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## **"There can be no Tatar, Chechen or Tajik mosques"**

Forum 18 (07.12.2012) - Kazakhstan's authorities have not – so far – prevented worship at mosques predominantly belonging to one ethnic minority community. However, members of several have expressed fears to Forum 18 News Service that in the wake of the compulsory re-registration imposed on all the country's religious communities, which they failed to get, such bans may be imminent. Denied re-registration, the Tatar-Bashkir Din-Muhammad Mosque in Petropavl in North Kazakhstan Region is "on the verge of closure", community members complained to Forum 18. The Azeri Shia mosque in Kazakhstan's commercial capital Almaty is among many religious communities of all faiths liquidated through the courts. There too community members told Forum 18 of their fears for the future.

Baltabai Metezhanov, Chief of the Section of the government's Agency of Religious Affairs (ARA) in the capital Astana responsible for work with Muslim communities, insisted to Forum 18 on 7 December that there is "no ban" on ethnic mosques.

Asked why the Azeri Community in Almaty was closed down, and why the Tatar Din-

Muhammad Mosque in Petropavl cannot receive re-registration, Metezhanov insisted everything must be "in the frame of the Law".

Asked what he exactly means by "the frame of the Law", and whether in the frame of the Law mosques can be registered independently from the Muslim Board, Metezhanov declined to respond. "I think I answered, and now you must excuse I am busy."

### ***"Ethnic" mosques***

Many of Kazakhstan's ethnic minority communities of Muslim background have mosques catering to their religious needs, including Tatars and Bashkirs, Chechens, Azeris, Tajiks and Dungans. Some of these mosques are Sunni, others Shia.

Even before the harsh 2011 Religion Law was adopted, state officials obstructed the registration and functioning of mosques catering mainly to members of any one ethnic minority.

Since the new Law was adopted, state officials have repeatedly insisted that only Muslim communities under the Muslim Board can register. A Muslim Board official told Forum 18 in November that only Hanafi Sunni mosques can be members of the Board and that no other types of Muslim communities exist in Kazakhstan.

Members of some such "ethnic minority" mosques fear that if they join the Muslim Board, they will have ethnic Kazakh imams imposed on them.

Other religious communities – such as the Russian Orthodox Church and the Armenian Apostolic Church – have been able to gain the compulsory re-registration, despite having ethnic designations in their names.

Compulsory re-registration of all religious communities was mandated in the 2011 Religion Law. Religious communities were given until 25 October 2012 to lodge re-registration applications in a process many have complained was "complex", "arbitrary", "unnecessary" and "expensive". Many communities – especially those unable to find 50 adult citizen founders – have been liquidated through the courts.

Other mosques independent of the Muslim Board, as well as other communities – including Protestants – have complained of re-registration denials and possible enforced closure (see forthcoming F18News article).

### ***160-year old Tatar-Bashkir mosque threatened?***

The Tatar Muslims told Forum 18 from Petropavl that Tatars and Bashkirs have lived in what is now Kazakhstan for 400 years. The Din-Muhammad Mosque was built by their ancestors 160 years ago. In independent Kazakhstan, it has had official registration for the past 16 years since the community restored and reopened it. Petropavl, which is about 50 kms (30 miles) from Kazakhstan's northern border with Russia, has an estimated 20,000-strong Tatar community.

"But now the authorities are trying close down our Mosque, which unites us, where our children receive Tatar language and traditions besides Koran lessons," mosque members, who asked not to be named for fear of state reprisals, lamented to Forum 18 on 5 December. "This would be a blow not only to our religious traditions but also to our culture as a whole."

The mosque became "run down during the Soviet rule since it was used as a barn and storage, and was made into a sauna" in the years before the Tatar community restored it and officially registered it as a mosque. "Our community also built the city of Petropavl

from scratch, which is testified in many published books, and we do not deserve such treatment," the Tatar Muslims complained.

The Tatar Muslims told Forum 18 that until now they have received no answer to their re-registration application, although more than a month had passed from the last day of the deadline, which is usually a maximum time given to the authorities to respond to applications.

Also, representatives of the Muslim Board announced at the Second Forum of Religious Scholars of Kazakhstan on 15 November that the Tatar-Bashkir Din-Muhammad Mosque had already been closed down.

### ***KNB visit***

What heightened their worries, mosque members told Forum 18, was that two officers of Kazakhstan's National Security Committee (KNB) secret police approached Imam Rafael Ryazapov at the mosque in the morning of 5 December "demanding the originals of all the mosque's documents". However, the Imam refused them, saying that he was in a hurry to go to a meeting organised by the Regional representatives of the Muslim Board and the local authorities, and that he could provide them with copies only later.

The Muslims said that when asked why the KNB officers wanted the documents they replied that the Regional Justice Department had lost all the copies their documents, and that they were there to get the documents for the Justice Department.

Members of the Din-Muhammad Mosque said that they had collected all the founding documents between 1994 and 1996 "overcoming such bureaucratic hurdles put in their way by the local authorities". They said it would be the "end of the story" if they gave them away now. They pointed out that one of the two officials who arrived on 5 December had visited the Mosque earlier, and told the Mosque that he was from the KNB.

### ***"There can be no Tatar, Chechen or Tajik mosques"***

Nurislyam Gabdullin, Chair of the North Kazakhstan Regional Department of ARA, insisted to Forum 18 on 4 December the authorities had no intention of closing down the Din-Muhammad Mosque, and that the re-registration of them depends on the Regional Justice Department.

However, Gulnara Kozhakhmetova, the Press-Secretary of the Justice Department, denied this. "We are an organ which only legalises the wishes of religious communities, once their documents are in order and they have a positive expert opinion from the ARA specialist," she told Forum 18 categorically on 4 December. "We are waiting for a signal from the Regional ARA Department whether or not to legalise the community."

Called back on 5 December, Gabdullin gave a somewhat different opinion. "There are no divisions in Islam based on ethnic identity. There can be no Tatar, Chechen or Tajik mosques," he told Forum 18. Asked what he exactly meant, he added: "I have in front of me the Charter of the Community, which calls itself the Tatar-Bashkir Din-Muhammad Religious Community. That is not possible in Kazakhstan."

Gabdullin told Forum 18 that "Kazakhstan wants to have a monolithic Islam, not ethnically divided movements." Asked whether he would approve their re-registration if the community removes the phrase Tatar-Bashkir from its name, the ARA official responded: "It's not only that, but they also need to become part of the Muslim Board. There is no other way now for mosques."

However, the Tatar Muslims objected to this, insisting that they do not want to become part of the Muslim Board. "We do not want to have a Kazakh Imam appointed to us by the Muslim Board," one told Forum 18, "and we do not want to lose our religious and at the same time cultural traditions and values." Told the opinion of the Tatar Muslims, and asked why he and the other authorities pressure them to join the Muslim Board, Gabdullin responded: "We do not want all kinds of religious sects, movements, and extremists funded from England."

Asked whether he meant that the Din-Muhammad Community received funds from England or that they are a harmful community, Gabdullin backtracked. He said he does not mean the Din-Muhammad Community when he speaks of "extremists". He declined to answer questions further and put the phone down.

### ***Secret police denies involvement***

Kurman Yelubayev, Chief of the KNB's North Kazakhstan Regional Department, adamantly denied that the secret police was involved with the Din-Muhammad Community or that any of their officials visited Imam Ryazapov. "Religious communities are under the Agency for Religious Affairs - they are responsible for these organisations," he told Forum 18 on 5 December.

Yelubayev refused to comment on why the authorities do not want to re-register the mosque. Asked whether the community posed any threat to Kazakhstan's security or stability, he said: "No, and I don't have such information."

Asked about Gabdullin's allegations on England's financing of extremism in Kazakhstan, and why the authorities are afraid that registered religious communities might violate stability, Yelubayev responded: "Whoever gives you such statements, it is their words and their responsibility."

### ***Azeri Muslim community liquidated through the court***

Members of the Azeri Fatimai Shia Community in Zhetisu District of Almaty, who wished to remain unnamed for fear of state reprisals, complained to Forum 18 that it had been officially liquidated by an Almaty court. "The court made a decision to close down the Community, and put an arrest on the property, which consists of a one-storey building and 600 square metre plot of land, whose estimated market value is 300,000 US Dollars [45 million Kazakh Tenge, 1.7 million Norwegian Kroner or 230,000 Euros]."

Judge Abdikarim Yelibayev of Almaty Specialised Inter-district Economic Court liquidated the community in response to a late-November suit from Almaty City Justice Department.

Community members lamented to Forum 18 that "we do not know whether in future we will be able to bury our dead according to our Shia traditions and also be able to gather for religious holidays and ceremonies since that the property was the only place for us in Almaty." They said they did not know the details of the closure, and asked Forum 18 to talk to Haji Azizaga Gambarov, the Chairman of the Community.

"It is true that a Court closed us down but we hope that we can negotiate with the authorities and restore our rights," Haji Gambarov told Forum 18 on 5 December. He declined to discuss the closure, saying that he is "still hopeful that everything will be resolved positively."

### ***Official defends liquidation***

Nurzhan Zhaparkul, Chair of the ARA Department for Almaty, defended their liquidation of the Fatimai Shia Community through the court. "The Community applied too late for re-registration on 24 October, just one day before the official deadline," he told Forum 18 from Almaty on 5 December. According to Zhaparkul, his Department "consulted the Community several times to put their founding documents in order", which he said they did not do. "So they didn't have enough time to make all the corrections to their documents, and we had to cancel their registration."

Zhaparkul denied to Forum 18 that the reason the Azeri community could not re-register was "because they refused to become part of the Sunni Muslim Board" as community members had told Forum 18.

However, Zhaparkul claimed that the community "can apply as a new organisation now after they bring their property and documents in order with the Law." He would not specify what exactly was wrong with the founding documents.

Zhaparkul also claimed that the Court heard the case on 5 December, and the members of the Fatimai Community did not appear before the Court, which was "irresponsible on their part".

Kayrat (who refused to give his last name), Assistant of Judge Yelibayev who heard the Azeri Shia Community case, declined to comment on the case or give any details. He said that Judge Yelibayev also was not available to talk. "If they don't like the decision they can of course make an appeal but I don't think they will get any positive results," he told Forum 18 on 7 December.

### ***Hopes for continuing worship***

Zhaparkul of the ARA told Forum 18 that the Community can continue with their activity while they are applying for new registration.

Haji Gambarov told Forum 18 that at the moment they are not having problems to meet for prayers, and that he hopes that there will be none in future.

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## **Government "did the right thing" in allowing wanted Uzbek pastor to leave**

Forum 18 (05.12.2012) - Three months after he was detained on an extradition request from Uzbekistan, Protestant pastor Makset Djabbarbergenov was suddenly released from prison in Kazakhstan's commercial capital Almaty on 4 December and put on a flight out of the country in the early hours of today (5 December). He, his wife and four children arrived safely in Frankfurt airport this morning and travelled on to a third country in Europe, Forum 18 News Service has learnt. Although border guards at Almaty airport told Djabbarbergenov as he left that he was banned from re-entering Kazakhstan until 2017, his friends in the city told Forum 18 "we need to thank the Kazakh government – they did the right thing".

Uzbekistan has been seeking to extradite Djabbarbergenov on charges which carry a maximum 15 year prison term.

Meanwhile, on 8 November the United Nations (UN) Committee Against Torture received the official Kazakh government response to its June finding that Kazakhstan had violated the rights of a group of Uzbek Muslims who were extradited back to Uzbekistan in 2011. It claimed that no sign of torture by the Uzbek authorities was detected (see below).

The UN Committee Against Torture found in November 2007 that the use of torture by state officials in Uzbekistan is "routine".

Askhat Primbetov, head of the Extradition Division of the International Co-operation Department at Kazakhstan's General Prosecutor's Office, declined to comment to Forum 18 on 5 December on Djabbarbergenov's case or on the Kazakh government response to the UN Committee Against Torture.

### ***UNHCR facilitation***

Djabbarbergenov's release from prison and resettlement in Europe was facilitated by the United Nations High Commissioner for Refugees (UNHCR), whose officials met him on release from prison, took him to their office and then directly to the airport. Djabbarbergenov's friends said the UNHCR officials stayed at the airport to see him safely through passport control to ensure there were no last-minute problems.

Similarly welcoming Djabbarbergenov's release from prison and departure from Kazakhstan was human rights defender Denis Dzhivaga, who heads the refugee programme at the International Bureau for Human Rights and Rule of Law. "This was a good step," he told Forum 18 from Almaty on 5 December.

However, Dzhivaga pointed out that in his view Djabbarbergenov qualified as a refugee in Kazakhstan and should have been granted the right to remain in the country and gain citizenship there. "I have known Makset since he arrived here seeking refuge in 2007 – he always said he wanted to remain here," Dzhivaga told Forum 18. "I saw no reason why Kazakhstan rejected his asylum application. He would have been an asset to Kazakhstan."

### ***Freed from prison***

Djabbarbergenov was arrested in Almaty on 5 September and on 7 September a court ordered his detention for 40 days while the extradition case was considered. This period was extended on 15 October and again on 5 November while further documentation was awaited from the Uzbek General Prosecutor's Office. Throughout his three-month detention, he was held in Almaty's pre-trial detention prison.

The Uzbek authorities' charge sheet said Djabbarbergenov was charged under Uzbek Criminal Code Article 229-2 and Article 244-2, Part 1. Article 229-2 bans "teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately", and carries a maximum term of three years' imprisonment. Article 244-2, Part 1 bans "creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations", which is punishable by five to 15 years' imprisonment.

However, on 4 December – just before the latest detention period was due to expire – the Kazakh authorities allowed the UNHCR to collect Djabbarbergenov from the prison and take him to Almaty airport. "One prison guard told Makset as he was leaving the prison that Uzbek embassy officials were there to collect him," one of Djabbarbergenov's friends told Forum 18. "He was worried, but then saw the UNHCR officials and was relieved."

He was reunited with his wife and children at the UNHCR office before being taken directly to the airport. The family took only the luggage they could check in and carry on the plane. About twenty members of Djabbarbergenov's church in Almaty gathered at the airport to see the family off.

"UNHCR's security was tight," the friend continued. "Although border guards consulted for some time looking at Makset's travel document before letting him through, the UNHCR stayed to see him through." Given Uzbekistan's record of seizing wanted individuals in other neighbouring countries, Djabbarbergenov's friends had some concerns about the plane's stopover in Astana en route to Frankfurt, so were relieved to hear he had safely reached Germany.

"Makset wants to come back here, but it's unclear when he will ever be able to," the friend told Forum 18.

### ***Hunted by Uzbekistan***

The 32-year-old Djabbarbergenov fled his home region of Karakalpakstan in north-west Uzbekistan in August 2007 after police raided his home, claiming he was holding an "illegal" religious meeting. They confiscated Christian literature, money and a computer. Uzbekistan then started a nationwide manhunt for him, and he crossed into Kazakhstan in September 2007.

Djabbarbergenov settled in Almaty and sought refugee status with the UNHCR. The UNHCR's Almaty office recognised in writing his and his family's status as refugees in February 2008. However, in 2011 the Kazakh authorities denied them refugee status, a finding they tried to challenge through the courts.

Uzbekistan continued to hunt him, and he was detained by the Kazakh KNB secret police in May 2008. He was only released after the UNHCR actively searched for him and sought his release.

The Supreme Court in Astana has still not ruled on Djabbarbergenov's final appeal against the denial of refugee status. "They claim they have lost the case," Dzhivaga told Forum 18. "This has happened in other such cases."

### ***Government responds to UN***

On 1 June, the UN Committee Against Torture found that Kazakhstan had violated human rights obligations by extraditing to Uzbekistan a group of 29 Muslim refugees and asylum seekers in 2011 (document reference CAT/C/48/D/444/2010). The Committee noted that the men were detained as soon as they arrived back in Uzbekistan and that some at least had received prison terms of more than ten years. The Committee gave the Kazakh government 90 days to respond.

The 8 November official Kazakh government response – with information prepared by Kazakhstan's General Prosecutor's Office – claimed that between 3 and 14 August, Kazakh diplomats had interviewed 18 of those extradited back to Uzbekistan, all of them now in prison.

"None of the visited convicts indicated to have been subjected to torture, unlawful measures of physical and moral pressure or other impermissible methods of investigation," the UN summarised the Kazakh response as claiming. "All of them were assigned ex officio lawyers and could retain lawyers privately. None of them complained about the conditions of detention, the food or the medical care provided." It added that "upon request by the Kazakh diplomatic service, medical examinations of the 18 complainants were carried out and no signs of beatings or torture were disclosed". The Kazakh government submitted what it said were statements to the UN Committee attesting to this signed by the prisoners.

The Kazakh government, citing officials from Uzbekistan, told the UN that a further seven

of those extradited are still under investigation, adding that Kazakh officials' "meetings with them will be arranged at a later stage". It said the other four were not in detention – one had been sentenced and amnestied, while the other three were given non-custodial sentences.

"The Committee Against Torture will consider at its next session in May 2013 whether it is satisfied with the government response or not," the Committee told Forum 18 from Geneva on 5 December.

### ***Refugee Law concerns***

Human rights defenders, including Dzhivaga, have long been concerned about provisions of Kazakhstan's 2009 Refugee Law, which came into force on 1 January 2010.

Article 12, Part 5 of the Law requires refugee applications to be rejected "if there is a significant basis to suppose that the individual participates or has participated in the activity of terrorist, extremist and banned religious organisations, functioning in the country of which the individual is a citizen or in the country from which they have arrived".

Similarly, Article 13, Part 5 requires refugee status to be removed if an individual "has been sentenced for participating in the activity of terrorist, extremist and banned religious organisations".

Dzhivaga insists these and other provisions of the Refugee Law are not in compliance with the 1951 UN Refugee Convention. He points out that in countries like Uzbekistan, where unregistered religious activity is automatically deemed illegal, individuals who had simply exercised their right to freedom of religion or belief could be denied refugee status.

"This is not acceptable, but unfortunately the government shows no willingness to change this," Dzhivaga lamented.

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## **Muslim Board Islamic monopoly, Catholic exemption**

Forum 18 (22.11.2012) - In contrast to all other religious communities, Kazakhstan's Muslim and Catholic communities have been given different treatment while the Religion Law's compulsory re-registration process is proceeding, Forum 18 News Service has found. All Muslim communities must be part of the state-backed Muslim Board, with no exceptions. No non-state-backed or non-Hanafi Sunni Muslim communities have succeeded in gaining re-registration. Catholic communities were exempted from the re-registration process because of an Agreement between the Holy See and Kazakhstan.

The differential treatment of Muslims and Catholics compared to all other religious communities comes despite a commitment in Article 3, Part 2 of the 2011 Religion Law that all religious communities are equal before the law. Government interference in the Muslim community is also in defiance of Religion Law Article 3, Part 1, which declares that "The state is separate from religion and religious associations".

### ***National and regional organisations***

The state-backed Muslim Board was the first community to gain re-registration as a national organisation, being given its certificate on 19 June. The Russian Orthodox Metropolitan Region was the second, receiving its certificate on 17 October. Kanat Myktybaev, of the Justice Ministry's Registration Service and Provision of Legal

Assistance Committee (which is responsible for registration) in the capital Astana, told Forum 18 on 19 November that these are the only two re-registered national organisations.

Myktybaev said that the Jehovah's Witness national organisation had been refused continuation of such status after an "expert opinion" from the ARA. He declined to provide Forum 18 with a copy of the "expert opinion".

Under Religion Law Article 12, Part 4, national religious organisations need at least 5,000 adult citizens from all regions of the country, the capital and all major towns (with at least 300 members in each of those territories). It also needs branches all over the country. Under Article 12, Part 3, regional religious organisations need 500 adult citizens who belong to at least two different registered local religious organisations (each with at least 250 adult citizens) located in two different regions or main towns.

Despite gaining national status, the Muslim Board suffered a fall in the number of its communities from 2,811 at the beginning of 2011 to 2,228 branches on 25 October 2012, according to ARA figures. ARA figures also claim large falls for many other faith communities.

Myktybaev of the Justice Ministry added that three organisations – all of them Russian Orthodox dioceses – had received re-registration as regional organisations. He said Syn Bokym Protestant Church was the only other organisation to apply for regional status, and that the government's Agency of Religious Affairs (ARA) is reviewing this.

Only regional and national registered religious organisations are allowed to, under Religion Law Article 13, Part 3, train clergy in institutions established – with state approval – by religious organisations. Under Article 13, Part 3, they are allowed to establish "professional educational programmes to prepare priests". It remains unclear whether religious education not involving training of "priests" will be allowed. The definition of "priests" also – as with so much else in the Law – lacks clarity, allowing room for arbitrary official decisions.

