and Kikot, it did not publicise the verdict until 11 August, when a statement on its website and on the website of the General Prosecutor's Office made the information widely available. "They did this only when we insisted," one Jehovah's Witness told Forum 18 from Almaty on 8 September. "We wanted people to know they were innocent of any wrongdoing."

Yet it remains unclear if the two men have had their five-year entry ban overturned. "The lower court wrote to the Interior Ministry department in Almaty asking them to ensure this, but we don't know if it has been done. They have not written to us to say they have done this."

In other cases, courts themselves recognise that prosecutors and the police have exceeded their powers in trying to punish religious believers. Police and prosecutors brought a case against a Jehovah's Witness in Akmola Region in December 2009 under Article 342 ("violation of the law on the media") for allegedly illegally distributing Jehovah's Witness publications. However, the court rejected the case as unfounded and sent it back, Jehovah's Witnesses told Forum 18.

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## **Religious freedom concerns**

### ***Statement by the European Association of Jehovah's Christian Witnesses for the OSCE High-Level Conference on Tolerance and Non-Discrimination, Astana, 29 and 30 June 2010***

EAJCW (30.06.2010) / HRWF (05.07.2010) - Website: <http://www.hrwf.net> - In our oral statement at the Human Dimension Meeting last year, we reported that a serious interference with our peaceful religious activity in Kazakhstan had been resolved with the assistance of different governmental organs, including the Presidential Commission on Human Rights, the Prosecutor General's Office and the Ombudsman's Office. A letter of the Committee of Religious Affairs (CRA) making the unfounded claim our magazines present a "potential threat for the security of the state" had been cancelled.

Unfortunately, on September 23, 2009, we received another letter, in which the CRA on its own initiative requested copies of all publicly-distributed issues of The Watchtower and Awake! magazines for the year 2009. The purpose of this request was to conduct another expert examination, and the requested magazines were provided to the CRA. Thus, notwithstanding the assurances of the CRA during the meeting of the OSCE in Warsaw in 2009 that this "misunderstanding" would be quickly resolved, the adversarial examination of our magazines continues.

In fact, on October 31, 2009, the CRA officially requested from our Religious Center copies of all "study editions" of The Watchtower and Awake! magazines for 2009, to once again submit them to experts for examination. These issues of the magazines were provided to the CRA on November 5, 2009. The expert examination continues to this day.

According to the Rules of Conducting Religious Expert Examinations (approved by the Governmental Decree of January 1, 2007 No. 70), the expert examination must be completed within 30 calendar days from the day when the expert is given the object of examination. The examination period may be extended for 30 calendar days in the case of the necessity to study additional materials and information in order to conduct the examination. Hence, the maximum examination period allowed by law is 60 calendar days, which period has already for long expired in the case of this repeat expert examination.

The grounds for the undertaking of this expert examination in themselves appear questionable. According to article 4 of the Law of the Republic of Kazakhstan "On Freedom of Worship and Religious Associations" and points 1 and 3 of the Rules of Conducting Religious Expert Examinations, an expert examination is assigned in the case of governmental registration of religious associations, as well as for other lawful grounds (i.e. on court request). Neither the law nor the regulations contain any provisions for the assignment of religious expert examination, or for the assignment of a repeat expert examination, of religious literature by the CRA of its own initiative and on a selective basis against a single faith. Such an approach shows discrimination, which is illegal according to article 14 of the Republic of Kazakhstan's Constitution. This ongoing examination of their religious literature violates the right of Jehovah's Witnesses to freely practice their religion and their freedom of worship.

We appeal to the authorities of Kazakhstan to take positive actions to resolve the problems with the literature of Jehovah's Witnesses in order to avoid illegal harassment and administrative prosecutions of peaceful Christians and their registered Local Religious Organizations in Kazakhstan under the guise of protection against extremism. A delegation of Jehovah's Witnesses is ready to meet with representatives of Kazakhstan in order to clarify any misunderstanding and to promote a constructive dialogue.

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## **Religious freedom concerns**

### ***Statement of the International Society for Krishna Consciousness at the OSCE/ODIHR Conference on Tolerance and Non-discrimination in Astana***

ISKC (30.06.2010) / HRWF (05.07.2010) - Website: <http://www.hrwf.net> -

Ladies and gentlemen,

I am very grateful and honored to have the opportunity to participate in the meetings of the OSCE Conference. We have had a chance to speak at the OSCE Human Dimension Implementation Meetings more than once, and we sincerely hope that we will be heard by those who are authorized to resolve our drawn-out issue.

The world public has become well aware of the activities of the Kazakh authorities against the farming community of the Krishna Society, which has been evicted from their property in the Karasai district, Almaty province. Although the general situation around the Society for Krishna Consciousness is quite tolerable, the situation of the community in the Karasai district, Almaty province, remains an area of serious concern because of the elements of open and hidden religious discrimination.

Let us remind you that in November of 2006 the Government of Kazakhstan confiscated 48 hectares of privatized farm property owned by the Krishna Society and destroyed 26 houses of the members of the Society without any compensation. These activities severely violated international standards of forced evictions, including the General comment #7 adopted by the UN Committee on Economic, Social and Cultural Rights, which Kazakhstan as a nation that joined the International Covenant on Economic, Social and Cultural Rights was supposed to follow.

For the last three years negotiations have been going on between the Government and the Society to try to settle the conflict. We have suggested that the Government would give us the plot of land with the area of 15 hectares which is presently occupied by the temple and other utility structures of the Society.