### ***Compulsory re-registration***

The Religion Law gave all religious communities one year to apply to be re-registered, with a deadline for lodging applications of 25 October 2012. Registration and re-registration is under the control of the Justice Ministry, but there must also be a positive "expert analysis" of the community from the government's Agency of Religious Affairs (ARA), headed by Kairat Lama Sharif. Article 374-1 of the Code of Administrative Offences bans leading, participating in or financing an unregistered, halted or banned religious community or social organisation, and a Religion Law addition to Article 376 gives the ARA the right to prepare cases under Article 374-1 for prosecution.

Many religious communities have variously described the re-registration process to Forum 18 as "complex", "burdensome", "arbitrary", "unnecessary" and "expensive". They have also noted that it breaks Kazakhstan's international human rights obligations. Few were prepared to give their names when making criticisms, for fear of state reprisals.

### ***Only one Muslim organisation allowed***

The Justice Ministry – backed by the ARA – will not allow re-registration applications by non-Muslim Board Muslim communities. This yet again violates Kazakhstan's international human rights commitments to implement the right to freedom of religion or belief of all. But the decision is in line with extremely senior state officials' decisions to control the Board and through the Board control all publicly allowed expressions of Islam.

In early April the Muslim Board approved a new Statute, endorsed at a 14 April meeting at which ARA Chair Lama Sharif spoke, which specified that the Muslim Board would register as one legal entity, with all mosques in the country being deemed to be its branches. The Muslim Board is the only religious community given such a state-backed monopoly.

One independent Muslim community, which asked not to be identified, told Forum 18 on 21 November that it is still awaiting a decision on its re-registration application. "Officials say we must be part of the Muslim Board, but we uphold our right to be independent. We are law-abiding, and the Religion Law specifies that religious communities are 'voluntary groupings of citizens'. That's exactly what we are."

State officials and the Board have also long been trying to close mosques which have traditionally catered to worshippers of one ethnic background.

All Ahmadi Muslim mosques throughout Kazakhstan have been closed. ARA Press Spokesperson Svetlana Penkova told Forum 18 on 5 November that she "cannot guarantee that the Ahmadi Community will be re-registered. But I can guarantee that whatever decision the ARA will make will be based strictly on the Law".

The Ahmadis have applied for re-registration for just one of their communities in the country, in Almaty. Speaking at the Second Forum of Religious Scholars of Kazakhstan on 15 November, ARA Chair Lama Sharif of ARA stated that the Ahmadis were among the communities for which his agency had given negative "expert opinions". On 19 November the community received a response from the regional Justice Department that "the statute did not qualify under the expert opinion". The community is now seeking legal advice, they told Forum 18 on 21 November.

Even before the Religion Law was adopted, officials were making repeated threats to independent Muslim communities to join the Muslim Board or be closed. One of those mosques is the Akyt kazhy Mosque in Karaganda, led by Imam Zhanarbek Mambar. Imam Mambar told Kazis Toguzbaev of Radio Free Europe for a 12 November report that he would have preferred his mosque to have remained independent, but saw that it had no choice other than to join the Board.

Under the Muslim Board's new Statute, all mosques must now have their imams appointed by the Muslim Board, and these imams must only read out sermons at Friday prayers which have been provided to them by the Board. All mosques must also give the Board 30 per cent of their financial income. Independent mosques have strongly objected to these state-backed restrictions being imposed on them.

### ***Join or be closed down***

State officials, along with Muslim Board officials, are using a variety of tactics to force independent mosques to join the Board or close. For example, Karaganda [Qaraghandy] regional Justice Department officials have lodged a suit in court to close the Tautan Molla Mosque in Abai District. Asked why his Department had brought the case against the Mosque, regional Justice Department Head Murat Abilov on 22 November told Forum 18 that he cannot discuss the case. "I cannot give information over the phone" he said, before putting the phone down.

The Tautan Molla Mosque, which is in the small town of Prishakhtinsk, has been threatened with demolition with a bulldozer if it does not join the state-backed Muslim Board. Other independent mosques are still being pressured into joining the Muslim Board.

Imam Kinayat Ismailov of Tautan Molla Mosque told Forum 18 on 22 November that

Judge Indira Kuspayeva of Karaganda Regional Inter-District Economic Court on 20 November ordered that the Mosque be closed. The decision follows a case brought by Karaganda regional Justice Department.

Imam Ismailov explained that he found out during the hearing on 20 November that the ARA's Karaganda Regional Department had refused re-registration of the Mosque, and appealed to the Court to close it down. However the Imam had not received a written notification of the refusal from the ARA Department.

The Imam said that he is now considering joining the Muslim Board, as regional ARA Head Serik Tlekbayev had promised him during the hearing that this would be possible.

A regional ARA official, who would not give his name, refused on 22 November to comment on the closure of the Mosque. He also said that neither the Chief Specialist Karlygash Akhmetova nor ARA regional Head Tlekbayev were available to comment.

Officials of the Karaganda Economic Court on 22 November also refused to comment on the case. An official of the Court, who would not give his name, told Forum 18 that Judge Kuspayeva is on holiday and referred Forum 18 to the Court's Chancellery. A Chancellery official in her turn, who also would not give her name, declined to give any details of the case. "Please talk to the Justice Department and ask them why they wanted to close Tautan Molla Mosque," she said.

### ***"Only Hanafi Sunni Muslims"***

Agabek Sydykov, spokesperson for the Muslim Board, says that its communities "must be Hanafi Sunni Muslim". "We don't have other sorts of Muslims here," he told Forum 18 from Almaty on 21 November. Asked about Shia mosques or mosques affiliated with other schools of Sunni Islam, he responded: "There aren't any." Sydykov declined to answer any other questions by telephone.

Given the state-backed monopoly the Muslim Board enjoys, this means that no non-Hanafi Sunni Muslim communities are now legally allowed to exist in Kazakhstan.

Members of two Shia Muslim communities told Forum 18 on 21 November that their re-registration applications – lodged with the Regional Justice Department before the 25 October deadline – have been sent for "expert opinions" from the ARA. The Justice Department notifications gave no indication when such "expert opinions" are likely to be completed.

### ***The Catholic exemption***

The Catholic Church gained exemption from the re-registration system imposed on all other communities after the Agreement on Mutual Relations between the Holy See and Kazakhstan – signed on 24 September 1998 – was hastily ratified by Kazakhstan's lower house of Parliament on 19 September 2012 and the upper house on 27 September.

Despite claims by ARA Chair Lama Sharif that the text of the Agreement needed to be brought into line with the Religion Law, and unhappiness over the agreement from some parliamentary deputies, it was approved unchanged.

Former Holy See Secretary of State [= Foreign Minister] Cardinal Angelo Sodano, who signed the Agreement during his time as Secretary of State, visited Kazakhstan just before Parliament ratified the Agreement. He claimed on 9 September that "Europe and America, the whole world knows that there is religious freedom here in Kazakhstan", according to a KazTAG report. In a joint communiqué after he met President Nursultan Nazarbaev, Sodano stated that the Holy See valued Kazakhstan's contribution to what

was described as inter-religious dialogue and tolerance. More recently, Catholic bishops in Kazakhstan have with other religious leaders written to the President praising him for ensuring what they claim is "religious tolerance" in the country.

President Nazarbaev signed the ratification into law on 18 October, the presidential website noted, and came into force on 20 October.

The Agreement gives the Catholic Church the right to establish entities, maintain places of worship, send clergy and other personnel and establish church schools and charitable agencies "in conformity with the legislation of Kazakhstan". The Church is required to provide copies of documents establishing such entities to the Kazakh authorities, so that such bodies can be duly registered.

Catholic entities are the only ones exempted from the normal re-registration procedures. Justifying this differential treatment of the Catholic Church, Myktybaev of the Justice Ministry pointed to Article 2, Part 2 of the Religion Law, which declares that in cases where an international agreement signed by Kazakhstan exists, this overrides other provisions of the Religion Law. He said because of the Agreement, Catholic communities instead get "technical registration" with the ARA.

Part of Article 4 of the Constitution does indeed state: "International treaties ratified by the Republic shall have priority over its laws and be directly implemented except in cases when the application of an international treaty shall require the promulgation of a law." However, Myktybaev of the Justice Ministry did not explain why Kazakhstan is not also implementing the International Covenant on Civil and Political Rights (ICCPR), which the country ratified in 2006. If implemented, the ICCPR would abolish most of the Religion Law including its provisions on compulsory state registration to exercise human rights.

The ARA stated on 25 October that 79 Catholic entities had recognised status. ARA Press Spokesperson Penkova refused to discuss the topic with Forum 18 on 22 November.

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## **"Complex", "arbitrary", "unnecessary" and "expensive" re-registration process**

Forum 18 (21.11.2012) - As the compulsory re-registration of all Kazakhstan's religious communities nears completion, smaller religious communities appear to be the main communities forcibly closed down or merged, Forum 18 News Service has found. These include Muslim communities unaffiliated to the state-backed Hanafi Sunni Muslim Board, and Jewish communities. Religious communities including a congregation of the Russian Orthodox Church Abroad and a number of Protestant churches have arbitrarily been denied re-registration. This denies them the right to exist and their followers the right to exercise freedom of religion or belief, violating the country's international human rights obligations.

Many religious communities complained to Forum 18 of what they variously describe as the "complex", "burdensome", "arbitrary", "unnecessary" and "expensive" re-registration process. Few were prepared to give their names when voicing such criticisms, for fear of state reprisals.

The deadline for religious communities to lodge re-registration applications under the harsh 2011 Religion Law expired on 25 October, the first anniversary of the Law's entry into legal force. Some applications lodged before the deadline have not yet been processed. Justice Departments have already filed court applications to liquidate

communities which did not apply for re-registration or which were refused re-registration, Forum 18 has found.

Svetlana Penkova, spokesperson for the government's Agency of Religious Affairs (ARA) in the capital Astana, refused to explain what religious communities which failed to get re-registration should do now to ensure that when they next meet together for worship they do not encounter problems from the police or other state agencies.

"Such communities can still meet until they have been liquidated through the courts," Penkova told Forum 18 on 19 November. "This hasn't happened yet. We can speak on this again after the courts have ruled." Told that many such communities are likely to continue to meet for worship even if they are liquidated and that Kazakhstan's international human rights commitments allow people to meet for religious purposes without registration, she responded: "We will seek consensus with them." However, she insisted that unregistered religious activity is illegal.

Baptist communities who refuse to apply for state registration have been threatened with penalties up to confiscation of homes if they continue to meet, and raids continue against registered and unregistered communities.

Penkova of the ARA claimed to Forum 18 – wrongly – that all such punishments had happened before the new Law came into force. She then said she did not have time to discuss any other issues with Forum 18. Forum 18 was thus unable to ask why Kazakhstan is not abiding by its international human rights commitments.

All Muslim communities – who must all be both Hanafi Sunni Muslim and belong to the Muslim Board – and Catholic communities are both being given different treatment from all other religious communities in state decisions on whether they are allowed to exist.

### ***Self-censorship***

Forum 18 notes that very few religious community leaders – even those whose communities had been unable to apply for re-registration because of the new requirements – were prepared to discuss the re-registration process either on the record or privately.

By contrast, in what appears to have been a co-ordinated move, leaders of at least six different religious communities wrote to President Nursultan Nazarbaev praising him for ensuring what they claim is "religious tolerance" in Kazakhstan, of which they regarded re-registration of their communities as a part. The presidential website reported on 7 November the letters from Metropolitan Aleksandr (Mogilev) of the Russian Orthodox, Fr Markos Sargsyan of the Armenian Apostolic Church, and Larisa Palagina of the Won Buddhist Association.

The following day the presidential website noted similar letters from the five Catholic bishops of Kazakhstan, Frants Tissen of the Baptist Union, and Pentecostal Pastor Sergei Serov from Karaganda. Catholics, unlike other communities, were registered under an Agreement with the Vatican.

The government-backed press, such as the state-owned Kazinform news agency, quoted comments by Lutheran, Russian Orthodox and other religious figures praising the re-registration process as "successful" and "necessary".

### ***What benefit to Kazakhstan?***

Asked how the re-registration process with its violations of human rights has benefited Kazakhstan, Penkova of the ARA told Forum 18: "Well, it has helped us to gain an accurate picture of the religious situation in the country and prepare a database." She did not explain what other "benefits" the re-registration process has brought Kazakhstan.

All religious communities were required to bring their statutes into line with the provisions of the harsh new Religion Law which entered into force on 25 October 2011. Such changes to their statutes meant that they also had to re-register with the Justice Ministry.

Under the complex new registration system, organisations could apply to register in one of three forms: local, regional or national. Local registration was in the hands of Regional branches of the Justice Ministry. Registration of regional or national organisations was in the hands of the Justice Ministry's Registration Service and Provision of Legal Assistance Committee in Astana.

In every case – including for the nationally-registered Muslim Board and the Russian Orthodox Church's Metropolitan Region of Kazakhstan – an "expert opinion" was required from the ARA, Kanat Myktybaev of the Justice Ministry's Committee told Forum 18 from Astana on 19 November. No other nationally registered organisations yet exist.

### ***Local registration***

Under Religion Law Article 12, Part 2, local religious organisations need 50 adult citizen members within one region of the country or main town, and register with the local Justice Department. The ARA is required to give its "expert opinion" on each local application, as well as those of regional and national organisations.

One community which was denied the possibility of re-registration was the Kostanai congregation of the Russian Orthodox Church Abroad. "ARA officials told us that as we don't have a place of worship there to meet in we couldn't apply for re-registration for the community," Fr Gennadi Subbotin told Forum 18 on 14 November from the nearby village of Oktyabrsky. He maintains that not having re-registration for the Kostanai community is not a great burden as parishioners can travel on the half-hour bus ride to the re-registered community in the village. However, he notes that had it been possible the community would have liked to have been re-registered.

Other Russian Orthodox Church Abroad communities in southern Kazakhstan are still awaiting re-registration decisions, Bishop Irinei Klippenstein told Forum 18 from Jambul Region on 14 November.

Other religious communities told Forum 18 that the lack of a place of worship has not prevented them from gaining re-registration.

Forum 18 tried to find out from Nurikan Nugurbekov, head of Kostanai regional ARA Department, why the ARA had denied the Kostanai community the opportunity to apply for re-registration. The official who answered the phone on 21 November told Forum 18 Nugurbekov was not there and put the phone down.

The ARA claimed that as of 25 October, the deadline for re-registration applications to be lodged, a total of 3,088 religious communities of all sorts and their branches had state registration. This they claimed compared to 4,551 on 1 January 2011. However, the January 2011 figure included 579 small groups which were recognised by local administrations but which did not have legal status.

ARA Chair Kairat Lama Sharif has made repeated claims that the total number of registered religious communities has significantly fallen in the re-registration process. More recently, he has claimed a cut of one third, but it has been suggested within Kazakhstan that this is an exaggeration which includes branches of communities without their own legal status. If these small communities are recognised as branches, the number may rise.

ARA figures claim large falls for many communities. The number of Jewish communities fell from 26 to four, New Apostolic Church communities from 47 to eight, Presbyterian

communities from 229 to 55, Hare Krishna communities from 14 to eight, Baha'is from 20 to six, and Mennonite communities from six to one. Many of these communities were too small to apply for re-registration, and they may seek status as branches of other registered communities.

Despite such falls, religious leaders claim that they are satisfied with the process. "We received support from the state," Boris Manoilenko, an aide to Kazakhstan's Chief Rabbi, told Forum 18 on 19 November. "All four of our communities got re-registration." He said a fifth, in Oskemen, which never had registration before, lodged an application in late October.

Jehovah's Witnesses, the Church of Jesus Christ of Latter day Saints (commonly known as Mormons), Baha'is, the Armenian Apostolic community and others told Forum 18 that they managed to gain re-registration for the communities they submitted applications for.

### ***Re-registration process***

Members of numerous religious communities have complained to Forum 18 about the time, money and effort of the re-registration process. Few were prepared to be identified, out of fear of state reprisals against their communities.

"We gained re-registration after great trouble from the ARA," a member of one community told Forum 18. "ARA and Akimat [local administration] officials spoke to us as if we were in kindergarten."

Many communities complained that the ARA and local Justice Departments kept asking them to change their charters on arbitrary grounds. "They wanted us to write in more detail in our statutes what our doctrine is," Jehovah's Witnesses told Forum 18. "What we believe about army service and blood transfusions. We talked this through with them in a normal dialogue."

Such attempts to control beliefs and "expert analyses" are obstructing communities gaining state registration and so permission to exercise freedom of religion or belief. They break Kazakhstan's international human rights obligations.

Once applications were lodged, Justice Departments and Regional ARA branches checked the full details of each founder of many organisations, religious leaders told Forum 18. In one case the street number of one founder was given incorrectly, requiring a correction and the whole application to be resubmitted.

In some cases, individual founders were questioned about their religious affiliation and why they had signed a registration application. "Many of our founders were summoned by Regional ARA offices," Jehovah's Witnesses told Forum 18. "Although no pressure was put on them to remove their names, they were asked: why do you belong to this particular faith?"

This has happened throughout Kazakhstan. For example, officials pressured nearly a quarter of the signatories on the re-registration application of Grace Protestant Church in Karaturyk to remove their names.

In another case, a religious leader who asked not to be identified told Forum 18 that by relentless examination of people on the list of founders, the authorities had been able to remove enough to bring the number down to 49, making the community ineligible to apply. The community had to resubmit the application, and they made sure they had more than 70 founders on the list the second time. The Justice Department has still not responded to the application.

### ***Enforced restructuring***

A number of religious communities have been forced to restructure themselves to meet the registration requirements of the new Law. Most drastic has been the requirement that local religious communities have at least 50 adult citizen founders. This means that many local communities defined as "small religious groups" – particularly of Protestants and Hare Krishna devotees – are having to turn themselves into branches of other registered communities.

Some of these small communities have been forced to "voluntarily" close, such as a Methodist Church which was threatened with a fine state officials have admitted is unlawful.

The Lutheran Church – with declining membership as ethnic Germans and others leave Kazakhstan – had 32 registered communities at the beginning of 2011, according to ARA figures. The Church chose to restructure with one main organisation in each Region, its leader Bishop Yuri Novgorodov told Forum 18 on 19 November. "It's certainly a little easier for us." He said registration then followed "surprisingly quickly – the state helped us". Lutherans now have 13 registered communities.

An independent mosque has been threatened with demolition with a bulldozer if it does not join the state-backed Muslim Board, Imam Kinayat Ismailov noting to Forum 18 that he thinks criminal allegations against him are to "create the grounds for his firing or closing the Mosque". Other independent mosques are also being pressured into joining the Muslim Board.

Since the beginning of 2012, Kazakhstan has cancelled the registration of hundreds of "small religious groups" across the country, so depriving them of the right to exist. Local ARA officials and other state officials then summoned the leaders of such communities and demanded that they stop their activity.

### ***How much does re-registration cost?***

Each religious community applying for re-registration at whatever level had to pay the standard fee for registering almost any legal entity of 6.5 Monthly Financial Indicators. At the 2012 level, this has meant each religious community has had to pay a fee for re-registration of 10,517 Tenge (400 Norwegian Kroner, 55 Euros or 70 US Dollars).

Members of a wide range of religious communities pointed out to Forum 18 that even for small communities in poor villages, such a sum is affordable, even if some believe the whole re-registration process was an unnecessary burden.

Penkova insisted that the re-registration process did not entail any extra expense for the taxpayer-funded ARA though, unlike religious communities. "This is our normal work, so no extra funds were needed," she told Forum 18.

Figures on the website of the Finance Ministry reveal that the ARA spent 367 million Tenge (14 million Norwegian Kroner, 2 million Euros or 2.5 million US Dollars) between January and September 2012, the latest figures available. It remains unclear if this spending includes that of the regional ARA Departments, which were established earlier in 2012.

"This is an enormous sum," one member of a religious community told Forum 18 from Almaty. "It must have been spent on all those unnecessary 'expert analyses', 'agitational groups', seminars and international conferences." The religious believer referred to ARA "agitational groups" of officials running high-profile seminars around the country praising the government's violations of freedom of religion or belief and religious policy generally. The believer also identified ARA activity for foreigners, including so-called "Congresses of Leaders of World and Traditional Religions".

Asked whether this was a good use of tax-payers' money, the religious believer responded with a laugh. "There's nothing I can do about it."

An example of ARA spending is that the Aktobe regional ARA Department has stated, on its website that, in the first half of 2012 it gave out "agitational materials" at various events amounting to 21,000 books, leaflets and DVDs. However, Penkova of the Agency defended the ARA's total spending, including on the re-registration process. "I speak as a tax-payer when I speak up in support of the re-registration process."

Similarly, Myktybaev of the Justice Ministry's Registration Service and Provision of Legal Assistance Committee insisted that the re-registration process had not cost the Ministry any extra expenditure. "We're registering legal entities of all sorts all the time," he told Forum 18.

Whether the re-registration process has cost regional Justice Ministry Departments extra expenditure remains unknown.

### ***"Not involved"?***

Several regional ARA departments refused to tell Forum 18 which local religious communities they had given negative "expert opinions" on and why, referring all enquiries to regional Justice Departments. The official who answered the telephone at the North Kazakhstan regional ARA Department in Petropavl claimed to Forum 18 that it "is not involved" in the re-registration process.

Dinara Sarsebekova of Kostanai regional Justice Department claimed that 25 communities which previously had legal status failed to apply for re-registration. "I don't know if these communities still exist or not," she told Forum 18 on 13 November. She said that at the end of October the Justice Department had lodged individual suits to liquidate all 25 at the Regional Economic Court.

Sarsebekova said 57 communities in Kostanai Region gained re-registration, none of them Muslim: 26 Russian Orthodox, one Hare Krishna and Jehovah's Witness community each, as well as Seventh-day Adventists and other Protestants. She said two Jewish communities who enquired about registration were told they were too small. Asked what will happen if those Jewish communities seek to continue meeting for worship, Sarsebekova responded: "It is not in our competence."

An official of Almaty Regional Justice Department claimed on 13 November that 110 religious communities had gained re-registration: 63 Protestant of various jurisdictions, 45 Russian Orthodox, one Hare Krishna and one Baha'i community. The official added that Muslim and Catholic communities had their own procedures. A total of 37 communities – six Muslim and 31 Protestant – did not lodge re-registration applications. In late October, suits were lodged in the Economic Court for them to be liquidated.

Natalya Sharipova of Aktobe Regional Justice Department and her colleague Farida Bikhanova told Forum 18 on 13 November that of the 23 communities which applied for re-registration, 17 were approved: 9 Protestant, 7 Russian Orthodox and 1 Hare Krishna.

They said suits had been lodged in court to liquidate seven religious communities. Three were Muslim, all based in Aktobe itself – the Nurdaulet mosque, the Fatikha mosque and the Kosym Ishan community. They did not identify the other four. "Very many issues led the expert analyses to reject these communities," Bikhanova told Forum 18. "Their statutes contradicted the law." However, she refused to specify what these contradictions were.

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## **The number of religious institutions slashed by 1/3 following obligatory registration requirement**

Tengri News (25.10.2012) - The number of religious institutions has been reduced by 32% down to 3 088 institutions representing 16 faiths, KazTag reports, citing Kairat Lama Sharif, Head of the National Agency for Religions. "Out of the 4 551 religious institutions representing 46 faiths as of January 1, 2012, only 3 088 religious institutions representing 17 faiths have been able to complete the obligatory re-registration", he told in a recent interview for the Kazakhstanskaya Pravda (Kazakhstan Truth) newspaper.

According to him, the re-registration enabled to renew the database on religious institutions.

He elaborated that the Muslim Spiritual Authority registered June 19, 2012 from now on acts as the single Muslim organization across Kazakhstan. "As of today, 2 228 mosques have met the state registration criteria", he said.

"October 17 the Agency for Religions completed registration of the Russian Orthodox Metropolitan Authority comprising 9 eparchies and 261 parishes (...) The Armenian Apostolic Church and 8 Old Believers' churches act within the Russian Orthodox field", according to him.

He also elaborated that there are 79 Catholic Church entities, 4 Jewish communities and 3 Buddhist organizations. "Out of the earlier registered 666 Protestant churches, 462 churches have met the registration criteria, with the other churches to be liquidated".

Back in 2011 Kazakhstan passed a new law on religious institutions setting obligatory re-registration of all religious entities. Reregistration was closed October 25.

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## **Pressure on founders to deny re-registration?**

Forum 18 (24.10.2012) - In the run-up to the 25 October deadline for all of Kazakhstan's religious communities to apply for compulsory re-registration if they wish to continue to be able to legally function, officials continued raids on officially registered religious communities. Some raids were ostensibly to check whether or not they have legal status. Officials pressured members of one community of particular ethnic backgrounds to revoke their signatures on its re-registration application, as they told Forum 18 News Service.

Meanwhile, state-backed "anti-sect" centres continued their campaign against some of these communities as "dangerous sects" in the media and in educational institutions. Members of these communities told Forum 18 they fear this may be an attempt by the authorities to justify their possible denial of re-registration.

Two unrelated Protestant Churches in different parts of Kazakhstan - Grace Church in Kazakhstan's capital Astana and New Life Church in Oral (Uralsk) in West Kazakhstan Region - were raided in early October, ostensibly over a criminal case launched 15 months ago.

Re-registration of all religious communities was mandated in the highly restrictive amendments to the Religion Law which came into force on 25 October 2011. Signed into law at the same time was an Amending Law amending nine other laws and legal provisions, which similarly violated the country's human rights commitments.

***Re-registration signatories pressured***

In mid-October, shortly before the re-registration deadline, Almaty Regional officials made phone calls or visited 14 of the 61 founders who signed the re-registration application of Grace Protestant Church in Karaturyk in the Region's Yenbekshikazakh District. Officials warned the signatories about the dangers of the "sectarian" Grace Church, and demanded that they revoke their signatures on the application, the Church's Pastor Zhursyn Koshkinov and some of the signatories told Forum 18.

"It seems the authorities especially chose to target those founders who are of Kazakh and Uyghur ethnicity," Koshkinov told Forum 18 on 19 October.

Tamara Kasymova's home in Karaturyk was visited on 19 October. She and other family members signed the Grace Church's application. Baurzhan Sokurov, Deputy Chief of Karaturyk Administration, along with religious affairs specialists Saule Aytzhanova and Gulmira (last name not given), warned family members to revoke their signatures saying that Grace Church is a "dangerous sect".

Dilshot Kasymov, Kasymova's son, told Forum 18 that he is "weary of all these phone calls and visit from the officials."

"We are not members in any 'sect'," Kasymov told Forum 18. He said that he and his mother signed the Grace Church's application "not because we attend the Church regularly but because they are our neighbours, and we know them. They help people in the neighbourhood and are good people."

Pastor Koshkinov told Forum 18 that the officials told Kasymov that he and his mother must visit the local Administration and write a statement that "they are not members of a sect".

Koshkinov added that the same officials also summoned some members of the Church who had also signed the re-registration application. They demanded that they bring statements to the Administration that they had been Muslims and had converted to Christianity.

### ***"We only did what we were asked"***

Sokurov of Karaturyk Administration insisted to Forum 18 on 19 October that "we are not against the church, and we only did what we were asked by the District Internal Policy Department." He explained that District Administration officials asked them to "verify the local residential registration of the signatories".

Sokurov denied that he or the other officials with him put pressure on the Kasymov family or other members of the Church. "They do not need to come to the Administration or write such statements," he claimed to Forum 18.

ErmeK Kurmangali, Chief Specialist of Yenbekshikazakh District's Internal Policy Department, told Forum 18 on 19 October that they in their turn were asked by Zhumagali Alimbekov, Almaty Regional representative of Kazakhstan's Agency of Religious Affairs (ARA) to "verify whether or not the founders [Grace Church signatories] resided in the area."

"The Grace Church is not a sect," Kurmangali told Forum 18. "Perhaps the local authorities are inexperienced and did not explain well the purpose of their visit to them."

Alimbekov of the ARA Department told Forum 18 on 19 October from Taldykorgan, the central city of Almaty Region, that the ARA has already approved the Grace Church's charter and other founding documents. "We do not consider the Grace Church a sect." He added that the "only thing left to do is to amend the list of their group of founders. Some are Muslims and are not members of the Church, but signed the application." He did not explain how officials appear to know what faith individuals might adhere to.

### ***Who can be founders?***

Forum 18 asked Alimbekov how the authorities can demand that the Grace Church signatories reveal whether or not they are active in the Church or write statements to reveal their beliefs while this is not required by the Religion Law. However, he repeatedly avoided answering.

"The number of their signatories is 61 but they only need 50 or 51," Alimbekov insisted. "However, those must be persons who know what they are doing, and know the Church well. That is all we are asking."

However Kurmangali of Yenbekshikazakh District Administration was more specific. He told Forum 18 that the founders "do not have to be" members of the same organisation. He also said that the signatories are "not obliged" to write statements to the authorities to indicate what religion they believe in or represent.

### ***Will authorities re-register Karaturyk Grace Church?***

Asked how he sees the chances of Karaturyk Grace Church being re-registered, Alimbekov of the ARA Department told Forum 18: "Well, we will register them as soon as they present to us the new list of founders." He explained that the Grace Church "should not worry about the [25 October] deadline to submit re-registration documents, because they have already submitted them six months ago, and now they are only making some changes."

Pastor Koshkinov told Forum 18 on 23 October they had a meeting with Alimbekov on 22 October where he recommended them to "remove the names of 14 signatories from the list of founders who are not confident about their signatures and add new ones".

The Pastor said that nine new local residents already agreed to sign the Church's application. Alimbekov "promised to accept the new list and assist us in re-registration," Koshkinov told Forum 18. He added that Alimbekov made one more demand: that their Church's name must be in Kazakh.

### ***Raids "to make sure we are registered"***

Over recent weeks, authorities raided meetings of Jehovah's Witness communities in several of Kazakhstan's Regions, a member of one of those communities told Forum 18 on 16 October. For fear of state reprisals and not to cause additional difficulties over re-registration, the individual asked not to reveal their or their community's name.

"Officials in these places usually claimed that someone complained against the community, and so they came to check up on their activity and see if they are not doing anything illegal," the Jehovah's Witness told Forum 18. "It's strange because these officials know very well that we always act as an officially registered community. Nevertheless, they disturbed our meetings, as they said, just to make sure that we are registered."

### ***"Anti-sect" activist disrupts service***

Meanwhile a service of Christian Family Centre, a Protestant Church in Lisakovsk in Kostanai Region, was disrupted on 3 October by Yuliya Denisenko, Head of the Centre to Help Victims of Destructive Religious Movements. "Denisenko stood up during the Church meeting, and began shouting at the Church leaders and threatening that she will complain against them to the Police," Church members who wished to remain unnamed for fear of state reprisals told Forum 18 on 11 October.

Denisenko subsequently complained to the Police. The Church also complained against her to the authorities. However, Church members told Forum 18 that no one from the Church was summoned by the Police as a result of the incident.

Church members told Forum 18 on 23 October that the Prosecutor's Office dismissed the Church's complaint against Denisenko, saying she had not violated the Law. Church members added that they are aware that Denisenko's complaint to the authorities against the Church was also dismissed.

Denisenko refused to tell Forum 18 on 23 October why she had interrupted the Church service. She also refused to say whether she already filed a complaint against the Church to the authorities. "Please, send me your questions in writing," she kept repeating.

However, Church members told Forum 18 that they welcomed the subsequent re-registration of the Church by the authorities. The Church received the re-registration certificate from the local Department of the ARA on 22 October.

### ***State-backed "partner"?***

Denisenko admitted to Forum 18 in February 2009 that the majority of the funding for the activity of her Centre and the Kazakhstan-wide Association of Centres for Work with Victims of Destructive Religious Movements which she founded came from the government.

Denisenko's Centre is listed among the "partner non-governmental organisations" of Kostanai Regional Akimat (Administration) Internal Policy Department on the Akimat website. It lists the Centre as providing "propaganda in the media of information on the negative influence of destructive religious movements".

### ***Flash-mob on "sectarians"***

Zhaik, the Centre to Help Victims of Destructive Religious Movements in Oral, organised a meeting on 14 September dedicated to the "dangers" of non-traditional religions. The meeting, with the financial support of West Kazakhstan Regional Internal Policy Department, was held for school children and university students from across the Region in the Conference Hall of West Kazakhstan Agricultural Technical University in Oral.

Zhaik's website reported on 17 September in its article titled "Flash mob on Sectarians" that the organisers discussed with schoolchildren and students why the young people join "non-traditional religious cults" and how this trend could be stopped.

"The chief aim of the organisers is to safeguard the youth from the influence of the pseudo-religious cults by providing them reliable information on those cults," the article claims.

"A survey was conducted among the schoolchildren and students to find out their position on cults, and hundreds of handout materials were given to the participants explaining the negative outcomes awaiting those who join cults and sects. Also the participants were instructed to follow Kazakh people's traditional Hanafi Muslim movement," the article concluded.

### ***Dangers of "sects"?***

Akylbek Sultanov, the University's Vice-rector for educational work, said that their hall, which seats 750 people, was full, and some even stood during the meeting. He said that students from all universities were invited. "We basically discussed the dangers of the sects active in our region, like Grace and New Life Churches to name some," he told Forum 18 on 11 October. He declined to name other organisations he regards as "sects".

Told by Forum 18 that the two organisations he mentioned are officially registered, Sultanov responded: "All these organisations need to be re-registered now, and chances are they will not receive it."

Sultanov could not tell Forum 18 what exactly he finds dangerous in the actions of the two Churches. "They attract young people to their organisations," he responded. When Forum 18 told him that the two Churches have existed in Kazakhstan for many years and have thousands of followers, and that people have the right to choose what they want to believe, Sultanov paused for a moment. He then appeared to change his statement. "Look, we are a democratic state, and I think the authorities will re-register all organisations which apply for it."

Like other groups against "destructive religious sects", Zhaik also receives government grants. The Kazakh government grants website notes that in March 2011 it won a "special" tender from West Kazakhstan Regional Internal Policy Department for nearly 2.5 million Tenge for "the organisation of prophylactic measures against religious extremism among youth". In March 2010 it had received 900,000 Tenge for this purpose.

### ***"We cannot interfere"***

Svetlana Penkova, Press-Secretary of the ARA in Astana, could not explain why the authorities pressured the Grace Church members in Karatiryk or why the West Kazakhstan University conference branded Grace and New Life Churches "dangerous sects". "We cannot interfere in the work of organisations which are independent of us," she insisted to Forum 18.

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## **One third of Kazakh religious groups and organizations to be shut down**

Radio Free Europe (12.10.2012) - The chief of Kazakhstan's Agency on Religions says one third of the country's religious organizations will be shut down soon.

Qairat Lama Sharif made the statement in Almaty on October 12 at a roundtable meeting on the implementation of Kazakhstan's new law on religions, which requires the re-registration of all religious groups in the country.

Sharif said the legislation, adopted a year ago, will help prevent "the use of religion for destructive purposes."

The Kazakh parliament initiated the new law on religions last year after a resident of the northwestern city of Aqtobe carried out what was described as the first ever suicide bombing in Kazakhstan in May 2011.

A number of security operations against radical Islamists and trials of alleged religious extremists followed the incident.

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## **Fears over latest Uzbek extradition case**

Forum 18 (10.09.2012) - Friends of Uzbek religious refugee Makset Djabbarbergenov – who has lived with his family in Kazakhstan since 2007 – fear that the Kazakh authorities are about to return him to his homeland. The Uzbek authorities have been hunting him

since 2007 for criminal trial to punish him for his religious activity. Police in Kazakhstan's commercial capital Almaty detained Djabbarbergenov on 5 September and two days later a court ordered him held in detention in the run-up to an extradition hearing. He was transferred on 8 September to Almaty's Investigation Prison, Forum 18 News Service has learnt.

Djabbarbergenov, who is now 32, is married with four boys, one of whom was born since the family's arrival in Kazakhstan. His wife Aigul is expecting their fifth child next April.

Almaty's Bostandyk District Prosecutor Gani Seisembiev – who presented the detention suit to court – refused to discuss it. "I can't give any information by telephone," he told Forum 18 from Almaty on 10 September. He then put the phone down.

His assistant Daniyar Zharykbasov, who prepared the documentation in the case, told Forum 18 the Uzbek authorities put Djabbarbergenov on a wanted list for the Commonwealth of Independent States on 29 February 2012 for a "crime" he committed in 2007. "We have to respond to this request," he told Forum 18 on 10 September.

Askhat Primbetov, head of the Extradition Division of the International Co-operation Department at the General Prosecutor's Office, declined to comment on Djabbarbergenov's case. "When the documents arrive we will examine them and take a position," he told Forum 18 from the capital Astana on 10 September. "Until then we can't give any comment."

Asked about the United Nations Committee Against Torture's 1 June finding in a similar case that Kazakhstan had violated human rights obligations by extraditing to Uzbekistan a group of Muslim refugees and asylum seekers in 2011, Primbetov insisted that his government is preparing an official response to the Committee. "The Committee decision reached us officially only in August, and we have up to 90 days to respond. We are committed to responding." He declined to discuss the Committee's criticisms of those extraditions.

### ***Wanted***

Zharykbasov of Bostandyk District Prosecutor's Office told Forum 18 that the Uzbek authorities said Djabbarbergenov was wanted under Article 229-2 of the Uzbek Criminal Code, which punishes "violation of the procedure for teaching religion" and carries a maximum term of three years' imprisonment. He is also wanted under Article 244-3, which punishes "illegal production, storage, import or distribution of religious literature" and also carries a maximum term of three years' imprisonment.

Zharykbasov initially told Forum 18 the extradition case was not about religious activity. But told that the Uzbek authorities are seeking to imprison Djabbarbergenov because he led an unregistered Protestant church in his home town of Nukus in Karakalpakstan, Zharykbasov then expressed some sympathy for him. "As a person I can say this is not right," he told Forum 18. "But we have to follow the rules. We just collect the documentation, and Kazakhstan's General Prosecutor's Office will take the decision whether to extradite him or not."

### ***Supreme Court***

Ermik Rakhimbaev of the international department of Almaty city Prosecutor's Office is collecting all the materials related to Djabbarbergenov's case to be sent to the General Prosecutor's Office in Astana. "We're studying all the documents in the case at the moment and will send them on soon," he told Forum 18 from Almaty on 10 September.

Rakhimbaev confirmed that Djabbarbergenov has challenged the Kazakh authorities'

denial of refugee status through the courts, a case that is still pending at the Supreme Court. "We'll wait until the Supreme Court has taken a decision," he claimed. However, he was unable to explain why Djabbarbergenov had been detained if the Supreme Court has yet to rule.

### ***Sister-in-law detained***

As they did not know where to find him, in late August police seized Djabbarbergenov's sister-in-law and held her for two weeks, family members complained to Forum 18. She was held first of all at the police before being transferred to a centre for the homeless. Eventually police found the telephone number of his wife, Aigul, in her mobile phone. Police seized her, and then came to the family home in Almaty on 5 September and arrested Djabbarbergenov. Only on 8 September was his sister-in-law released.

Both Zharykbasov of Bostandyk District Prosecutor's Office and Rakhimbaev of the city Prosecutor's Office said they had no information about the two-week detention of Djabbarbergenov's sister-in-law.

### ***Detention***

The detention request for Djabbarbergenov was prepared by Bostandyk District Prosecutor Seisembiev. It was approved by Bostandyk District Court No. 2 on 7 September, the court chancellery told Forum 18 on 10 September.

"They didn't tell us or the UNHCR office about the hearing," Aigul Djabbarbergenova complained to Forum 18. "They gave Makset a state lawyer rather than allowing him to find his own. They claimed to me later that they had informed us about the hearing, but they didn't."

Zharykbasov of Bostandyk District Prosecutor's Office denied her claims to Forum 18. "The police told her about the hearing, and he had a state lawyer because he had no money to hire his own."

The UNHCR office in Almaty declined to comment to Forum 18 on Djabbarbergenov's case, citing individuals' confidentiality.

### ***Hunted***

Djabbarbergenov had led a Protestant community in his home town of Nukus, the capital of Uzbekistan's autonomous republic of Karakalpakstan [Qoraqalpoghiston], from 2001. He had been fined for his religious activity and had his home raided and Christian books confiscated.

He fled in August 2007 after anti-terrorism police raided his home, claiming he was holding an "illegal" religious meeting. Police detained him, but did not prevent him leaving the police station several hours later to attend to his distressed wife Aigul, who was seven months pregnant.

Soon afterwards, Djabbarbergenov left Nukus for the Uzbek capital Tashkent. On 20 August 2007, Nukus police issued a wanted poster (seen by Forum 18) stating that he was a follower of Isa Masih (Jesus Christ) and was being sought to face charges under Criminal Code Article 229-2. Police confirmed to Forum 18 from Nukus in October 2007 that they were still hunting for Djabbarbergenov.

To evade arrest, Djabbarbergenov crossed into Kazakhstan on 11 September 2007, where he sought refugee status with the UNHCR. His wife and children joined him in 2008. The UNHCR's office in Almaty acknowledged in writing his and his family's status

as refugees in a 26 February 2008 certificate, seen by Forum 18. "As a refugee," it notes, "he is a person of concern to the UNHCR, and should, in particular, be protected from forcible return to a country, where he would face threats to his life or freedom."