However the Government's promise to allot a plot of land to Krishna Society has never been fulfilled.

The plots of land offered to the Society for the last years (such as an active landfill, an old cemetery, and a piece of steppe 70 km away from the city) is a factual indication that the Society is being sent to a reservation for destruction.

Although the relations of the Society with the local, district and province Hakimats have improved, unfortunately, they can't resolve our land issue because only the Government seems to be competent to do it.

2010 is a remarkable year for the Republic of Kazakhstan. It is the year of Kazakhstan's chairmanship of OSCE. And, 2010 is the sixth year since the Kazakhstan Government started the campaign to liquidate the farm community of the Society for Krishna Consciousness in Kazakhstan. And who knows what will be coming in 2011.

We request the Acting Chairman of the OSCE, Mr. Sadabayev, to take this drawn-out issue under his control. We also hope that the question of allotting the Society the plot of land with the area of 15 hectares will be resolved positively, because our community has occupied, cultivated and developed this property for 10 years and the faithful continue to conduct worship on this property.

And the second disturbing question is connected to the printing of the textbook Basics of Religious Studies, For The Students of the 9th Year. Echoing the Government, the authors divide the religions on traditional and non-traditional and use terminology which can't be found either in the RK Constitution or the normative documents, or the RK Law on Religious Freedom and Religious Associations. In this way the Vienna Convention of 1989 has been violated (sec.16.2: "foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers.").

Thank you for your attention.

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## **Is unregistered religious activity extremism, separatism or terrorism?**

By Felix Corley,

Forum 18 (23.06.2010) / HRWF (24.06.2010) - Website: <http://www.hrwf.net> - At least three different regional police Departments for the Fight against Extremism, Separatism and Terrorism in Kazakhstan have raided religious communities in 2010, solely because they engage in unregistered religious activity, Forum 18 News Service has learned. Known targets have been congregations of the Council of Churches Baptists - who refuse on principle to seek state registration from the authorities - in both Akmola Region (around the capital Astana) and North Kazakhstan Region, as well as unregistered mosques in Taraz in the southern Jambyl [Zhambyl] Region.

"We get involved in questions on this line," police Major Dauren Gumarov commented on raids on three Taraz mosques and one nearby madrassa (religious college), and check-

ups on their registration status. Major Gumarov is head of Jambyl police's regional Department for the Fight against Extremism, Separatism and Terrorism. Asked what he meant by "line", he responded: "Unregistered religious associations."

Asked why anti-terrorism police were involved merely because a religious community is functioning without registration, Major Gumarov insisted: "Registration is required. We didn't close them down – we went with the Prosecutor's Office and they warned them to get registration." He refused to explain why his Department was involved with religious communities which did not pose an extremist, separatist or terrorist threat.

Current Kazakh law contradicts itself on whether or not the registration of religious organisations is compulsory.

Regional police Departments for the Fight against Extremism, Separatism and Terrorism, which have raided or questioned Baptists in Akmola and North Kazakhstan Regions in June, refused to discuss their activity with Forum 18.

An officer of the western Mangistau Region's police Department for the Fight against Extremism, Separatism and Terrorism was involved in raiding the New Life Full Gospel Pentecostal Church in the Caspian Sea port town of Aktau [Aqtau] in 2009. He was also involved in questioning and threatening church members, and trying to recruit one as a spy, church members told Forum 18, and attended the trial of a church member which ordered her deportation.

### **Ordinary police and other officials also raid**

Accompanying the Department for the Fight against Extremism, Separatism and Terrorism police in Taraz were Prosecutor's Office officials. Raids on unregistered religious communities are often conducted by the ordinary police and officials of Internal Policy Departments of local Akimats (administrations).

In one recent case, police in the northern Pavlodar Region raided the ordination service of a Council of Churches Baptist pastor on 19 April. Like many of their leaders across Kazakhstan, he was subsequently given a heavy fine (see forthcoming F18News article).

### **"Why can't people believe as they choose"?**

Akmola Region's police Department for the Fight against Extremism, Separatism and Terrorism refused to discuss why they questioned a local Council of Churches Baptist pastor. Pastor Nikolai Levin, who leads the congregation in Balkashino, told Forum 18 that twice in June he has been summoned to the Sandyktau District Police in Balkashino, where he has been questioned by an officer of the Department.

"He demanded that I register the church, which we won't agree to do," Pastor Levin told Forum 18 on 22 June. "He demanded that I hand over a list of church members. I refused saying that we don't have such lists." He said the officer refused to explain why the Department needed such lists and warned him that they would come during a service and write down the names of all those present. "I asked him why people cannot believe as they choose without his Department needing to know about it, but he refused to explain."

An officer at Sandyktau District Police – who would not give his name - told Forum 18 on 22 June that Levin was questioned because his community is not registered. "Our law says he must register." But he insisted that an officer from the police Department for the Fight against Extremism, Separatism and Terrorism had come from the regional capital Kokshetau to question him, and that the local police was not involved.

Officials at the regional Department for the Fight against Extremism, Separatism and Terrorism in Kokshetau refused to discuss why they had questioned Pastor Levin, as well as demanding a list of church members. "Our people weren't there in Balkashino," one officer – who would not give his name – claimed to Forum 18 on 22 June. Another told Forum 18 shortly afterwards that "we are not able to answer your questions at the moment".

### **Internal Policy Department also visit**

Pastor Levin said so far the Department for the Fight against Extremism, Separatism and Terrorism have not visited the church during a service as threatened. However, he said an official of Sandyktau District Akimat (administration) Internal Policy Department came to his home on 28 May – before he was summoned by the Department - and once again asked why he would not register the church. "We've explained to them so many times," he told Forum 18.

Saule Zhailganova, head of the district Internal Policy Department, admitted that she had visited Pastor Levin. "We just went to conduct explanatory work that he must register his congregation," she told Forum 18 on 22 June. "We have no complaints about them apart from this." Told that the Baptists refuse to register – citing their religious freedom rights under Kazakhstan's Constitution and the country's international human rights obligations – and asked what officials would do when they continue to worship, Zhailganova did not state any specific measure.

Aida Sydzhanova of Sandyktau District Prosecutor's Office told Forum 18 the same day that their officials have not visited Levin and "are not demanding anything of him". However, she too insisted he must register his congregation.

In January 2009, the Balkashino Baptist congregation was subjected to a raid in which the National Security Committee (KNB) secret police took part. Levin was fined the following month for leading his unregistered congregation, but refused to pay the fine. The judge also banned the congregation permanently, a ban the Baptists have ignored.

### **Raid on worship service**

Another Council of Churches Baptist congregation was raided by anti-terrorism police in North Kazakhstan Region. Pastor Aleksandr Kerker told Forum 18 on 22 June that seven officers of the regional Department for the Fight against Extremism, Separatism and Terrorism raided his congregation's evening worship service on 16 June in his home in Tayinsha. He said they tried to film the service but he told them to stop. "They wanted to halt the service and summon those present out to the street, but I refused. They then waited until the service was over."

Pastor Kerker said one of the officers sat through the rest of the service. "He had a bag with him and I don't know if he had a concealed recorder or not."

After the service the police allowed children to leave, but stopped the adults on the street and filmed them. Pastor Kerker said officers again demanded that he register the congregation, but he explained yet again that his congregation does not need state registration.

The police told him a case is being prepared against him, for leading an unregistered religious community. Pastor Kerker was fined for this in 2008 and 2009 and officials intended to confiscate property from him when he refused to pay.

However, he told Forum 18 that so far none of his property has been seized to pay for these fines.

## **Anti-terrorism police move against unregistered mosques**

Three mosques in Taraz in the southern Jambyl Region have been raided by the Regional Department for the Fight against Extremism, Separatism and Terrorism since October 2009, the Regional Police reported on their website.

First to be raided was the town's Abubekr Mosque in October 2009 in a joint raid with officials of the town Prosecutor's Office. Then on 14 January 2010 the Saly-molda Mosque was raided, followed about two weeks later by the Aisula-Ana Mosque.

In all three cases, the website noted that cases were prepared against the imams for leading unregistered religious communities under Article 375 Part 1 of the Code of Administrative Offences ("refusal by leaders of religious associations to register them with state bodies, carrying out of activity by religious associations not in accordance with their statute, participating in the activity of or financing political parties, violating the rules governing holding of religious events outside the location of a religious association, organising of special children's or youth meetings not related to worship, and forcing individuals to carry out religious rituals").

The government's current re-draft of the Administrative Code continues existing punishments for exercising freedom of religion or belief, including leaving much of Article 375 intact.

The Regional Department for the Fight against Extremism, Separatism and Terrorism also raided an unregistered madrassa attached to the mosque in the village of Masanchi not far from Taraz in February 2010.

While the head of the Regional Department for the Fight against Extremism, Separatism and Terrorism defended the raids to Forum 18, no-one at the Taraz Prosecutor's Office was available on 21 or 22 June to discuss them and the administrative cases prepared against the imams.

### **"There is no extremism in our region now"**

However, Abdymominov Abdymominov, religious affairs official at Taraz Akimat, denied to Forum 18 that any of the three raided mosques in the town had been closed or that the imams had been brought to trial. "You have false information – no mosque was raided or checked up on by the anti-terrorism police," he told Forum 18 on 21 June. "We've had no complaints." Told that the Regional Police had published the information on its website, he repeated that no mosque had faced check-ups. "If they had, I'd have known."

Abdymominov insisted all religious communities have to be registered. "It's an elementary issue – the law requires it," he told Forum 18. "This is not so as to interfere in their activity – but we're close to the border with Uzbekistan, where there are Wahhabis [a frequently used term for fundamentalist Muslims] and terrorists." Asked whether any terrorist plans had been detected in Taraz's mosques, he responded "Yes". On closer questioning he indicated that this had been a problem 15 years ago. "There is no extremism in our region now."

Abdymominov said Aisula-Ana mosque is now registered, but if Saly-molda Mosque fails to get registration it will be closed down. "This is not a question of religious motives – they need to make sure they have adequate fire safety measures, for example. You can't just use a small house for prayer. If something happened, who would be responsible?"

Kanat Kuanishbekov, imam of Aisula-Ana mosque, confirmed to Forum 18 on 22 June that in the wake of the raid the community had applied for state registration. He said

that the community had to wait for the Muftiate in Almaty to send the statute that all mosques use and registration was not given until 3 March. He said the administrative case against him had been halted when the mosque applied for registration.

An official of Jambyl Regional Justice Department who would not give his name told Forum 18 on 22 June that of the four raided Muslim communities, only the Aisula-Ana Mosque has since gained registration. "The other three haven't lodged applications," he added.