### **Refugee Law**

Kazakhstan acceded to the United Nations 1951 Refugee Convention in January 1999. Article 33, Part 1 of the Convention declares: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

Kazakhstan adopted its Refugee Law in December 2009 (it came into force on 1 January 2010). It defined in Article 1, Part 1 as: "a foreigner who because of well-grounded fears what an individual could become a victim of persecution on the basis of race, ethnicity, religious faith, citizenship, membership of a certain social group or for political convictions finds themselves outside the country of their citizenship and cannot avail themselves of their country's protection or does not wish to avail themselves of such protection as a result of such fears, or is a person without citizenship finding themselves outside the country of their permanent residence or citizenship who cannot or do not wish to return as a result of these fears".

Just before the adoption of the Refugee Law, the procedure for recognising refugees and asylum seekers was transferred from the UNHCR to the Kazakh government's Migration Committee, part of the Labour and Social Protection Ministry.

The Kazakh government refused to recognise decisions taken by the UNHCR and began a review of all cases. The International Federation for Human Rights (FIDH) notes, in a 3 September 2012 report on the impact on human rights of the Shanghai Co-operation Organisation (SCO), that of 120 UNHCR-recognised refugees whose cases were re-examined between June and October 2010, all but five were rejected.

"In examining cases with a particular connection to religious or political activity," FIDH noted, "members of Kazakhstan's government commission stated that the Kazakh authorities had no right to comment on the situation within Uzbekistan and China, which constituted part of the internal affairs of those states. Their position was that if Kazakhstan granted refugee status to Uzbeks or Chinese Uyghurs, its relationship with its SCO neighbours would suffer."

### **Rejection**

On 3 March 2011, in a document signed by its deputy chief Lt-Col. Askhat Butunchinov and seen by Forum 18, Almaty City Migration Police rejected the appeal for refugee status from Djabbarbergenov, his wife and four children. It claimed that he did not meet the eligibility criteria for refugee status under Kazakhstan's Refugee Law. "According to Article 12, Part 1 of Kazakhstan's Refugee Law there is no ground for granting refugee status," the rejection letter claims. The letter noted that they were entitled to challenge the rejection in court.

Article 12, Part 1 of the Refugee Law gives as a reason for refusing refugee status: "the absence of well-grounded fears what an individual could become a victim of persecution on the basis of race, ethnicity, religious faith, citizenship, membership of a certain social group or for political convictions".

Successive court decisions – seen by Forum 18 – rejected Djabbarbergenov's appeal against the Migration Police's decision. The first came in a 17 October 2011 decision by Court No. 2 of Almaty's Almalay District. This was upheld by the appeals division of Almaty

City Court on 6 December 2011. A panel of three judges at the cassation division of the same court rejected his further appeal on 2 February 2012.

The court decisions agreed with the Migration Police's claim that Djabbarbergenov did not meet the eligibility criteria for refugee status. They claimed he had not presented sufficient evidence of his claims that he would be persecuted for his faith were he to be returned to Uzbekistan.

Djabbarbergenov then lodged an appeal to Kazakhstan's Supreme Court. However, as of 10 September the Supreme Court had given no date for any hearing. Telephones at the Supreme Court's relevant departments went unanswered each time Forum 18 called that day to find out when the case will be heard.

### ***Previous expulsion attempt***

On 29 May 2008, the KNB seized Djabbarbergenov on the street near his Almaty home in an attempt to expel him back to Uzbekistan. The Uzbek authorities had claimed to the Kazakh authorities that he is an Islamic fundamentalist and terrorist

The Almaty office of the UNHCR confirmed to Forum 18 on 3 June 2008 that Djabbarbergenov had been detained by the Kazakh KNB as a result of an inquiry from Uzbekistan and was released on UNHCR's request.

### ***Commitments violated***

Kazakhstan has earlier sent back refugees to Uzbekistan. On 9 June 2011, it sent back 28 men wanted by the Uzbek authorities on anti-state and religion-related charges, despite protests by human rights defenders. Relatives of the men say they were peaceful Muslims the authorities were seeking to punish for their religious activity.

Representatives of the men complained to the UN Committee Against Torture, arguing that they were at risk of torture if they were returned to Uzbekistan. On 1 June 2012, the Committee ruled that Kazakhstan had violated its commitments under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (document reference CAT/C/48/D/444/2010).

The Committee found that "the pattern of gross, flagrant or mass violations of human rights and the significant risk of torture or other cruel, inhuman or degrading treatment in Uzbekistan, in particular for individuals practising their faith outside of the official framework, has been sufficiently established". It pointed out that at least some of the complainants had already been subjected to "detention and torture" before they fled to Kazakhstan.

The Committee noted that the men were detained as soon as they arrived back in Uzbekistan and that some at least had received prison terms of more than ten years.

Kazakhstan had told the Committee that it had received "written guarantees from the General Prosecutor's Office of Uzbekistan that the complainants' rights and freedoms would be respected after the extradition and that they would not be subjected to torture or ill-treatment". However, the Committee noted that Kazakhstan's accepting such assurances without close monitoring of conditions in Uzbek detention was not enough.

The Committee Against Torture said the men should be brought back to Kazakhstan and given compensation. It asked the Kazakh authorities to respond to the findings "within 90 days".

While Primbetov of the General Prosecutor's Office insisted to Forum 18 his government

will respond, the UN Committee Against Torture and Kazakhstan's Mission to the United Nations organisations in Geneva did not respond immediately to Forum 18's enquiries.

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## **"Unlawful" fine – But will state do anything about it?**

Forum 18 (13.08.2012) - Kazakhstan continues to use property-related legal cases as a way of stopping people exercising their right to freedom of religion or belief, Forum 18 News Service has found. Although one such fine imposed on a forcibly closed Methodist Church has been admitted to be illegal, officials have refused to admit that other fines and bans imposed for the same reason and in the same circumstances – for example bans on Ahmadi Muslims meeting - are also illegal. Officials have also been unwilling to discuss the question of halting future illegalities, or taking disciplinary or other action against the officials responsible. In a different case, another Protestant Church has been forced to close for alleged violations of fire safety rules in a building it rents.

Communities from all faiths across Kazakhstan have told Forum 18 within the last month that they do not wish to complain about the authorities' actions in relation to bans on meetings or property-related cases, as they are preparing applications for re-registration. Religious communities of all faiths are afraid that, if they challenge any human rights violations by the authorities, they will be denied re-registration and banned under the 2011 Religion Law.

The Religion Law – against international human rights law - bans all exercise of freedom of religion or belief without state registration, and imposes compulsory re-registration by 25 October 2012. This and the accompanying need for state "expert opinion" on community documents and beliefs is placing obstacles in the way of registration being gained.

### **"Unlawful" fine**

In Taldykorgan [Taldyqorghhan], in Almaty Region, the authorities forced a Methodist Church in June to "voluntarily" announce its closure. The order followed an earlier fine on the wife of the Church's Pastor. Larissa Kim was fined for using her private home – the Church's registered legal address - for meetings for religious worship. The Church was then forced to pay for an announcement in newspapers that the Church had decided to liquidate itself. "We do not want more punishment from the authorities," Pastor Valery Kim told Forum 18. The authorities then forced the Church to pay for another announcement of its closure, this time in an official journal for legal announcements.

Pastor Kim told Forum 18 on 7 August that, as the Church had decided to close itself, they complained about the fine – which his wife had already paid - to Almaty Regional Prosecutor's office. Larissa Kim had paid the fine fearing that she might face an even larger fine after threats by Land Inspectors.

On 10 May the Kims received a letter from Adil Togayev, Director of Almaty Regional Land Inspectorate, saying that Land Inspector Askar Kuttybayev did "not classify correctly the use of their private home for religious worship", and that "based on the new Religion Law's Part 2 of Article 7 religious communities can rent or use private homes for religious activity".

Article 7 Part 2 allows "Worship services, religious rites, ceremonies, and/or meetings" to be held in homes, but only with the undefined limitation "if needed on condition that they respect the rights and interests of nearby residents".

The Kims also received letters on 21 May from Prosecutor Marat Abuyev of Almaty Regional Prosecutor's office and Prosecutor K. Usikbayev of Taldykorgan stating that the fine imposed on Kim by Land Inspector Askar Kuttybayev was "unlawful".

The inspection and fine followed a 1 February letter from the Land Agency ordering all its branches nationwide to inspect the properties of all currently registered religious. Kutybaev had on 19 April refused to say from whom or where the instruction came to do so. He also refused to answer Forum 18's questions about the legality of his actions.

### ***"Inexperienced"?***

Both Prosecutor Abuyev and Togayev of Almaty Regional Land Inspectorate on 9 August confirmed to Forum 18 that the fine was unlawful. Asked why Land Inspector Kutybayev fined Kim, and put pressure on the Church, Togayev responded: "You know these Inspectors are young and were chosen to work for us by a competition." He added that they are "inexperienced, and may incorrectly interpret the laws".

### ***Will state repay illegally imposed fine – or stop illegalities?***

The letter from the Land Inspectorate the Kims received on 10 May also cancelled the fine. But asked on 9 August by Forum 18 whether the illegal fine will be repaid, Prosecutor Abuyev stated that Larissa Kim can bring a case through a court for the fine to be repaid. "Let her come to our office, and we will explain to her how she can do it."

No official was prepared to discuss how illegalities the state admits it commits can be stopped, or what disciplinary or other action will be taken against officials who break domestic laws or international human rights law Kazakhstan has formally promised to implement.

### ***A precedent?***

Many religious communities of all faiths have been targeted throughout Kazakhstan for alleged "illegal" use of property for meetings.

When Forum 18 asked Prosecutor Abuyev whether the state's admitting that the Religion Law and Land Code have been used in an illegal way was a precedent for other cases – including for example Ahmadi Muslims in Almaty - he replied: "Ideally the laws are the same, and should be interpreted in the same way. But Almaty City Prosecutor's Office and other authorities are separate and independent structures from us."

Togayev of Almaty Regional Land Inspectorate gave a similar response, stating that Almaty City Land Inspectorate is independent from them, and referred Forum 18 to them.

The secretary of Almaty City Prosecutor Berik Asylov (who did not give her name) refused to put Forum 18 through to the Prosecutor on 10 August, referring Forum 18 instead to Press Secretary Gulnar Berdibekova. Asked by Forum 18 the same day whether the decision in relation to the Methodist Church applied to other communities also, Berdibekova told Forum 18 that she "cannot evaluate this over the phone".

However, Sapar Yeserkepov of Almaty City Land Inspectorate on 9 August refused to accept that the same law and interpretation applied in relation to other communities. Referring to a fine and bans on meetings imposed on Ahmadi Muslims for alleged "illegal" use of buildings like the Methodists, Yeserkepov insisted to Forum 18: "even the court supported us and upheld the fine".

### ***Another community banned, another Emergency Department fine***

In the town of Kentau in South Kazakhstan Region, Love Presbyterian Church has been forced to close. The reason given for the late June closure announcement was that the community does not have the 50 founders willing to be identified as demanded by the Religion Law. A local Protestant, who wished to remain unnamed for fear of state

reprisals, told Forum 18 on 8 August that local Protestants think that the Church intends to unite with other small churches to enable it to seek registration.

Small religious communities with fewer than 50 adult citizens willing to be identified to the authorities, which are banned under the Religion Law, have been particularly subject to bans on their meeting since the Law was passed.

The Love Church announced its decision to close after Judge Ziyash Klyshbayeva, of South Kazakhstan Region's Specialised Economic Court, on 21 June ordered the Church to stop all its activity. The reason the Judge gave was that the Church allegedly broke fire safety rules. Among the alleged violations was the lack of an automatic central fire alarm system. The Church was also ordered to pay 809 Tenge (about 30 Norwegian Kroner, 5 Euros, or 5 US Dollars) "as state duties into the local state budget".

The Church was meeting in a hall it did not own, but Judge Klyshbayeva claimed to Forum 18 on 8 August from Shymkent that, "the Church as tenant is responsible for eliminating any deficiencies in the building in terms of fire safety rules".

The verdict states that the case was brought by the Shymkent Emergency Department in the region, following a 13 June inspection of the building used by the Church. The verdict also claims that the Church in writing asked the Court to hear the case in their absence, as they agreed with the Emergency Department's decision.

Fire safety and other inspections have in the past been used as a pretext to harass religious communities the authorities dislike. This tactic was revived to impose a fine on Pastor Yevgeny Yesenkin of the Grace - Light of Love Protestant Church, in the northern Pavlodar Region. His appeal against the fine was rejected, despite irregularities in the conduct of an inspection on the part of the local Emergency Department.

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## **The Church will be closed down anyway**

By Mushfig Bayram

Forum 18 (25.05.2012) - Kazakhstan continues to use land use regulations as a means to prevent religious communities and their members exercising freedom of religion or belief, Forum 18 News Service notes. In one of several recent examples from across the country, in Taldykorgan [Taldyquorgan] in Almaty Region the authorities have with this tactic forced a Methodist church to "voluntarily" close and fined the wife of the Church's Pastor. Religious communities also note that "expert analyses" by the state's Agency of Religious Affairs, of both literature and religious community official charters, are obstructing communities gaining state registration and so permission to exist. Against the international human rights standards that the government has solemnly promised to implement, the 2011 Religion Law makes all exercise of freedom of religion or belief in association with others without state permission illegal.

The latest moves follow widespread state inspections of places of worship, which has resulted in the enforced closure of all Ahmadi Muslim mosques throughout Kazakhstan. Until mid-2008 using property cases to harass religious communities exercising their religious freedom was a common official tactic. The use of this tactic with inspections, warnings and pressure over use of property for meetings for worship has restarted and increased since the beginning of 2012.

***"We do not want more punishment from the authorities"***

Taldykorgan's Jesus Methodist Church has been forced to "voluntarily" liquidate itself after the wife of Pastor Valery Kim, Larissa Kim, was fined for using her private home - the Church's registered legal address - for meetings for religious worship. "We paid the fine two weeks ago", Pastor Kim told Forum 18 on 22 May. The Church then paid for an announcement in newspapers that the Church had decided to liquidate itself.

"We do not want more punishment from the authorities," Valery Kim stated.

After one similarly officially registered church was forced by the National Security Committee (KNB) secret police to meet away from its legal address, the ordinary police and the KNB raided it when it was meeting for worship.

Under the Religion Law religious communities cannot meet away from their legal address. During the raid a 17-year old woman was hit by a policeman, leaving her unconscious. No action seems to have been taken against the policeman responsible, even though a Public Prosecutor's Office official was a witness.

Larissa Kim's fine followed a "surprise visit" by Land Inspector Askar Kuttybayev, after which a fine of 8,090 Tenge (332 Norwegian Kroner, 44 Euros, or 55 US Dollars) was imposed on her.

Pastor Kim told Forum 18 that that their Church is very small, and they will not be able to collect the 50 signatures required under the Religion Law for re-registration. The Pastor noted that this would make any future activity by the Methodist Church unlawful.

Since the beginning of 2012, Kazakhstan has cancelled the registration of hundreds of "small religious groups" (with fewer than 50 adult citizen members) across the country, so depriving them of the right to exist. Local officials of the Agency of Religious Affairs (ARA) and other state officials then summoned the leaders of such communities and demanded that they stop their activity.

Kim added that they had decided not to change the status of their home. This, the Kims thought, ran the risk of losing it as the authorities "may want to confiscate the building under the pretext of the Law being violated, because it would be seen as the property of an unregistered church".

Pastor Kim said that their members are thinking of joining other churches, to be able to continue to worship as Christians. "It's not the best thing to do, but we will have to do it", he lamented.

Central ARA officials would not comment on this and other cases on 30 May.

ARA official Svetlana Penkova asked Forum 18 to call back later, as the ARA is busy running the so-called "Congress of Leaders of World and Traditional Religions" for foreigners. Forum 18's calls to other central ARA officials went unanswered on 30 May.

The ARA, the Foreign Ministry, other state agencies, and the mass media have all been instructed to promote a positive domestic and foreign image of the new Religion Law.

### ***"The Church will be closed down anyway"***

Zhumagul Alimbekov, Head of the Almaty Region's ARA Department noted to Forum 18 on 21 May that all the religious organisations must under the Religion Law re-register by 26 October 2012, one year after it came into force.

"The Church will be closed down anyway," he told Forum 18, "unless they can collect 50 signatures for re-registration". Alimbekov also emphasised that the Methodist Church

"must meet in a place registered as for religious purposes". When told that the Church does not have 50 members, and that Kim and his family do not want to change the status of their home, Alimbekov said that "they must obey the Law".

Asked why Kazakhstan, whose government loudly boasts of its alleged religious tolerance, obstructs people exercising the internationally recognised right to freedom of religion or belief, Alimbekov claimed: "We are a law-governed state, we must obey the law".

Forum 18 also asked whether the Religion Law's requirement of 50 signatures for compulsory community registration, and not allowing meetings for religious worship on private property was just and fair. Zhumagulov responded: "There may be faults with the Law but it is the Law and we must obey it now. In future we can speak about changes to the Law."

Raids and fines continue against people exercising the right to freedom of religion or belief without state permission. The Religion Law bans all unregistered religious activity, and in one recent case a Baptist was convicted of this "offence" on apparently false testimony extracted by police from neighbours.

### ***"Everyone must use their land in accordance with the law"***

Another community whose religious freedom is being undermined using property regulations is the capital Astana's Full Gospel Protestant Church.

Yelena Kan, who rented her private home to the Church, which she belongs to, had her home inspected in mid-April by Inspector Aynura Kulbatyrova of the city's Territorial Inspectorate of State Agency of Control over the Usage and Preservation of Lands.

Kan told Forum 18 on 24 May that the inspection followed a 2 April letter from the Land Inspectorate. This stated that her home would be inspected under instructions from Astana's city ARA Department dated 6 March, and a letter from the State Agency for the Management of Land Resources dated 1 February.

### ***Inspections nationwide***

The Land Agency's 1 February letter ordered all regional and local Land Inspectorates to inspect the properties of all currently registered religious organisations, Inspector Kulbatyrova told Forum 18 on 25 May. She claimed that this is "necessary to make sure that everyone uses their land according to its designated purpose".

The Land Inspectorate in Almaty began this process in concert with Prosecutor's Office officials and attacks in the state-controlled media on the Ahmadi Muslims, whose mosques were subsequently closed.

A lawyer for the Jehovah's Witnesses, Yuri Toporov, told Forum 18 from Almaty on 30 May that their communities throughout Kazakhstan had been inspected by Land Inspectors between February and April. However, "the inspections ended peacefully, and did not result in warnings or punishments".

### ***Official warning***

On 2 May Kan received a written official warning from Inspector Kulbatyrova, saying that she must use the land on which her home is for its designated purpose of residence, or change its official purpose to usage for religious activity. The warning was sent even though legal experts Forum 18 has spoken to argue that under Kazakh law, individuals

have every right to rent private homes to religious communities. The warning letter also states that the building can be confiscated with a court order unless Kan does this.

Asked why she inspected Kan's home, Inspector Kulbatyrova told Forum 18 that: "We are checking up on all religious organisations to see whether they are using their lands according to their purpose". She then claimed that "the Land Code does not allow the usage of private property on land for residential purpose for religious activity".

Article 7 Part 2 of the Religion Law allows religious activity in private homes with the undefined restriction "on condition that they respect the rights and interests of nearby residents. In other cases religious activities are carried out in accordance with the laws of the Republic of Kazakhstan"

### ***Can Kan's home still be used for meetings for worship?***

Kan said that she had already started the process of changing the status of her private home. She said that she is not sure whether she they will be able to live in the building once the status is changed. "We will probably rent an apartment elsewhere to use the building for the Church." "If need be in future we will rent another place where we can live", she added.

Inspector Kulbatyrova had, she said, promised her that she will "help them to receive a status for their building by which they could use it for worship".

Inspector Kulbatyrova told Forum 18 that "we explained to Kan that she should apply to receive a status allowing her to use the home both for residence and religious activity". Asked whether the building can be used for meetings for worship while its status is being changed, she responded:

"Nowhere in the Law is it indicated that they cannot use the property while they are changing its status".

### ***Fined for preventing Emergency Department inspection***

Fire safety and other inspections have in the past been used as a pretext to harass religious communities the authorities dislike. In Pavlodar Region in the north of the country Yevgeny Yesenkin, Pastor of the Grace - Light of Love Protestant Church has been fined 8,090 Tenge (332 Norwegian Kroner, 44 Euros, or 55 US Dollars), or 5 Monthly Financial Indicators (MFIs), for not letting Emergency Department inspectors onto the premises his church uses.

The MFI is set annually, and since 1 January 2012 has been 1,618 Tenge (63 Norwegian Kroner, 8 Euros, and 11 US Dollars). This is just below one tenth of the official minimum monthly wage.

On 10 April Grace Church received an official notification, seen by Forum 18, signed on 10 April by Colonel Mikhail Romanevich, Chief of Aksu Emergency Division. This stated that Emergency Department officials will inspect the Church's premises on 53 Kalinin Street on an unspecified date between 11 and 20 April, to check the observance of fire safety rules.