The Regional Police also noted on their website that 13 local religious leaders were each fined 100 times the minimum monthly wage in 2009 for leading unregistered religious communities. It did not identify them.

The mass media, the education system and official statements are often used by officials to link unregistered religious activity with terrorism and extremism.

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## **Textbook "propagandises intolerance, so it should be banned for use in schools"**

By Mushfig Bayram,

Forum 18 (18.06.2010) / HRWF (21.06.2010) - Website: <http://www.hrwf.net> - Human rights defenders and religious communities are highly concerned about a religious studies textbook introduced earlier this year for teenage school students which, in the words of one local specialist, contains "aggressive, sometimes insulting and even offensive" language about some Kazakh religious communities. Among those telling Forum 18 News Service of their concern are Ahmadi Muslims, Protestant Christians, Hare Krishna devotees and Jehovah's Witnesses - all of whom have state registration. Even the Culture Ministry's Religious Affairs Committee expressed some concern over the textbook to Forum 18.

However, the lead author of the textbook, Garifolla Esim, a professor who is also a member of Kazakhstan's upper house of parliament, the Senate, vigorously defends it. He downplayed any negative effects of his book on minority faiths. "I have not said anything negative about any of the officially registered religious groups," he exclaimed on 16 June to Forum 18.

The textbook matches frequent statements by Kazakh government agencies and officials opposing freedom of religion or belief. Both the book and state officials are hostile to "non-traditional" religious communities, which they try to equate with "terrorist", "destructive", and "extremist" movements, and sharing one's beliefs

### **Textbook still in schools**

The textbook - "Introduction to Religious Studies" - was introduced into schools in January 2010, and is currently the only textbook available to teach a Religious Studies course introduced for the 9th class (for children aged about 14) by the Education and Science Ministry in September 2009. Despite claims by officials that the textbook no longer has state endorsement, many have told Forum 18 that it is still used in schools.

Maryam Mukatova, Deputy Director of the Education and Science Ministry's Centre on Textbooks, told Forum 18 from Astana on 17 June that the book is used for what she called the "optional" Religious Studies course. She added that the course is compulsory, but does not at present include exams that count towards a child's annual mark.

However she said that the subject will become mandatory in the next school year, which begins in September 2010.

Mukatova said that her Centre did not recommend Esim's book, with its current content, as a textbook for schoolchildren. "It had incorrect statement on certain religious movements," she explained to Forum 18. She could not explain why the book is still used for teaching in schools.

Zhanna Onlasheva, Specialist at the Culture Ministry's Religious Affairs Committee, said that the Committee has a negative opinion of Esim's book. "We have been against that book from the very beginning and still are," she told Forum 18 on 16 June from Astana. She declined to make specific comments.

### **Esim defends textbook**

Senator Esim dismissed the criticism from representatives of minority faiths, independent legal and religious experts and even the Religious Affairs Committee. Asked why the book puts Ahmadi Muslims, Jehovah's Witnesses, the Hare Krishna community and some Protestant Churches in the category of "cults", Esim responded: "Well these groups are not like the traditional religions, which have existed for centuries." He could not explain why he differentiates between "traditional" religions and "cults". "Well some of these cults have problems. They disturb people's peace with their propaganda on the streets and on the doorsteps."

Senator Esim also claimed – without making any specific allegations - that these religious organisations have other problems that the courts and law-enforcement agencies "should take care of".

### **Condemned 2008-9 draft Law to be recycled**

Esim told Forum 18 that he and other law-makers are working on a draft law similar to the draft declared unconstitutional by the Constitutional Council in 2009. This rejected Law would have severely restricted freedom of religion or belief.

"The law is on the shelf now but we are working on it, and when it gets signed into force it will not allow the aggressive propaganda by those groups," Esim stressed.

Kazakh human rights defenders predicted at the time of the Constitutional Council decision that the draft Law would be reintroduced in some form. The National Human Rights Action Plan - first published in September 2009 - indicated that a draft Law would be introduced in 2011.

Parliament is also working on a proposed new Administrative Code, which continues the current penalties for exercising freedom of religion or belief.

### **Controversial textbook**

Written under Senator Esim's leadership, "Introduction to Religious Studies" is described as a textbook for the 9th class at Russian-language schools. The co-authors are Aydar Abuov, Kalimash Begalinova and Esbosyn Smagulov. The book was published by Bilim publishers – which is owned by the Culture Ministry - in Almaty in early 2010. The book states that it is "Recommended by the Ministry of Education and Science of the Republic of Kazakhstan" and follows the outlines of the approved school course. A parallel book was also published in Kazakh.

Esim's co-authors are employees of two government-sponsored centres. Abuov is director of the International Centre for Cultures and Religions, which opened within the

Justice Ministry in December 2008. Smagulov works in its research department. Begalinova is deputy director of the Scientific-Research and Analytical Centre on Religious Issues (SACRI), which was founded within the Justice Ministry in early 2007.

In March 2010 both centres were transferred - along with the Religious Affairs Committee - from the Justice Ministry to the Culture Ministry.

The publishers' summary of the book insists that it provides "in accessible form a critical assessment of the activity of non-traditional religious cults which have spread in the religious sphere of our country in the years of independence".

In the textbook's introduction, Esim insists that by providing reliable information on different religions, his textbook "will enable pupils to correctly get orientated in various life situations and distinguish true laws of religion from false slogans".

Senator Esim claims that Islam and Russian Orthodoxy are "considered" the two "traditional religions" of Kazakhstan, without explaining who considers this to be the case or why. "At the present time the issue of extremism and terrorism, whose inspirers partially cover themselves with religious slogans, is particularly acute," he also claims. "With this aim, the chapter devoted to non-traditional religious cults [Chapter 5] gives a characterisation of 'religious' extremism and terrorism."

### **Textbook criticized**

Critics of the textbook have pointed out several historical errors, omissions or erroneous descriptions of a number of religious doctrines - including about faiths that the government has not shown hostility to. In one of many errors, it defines religion as a belief in the existence of a God or gods without taking into account non-theist religions and beliefs. Much criticism has been directed at Chapter 5, which makes up one tenth of the book.

The textbook frequently refers to "non-traditional religions", "non-traditional religious cults", "destructive cults", "extremist and terrorist organisations", and "contemporary religious movements" - all of which are undefined and are implied to be the same phenomenon. Only in one place does the textbook declare that it does not regard all "new religious movements" as "destructive" and a "danger to society".

Chapter 5's description of the "Specifics of new (non-traditional) religious cults" has sections outlining what are claimed to be "Common characteristics of destructive cults" and advising (in direct language not seen elsewhere in the book) "How to avoid ending up in destructive cults". The chapter's purported (and erroneous) descriptions of "Non-traditional religions and movements in Kazakhstan" include the Jehovah's Witnesses and Hare Krishna movement, and is followed by descriptions of "Extremist and terrorist organisations".

Some have questioned the choice of "new religions" described, which include the Jehovah's Witnesses and the Ahmadi Muslims (both active from the 19th century) and the Hare Krishna movement (a branch of Hinduism). In Kazakhstan some of the faiths the authors insist are "new" and "non-traditional" have been present for more than half a century. The book admits that Jehovah's Witnesses, Pentecostal Christians and Seventh-day Adventists have been present since the 1930s to 1950s.

Among the four books cited as sources for Chapter 5 is the book "Sectology", published in 2002 in the Russian city of Nizhny Novgorod by the controversial Russian anti-"sect" activist, Aleksandr Dvorkin. (One of the co-authors, Abuov, welcomed Dvorkin on his March 2009 visit to Kazakhstan.)

Included as an appendix in "Introduction to Religious Studies" is the course outline for the compulsory subject of Religious Studies, approved by the Acting Education and Science Minister on 14 September 2009. Of the 34 hours assigned to the course, three are devoted to "Non-traditional religious cults". The description for this reads: "Features of new (non-traditional) religious cults. Characteristics of destructive cults and their activity. Extremist and terrorist organisations."

### **Textbook "should be banned for use in schools"**

One of the first to criticise the textbook publicly was Artur Artemyev, an Almaty-based religious studies professor, who began speaking up in the local media in April. More recently, in letters to government agencies seen by Forum 18, Ahmadi Muslims, Protestant Christians, Hare Krishna devotees and Jehovah's Witnesses criticised many aspects of the textbook.

One local specialist told the Norwegian Helsinki Committee in May that the language used about followers of faiths other than Islam and Russian Orthodoxy is "aggressive, sometimes insulting and even offensive". Another specialist told the group they believe the book needs a fundamental revision, both in conception and content, if it is to be acceptable for use in schools. Another was even blunter, telling the Norwegian Helsinki Committee that – although the President has called for schools to promote "tolerance" – "the book propagandises intolerance, so it should be banned for use in schools".

Professor Artemyev questions why the Education and Science Ministry has not decisively rejected the book, given its criticisms. He claimed to Forum 18 on 15 June that its Deputy Minister Makhmetgari Sarybekov is even lobbying for the textbook. Artemyev too insists the book should be withdrawn.

Mukatova of the Education and Science Ministry's Centre on Textbooks told Forum 18 that the book underwent three rounds of checks by specialists on religion from the Religious Affairs Committee, the Law University of the National Security Committee (KNB) secret police, President Nursultan Nazarbaev's ruling Nur Otan political party, and the Ministry's own SACRI research centre. She declined to give the names of the specialists, saying that it was confidential.

"Each time we sent the criticisms to the authors to improve the book. After the third time we recommended the book to be used only by teachers, and not as a textbook for schoolchildren, since it still needed improvement." Mukatova could not explain why her Centre recommended the book for use even by teachers, given that it believes the book still needs improvement.

Although Kazakhstan is 2010 Chairperson-in-Office of the Organisation for Security and Co-operation in Europe (OSCE), an OSCE initiative on religious education which respects everyone's freedom of religion or belief – the 'Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools' [http://www.osce.org/odihr/item\\_11\\_28314.html](http://www.osce.org/odihr/item_11_28314.html) - has not been taken up.

### **"Dangers of missionary activity" lessons**

Staff of the Culture Ministry's Scientific-Research and Analytical Centre (SACRI) have already taken part in lessons related to the Religious Studies course. A session was held for 9th class students at School No. 56 in Astana, where one of the Centre's staff spoke on "The Danger of Missionary Activity for National Security", while another spoke on Scientology, the Centre's website noted on 14 May. A documentary film was also shown, though the website did not say what this was.

Nurlan Mansurov, the new Director of the SACRI, told Forum 18 on 17 June that at the end of the school year in May, they held similar talks on "cults and missionary activity" in some other schools – he did not specify which schools – at the request of those schools, since they had finished the religious studies course. Mansurov also did not specify which "cults" were depicted in the film shown to the schoolchildren. "I don't remember at the moment," he responded.