On 20 April Zhasulan Rakhimberdin, Chief Engineer of Aksu Emergency Department, with R. Korzhumbayev and K. Khamitov, two others from the Department arrived. "The [24 May] verdict says that I did not allow these officials to enter the building, and that I did not produce building documents", Pastor Yesenkin told Forum 18 on 30 May. He insisted that "it is true that I did not allow the officials to enter the building, but I did show them the documents".

Explaining why he refused the officials entry, Yesenkin said that the Church is officially registered at the building, a private home owned by Yelena Yun. She was not warned about the inspection, and so was not present.

Yesenkin said that he asked the visiting officials to send a new notification in Yun's name, and make the inspection of the building as a private home. The officials refused to do this, and warned him that they will file a complaint against him in court.

### ***Pastor's complaint rejected***

Yesenkin then complained about this to Pavlodar Regional Emergency Department, which rejected the complaint in a 25 April letter seen by Forum 18. The letter, signed by Colonel Mulykhybay Aytzhanov, Head of the Department, states that according to Aksu's Justice Department, the legal address of the Church is 53 Kalinin Street, and so the officials did not violate the Law.

Colonel Aytzhanov told Forum 18 on 30 May that it was an unscheduled inspection of Grace Church, which is usually done after complaints from citizens or state agencies. "We cannot on our own initiate such inspections," he stated. Asked what the exact reason for this inspection was, he responded, "I am not prepared to talk, I need to examine the case files to see".

Asked why Yun, the owner of the home, was not notified of the inspection, Colonel Aytzhanov repeated his previous response. He also did not want to say whether the Emergency Department planned to make another inspection of the building, since the previous attempt failed. "I don't know," he said, and then declined to discuss the issue further.

Despite Pastor Yesenkin's formal complaint against officials, Judge Gulnar Mukhamedkaliyeva of Aksu Specialised Administrative Court on 24 May fined him under Part 1 of the Code of Administrative Offences' Article 356 ("Preventing state inspectors from carrying out their official duties, non-compliance with directives, orders and other demands").

Judge Mukhametkaliyeva, refused to comment on the case. She told Forum 18 on 30 May that "her decision did not enter into force yet." She added that Yesenkin has a right to challenge the decision.

### ***Hare Krishna commune still operating, but ownership still unapproved***

The most high-profile state attempt to use property to attack the right to freedom of religion or belief has revolved around the Hare Krishna commune outside Almaty. The cattle farming commune - the only Hare Krishna commune in the entire former Soviet Union - has long been resisting state attempts to force them to move to a rubbish dump.

The case gained enormous international publicity when Kazakhstan with no warning used bulldozers to destroy Hare Krishna devotees' homes in November 2006, even attracting the attention of the fictional character Borat. Since then there have been threats to continue demolitions and court harassment, but no renewed demolitions.

Galina Golous of the Hare Krishna community told Forum 18 on 30 May that the commune can still use the farm. This was taken from the commune by a court. However, "although the authorities have left us in peace, they still have not officially approved our use of the land". Golous said that the community continues their negotiations with the Regional and local Administrations to legalise the farm and the homes adjacent to it.

### ***Negative "expert opinion" obstructs re-registration***

After the city of Karaganda's [Quaraghandy] Grace Presbyterian Church applied for re-registration, the Karaganda Regional ARA Department gave a negative "expert opinion" on the Church's Charter. The Religion Law - against international human rights standards - requires religious organisations' ideas and activities in their charters to be approved by state "expert analysis".

The negative opinion effectively means that the Church will not be re-registered until the opinion is changed, the Church's lawyer Gaukhar Alkeyeva told Forum 18 on 24 May. She said that the Department sent the charter to the central ARA in Astana for another expert opinion. "The same experts gave us a positive opinion when we were registered before, and gave us a negative opinion now", she said.

One argument given by the "experts" is that "we are not Presbyterians, despite what it says in our charter", Alkeyeva said. "Another argument is that they think that our three-day intensive spiritual training can be dangerous for mental health." She said that the "experts" did not give their opinion in writing, but only told the Church their opinions verbally.

Lazzat Kalybekova of the Religious Expertise Department of the ARA on 24 May told Forum 18 that: "Our experts are analyzing the Church's charter, and by the end of May we should give our opinion". She added that "if need be we may ask the Church to present the spiritual literature they use for additional analysis, and extend for another month the time the expert analysis takes".

### ***More communities unable to re-register yet***

Amongst the other religious communities unable to gain re-registration is the Hare Krishna commune. "We are still waiting to receive the results of the expertise of our religious literature", Viktor Golous, leader of the commune told Forum 18 on 24 May. "And without that expert opinion we cannot be re-registered."

His colleague Galina Golous explained to Forum 18 on 30 May that they wanted to send their literature for censorship when the Religion Law was passed in October 2011. But the Almaty Regional ARA Department told them that they cannot do this as the censorship regulations were not in place.

Compulsory state censorship is one of many aspects of the Religion Law which break the international human rights Kazakhstan has promised to implement. Local and international human rights defenders have heavily criticised this and other aspects of the Law.

Draft Censorship Regulations were considered at a closed meeting of about 20 senior officials on 27 October 2011.

However the finalised Censorship Regulations were only published on 17 March 2012 Hare Krishna devotees immediately contacted the Almaty Regional ARA Department, but were told that they need only send a list of their books, and the ARA would ask for copies of particular books from the list for analysis. "We waited for almost two and half months for this, and on 25 May we were called by the Almaty ARA branch and told what books to bring", Golous stated. She said that the books were taken to the ARA on 29 May.

The Almaty ARA branch told Hare Krishna devotees that the books will be sent to the central ARA in Astana. Golous said that she did not know how long it would take for them to receive the results of the analysis. "One can only imagine how long they need, if it took them two and half months to consider the names of books", she commented.

Unlike other Communities, Mosques registered under the state-backed Muslim Board have been told by regional ARA Departments to wait to be told by them when to apply for re-registration. (The Board itself is due to be fully taken over by the state).

Several Imams of Mosques in Taldykorgan, who asked not to be named for fear of state reprisals, told Forum 18 that they see "no problems with re-registration but were told to wait to be invited" by the local ARA branch.

Imams of independent Mosques in Karaganda Region told Forum 18 on 29 May that they will apply for re-registration in the end of August, when Ramadan is over. "We do not want to be disturbed by the officials during fasting", one Imam who wished to remain unnamed for fear of state reprisals told Forum 18.

Independent mosques have been pressured since January to re-register or be closed. Officials threatened before the new Religion Law was adopted to use it to close down independent Mosques.

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## **Baptist convicted on evidence "fabricated" by police**

By Mushfig Bayram

"Forum 18 News Service," (22.05.2012) - Kazakhstan has continued to punish people exercising their internationally recognised right to freedom of religion or belief without state permission, Forum 18 News Service notes. Raids have continued on members of the Baptist Council of Churches, who on principle do not seek state registration and hence in Kazakhstan permission to exist for their churches. In a particularly serious development, Baptist Vasily Stakhnev appears to have been framed by police and then fined for the "offence" of distributing religious literature, which he vehemently insists that he did not do. Stakhnev was fined 161,800 Tenge (6,485 Norwegian Kroner, 860 Euros, or 1,095 US Dollars) – a very large amount given his income - after police apparently pressured his neighbours to write false testimonies against him.

Also, in early May the legally-registered Jesus Methodist Church in Taldykorgan, in Almaty Region, has been forced under pressure by the authorities to cancel its registration and close (see forthcoming F18News article). Pressure on the Methodists, using the Land Code as a pretext, follows the forced closure of all Ahmadi Muslim mosques in Kazakhstan and pressure on other religious communities.

### **"Fabricated" case**

Baptist Vasily Stakhnev told Forum 18 on 15 May that on the night of 27 / 28 February police in Serebryansk, in East Kazakhstan Region, raided the three private flats of himself and two other Baptists. Police confiscated Christian booklets from all three homes.

Following the raids during a court hearing on 27 May, Stakhnev found that the police had "fabricated", as he described it, a case against him by forcing neighbours to sign false statements. Two neighbours from the same building had signed statement for the police claiming that Stakhnev had "stuck religious literature in the door handles or under the doors of their flats". This was interpreted by Zyryanovsk District Specialized Administrative Court in East Kazakhstan Region as unregistered missionary activity and unauthorized spreading of religious materials.

The hearing took place 600 kilometres (375 miles) away from Stakhnev's home.

### ***An Inspector calls***

Stakhnev told Forum 18 that neighbours had told him that local police Inspector Yernar Kaliyev had come to their homes, and pressured to write statements against him.

One neighbour told Forum 18 on 16 May that "it is true that I told the police that sometimes I found religious literature at my door". "But", they continued, "I never said that Stakhnev had done it". They added that the police presence in their home was "uncomfortable", and that they are "not even sure what I signed for the police".

Stakhnev insisted to Forum 18 that he had not distributed any literature, and that he was only "guilty" of possessing Christian literature in his private home.

Inspector Kaliyev refused to talk to Forum 18 on 16 May and referred Forum 18 to local police chief Serikhan Tozhigitov of Serebryansk Police.

### ***"We did not force anyone to sign anything"***

Asked on what basis police raided the homes of the three Baptists, Tozhigitov on 16 May claimed to Forum 18 that the Police had evidence from witnesses that "Stakhnev distributed religious literature among people". He also claimed that the police knew that the Baptist Church is not registered.

Tozhigitov also claimed that: "We did not force anyone to sign anything". He also stated that "the law demands that they [the Baptists] be registered. They cannot distribute religious literature unless they register". He also stated that police will in future raid private homes of Baptists "if we find that they continue distributing literature".

### ***"Guilty"***

Judge Anuarkhan Kalenov of on 27 April fined Stakhnev the maximum fine of 161,800 Tenge (6,485 Norwegian Kroner, 860 Euros, or 1,095 US Dollars) or 100 minimum Monthly Financial Indicators (MFIs). He was found "guilty" under the Code of Administrative Offences' Article 375 Part 3, which was changed at the same time that the harsh 2011 Religion Law was brought in.

Article 375 Part 30 bans: "The carrying out of missionary activity by citizens of the Republic of Kazakhstan, foreigners and persons without citizenship without registration (re-registration), as well as the use by missionaries of religious literature, informational materials of religious content or objects of religious significance without a positive assessment of a religious studies expert analysis".

The penalty fine for this "offence" under Article 375 Part 3 is for citizens 100 MFIs. Article 375, Part 9, punishes such offences committed again within a year with fines of 200 MFIs. The punishment for foreigners and stateless persons under Article 375, Part 3, is 100 MFIs with deportation.

According to Judge Kalenov's verdict, seen by Forum 18, "on 28 February at 17:30 hours it was established that physical person Stakhnev was involved in unauthorised missionary activity, namely spreading among the population religious literature without the approval of religious expertise." Stakhnev is claimed to have "admitted" that he sometimes gave out some Christian booklets in the yard of the building where he lives, and that according to the information received from Serebryansk City Administration the Baptist Church, of which Stakhnev is a member, is not officially registered, Judge Kalenov concluded that this constituted violation of the Religion Law.

The verdict takes no account of claims that statements given to police were fabricated under pressure.

The fine imposed on Stakhenov is very large given his low income. The MFI is set annually, and since 1 January 2012 has been 1,618 Tenge (62 Norwegian Kroner, 8 Euros, or 11 US Dollars). This is just below one tenth of the official minimum monthly wage.

Kazakhstan has recently published stringent Censorship Regulations, banning all religious literature that has not passed state censorship. Officials have been confiscated religious books – including children's books on the lives of Russian Orthodox saints – from libraries for checking.

### ***"An appeal will be heard"***

Judge Kalenov on 18 May refused to say why he gave such a huge fine to Stakhnev, for possessing Christian literature in his private home. Stakhnev "already complained to the Regional Court," he told Forum 18 from Zyrjanovsk, "and an appeal will be heard there".

An official of East Kazakhstan Regional Court Appeal Board (who would not give her name) on 18 May said that the appeal will be heard on 24 May. But she refused to comment on the case. "It will be an open hearing, you may observe it," she told Forum 18 from Oskemen, the central city of East Kazakhstan Region.

### ***Frequent raids continue***

Council of Churches Baptists have complained to Forum 18 that from March police from the ordinary police, police Criminal Investigation Department, police Department for the Fight against Extremism, Separatism and Terrorism, as well as Public Prosecutor's Office officials have raided private homes where they meet for worship. Such raids have taken place in the capital Astana, Temirtau, Petropavl, Balkhash, and other places.

Baptists complained that "normally without warrants, police film and question those present during the raids, and take statements against church pastors and ordinary members". They complained that this was against the Constitution, and that the authorities "in every place opened all the rooms and cupboards, and confiscated Christian literature and other items without drawing up confiscation records". Cases, they said, are often brought under Part 8 of Administrative Code Article 375 for leading unregistered religious activity.

Part 8 of the new Article 375 bans: "The carrying out by religious associations of activity banned by legal acts of the Republic of Kazakhstan, as well as the failure by religious associations to remove within the designated time period violations serving as a basis for the halting of their activity". Leaders of religious associations can be punished for this "offence" with a fine of 300 Monthly Financial Indicators (MFIs), and religious associations themselves can be fined 500 MFIs with a ban on their activity. This Article was changed under an Amending law brought in at the same time as the Religion Law.

### ***"They even looked in the refrigerator"***

In one such case on 2 March, Police and Prosecutor's Office officials in Rudny in Kostanai [Qostanay] Region, in northern Kazakhstan, raided the private home of an unregistered Baptist Timur Aliyev, Baptists who wished to remain unnamed for fear of state reprisals told Forum 18 on 20 April. Aliyev's home is also used as a place of worship for local Baptists. Present during the raid were only Aliyev and his family members, Baptists said.

"12 officials arrived in five different cars, broke into the home and began to take photographs of not only the meeting hall but also all the living rooms", Baptists told Forum 18. "They even looked in the refrigerator." The officials asked Aliyev whether he had permission to conduct religious meetings in his home, and from where he received religious literature.

The officials made a detailed inventory of the property, and demanded that Aliyev and his family write statements that they conducted unregistered religious activity in their private home. The family refused to do this, as they considered what the authorities were doing to be "illegal", Baptists stated.

Officials had, however, brought along their own witnesses to sign police records. They then left.

Baptists told Forum 18 that among the officials on the raid were: Almat Yeslyalov, Assistant to Rudny's Prosecutor, Captain Yerkin Dyusembin and Senior Lieutenant Altnat Bakenov of Rudny Police, and Muratkhan Zhumabayev, Director of the Kostanai regional Department of the Agency of Religious Affairs (ARA).

### ***"Orders from above"***

Officials "did everything on orders from above", Yeslyalov of the Prosecutor's Office told Forum 18 on 20 April. He would not explain who had ordered the raid. Asked which law exactly the Baptists had violated, and whether officials raided Aliyev's home without an official warrant, Yeslyalov did not answer and put the phone down.

In a similar case, officials have been trying in 2012 to stop the activity of the Protestant Grace Church which meets in a private home in the suburb of Kentau in Turkestan in South Kazakhstan Region. In that case, officials admitted that the action was initiated by the National Security Committee (KNB) secret police. The Church is still meeting for worship.

ARA regional Director Zhumabayev claimed that the officials will not take any measures against the Baptists in Rudny. "We are not against any religion," he told Forum on 20 April from Kostanay, the central city of the Region. "But the Religion Law requires all religious communities to register officially."

### ***Cicero said***

The Religion Law explicitly bans all exercise of freedom of religion or belief without state permission, in defiance of the universal human rights Kazakhstan has solemnly undertaken to implement. Asked why religious communities cannot meet for worship in private homes, Zhumabayev quoted the ancient Roman political theorist and politician Marcus Tullius Cicero (106 – 43 BC): "Cicero said that 'We are all servants of the laws in order that we may be free'". Zhumabayev then claimed that "every Kazakh citizen – even the President – must obey the laws".

For some reason Zhumbayev of the ARA did not discuss the applicability of another quotation from Cicero to Kazakhstan's systematic violations of universal human rights: "True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions".

Forum 18 noted that the Religion Law's ban on exercising religious freedom without state permission contradicts the statement in the Constitution that "everyone shall have the

right to freedom of conscience" (Article 22). When ARA regional Director Zhumabayev was asked by Forum 18 what he thinks of this contradiction, he replied: "Please send us your questions in writing". He then refused to discuss the issue further with Forum 18.

### ***"The absence of elements of crime"***

Judge Akyltai Kasimov, the Chair of a panel of judges on Kazakhstan's Supreme Court on 24 April has acquitted Yerzhan Ushanov, Pastor of a Protestant Church in Zhambyl Region of breaking Criminal Code Article 111, Part 1 ("causing severe damage to health due to negligence"). He had been found guilty on 5 September 2011 for praying for someone's health, after a case initiated by the KNB secret police.

The Supreme Court verdict, which Forum 18 has seen, states it reached its verdict "due to the absence of elements of crime in his actions".

No action is known to have been taken against officials responsible for Ushanov's prosecution and conviction.

In April police detained two Hare Krishna devotees in Oskemen in East Kazakhstan Region for handing out what police claim was "extremist literature" on the street. Their identity documents were seized. However, on 16 May Hare Krishna devotees told Forum 18 that the identification documents were returned. Oskemen authorities have stated that no charges will be brought against the two.

No action is known to have been taken against the police responsible.

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## **Restrictions on and punishment for spreading religious literature and faith**

By Mushfig Bayram

Forum 18 News Service (30.04.2012) - Six months after Kazakhstan's harsh new Religion Law and associated new punishments for exercising the right to freedom of religion or belief came into force, a growing number of religious communities are complaining of restrictions on and threats of prosecution for sharing their faith, Forum 18 News Service has learnt. Five Baptists in the northern Akmola Region who distribute Christian literature on the street were stopped twice within the space of a week in March. Their literature was confiscated, they were all questioned at the police and some were entered into police records. They may face prosecution, a police official told Forum 18. Police detained two Hare Krishna devotees in East Kazakhstan Region in April for handing out what police claim was "extremist literature" on the street. Their identity documents were seized and they too may face prosecution. Two Jehovah's Witnesses who verbally shared their faith in the northern Kostanai Region were questioned by police in February, but in April were finally acquitted by a court.

A growing number of religious communities – including the Jehovah's Witness and Hare Krishna communities and others, which did not want to identify themselves for the moment - complained to Forum 18 not only about the compulsory prior religious censorship imposed by the October 2011 Religion Law but the slowness of the process. They complained that the state Agency of Religious Affairs (ARA) – the body tasked with censoring all religious literature - has not responded in months to their requests for approval for specific religious materials. Without the ARA's approval, religious

communities cannot use or distribute such literature without risking heavy penalties.

The government adopted in February and published in March the Censorship Regulations, drawn up by the ARA to implement the censorship provisions of the 2011 Religion Law (see forthcoming F18News article).

Although partial state censorship of religious literature imported into the country has existed for some years, this represents the first time the way the official state censorship of religious literature and other materials is conducted has been codified. Kazakhstan's religious censorship regime directly violates its international human rights commitments, including as a member of the Organisation for Security and Co-operation in Europe (OSCE).

### ***Authorisation for religious literature required***

Asked why religious communities must receive permission to distribute their religious literature in public places, the response from Svetlana Penkova, Press Secretary of the ARA in the capital Astana, was short. "The Religion Law necessitates the ARA to authorise all religious literature before it is used or distributed by religious communities," she told Forum 18 on 27 April from Astana. She did not say what will happen to the books confiscated from the Baptists and the Hare Krishna devotees.

Asked whether religious believers cannot share their faith verbally, and whether it was lawful for the Police and Kostanai Religious Affairs officials to detain and bring to court the two Jehovah's Witnesses, Penkova responded that she will "look into the matter, and make sure that no such incidents occur in future".

### ***ARA censorship – "we have been waiting for so long"***

Each month since November 2011, Jehovah's Witnesses have been sending their publications to the ARA in Astana, including successive issues of their monthly magazines Awake! and Watchtower, they told Forum 18. They point out that the magazines and books are among their members' main sources for spiritual reading. However, as of 27 April 2012 they had not received the results of the "expert analyses" of any of these publications. "We decided not to distribute our magazines and other religious literature until we receive the results of the expert analyses, and we have been waiting for so long," they lamented to Forum 18.

The Hare Krishna community has so far not received the results of the "expert analyses" of their main scriptures, the Bhagavad-Gita, and other religious books. Devotees complained to Forum 18 on 27 April that copies of these works were sent to the ARA "months ago".

Penkova, spokesperson of the ARA in Astana, played down the concerns of the communities. "Perhaps something went wrong in communication," she told Forum 18. She promised that she will look into the cases, and "speed up the process". She added: "We appreciate the desire of the religious communities to cooperate with us."

Forum 18 on 27 April also asked Penkova in writing what the specific reason for the delay in giving the expert analysis of the religious literature in each case was, and whether any measures will be taken against the officials who attempted to punish Jehovah's Witnesses in Akmola Region. As of the end of the working day in Astana on 30 April, Forum 18 had received no response.