Asked whether he believes the officially registered religious organisations' missionary activity poses any threats to Kazakhstan's national security, Mansurov replied with a question: "Do you think these groups will always be peaceful?" Without specifying any organisation, he added that "some of these groups under the guise of religious activity sow the seeds of inter-ethnic conflicts." Mansurov told Forum 18 that the Centre's purpose for holding such talks in schools is to "warn schoolchildren about the possible dangers of missionary activity."

The freedom to share religious or non-religious beliefs – an essential part of freedom of religion or belief – is also targeted by the state-approved re-draft of the Administrative Code.

### **Esim reacts to criticism**

Professor Artemyev also told Forum 18 that he had received several telephone calls from Senator Esim demanding that he halt his public criticism of the textbook. Artemyev stated that Esim had threatened him but declined to specify the threats, insisting that the issue is not a personal conflict between himself and Esim but whether the textbook should be allowed in schools. He told Forum 18 his sole focus is to ensure that a balanced and neutral textbook is used in schools which will contribute to an unbiased education in religion.

Asked why he called Artemyev and demanded that he stop criticisms of his book, Esim told Forum 18: "Artemyev is a strange person, I don't even regard him as a specialist on religion but as a die-hard atheist. He has an agenda to promote cults in Kazakhstan." Without giving any evidence, he claimed that "all the public has spoken against Artemyev."

Esim also dismissed criticism from the Religious Affairs Committee, insisting this was "because the Committee wanted to publish their own book on the subject and they were a rival." The Religious Affairs Committee denied to Forum 18 that they planned their own textbook.

Senator Esim also claimed that he was ready to take criticism of the book by anybody "if it was to the point." He stated that the book is taught as an optional course in schools, but will become a mandatory textbook after it is discussed among the wider public for final improvements and official approval.

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## **Criminal records for religious activity**

Mushfig Bayram and Felix Corley

Forum 18 (1.04.2010) / HRWF (6.04.2010) - Website: <http://www.hrwf.net> - Vissa Kim, pastor of a Protestant Church in Jambyl [Zhambyl] Region in southern Kazakhstan, was today (1 April) fined 10 times the minimum monthly wage for praying for a member of his church, a church member who wished to remain unnamed for fear of reprisals from authorities told Forum 18 News Service. As well as having a criminal record, he has also been told to pay large court fees which Forum 18 has been unable to clarify. Meanwhile,

Sergei Mironov, leader of a Protestant drug rehabilitation centre in East Kazakhstan Region closed down by the local authorities, continues his attempts to overturn the closure of the centre and his criminal conviction.

Forum 18 is also aware of a criminal case opened against the leader of another Christian-run drug rehabilitation centre in Kazakhstan's commercial centre Almaty.

Officials at the Justice Ministry's Religious Affairs Committee were reluctant to talk about any of the cases on 1 April. They referred Forum 18 to Zhanna Unlashova, the legal expert at the Committee, but she said she needed time to study the cases.

Asked whether the State authorities in Kazakhstan put any barriers against religious communities conducting social work among the population, Unlashova without clarifying said that "Sometimes we receive complaints from the communities, and we have been able for instance, to help them to get a plot of land to build their buildings." When Forum 18 asked whether there have been any concrete cases where the State Committee facilitated the religious communities' social work, Unlashova said, "I will think about your questions and you can call later next week."

### **Sentenced for praying**

Judge Azamat Tlepov of Taraz City Criminal Court in Jambyl Region, fined Pastor Kim of Taraz's Grace Light of Love Protestant Church on 1 April, four months to the day after the trial began. Kim was found guilty of violating Criminal Code Article 111 ("causing severe damage to health due to negligence").

"Pastor Kim will have to pay the fine and court expenses amounting to some 150,000 Tenge [6,075 Norwegian Kroner, 755 Euros or 1,020 US Dollars]," one church member complained to Forum 18. "Now it looks like pastors will get fines for praying for the sick in churches."

Taraz Court's Chancellery referred Forum 18 to Judge Tlepov saying that it had not received the verdict from the Judge yet. Judge Tlepov answered his phone twice on 1 April, but as soon as Forum 18 identified itself put the phone down both times. Forum 18 was thus unable to clarify the nature of the court expenses.

Church members told Forum 18 earlier that the case was raised several times by the Taraz city Police in 2009, but was later dropped because there was no evidence of a crime. Later the case was taken up by the National Security Committee (KNB) secret police. The KNB alleged that Pastor Kim inflicted harm to the health of a woman attending his church by praying for her. The Taraz city court started hearing the case on 1 December 2009 but subsequent hearings were postponed several times.

When called earlier on 19 March, Judge Tlepov told Forum 18 that Pastor Kim was "not guilty of a crime." Asked why Kim was being prosecuted for having prayed for the sick, and told that it is not unusual for some Christians to pray for healing by laying on of hands, Judge Tlepov said: "You need to tell this to the agencies which began the prosecution against him."

### **Rehabilitation centre leader to challenge criminal conviction**

Sergei Mironov, the Head of a Christian-run Spiritual Centre for the Rehabilitation of Drug Addicts and Alcoholics in Steklyanka village in East Kazakhstan Region, has failed in his attempt to have his criminal conviction overturned, as he told Forum 18 on 30 March. East Kazakhstan Regional Court in Oskemen heard his appeal on 19 March but upheld the previous court decision.

On 9 February, Judge E. Berekbulov of Semei District Court No. 2 had found Mironov guilty of violating Criminal Code Article 126 Part 1 ("illegal deprivation of freedom not connected to kidnapping"). In the verdict, seen by Forum 18, Mironov was sentenced to limitation on his freedom for one year. The decision says that Mironov may not change his permanent workplace and residence, as well as travel to other places from his home town without first getting permission from an authorised state agency.

Mironov told Forum 18 that he intends to appeal to the Supreme Court.

The prosecutor alleged that Mironov had illegally detained a client at the Centre, but he insists the accusations were fabricated. He points out that the prosecution came after a series of moves against the Centre, including an armed raid by the police and KNB secret police, two fines and a permanent ban on its activity.

Aleksandr Artamasov, Deputy Head of East Kazakhstan Regional Administration's Internal Policy Department, refused to comment on Mironov's case. "Religious communities can do social work but only if they do it in accordance with the Religion Law," he told Forum 18 on 1 April and put the phone down.

### **Raid on church service was a "violation"**

Meanwhile, the Ayagoz District Prosecutor's Office in East Kazakhstan Region has written to members of the Grace Church to say that the officials involved in the check-up of a Sunday service on 24 January in the village of Ayagoz violated the law, church members told Forum 18. The Prosecutor's Office said some of the officials involved would be reprimanded.

The congregation – registered with the local authorities as a "religious group" within the Grace Church – had gathered in the home of Nurken Askarov and his family for the Sunday service when the raid took place, church members told Forum 18. Two members of the local Akimat (administration), Roza Kairbaeva and Aydarzhan Iklasov, were accompanied by four police officers. No search warrant was shown. They claimed that they had received a report that needed to be checked up on. While Iklasov filmed those present, Kairbaeva insisted that the service be halted and demanded to know "why are more than 10 people present in the house?" Police demanded that all those present give their names, addresses and places of work. Attendees were asked why they had come to the service.

Later that Sunday, officials of the Akimat's Internal Policy Department drew up a report about Askarov and demanded that he sign a statement saying why more than 10 people were present in his home. When he refused to sign anything, one police officer threatened that he would face prosecution under the Code of Administrative Offences.

In the wake of the raid, church members wrote a complaint to the Prosecutor's Office.

Defending the raid to Forum 18 on 17 February was Dametken Sagyndykova, head of the Ayagoz District Internal Policy Department. "There was a report from a resident – we had to check it up."

Church members told Forum 18 that they believe the Prosecutor's Office only responded to their complaint because of calls from the Almaty Helsinki Committee, which has long worked for religious freedom in Kazakhstan, and Forum 18.

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## **"Struggle against religious extremism must be carried out on all fronts"**

By Mushfig Bayram

Forum 18 (31.03.2010) - Kazakhstan continues to attack freedom of religion or belief, Forum 18 News Service has found. Zhanna-Tereza Raudovich, a Baptist fined 100 times the minimum monthly wage for hosting worship in her home, has had an appeal against the fine rejected. Another Baptist, Viktor Leven, and his family still face the threat of deportation and - as they are stateless - cannot gain paid work. Also, police in Akmola Region held a seminar with official agencies and President Nursultan Nazarbaev's political party on so-called "religious extremism". The main target seemed to be Baptists, because they exercise the internationally-recognised right to freedom of religion or belief without state permission.

### **100 times minimum monthly salary fine appeal rejected**

Judge Amangeldy Anuarbekov of the southern Kyzylorda [Qyzylorda] Regional Appeal Court on 11 February upheld a fine of 100 times the minimum monthly wage against Zhanna-Tereza Raudovich, according to the verdict seen by Forum 18. She was fined 141,300 Tenge (5,713 Norwegian Kroner, 699 Euros or 955 US Dollars) by Kazaly District Court on 20 January for hosting worship in her home.

Judge Anuarbekov said that Raudovich has appealed to the Supreme Court. "Her neighbours complain that the meetings in her home disturb them," he told Forum 18 on 19 March. He refused to comment on what unregistered religious groups or individuals should do when they want to peacefully worship. "This is not the first time she has been tried for violation of the Religion Law," the Judge responded, when told that it is difficult for unregistered religious organisations to rent public meeting places.

Marat Dadikbay, Head of the Internal Policy Department at Kyzylorda Regional Administration, told Forum 18 on 30 March that Kazakhstan's law does not allow unregistered religious groups to rent public places. He further declined to discuss Raudovich's case and referred Forum 18 to his deputy Nurkhan (the last name was not given).

Nurkhan said that the "predominant majority" of the population of Kazaly District, where Raudovich lives, is traditional Muslim. "The local people do not welcome any missionary activity among them," he said when asked why Raudovich was given a huge fine for peacefully worshipping in her home with fellow believers.

However, Nurkhan said that he did not know of any conflict to date between the Baptists and local people.

### **"Some kind of legal remedy must be found"**

Nurkhan said that he did not know where the Baptists or other unregistered groups should hold their worship. "Some kind of legal remedy must be found for these groups," he responded when told that the Baptists refuse to register on principle, and they keep getting fined by the courts for unregistered religious activity. "I don't know what that remedy can be since the law bans unregistered religious activity."