### ***Literature confiscated, possible punishments***

On successive Saturdays – 3 and 10 March – police in Shchuchinsk in Akmola Region's Burabai District stopped members of the local Council of Churches Baptist congregation while they were offering Christian literature for free to passers-by in the town centre, church member Aleksandr Zhukov told Forum 18 from Shchuchinsk on 27 April. Police confiscated all their literature on both occasions, "roughly between 90 and 100 books and booklets" in total. Among the confiscated books were several Bibles in Kazakh and New Testaments in Russian, he said.

Zhukov said that administrative cases may be opened against himself, Mikhail Milkin, Ruslan Yermakov, Vyacheslav Cherkasov and Zhasulan Alzhanov.

Police Inspector Captain Aybek Aubakirov led both operations, which also involved local Police officer Captain Kairbek Ashkenov, Senior Lieutenants Maksat Tazhibayev and Yermek Yespembetov and Police Investigator Arkhat Moldybayev.

### ***Police records and warning***

After the Police detained Cherkasov and Alzhanov on 3 March, the two were treated "as though they were criminals", Zhukov complained. Police Officers Aubakirov, Ashkenov and Yespembetov - as well as 12 other officials both in uniform and in plain clothes, which "may have included" National Security Committee (KNB) secret police officers – drew up records of all the literature before confiscating it.

Officers then took away Cherkasov and Alzhanov's identification documents, and brought them to the Burabay District Police Department. They photographed and filmed the two Baptists and the literature. The two were questioned about what church they belong to, where they get the literature and where they store it.

Cherkasov refused to sign any police records. Alzhanov wrote a short statement that he is a member of the Council of Churches Baptist Church and that he has "the perfect right on the basis of Kazakhstan Constitution's Articles 20, 22, and 39 to spread spiritual literature".

Zhukov told Forum 18 that the two Baptists were then taken to the room with the doorplate which only read "Police Lieutenant Forensic Investigator of Burabai District", where their personal data, shoe size, and photographs in profile and full face were taken. "The officers warned them that their names have now been entered in police records," he said. After their IDs were returned, the two Baptists were released.

Zhukov said that on 10 March, the Police detained him and two other Baptists, Milkin and Yermakov. The three were taken to Burabai town Police. After officers drew up official records the three were released.

### ***Who initiated the operations?***

Captain Aubakirov and Omyrbai Beysenov, Deputy Chief of Burabai District Police gave contradictory information on who initiated and led the operations. Captain Aubakirov told Forum 18 on 26 April that the Police's Criminal Investigation Department had led the case. However, Deputy Chief Beysenov said that the case was led by KNB secret police and Prosecutor's Office officials. "Our officers' duty in the process was only to record the actions of the Baptists," he told Forum 18.

### ***"They cannot be involved in unregistered activity"***

Captain Aubakirov complained that the Baptists – as well as distributing religious literature "illegally" - also do not have State registration. "We told them that they cannot be involved in religious activity until they receive official registration," he told Forum 18. (Council of Churches Baptists have a policy of not seeking state registration, insisting that they should not need government permission before conducting religious activity.)

Asked why the Baptists – or members of other religious communities - must receive permission from the authorities to share their faith with others or distribute their literature, Captain Aubakirov refused to answer.

### ***What measures will be taken against the Baptists?***

Deputy Police Chief Beysenov said that the Police "have nothing against" the Baptists, before adding: "We know that they are unregistered, and an administrative case under Administrative Code Article 375 may be brought." He said the confiscated books have been sent to the ARA in Astana. He noted that charges may also follow, depending on the results of the ARA's analysis of the books.

Article 375 of the Code of Administrative Offences ("Violation of legislation on religious activity and religious associations") was greatly expanded to punish a wider range of religious activity in the October 2011 amendments. Activities which are punishable include leading an unregistered religious community and distributing uncensored religious literature. The first known use of the new Article 375 came in February 2012, when a Baptist in Pavlodar Region, Aleksei Asetov, was fined an estimated year and a half's average local wages for leading an unregistered religious organization.

### ***Distributing "extremist literature"?***

Possible punishments also for two Hare Krishna devotees may be on the way. Police in Oskemen [Ust-Kamenogorsk] in East Kazakhstan Region detained two devotees in early April for passing out – according to Police – "extremist literature" on the street, Hare Krishna devotees, who wished to remain unnamed for fear of the State reprisals, told Forum 18 on 27 April. The Police confiscated the identification documents of the two, which have still not been returned. It is not clear if and when any case will be referred to court.

### ***Verbally sharing faith illegal?***

Two members of the officially registered local Jehovah's Witness community were stopped by a local police officer on 28 February in a shop in the town of Karasu in Kostanai Region. One of two was talking to another customer in the shop about his faith, and while the other was standing by. "The officer heard them talking about religion, and detained them," Jehovah's Witnesses complained to Forum 18 from Almaty on 25 April.

The two were taken to Karasu town Police, questioned, and released after five hours. Later Karasu Police referred the case to Kostanai Regional Department of the ARA. The Department in turn brought an administrative case against the two in Karasu District Administrative Court, Jehovah's Witnesses told Forum 18.

Yerbol Ospanov, Chief Specialist of the Department, who at the time was also the interim Director of the Department, was plaintiff in the court.

However, on 10 April Judge Baktybai Ismukhambetov, Chair of Karasu District Court, acquitted the two Jehovah's Witnesses. "The Judge deemed that our believers did not violate the Law by merely speaking about religion in a public place," Jehovah's Witnesses told Forum 18.

## **No official comment**

Ospanov refused to speak to Forum 18 on 27 April. As soon as he heard Forum 18's name, after introducing himself, he put the phone down. Subsequent calls went unanswered.

Manaf Kaushev, Specialist of the ARA Department, told Forum 18 the same day that neither Nurikan Nugurbekov, the newly appointed Director, nor Ospanov were available to talk to Forum 18. Asked why the Department complained about the Jehovah's Witnesses simply for verbally sharing their faith in a public place, Kaushev refused to answer. "Please, send us your written questions, and we will answer," he said.

Judge Ismukhambetov declined to comment on the case. He also declined to comment on whether it is lawful for police or other authorities to stop religious believers from verbally propagating their faith in public places. "Look, I don't want to comment," he told Forum 18 on 27 April. "Let's just leave it at that."

Temirkhan Askarov, Deputy Chief of Karasu Police, on 27 April said he cannot comment on the case since he was "on vacation" when the Jehovah's Witnesses were detained. Asked whether the Police are authorised to detain anyone who propagates religion in a public place, even if they only speak verbally, he said he could not comment. When Forum 18 insisted and asked specifically whether this meant yes, he said he cannot say. He further declined to talk with Forum 18.

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## **Ahmadi Muslims closed down everywhere, Methodist congregation next?**

By Mushfig Bayram

Forum 18 (24.04.2012) - Public religious worship by the Ahmadi Muslim community has been forced to stop throughout Kazakhstan as they no longer have anywhere they can legally meet, community members lamented to Forum 18 News Service. The Ahmadi Muslim community in Kazakhstan's commercial capital Almaty was forced to close on 2 March after being fined by Land Inspectors for using a private home for religious worship.

The enforced closure of their places of worship is a result of the continuing campaign by Land Agency officials, Prosecutor's Offices and other authorities to stop and punish meetings for religious worship in private homes, Forum 18 notes. The campaign - which targets both registered and unregistered religious communities - appears to have been stepped up again since early 2012.

Also threatened by Land Inspectors is a small Methodist Church in Taldykorgan near Almaty. The owner of the home where the Church meets was fined by Land Inspectors in April for using her private home for worship. The Pastor told Forum 18 that he is now afraid that his Church will be closed down.

Land Inspectors from both Almaty City and Almaty Region told Forum 18 that they are inspecting all religious communities' properties to see if properties and land are used for their proper purpose. Owners of buildings that are not approved specifically for religious worship face warnings to halt religious activity and possible punishments if they do not comply. One Land Inspector told Forum 18 the order came from the Prosecutor's Office. Almaty City Prosecutor's Office refused to discuss their actions with Forum 18.

Kazakhstan's authorities also appear to be stepping up raids on unregistered religious communities, particularly on member congregations of the Baptist Council of Churches who meet in places of worship in private homes. These congregations refuse on principle to submit to state registration, and their leaders are often warned and fined. Among recent cases, authorities in Kostanai Region warned Baptists that they are allowed neither to conduct religious activity in a private home, nor to conduct unregistered activity (see forthcoming F18News article).

### ***Unapproved worship banned***

Until mid-2008 using property cases to harass religious communities was a common official tactic, but such cases appear to have later declined. However, inspections, warnings and pressure over use of property for meetings for worship have increased since the beginning of 2012

Under the terms of the harsh new 2011 Religion Law - and in defiance of Kazakhstan's international human rights commitments - all unregistered religious activity is banned. Also banned is religious activity by registered religious communities outside the framework of what the Law specifically allows. Article 7, Part 2 - which like many parts of the Religion Law is open to arbitrary interpretation - defines where meetings for worship and other activity can be held.

Since the beginning of 2012, Kazakhstan's authorities have cancelled the registration of 579 "small religious groups" (with fewer than 50 adult citizen members) across the country, so depriving them of the right to exist. Local officials then summoned the leaders of such communities and demanded that they stop their activity.

### ***All public Ahmadi Muslim worship now halted***

Ahmadi Muslim Nurym Taibek complained to Forum 18 from Almaty on 19 April that their communities can no longer meet for worship across Kazakhstan. He pointed out that the ban on their Almaty community follows a decision to strip their other officially registered branch in Shymkent in South Kazakhstan Region of the right to use its building for worship.

South Kazakhstan Regional Economic Court on 12 May 2011 fined the Shymkent Ahmadi Muslim Community 756 Tenge (28 Norwegian Kroner, 4 Euros, or 5 US Dollars), and suspended the Community's right to use its mosque and land. The suspension applies until the alleged violations of land usage claimed by the joint Zhambyl-Kyzylorda-South Kazakhstan inter-regional Land Inspection Agency are "eliminated", the verdict seen by Forum 18, said.

The Shymkent Community's appeal and cassation appeal in the South Kazakhstan Court against the May 2011 decision in July and August 2011 were both unsuccessful. Taibek told Forum 18 that the Shymkent Community's building can now only be used as a residence.

### ***Forced to stop worship in legally registered building***

The Almaty City authorities on 2 March effectively stopped the local Ahmadi Community from worshipping in their legally registered building in the city's Medeu District. The Land Agency on the same day sent two City Land Inspectors, Yerlan Kalibayev and Askar Duysekov, to inspect the Community's usage of its property. The Inspectors fined the Community 48,540 Tenge (1,885 Norwegian Kroner, 250 Euros or 330 US Dollars) for allegedly violating Kazakhstan's Administrative Code's Article 253.

Article 253 of the Code of Administrative Violations punishes not using land according to its designated purpose. Possible punishments range from a warning to a fine for individuals of up to 10 Minimal Financial Indicator (MFIs), for officials and small business owners of between 10 and 30 MFIs, and for large business owners of between 50 and 120 MFIs.

The MFI is set annually, and since 1 January 2012 has been 1,618 Tenge (63 Norwegian Kroner, 8 Euros, and 11 US Dollars). This is just below one tenth of the official minimum monthly wage.

Taibek told Forum 18 that the community challenged the fine in Almaty City's Specialised Inter-District Administrative Court, though without success. On 16 March, Judge Galym Keldybayev upheld the fine.

The Court decision, a copy of which Forum 18 has seen, claims that photographs taken by the Land Inspectors show that part of the building is being used as an office, and in another part, Imam Rufatzhan Tukamov resides with his family. The decision adds that the fact that the building is registered as the Community's legal address proves that the Community has been using the building for worship.

Judge Keldybayev claims in his decision that this constitutes a violation of Article 253, "the land on which the Community building stands, was used not according to its purpose," in other words, "not for maintenance and service of a residential building but of an office and also place of meetings, where members of the Community gather and carry out activity to fulfil their duties related to their Charter."

Judge Keldybayev's Assistant, Aysel (she refused to give her last name), said from the Court on 19 April that Keldybayev does not wish to talk to Forum 18. "I know the case," she told Forum 18 from the Court on 19 April. "If the Community is not happy with the decision, they can challenge it through the Prosecutor's Office."

"We have stopped using our building for prayers and worship since 2 March, and do not know how to resolve the problem with the authorities," community member Taibek complained to Forum 18.

### ***Why can't Ahmadi Muslims use their private home for worship?***

The Land Inspectors' moves follow warnings by Prosecutor's Office officials that the Almaty Ahmadi community was functioning illegally. The community was also targeted by attacks in the state-controlled media.

Land Inspector Duysekov told Forum 18 on 19 April that the raid and inspection of the Ahmadi Community on 2 March was initiated by Almaty City Prosecutor's Office. He added that Land Inspectors are inspecting all religious communities on the subject of property usage.

Asked why the Ahmadi Muslims cannot use their home for worship, Duysekov claimed that the building first needs to receive official status as a place of worship. "We are not against the Ahmadi Community, but we do not want them to violate the Land Code," he claimed. "The Community must re-register it as a place of worship, in order to be able to carry out their religious activity." Duysekov - without explaining in detail - said that for such official status the Community must gain the permission of various state authorities.

Taibek, however, said that it will be "a very lengthy and costly process to receive such status, since this will mean changes to the building, and bureaucratic obstacles of authorities." He pointed out that permission needs to be obtained firstly from the City

Administration, and then the Land Agency, Fire Department, as well as the Architecture Agency. "There is no guarantee in the end that we will receive these permissions."

Told that Kazakhstan's Constitution guarantees freedom of religious Worship and association with other believers from one's own confession, Inspector Duysekov refused to answer whether he does not think that the limitation On worship in private homes violates Kazakhstan's citizens' constitutional rights and its religious communities' liberties. "Please, send us your questions in writing," he said. He refused to discuss anything further with Forum 18.

### ***Ahmadi Muslims "have given up hope" to use their worship place***

Community member Taibek said that they "have given up hope" to use their building in Almaty for worship in future. He explained that a further appeal against the Administrative Court decision cannot be legally brought through the Court, but only through the Prosecutor's Office. However, the Community is not seeking to continue their lawsuit. "We do not believe that it will be of any help," he told Forum 18.

Taibek pointed out that their complaints to the General Prosecutor's Office in December 2010 and South Kazakhstan Regional Economic Court in summer 2011 could not help overturn the fine given to the Community's Shymkent branch for using their building for worship.

Taibek said they their appeal and cassation appeal in the South Kazakhstan Court against the May 2011 decision in July and August 2011 were both unsuccessful, and that the Community's Shymkent building is now only used for residence.

### ***Why did Almaty City Prosecutor initiate raid and inspection?***

It is not clear why the Almaty City Prosecutor's office initiated the raid and inspection of the Ahmadi Community. The Secretary (who did not give her name) of Berik Asylov, Almaty City Prosecutor, said on 19 April that he was busy at a meeting and referred Forum 18 to Bakhytgul Tutkina, who oversees complaints at the Prosecutor's Office. However, the same day Tutkina refused to answer Forum 18's questions, saying that she is "not responsible to comment". She referred Forum 18 to Marlen Slambekov, the Assistant of Prosecutor Asylov, who in his turn also refused to talk about the issue.

Zhandos Umiraliyev, Deputy Prosecutor, on 19 April refused to answer Forum 18's questions over the phone, but promised to answer in writing. Forum 18 has not received a written response from him as of 24 April.

### ***Methodist Pastor's wife fined for allowing worship in her private home***

Larissa Kim, wife of Valery Kim, Pastor of the officially registered New Testament Co-workers of Jesus Methodist Church of Taldykorgan, received notification of an administrative fine by mail on 20 April. The notification, signed by Askar Kuttybayev, Inspector of the Land Agency's Taldykorgan territorial Inspection, said Larissa Kim had been fined five MFIs, 8,090 Tenge.

Pastor Kim told Forum 18 on 23 April that the notification indicates that his wife was fined for using her private home for religious purposes allegedly in violation of the Administrative Code's Article 253. The notification warns Larissa Kim that unless she pays the fine by 11 May, the Land Inspector's office will bring an administrative case against her in Court, in which case she might receive a higher fine.

Pastor Kim said that Inspector Kuttybayev made a "surprise visit" to their private home on 28 March. The home has been hosting the Methodist Church's worship services and is

its legal address. Then on 10 April, the Inspector summoned Pastor Kim and his wife to his office to warn them about the punishment. "Kuttybayev asked my wife to sign the official report of the inspection of our home, which says that in violation of the Land Code we held religious activity in her private home," the Pastor told Forum 18. "She signed it to say that she did not agree with the official report."

Pastor Kim said the Church has existed since 1997 and received official registration in 2001 in Almaty City. It was then re-registered in 2008 in Taldykorgan, since the couple moved to the nearby town. "We had no problems until now, and all of a sudden it became a problem," he lamented to Forum 18.

### ***Why can't Church meet for worship in private home?***

Inspector Kuttybayev told Forum 18 on 19 April that his Agency is inspecting all the religious communities' properties but refused to say from whom or where the instruction came to do so. He, like Inspector Duysekov from Almaty, refused to answer the question whether the Land Agency actions brought against the religious Communities did not violate the Constitutional rights of Kazakhstan's citizens who are religious believers.

"I am not authorised to answer these questions over the phone," he said. "Send us the questions in writing." He refused to discuss anything further with Forum 18.

### ***Will church be forced to close down?***

Pastor Kim told Forum 18 that Inspector Kuttybayev told them that they Must re-register their home as a place of worship if they want to continue to use it for religious purposes.

Pastor Kim complained to Forum 18 that since the new Religion Law demands at least 50 adult citizen founding members - the Church only has 12 Members - it will be very difficult to register the building as a place of worship. He fears they will "be forced to close down the Church". He said that the Church has continued to meet for worship, but that they are "unsure of the future".

### ***Turkestan church reprieved for now?***

Officials have tried to halt the activity of the Protestant Grace Church which meets in a private home in the suburb of Kentau in Turkestan in South Kazakhstan Region. However, church leader Pastor Vladimir Tsoy told Forum 18 on 24 April that they have continued to use their building for worship.

He said that in March, two Land Inspectors visited their building and told him that they could not use the home for worship. Pastor Tsoy in response told the Inspectors that the Law allows the leader of a registered religious organisation to register it to a residential building, and use it for religious purposes.

"About a week later I received a letter from the Inspectors that they have no objections to the use of the building," he told Forum 18, "and they did not find any violation with our use of our building."

Officials of Turkestan's Prosecutor's Office visited the home where the church meets on 20 February and then warned Pastor Tsoy that it was illegal for the church to meet in the private home. Turkestan Prosecutor Artykbek Pashayev told Forum 18 a week later that the National Security Committee (KNB) secret police had initiated their action.

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## **"Illegal use" of property, meetings for worship stopped, independent mosque pressured**

By Mushfig Bayram

Forum 18 News Service (29.02.12) - Kazakhstan has – following threats made before the harsh new Religion Law was passed – started moves to close down an independent mosque, Forum 18 News Service has learned. State officials have also re-started using claims of allegedly "illegal use" of property to harass religious communities the authorities dislike. For example the mosque of the Ahmadi Muslim Community in the Medeu District of Almaty, and the church of Grace Presbyterian Church in a suburb of Turkestan in South Kazakhstan Region, are both facing challenges from local Prosecutor's Offices as to whether they can be used as places of worship. The leaders of both communities have been told by both regional Departments of the Agency of Religious Affairs (ARA) and Prosecutor's Office officials to stop worship in the buildings while investigations are being conducted.

Almaty's Ahmadi Muslim community has also been targeted by media attacks from the state-controlled mass media. The ARA has also actively supported the establishment of so-called "anti-sect centres", who actively incite hostility against religious communities the government dislikes.

### ***Re-register or be closed***

An independent mosque in Abai District in Karaganda Region, which is independent from the Muslim Board, has been pressure since January by the regional ARA Department to re-register or be closed – even though no Regulations governing re-registration have been drawn up by the ARA. The Religion Law requires all communities to re-register by 25 October, but the authorities have been demanding that small religious communities stop their activity immediately. Officials threatened before the new Religion Law was adopted to use it to close down independent Mosques.

Serik Tlekbayev, Head of the regional ARA Department, sent a warning letter (which Forum 18 has seen) to the Mosque on 11 January, demanding that Imam Nurmuhammed Ahmedyanov re-register the Mosque by 14 February.

Tlekbayev claims in the letter that the Religion Law and the "approved official schedule of re-registration of religious communities and their branches" (which has not been published) states that the Mosque must be re-registered by 14 February. He referred in the letter to Articles 17 (which states grounds to refuse registration) and 18 (which governs closure of groups) of the Religion Law. Like many parts of the Law, these articles are open to arbitrary interpretation by officials.