Equally pessimistic about the possibility of legal remedies for unregistered religious activity was Judge Anuarbekov. "I understand the issue but cannot change the law. You need to talk to Parliament about it," he told Forum 18 when asked why groups who do not want to register as legal persons are not permitted to gather for peaceful worship.

## **Deportation threat "hanging in the air"**

Official threats to deport Viktor Leven and his family, who are Baptists from Akmola Region close to the capital Astana, are still "hanging in the air", he told Forum 18 on 30 March. Leven - who was born in Kazakhstan but lived outside the country between 1992 and 2000 - was ordered to be deported after he was convicted of "missionary activity" without state permission, an "offence" when conducted by a foreign citizen.

Leven, who is currently stateless, said that he was asked by the Migration Police to reclaim the German citizenship he has renounced. "I was told that only after that would I would be given permission to stay in Kazakhstan. But," he told Forum 18, "I don't want to do that because I am afraid that I would be deported to Germany as soon as I receive German citizenship." Leven said that most of his relatives live in Kazakhstan, and that he wanted to live close to his relatives. He complained that he did not see why Kazakhstan should deport him from the country he was born in.

Asylguz Syzdykova, the official of the Akmola Migration Police who is overseeing Leven's case, confirmed to Forum 18 on 30 March that the Migration Police has asked Leven to reclaim his German citizenship. "Please write us an official letter, and we will answer you," she responded when told that Leven did not want leave Kazakhstan, and further asked when the authorities were planning to deport him. She declined to discuss his case further with Forum 18.

Earlier, on 19 March, Syzdykova told Forum 18 that the Migration Police is aware that the Supreme Court has refused to hear Leven's case, and that the General Prosecutor's office also has refused to re-examine a complaint he has made about the way his case was treated.

## **Impossible to gain paid work or travel by rail**

Leven said that he and his wife are in a "very difficult" situation because of not having passports. "Both my wife and I do not have any citizenship now, and therefore it is impossible for us to travel outside Kazakhstan." He added that it is also not possible for them to travel within Kazakhstan by train, since they cannot show passports to buy tickets.

Leven also complained that he and his wife also cannot gain paid work, to make a living for their family of eight people. Leven has six children, the youngest of which is several months old and the oldest is nine years old. "We have a small plot of land attached to our house, and we live on the produce we grow," he said.

## **"Struggle against religious extremism must be carried out on all fronts"**

On 3 March the national newspaper Liter published an article (also reproduced on the Interior Ministry website) entitled "Struggle against religious extremism must be carried out on all fronts." The article stated that Akmola Regional Police initiated and held a seminar-consultation on ways of struggling against religious extremism and the preservation of inter-ethnic and inter-religious accord. Alongside the police, participants in the seminar included officials from the National Security Committee (KNB) secret Police, the regional Prosecutor's Office, the regional Justice Department, the state-funded Centre for Assistance to Victims of Destructive Religious Movements, unnamed "traditional religions", members of the official Assembly of People of Kazakhstan (which is chaired by President Nazarbaev), as well as the President's Nur Otan political party.

The article went on to attack Baptists - the only named religious group targeted - quoting police as stating that in their work preventing religious extremism "the Evangelical

Baptists are the main lawbreakers on religion". Police also claimed that "six of their leaders in the region were punished under the Administrative Code," before the article claims that "fortunately in 2009 no extremism or terrorism crimes took place in the territory of Akmola region. However, it is no reason for complacency."

The state-funded Centre for Assistance to Victims of Destructive Religious Movements has previously - in association with the KNB secret police - been involved in media attacks on Baptists exercising their right to freedom of religion or belief.

### **Baptist terrorists?**

Asked why Baptists were associated at the seminar with terrorism and extremism, Police Major Gulnara Pinchuk, Akmola Regional Police spokesperson, told Forum 18 on 31 March that the Baptists are not considered by the authorities as extremists. However, she stated that they "do violate the law often" as they continue religious activity without official registration.

Asked why Baptists were named at the seminar, Major Pinchuk could not explain to Forum 18 why the Baptists were discussed. She then claimed that there is no official opposition against Baptists. Asked why the authorities bring so many cases against peaceful Baptists, she said that "administrative cases against them are brought by the prosecution agencies, not the police".

Major Pinchuk could not name any religious group which was considered at the seminar as extremist or terrorist. Asked by Forum 18 about other religious groups also targeted by the authorities, such as Jehovah's Witnesses and Hare Krishna devotees, she stated that these groups are not considered to be either extremist or terrorist.

Police in Kazakhstan have previously sought to publicly link religious activity without state permission and terrorism.

### **Why is the President's political party involved?**

Pinchuk stated that the reason Nur Otan members were invited is because they take active part in every sphere of life in Kazakhstan. Asked why members of other political parties were not invited, she said that "it is difficult for me to explain since I did not draw up the list of invitees".

President Nazarbaev has told Nur Otan - which is the only party in the lower house of the Parliament - that "it is necessary to suppress the activity of illegal religious movements in Kazakhstan".

The authorities intend to introduce in 2011 a law similar to a 2008-9 draft Law restricting freedom of religion or belief, which was condemned by Kazakh and international human rights defenders. The proposed new Administrative Code being considered by Parliament continues current penalties for exercising freedom of religion or belief, including punishments for worship without state registration.

### **"Traditional religions"**

Major Pinchuk told Forum 18 that the unnamed "traditional religions" invited were representatives of the Central Mosque in Kokshetau, and the Russian Orthodox Church. She could not explain why other religious communities or the Baptists themselves were not invited.