Imam Ahmedyanov told Forum 18 on 15 February that he had visited the Abai District Administration, who told him that he had more time to re-register. So far no action has been taken to close down the Mosque.

### ***"We are the ARA."***

Karlygash Akhmetova, Chief Specialist of Karaganda's ARA Department, on 16 February refused to put Forum 18 through to Tlekbayev, saying that she could answer Forum 18's questions. However, Akhmetova refused to explain why the ARA is putting pressure on the Abai Mosque to re-register, and why it was asked to do so by 14 February. Instead, she sneered "Like a child you keep asking why, why."

Asked why the authorities are demanding that the registration of small communities is cancelled, she stated: "We are the ARA, and we are subordinate to state organs over us". Asked whether this meant that instructions to do this came from the central ARA in the capital Astana, she responded with a question: "Who are you, and who gives you the right to ask these questions?"

### ***"Illegal use"?***

The state-sponsored Almaty TV national TV station on 22 February broadcast a report by reporters Altynshash Smagulova and Nurbol Kyzykbayev on the city's Ahmadi Muslim Community, and its alleged "illegal use" of its own building. The TV channel's website also published a written report of this.

"The Ahmadis who opened a religious community right in the centre of Almaty violated the Law. It turns out the authorities knew about this all along. However, they did not take any measures", the report claimed. It went on to state that "No matter how we [the reporters] tried to explain to the leaders of the community that it is illegal for them to turn the rented land plot into a worship place, they did not worry saying that the authorities are aware of the facts. The whole Islamic world rejected Ghulam Ahmad, who is the founder Ahmadi movement. The Muslim Board also gave a fatwa against them."

Yerhsat Agybayuly, former Head of Almaty's ARA Department now in Astana's ARA Department, was interviewed saying that: "Those who bring shame on Islam must be banned. The Ahmadis do not respect the Koran and sow discord between Muslims. The Muslim Board gave a fatwa that this community are infidels. The law-enforcement agencies know that they are a group of fraudsters."

Baurzhan Moldazhan, the most senior official in Almaty's Prosecutor's Office told that programme that "as soon as we received a letter from the local ARA Department we inspected the files at the Land Committee, and realised that they are violating the Law. The Land Committee will file a complaint against them soon."

### ***Friday prayers stopped***

Imam Rufatzhan Tukamov of the Ahmadi community told Forum 18 on 27 February that the reporters came to the Ahmadi Centre in Medeu District on 20 February, and "filmed the building from outside and wanted to film inside the building but we refused and then they left". The Imam said that after the TV report they did not conduct their regular Friday prayers, the following Friday on 24 February. "We only had informal conversations and tea," he said. "We are trying to be careful to not get into trouble with the authorities." He said that he does not know how they will continue their worship in the Centre.

### ***Journalist or state official?***

Journalist Smagulova insisted she had not been asked to produce the report by the local ARA Department, but refused to say whether such a request had come from another part of the ARA. "However, I knew that the ARA Department had written to the Prosecutor's Office so I know we needed to investigate," she told Forum 18 from Almaty on 27 February. She declined to say who had given her this information.

Smagulova insisted that religious communities like the Ahmadis "need to be controlled". She said she had produced many reports about "religious sects", but declined to specify which ones she had covered. When Forum 18 commented that she sounded more like a state official than a journalist, she responded: "We need stability and control".

A closed meeting involving senior government ministers and officials discussed plans to use the media to promote "the significance and the progressiveness" of the new Religion Law breaking human rights commitments. One media company has been threatened that if it gave negative coverage of the Law the authorities would close the company down.

### ***Investigation of all property***

Zhasulan Tazhibayev, current Head of Almaty's ARA Department, told Forum 18 on 27 February that on his Department's request Almaty's Prosecutor's Office are investigating the property of all the city's all legally registered religious communities. "This is not only about the Ahmadi Community but all the Communities to see whether they are holding their worship in places of worship," he said.

Other communities elsewhere in Kazakhstan have stated that they have also begun to face similarly wide-ranging enquiries about their property. For example, Jehovah's Witnesses have recently faced similar inspections from local authorities in both Kyzylorda [Qyzylorda] in South Kazakhstan Region and Astana, a Jehovah's Witness told on 28 February. They did not want to discuss the details for fear of state reprisals.

Asked whether Ahmadi Muslims can continue to worship in their building, Tazhibayev responded, "First we need to see whether it is fit for worship." Told that they had used the building for several years, and asked why the authorities are investigating the issue now, Tazhibayev claimed that the new Religion Law requires that religious worship can only be held in "places of worship." He said that the community's building was registered as a private home.

Article 7 Part 2 of the Religion Law – which like many parts of the Law is open to arbitrary interpretation - defines where meetings for worship and other activity can be held.

### ***"We are investigating whether they can use the building for worship"***

When Forum 18 noted that the Religion Law allows religious organisations until 25 October to re-register, and asked whether the Ahmadi Community can re-register their building as a Mosque Tazhibayev after some hesitation said yes. He also hesitantly commented that "I suppose they can use their building for worship while they prepare for re-registration".

Azamat Alibekov, Chief Prosecutor of Almaty city Prosecutor's Department of Oversight of the Fulfilment of Laws in the Socio-economic Sphere, told Forum 18 on 27 October that "we are not against the Ahmadi Community's worship, but we are investigating whether they can use the building for worship under the new Law." Asked whether this means that the Community must re-register their building as a Mosque, the Prosecutor said yes.

However, Alibekov dismissed a comment by Forum 18 that the Religion Law allowed worship in homes. "The Land Code says that the land on which the building is must be used for its intended purpose, which in this case is for residence," he claimed. He said that the "purpose for use of the building must be changed in order for it to be used for worship".

In the recent past, officials have claimed, in relation to Shymkent's Ahmadi Muslim Mosque, that using homes or land for religious purposes violates Article 65 of the Land Code.

Part 1 of paragraph 1 of Land Code Article 65 states that landowners shall use the land for its designated purpose. Article 65 goes on to state that landowners must follow sanitary and environmental regulations, and not cause harm to the health of the

population or the environment as a result of their commercial or other activity. The Article also states that landowners must protect flora and fauna, natural resources, the historical-cultural legacy, and other objects of state importance. Nowhere in the Article is the use of land for religious purposes banned.

### ***What will "place of worship" mean?***

Prosecutor Alibekov could not answer why the Ahmadi Community is not allowed to use the building for worship while they prepare for a re-registration application before the deadline of 25 October.

No official Forum 18 has spoken to could say whether the authorities will interpret the concept of place of worship in the Law as any building registered as a place of worship, or will require this to be buildings with specific architectural features and in a specific location.

Until mid-2008 using property cases to harass communities was a common official tactic, but since then such cases had until now declined. For example, in August 2008 six property cases were known to have been initiated against Christian and Muslim religious organisations in Almaty Region since mid-June. A more recent case was a fine imposed on the Ahmadi Muslim Mosque in the southern city of Shymkent for allegedly illegal land use.

### ***Another "illegal use"?***

Religious communities in Almaty are far from the only communities to face demands that they stop using their own buildings to meet for worship. In South Kazakhstan Region officials of the city of Turkestan's Prosecutor's Office on 20 February visited the Protestant Grace Church in the suburb of Kentau, and summoned Pastor Vladimir Tsoy to the Prosecutor's Office the following day. There he was told that the Church is "illegally using a private home for religious worship." Pastor Tsoy told Forum 18 on 27 February.

Officials told him that the Church must stop worship in the building, while an investigation is carried out to see whether the building can be used as a place of worship.

"The argument given by the officials was that the new Religion Law requires that religious worship can only be conducted in a place of worship, not in a private home", Pastor Tsoy stated. He said that when he told officials that the Law allows worship in private homes, he was told that the land on which the home is was intended - based on the Land Code - for residential use not religious activity.

Prosecutor's Office officials used Article 7 Part 2 of the Religion Law – which like many parts of the Law is open to arbitrary interpretation - to back their claims. This Article defines where meetings for worship and other activity can be held.

### ***Formal meetings for worship stopped***

Pastor Tsoy said that on Sunday 26 February they did not have a formal worship meeting, but only a "conversation around tea with a few people". He added that "we are not afraid, but will be careful in the building".

### ***KNB secret police initiated action***

Turkestan Prosecutor Artykbek Pashayev told Forum 18 on 27 February that "I cannot give you any details while we are conducting an investigation". Asked why the Church cannot use its building to meet for worship, he responded that he cannot answer Forum 18's questions as the request to start the inquiry was made to the Prosecutor's Office by

the Department of National Security Committee (KNB) secret police. He would not say when the investigation will be complete.

The duty officer of the South Kazakhstan Department of the KNB (who would not give his name) on 27 February refused to put Forum 18 through to its Press Service or other KNB officials. He also refused to answer why the KNB initiated the request to investigate the Church's property.

The KNB secret police was one of a wide range of government ministries and agencies present at a closed meeting in October 2011 to discuss implementation of "an algorithm of further actions for the planned implementation of the instructions of the Head of State [President Nursultan Nazarbaev]". The meeting was held to discuss implementation of the two harsh new laws restricting freedom of religion or belief.

### ***Appeal rejected***

Baptist Aleksei Asetov, the first known victim of the newly widened and increased penalties for exercising religious freedom, has failed in his bid to have a fine imposed on him on 8 February, after an initial hearing on 19 January. This was the first known use of the expanded and increased punishments in an Amending Law adopted at the same time as the Religion Law. Pavlodar Regional Court rejected Asetov's appeal on 28 February.

The original 8 February verdict notes the close observation of his congregation by the Pavlodar Region KNB secret police. It provided the information to the ordinary police that the congregation has more than 50 members, leading prosecutors to conclude that it could have lodged a registration application had it chosen to do so.

All religious communities are thought to be under surveillance by the ordinary police and KNB secret police. Many are reluctant to discuss this – including KNB attempts to recruit informers - for fear of state. There has also recently been a resumption of open attempts by the authorities to gather intrusive information.

"We consider the court decision unjustified," Asetov told Forum 18 from Ekibastuz on 29 February. "As soon as we get yesterday's verdict in writing we will consider how we can appeal further." He says he does not intend to pay the fine as he believes it to be unjust.

### ***"Why should there be so many small communities?"***

Tazhibayev of Almaty's ARA Department, when asked why the authorities wish to decrease the number of registered organisations claimed that "we are not interested in closing them down". However, he then asked Forum 18: "Why should there be so many small communities? Can't they unite and have more than 50 members and get registered?"

Forum 18 commented that communities may not wish to unite, and that people have the human right to decide for themselves who they do or do not wish to meet for worship and other religious activities with. In response Tazhibayev stated that "naturally each law needs to be changed as time goes by, and when the need arises it may be changed. But at the moment we must accept it as it is".

The ARA has under the Religion Law been moving to close down small religious groups with fewer than 50 adult citizen members. The senior state religious affairs official, Kairat Lama Sharif who is Chair of the ARA, has described the closure after they were stripped of state registration of 579 such groups as a "positive dynamic". Also, Akmola Region's senior ARA official wrote to local government officials that "the activity of small religious groups in the territory of Kazakhstan is now banned since there is no such form of religious association of citizens". Regional ARA officials are now warning such groups that

they must stop any activity. Imams of independent mosques and Grace, Baptist and Seventh-day Adventist leaders have been summoned to be stripped of registration and warned not to meet. "Now our believers are afraid each time they gather for worship", one leader told Forum 18.

### ***More "anti-sect centres"***

ARA Chair Kairat Lama Sharif told its Board meeting on 3 February that the ARA is supporting the establishment of "anti-sect" centres, stating that 20 such centres have already been established, Kazakhstanskaya Pravda newspaper reported on 4 February.

A closed meeting involving senior government ministers and officials has discussed plans to provide more support for "anti-sect centres" which encourage intolerance of people exercising their freedom of religion or belief.

Yulia Denisenko, head of the Association of Centres for Work with Victims of Destructive Religious Movements and founder of once such centre in Kostanai [Qostanay], gave the ARA meeting "several telltale examples of what destructive consequences of the pseudo-religious movements and destructive cults may bring for the families and individuals," the newspaper reported. Denisenko told the meeting that "1,200 people asked the Association for help, and as a result 34 administrative cases were brought before the courts." She also thanked the ARA for its support in opening centres.

Denisenko has long been prominent in the activity of such state-funded "anti-sect" centres, which along with the mass media attack groups the government dislikes. The first such centre in Kazakhstan was opened by Denisenko in Kostanai in June 2007.

Before the adoption of the new Religion Law and the Amending Law, the state-funded "anti-sect centres" were encouraging public hostility to freedom of religion or belief through statements in the state-controlled national and local mass media.

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## **First known use of harsh new punishments**

By Felix Corley,

Forum 18 (15.02.2012) - In the first use known to Forum 18 News Service of the expanded and increased punishments for exercising rights to religious freedom in an Amending Law adopted at the same time as the harsh new Religion Law, a Baptist in eastern Kazakhstan has been fined what local people estimate to be a year and a half's average local wages for leading an unregistered religious organisation. Shoe-repairer and father of ten, Aleksei Asetov was fined 485,400 Tenge (18,725 Norwegian Kroner, 2,486 Euros or 3,273 US Dollars) for leading the small congregation that meets in his home in Ekibastuz in Pavlodar Region, local Baptists complained to Forum 18 on 11 February. The judge also banned the congregation, which does not wish to gain state registration. Asetov has appealed against the fine.

Meanwhile, a Pentecostal church in Petropavl [Petropavlovsk] in North Kazakhstan Region has twice been raided by the police Department for the Fight against Extremism, Separatism and Terrorism and a local official of the Agency of Religious Affairs (ARA). They want the Church punished for leaving religious books on a table, about ten metres (10 yards) from the entrance to a hall they rent for worship.

### ***Prosecutor, Anti-terrorism Police raid church building***

Trouble began for Asetov and the Ekibastuz Baptist congregation, in north-eastern Kazakhstan, at lunchtime on 30 November 2011. Rauan Zhakupov, aide to the town Prosecutor, and two officers of the Department for the Fight against Extremism, Separatism and Terrorism raided the church building then, Baptists told Forum 18. The congregation, which meets in Asetov's home, belongs to the Baptist Council of Churches, which chooses not to seek state registration in any of the former Soviet republics where it operates. Asetov supports his family by working as a shoe-repairer.

The officials then called an "investigatory-operational group", which searched the building, including the parts of the house where Asetov, his wife and their ten children live. They seized Christian literature but, church members complain, gave no record of confiscation.

Court documents in Asetov's case seen by Forum 18 describe the raid as a "check-up". The documents reveal that a case was brought against Asetov on 14 January for leading an unregistered religious organisation under the old 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").

However, at a hearing on 19 January, Judge Aigul Kaidarova of Ekibastuz Specialised Administrative Court sent the case back to prosecutors, pointing out that the case had been brought under the old Article 375 which had been amended in October 2011. The Judge described the "mistake committed by the organs of the Prosecutor's Office" as "significant", and ordered them to reformulate the case.

### ***New charges***

Prosecutors then brought the case under the new Article 375, Part 8 of the Code of Administrative Offences ("The carrying out by religious associations of activity banned by legal acts of the Republic of Kazakhstan, as well as the failure by religious associations to remove within the designated time period violations serving as a basis for the halting of their activity"). This punishes leaders of religious associations with a fine of 300 Monthly Financial Indicators (MFIs) and religious associations a fine of 500 MFIs, plus a ban on the religious association's activity.

The MFI is set annually, and since 1 January 2012 has been 1,618 Tenge (62 Norwegian Kroner, 8 Euros, and 11 US Dollars). This is just below one tenth of the official minimum monthly wage.

At Ekibastuz Specialised Administrative Court the case was then handed to Judge Galliya Rakhmatullina. She found Asetov guilty at a hearing on the afternoon of 8 February and handed down the heavy fine of 300 MFIs. Asetov appealed against the sentence, local Baptists told Forum 18, insisting that his right to religious freedom is guaranteed by Article 39 of Kazakhstan Constitution.

### ***First known use of harsh new punishments***

Asetov is the fourth Baptist - and the fifth member of a religious community - known to have been fined since the harsh new Religion Law and associated punishments were adopted, but the first to be tried under the new penalties. He was punished under the greatly expanded Article 375 of the Code of Administrative Offences ("Violation of legislation on religious activity and religious associations"). The new version was adopted as part of an Amending Law signed by President Nursultan Nazarbaev on 11 October

2011 It came into force on 25 October 2011. No provisions in the drafts of both the Religion and Amending Laws were altered.

A Muslim was fined and ordered deported in November 2011, for occasionally leading prayers in his local mosque without being personally registered as a "missionary", but under the provisions of the old Administrative Code Article 375 Part 3 ("Carrying out missionary activity without local registration").

The other three Baptists were all fined under Article 374-1 Part 2 ("Participation in the activity of a banned religious organisation") of the Administrative Code. This was not changed in the October 2011 Amending Law.

### ***"The law required her to do this"***

The woman who answered the phone at Ekibastuz Prosecutor's Office on 13 February refused to put Forum 18 through to Deputy Prosecutor Erzhant Dyusekenov, the only senior official present. She also refused to put Forum 18 through to Zhakupov, the aide who took part in the November 2011 raid.

The Court refused to put Forum 18 through to Judge Rakhmatullina on 13 February. "She's not authorised to speak to journalists," the Court secretary - who did not give her name - said. Asked how the judge could punish an individual merely for meeting for worship in a privately-owned home, the secretary responded: "What else could she do? The law required her to do this."

The duty number at Ekibastuz Police was engaged or went unanswered each time Forum 18 called on 13 and 14 February.

### ***Refusal to pay fines***

Council of Churches Baptists have a policy of not paying fines handed down to punish them for exercising the right to freedom of religion or belief. In response, the authorities give some short terms of imprisonment. Baptist leader Nikolai Popov from the town of Balkhash in Karaganda [Qaraghandy] Region was imprisoned for 48 hours in early December 2011 for refusing to pay fines handed down in October 2011 for leading meetings for religious worship.

In other such cases, court bailiffs have confiscated property including washing machines, or the value of the fines has (for those in work) been taken direct from individuals' wages. This happened to Viktor Gutyar, who works in a coal mine.

### ***Anti-terrorism Police against a book table***

Elsewhere, the New Life Pentecostal church in the northern city of Petropavl has twice been raided by the police Department for the Fight against Extremism, Separatism and Terrorism and a local official of the Agency of Religious Affairs (ARA). They want the Church punished for leaving religious books on a table, about ten metres (10 yards) from the entrance to a hall they rent for worship in a House of Culture.

"There is no logic to their actions," the church's pastor Valery Rudoy complained to Forum 18 from Petropavl on 13 February. "The local ARA Department took it on itself to enforce the new Religion Law and turned to other state organs to help them. But there is no mechanism yet to enforce the new Religion Law."

Drafts of Regulations to implement the Religion Law - such as censorship regulations which break international human rights law - exist, but none have been promulgated.

## ***The raid***

The Protestant New Life Church was raided during its Sunday worship on 29 January, church members told Forum 18. Leading the raid was Aubakir Karmenov, an official of North Kazakhstan Region Department of the ARA. He was accompanied by two officers of the police Department for the Fight against Extremism, Separatism and Terrorism. The officials gave no written reason for what they described as a "check-up".

They confiscated several New Testaments, books by the American Christian author Josh McDowell, and DVDs of a film on Mary Magdalene, which they found on a table in the foyer. Pastor Rudoy pointed out that the literature was for personal use by church members and a notice stating this was on the table.

Rudoy told Forum 18 that the church does not know exactly how many books and discs were seized as officers refused to give them a record of confiscation. He added that these books and discs had belonged to the church for at least 18 months, long before the harsh new provisions of the October 2011 Religion Law.

Religious affairs official Karmenov told the church that all religious literature was subject to an "expert analysis" by Agency officials, regardless of when a religious community had acquired it.

The wide-ranging censorship and other powers contained in the new Religion and Amending laws, which break Kazakhstan's international human rights obligations, have been strongly criticised by local human rights defenders. One legal expert described the laws as a "legal nonsense", noting that the ARA will require "hundreds of cupboards to store thousands of Korans and Bibles".

After confiscating the religious material, officials then drew up a document recording an administrative offence of distributing illegal literature. However, Pastor Rudoy refused to sign it. He maintains that if the authorities are planning to bring an administrative case against him, the documents allowing them to do so were not properly prepared. "If they wanted to do this, they should have prepared a protocol of an offence, which has to be done at the time and duly signed," he told Forum 18. "Instead they drew up a record."

Rudoy added that officials again visited the church during Sunday worship on 12 February.

## ***"The Church violated the Religion Law"***

The head of the North Kazakhstan Regional Department of the ARA, Nurislyam Gabdullin defended his subordinate's actions. "There was no raid - we work in accordance with the law," he insisted to Forum 18 from Petropavl on 6 February. "The Church violated the Religion Law by distributing religious literature."

Gabdullin said the Church has the right to distribute literature which the state has approved to church members in the place where it worships. "But they rent only the hall in the former Culture House, not the foyer. The hall and the foyer are separate." He admitted that the table in the foyer was between ten and 20 metres (or yards) from the entrance to the hall. Asked by Forum 18 if religious literature which was legal in the hall suddenly became illegal when it was taken out of the hall and into the foyer, he responded: "Yes."

## ***Books and discs "being checked"***

Gabdullin of the North Kazakhstan ARA insisted to Forum 18 that Pastor Rudoy did not have a list of the confiscated books because he refused to accept it. He said the

Department is holding the books and discs and will "check" them within a two-month period. "If we don't find anything negative in them we will return them." Asked why the New Testament for example needed to be examined as he must have seen copies of it before, Gabdullin said all religious literature needed to be checked.

"We have experts here in Petropavl, even though it is a small town, but if further questions arise the books and discs will be sent to the capital," he explained. He said the local "experts" are scholars from the university ready to conduct such analyses without pay. "They want to preserve the purity of religion." Gabdullin found it difficult to explain what he meant by "purity", speaking of "non-traditional faiths". Asked to identify such faiths he spoke of "Protestants who act under the mask of religion". However, he then insisted that not all Protestants should be banned.

"Extremism" and "non-traditional" are terms used by officials in relation to people exercising their right to freedom of religion or belief in ways officials dislike. For example, a Military Affairs Directorate in Almaty wrote to local religious communities, ordering them to "provide information on citizens on record as followers of non-traditional religions and radical religious views". Yet officials were unable to define what these religions and views are when asked by Forum 18.

Asked whether it is the role of the state to determine which religious literature is "pure" and whether this did not constitute state censorship, Gabdullin of North Kazakhstan ARA insisted it was not censorship. "I read [Aleksandr] Solzhenitsyn during the Soviet period," he claimed. "No one punished us."

The ARA in the capital Astana has prepared draft Censorship Regulations to implement the harsh censorship provisions of the new Religion Law. However, as of 14 January, the Censorship Regulations are not known to have been formally adopted and have not been published. Therefore no "legal" mechanism exists for officials to implement this state censorship, which brakes international human rights law.

### ***Is New Life Church "extremist" or "terrorist"?***

North Kazakhstan Region Police refused to put Forum 18 through to the Department for the Fight against Extremism, Separatism and Terrorism, referring all questions to the police Press Office. However, press officer Inspector Dinara Sagandykova asked that all questions be submitted in writing. Forum 18 asked in writing on 6 February why officers of the Department for the Fight against Extremism, Separatism and Terrorism had taken part in the 29 January raid on New Life Church, whether police consider the Church "extremist" or "terrorist" and whether any prosecution is likely to follow.

Despite Forum 18 re-sending the questions several times, Sagandykova told Forum 18 they did not arrive until late on 14 February. She had not responded the end of the working day in Kazakhstan on 14 February.

### ***Will New Life face prosecution?***

Pastor Rudoy stated to Forum 18 that officials still want to punish him and the church with a massive fine and a three-month ban on the church. He says officials have tried to get him to visit the Religious Affairs Department because they want him to sign falsified documents on the raid which would allow a prosecution to proceed. He has refused to visit the Department.

Despite saying that New Life Church violated the Religion Law, Gabdullin insisted to Forum 18 that no-one is trying to punish or ban it. Asked why his Department repeatedly calls Pastor Rudoy to invite him to visit, Gabdullin claimed he merely wants to discuss the situation with him and resolve any problems.

## ***Fines, fines***

Other Council of Churches Baptists continue to be fined. Ivan Yantsen, from Temirtau in Karaganda Region, was fined on 21 December 2011 for participating in unregistered religious worship after at least six court hearings.

The verdict seen by Forum 18 notes that on 17 November 2011 as part of "Operation Legal Order", three named local police officers visited the private home where Yantsen's church meets. They established that the 62-year-old took part in the Church's activity, a claim Yantsen confirmed in court. He said the Church has been meeting in the same building since 1991 and denied any wrongdoing.

Judge Yelena Kirillova of Temirtau City Specialised Administrative Court found Yantsen guilty under Administrative Code Article 374-1, Part 2 ("Participation in the activity of a banned religious organisation"). In line with the prosecutor's demands she fined him 50 MFIs, 75,600 Tenge (2,916 Norwegian Kroner, 387 Euros or 510 US Dollars).

On 11 January 2012, Judge Adilkhan Talas of Karaganda Regional Court rejected Yantsen's appeal, according to the verdict seen by Forum 18.

Another Council of Churches Baptist from Karaganda Region was also fined, this time for leading unregistered religious meetings. On 11 January, the Specialised Administrative Court in the town of Shakhtinsk fined Yevgeni Savin, according to the verdict seen by Forum 18. The case followed a raid on his home (where his church meets) on the evening of 9 November 2011 when he was not present and no service was underway. He was summoned and officials came in and photographed the church meeting room and began preparing the case against him.

Savin told the court that his church has met in a room specially fitted out for religious meetings in his home since 1998 and is "open for free access". The Court was shown a photo of the Church's meeting room with benches and a piano. However, Savin said that the beliefs of his community do not allow it to seek state registration. He insisted that meeting for worship without legal status does not constitute a crime.

Judge Aliya Mardanova found him guilty of violating Administrative Code Article 374-1, Part 1 ("leading, participating in or financing an unregistered, halted or banned religious community or social organisation"). She fined him 100 MFIs, 161,800 Tenge (6,242 Norwegian Kroner, 829 Euros or 1,091 US Dollars).

Savin then appealed to Karaganda Regional Court but, on 25 January, Judge Nadezhda Kuznetsova rejected his appeal, according to the verdict seen by Forum 18.

## ***Continuing pattern***

Fines on those who lead and take part in meetings for religious worship without registration have been common across Kazakhstan for many years. Victims have included Protestants, Muslims, and Jehovah's Witnesses.

Another Council of Churches Baptist, Aleksey Buka from the village of Kievka in Karaganda Region, was fined on 1 December 2011 for participating in unregistered meetings for worship. Charges against Buka and two other Baptists were brought under the still current Article 374-1, Part 2 ("Participation in the activity of a banned religious organisation") of the Administrative Code.

A Muslim was fined and ordered deported back to his home country elsewhere in Central Asia for occasionally leading prayers in his local mosque without being personally

registered as a "missionary". A Judge found him guilty in mid-November 2011 of violating the old Article 375, Part 3 of the Code of Administrative Offences ("Carrying out missionary activity without local registration"). The Judge sentenced him to a fine of 7,560 Tenge (298 Norwegian Kroner, 39 Euros or 51 US Dollars) and deportation from Kazakhstan. He was deported in mid-December 2011 after his appeal was rejected.

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## **Small religious communities "banned under new law"**

By Mushfig Bayram

Forum 18 News Service (22.02.12) - In a bid to reduce the number of legally existing religious organisations, Kazakhstan's authorities have cancelled the registration of 579 "small religious groups" across the country, so depriving them of the right to exist. Officials are also making efforts to stop their activity, Forum 18 News Service has learnt. For example, earlier in February, Departments of the Agency of Religious Affairs (ARA) in Karaganda and Akmola Regions sent letters – which Forum 18 has seen – to the Internal Policy Departments (IPD) of all District Administrations in these regions demanding that they strip the small religious communities of their registration certificates, and warn them that they must immediately stop all their activity.

Officials are basing their demands on the harsh new Religion Law adopted in October 2011 which – in defiance of Kazakhstan's international human rights obligations – bans all unregistered exercise of freedom of religion or belief.

Following the ARA's action, heads of IPDs of several Districts in these regions, in their turn summoned the leaders of such communities and demanded that they stop their activity. In Bulandy District of Akmola Region, the District IPD pressured Mosques, Seventh-day Adventist and Baptist communities (the number unknown) to hand back their registration certificates. Kulyan Seydahmetova, Head of Bulandy IPD, told Forum 18 on 21 February that these small communities are "banned under the new [Religion] Law, and must not continue activity until they re-register as legal entities".

### ***Affected religious communities***

Gaukhar Alkeyeva, the legal representative of Central Grace Presbyterian Church in Karaganda, and Pastor Oleg Vlasenko of the Seventh-day Adventist Church in Astana told Forum 18 that their branches – registered as small religious communities - in Akmola and Karaganda, received official warnings to stop their activity and hand back their registration certificates.

Similarly Pastor Franz Thiessen, Head of Kazakhstan's Baptist Union, told Forum 18 that their small communities across the country also received warnings. But he did not want to identify these communities for fear of state reprisals.

In one case in Karaganda Region known to Forum 18, a religious community registered as a legal entity – Abai District Mosque which is independent from the state-backed Muslim Board – also received a written warning in January from the regional ARA Department to re-register by 14 February. Serik Tlekbayev, Head of the region's ARA Department, warned the Mosque's Imam, Nurmuhamed Ahmedyanov, that if he does not comply with the official warning, the ARA Department will close the Mosque down.

Officials threatened before the new Religion Law was adopted to close down independent Mosques.

Kazakhstan has long fined leaders and members of religious communities which meet without registration. Administrative punishments were widened and increased under an Amending Law adopted at the same time as the harsh new Religion Law.

### ***ARA officials demand that activity is halted***

Forum 18 has learnt that ARA Departments in at least two of Kazakhstan's Regions - Akmola and Karaganda - issued warnings in February that small religious communities must hand back their registration certificates to the Internal Policy Departments and immediately stop their activity.

Saule Ibrayeva, Chair of Akmola Region's ARA Department, sent a written warning on 7 February to the Heads of Administrations of the Region's Districts and their officials overseeing religious organisations. The letter, signed by Ibrayeva and seen by Forum 18, demands that they cancel the registration of small religious groups and explain to the leaders of these groups that "they must hand back their certificates of registration and stop their activity immediately".

Ibrayeva claims in the letter that based on the new Religion Law, which entered into force in October 2011, "the activity of small religious groups in the territory of Kazakhstan is now banned since there is no such form of religious association of citizens" defined by the current Law.

Ibrayeva defended her warning. "We have a new Law," she told Forum 18 on 15 February from Kokshetau, the central City of Akmola, "And as it does not allow for the existence of religious associations which have fewer than fifty members, then they should either re-register with fifty members or stop their activity as a religious association."

Ibrayeva categorically excluded that the small groups can continue their worship while they are preparing their documents for re-registration. She rejected suggestions that the Law allows them to continue their activity until 25 October, the re-registration deadline. "Until re-registration they can pray in their homes alone, why should they gather together as groups?" she said.

Asked, for example, how Christians belonging to a small group can administer the Eucharist to themselves or how they can preach to themselves alone at home, Ibrayeva responded: "This is the Law and everybody must obey it. This is not Norway, this is Kazakhstan. We have our own Laws."

Told that there are religious groups such as the Council of Churches Baptists who on principle refuse to register with the State, since they consider compulsory state registration interference in their faith, Ibrayeva told Forum 18: "Yes, I know, and our Police and state agencies are struggling with them with all possible means to make them obey our Laws."

Asked whether it is not a violation of religious believers' rights when the state prevents them from gathering for unregistered worship, Ibrayeva refused to answer and put the phone down.

A similar written warning to the small communities was signed by Serik Tlekbayev, Chair of Karaganda Region's ARA Department, which was read to Pastor Vyacheslav Melnik at the Internal Policy Department of the Region's Shakhtinsk District, Alkeyeva of the Grace Church told Forum 18 on 15 February. Melnik is the Pastor of Grace Church in Shakhan village of the District.

"Melnik was told that it is illegal for those groups to gather for worship now," Alkeyeva said. "Now our believers are afraid each time they gather for worship."

Tlekbayev in a separate letter, signed by him on 11 January, warned Ahmedyanov, the Imam of the Abai District Mosque, that if he does not re-register the Mosque by 14 February, it would be closed down.

Karlygash Akhmetova, Chief Specialist of Karaganda ARA Department, on 16 February refused to put Forum 18 through to Serik Tlekbayev, the Head of the Department, saying that she could answer Forum 18's questions.

However, Akhmetova refused to comment on why her ARA Department demanded the authorities to cancel registrations of small communities and strip them of their registration certificates. "We are a state agency, and we are subject to the state organs over us," she responded. To Forum 18's question whether this meant that the instructions to send the warning to the authorities and the religious communities came from the ARA in Astana, she responded: "Who are you, and who gives you the right to ask these questions?"

Asked why her Department is putting pressure on the Abai Mosque to re-register, and why it was asked to do so by 14 February, Akhmetova responded with what sounded like a sneer in her voice: "Like a child you keep asking why, why." She refused to answer Forum 18's further questions and put the phone down.

### ***Internal Policy Departments act on warnings***

IPDs in Akmola and Karaganda Regions - acting on the warnings of the ARA Departments - have summoned Grace, Adventist and Baptist Church and some independent Mosque leaders to deliver official warnings to them.

Pastor Vlasenko of the Adventist Church in Astana said that despite the official warnings their community in Akmola Region's Bulandy District will continue its worship. "We went there, talked to our pastor and the local authorities, and found out that they demanded that he hand back the registration certificate, which he did," he told Forum 18 on 21 February.

Pastor Vlasenko said that when they complained to the ARA in Astana about the actions by their local officials, the ARA told them that "what the Internal Policy Department did was illegal, but that the Church there must re-register".

Kulyan Seydahmetova, Head of Bulandy District IPD, told Forum 18 on 21 February that 11 small religious groups registered by them, including the Adventist Church, have "all stopped their activity since the new Law bans their activity". She said that Muslim, Baptist and Adventist community leaders visited her Department and that she warned them that they must stop their activity. Seydahmetova would not say how many Mosques or Churches exactly were warned.

Asked whether she knows if the communities stopped their worship services, Seydahmetova said that she and her officials "regularly visit these communities and check up on their activity".

Gulnar Bakpanova, Head of Akkol IPD also in Akmola Region, told Forum 18 on 20 February that she summoned all small communities, including the Grace Church and two new Mosques' leaders to explain the official warning to them. She said that the Mosques will probably register under the state-sponsored Muslim Board.

### ***End to small groups' simplified registration***

Under the old Religion Law from 1993, religious communities were registered either as legal entities under the Ministry of Justice or as small Religious Groups without legal status under District IPDs. The latter form of registration was a simplified one designed to notify the District authorities of a religious community's existence in their territory.

Despite the pressure of the authorities on religious communities to stop activity immediately and the provision of the new Religion Law requiring all communities to re-register by 25 October, and despite the fact that over four months have passed since the new Law came into force, no Regulations for re-registration have been adopted.

### ***Fall in number of communities "a positive dynamic"***

Kairat Lama Sharif, Chair of the ARA, appeared to welcome the 13 per cent fall in the number of registered religious organisations over the past year, calling it "a positive dynamic in the systematisation of the total number of religious associations". He told a meeting of ARA officials in Astana on 3 February that as a result of the new Law and other activity, 579 small religious groups were closed down.

He said that as of 1 January 2011, there had been 4,551 registered religious organisations in Kazakhstan. This has now fallen by 579, or 13 per cent, leaving 3,972 registered organisations now.

Lama Sharif added that this number "will probably" decrease, the newspaper *Kazakhstanskaya Pravda* quoted him as declaring the following day. All depends on whether or not these organisations will re-register by 25 October. If not, they will be closed down by the courts.

### ***Religion Law "must be clearly executed"***

The 3 February ARA meeting was called to discuss state policies on religion, including "how to organise close ties with religious organisations and how to put barriers to the influence of destructive religious movements," he reported.

Mukhtar Kul-Muhamed, Kazakhstan's State Secretary, representatives of Regional ARA Departments as well as Yuliya Denisenko, Chair of the Association of Centres of help to the victims of destructive religious groups (so-called anti-sect Centres), also participated in the meeting.

The state is giving increasing attention to the subject of religion and society in the recent years, he said. The ARA is very active and its main aim is the preservation of stability in the society, he claimed.

State Secretary Kul-Muhamed told the ARA staff that "the Religion Law and related Regulations must be clearly executed", adding that "religious terrorism and extremism must be prevented".

Drafts of Regulations to implement the Religion Law – such as censorship regulations which break Kazakhstan's international human rights commitments – exist, but none have yet been promulgated.

### ***Does the Law ban small communities?***

Asked which provision of the Law bans small groups, Seydahmetova of Bulandy District IPD said that Article 1 defines forms of religious activity. "No such form of activity is defined there," she claimed, "therefore these groups cannot exist in this form, and in order to be able to continue activity they must re-register as legal entities."

Told that members of these communities are unlikely all of a sudden to lose their faith and stop their worship, and asked why the communities cannot continue their peaceful worship until they receive re-registration, Seydahmetova said: "It's the Law, and the communities must obey it."

### ***What further measures will the authorities take?***

Pastor Vlasenko said that the local Pastor already has submitted a letter to the Bulandy authorities saying that he is the Astana Adventist Church's missionary. "And so we will continue on that basis until we decide the future status of the Church."

Asked what measures the authorities will take against communities which continue gathering for worship, Seydahmetova said: "We do not recommend them to do so." When Forum 18 insisted with the question, she responded: "I cannot tell you."

Grace Church's small communities in Akmola and Karaganda Regions also were told by the Central Church in Karaganda to continue worship despite the fact IPDs of Akmola Region's Akkol, Arshaly Districts and Karaganda Region's Shakhtinsk District demanded that the leaders of those communities hand back their registration certificates, and warned them to stop all activity.

"We advised our communities not to hand back their certificates, and continue worship," Alkeyeva said. "However, we are worried about possible punishments from the authorities." She said that in Shakhtinsk alone, Shakhan village Grace Church has up to twelve small groups in various nearby villages.

### ***Who will enforce new ban?***

Sandugash Nurmaganova, Head of Shakhtinsk IPD, told Forum 18 on 17 February that she has no competence to strip religious communities of their registration certificates or even warn them. But she said that they summoned the communities to "explain the new situation with the Law, and that they must re-register now". Asked what further measures will be taken if the communities continue worship, she referred Forum 18 to Karaganda ARA Department.

Similarly Fatima Nakohova, Head of Arshaly IPD, and Bakpanova of Akkol IPD in Akmola Region, both said that Internal Policy Departments do not have the authority to take measures against religious communities, but that it is the law-enforcement agencies which may take any measures. However, Bakpanova declared categorically said that such communities "must not continue".

Nakohova on 20 February told Forum 18 that in their District the Prosecutor's officials have warned small religious communities.

However Kanybek Tukhsanbayev, Deputy Prosecutor of Arshaly, denied this. "We have not warned any religious communities and will not take measures against them," he told Forum 18 on 21 February. "It is the responsibility of the ARA Department."

### ***First known victim appeals***

Aleksei Asetov, the leader of an unregistered Council of Churches Baptist congregation in Ekibastuz, became the first known victim of the increased Administrative Code penalties for religious activities. A shoe-repairer and father of ten, he was fined 485,400 Tenge (18,725 Norwegian Kroner, 2,486 Euros or 3,273 US Dollars) on 8 February. Local people estimated this to Forum 18 as equivalent to 18 months' average local wages.

Pavlodar Regional Court accepted his appeal on 16 February. "We are waiting for the Court to tell us when the appeal hearing will take place," Asetov told Forum 18 on 17 February. He said his church had not been "disturbed" by the authorities in recent days.

Officials of Pavlodar Regional Court's Chancellery told Forum 18 that Asetov's complaint, which he gave to Ekibastuz Court, reached the Regional Court on 21 February. They said that the Court has ten days to hear the case.

### ***ARA Press-Service plays down concerns***

Forum 18 was unable to reach Lama Sharif on 20 February. His secretary – who did not give her name – said that he was "busy in a meeting" and referred Forum 18 to Svetlana Penkova, Head of ARA's Press Service.

In contrast to Lama Sharif's claim of 579 closed-down communities, Penkova told Forum 18 on 20 February that small communities must re-register as legal entities but claimed that no such community had been closed down. Told about the contradiction between Lama Sharif's statement and her own claims, she told Forum 18 that she could not comment on that.

Told that four months had already passed since the entry into force of the Law, and that no regulations for re-registration were in place, and asked on what basis the authorities put pressure on the communities to re-register immediately, Penkova took down notes of the affected communities and said: "We will have to look into these cases."

Asked by Forum 18 when the regulations will be adopted and published, Penkova was laconic: "Very soon." Asked whether this will be done in a few days, few weeks or few months, she said that she does not know.

### ***Religious communities concerned***

Members of Grace Presbyterian, Adventist and Baptist Churches complained to Forum 18 of the pressure put on their small communities to re-register, and said that they cannot re-register until Regulations are adopted. They also voiced their concern that only a very short time will be left for re-registration after the Regulations will have been adopted. They fear this might allow the authorities to close down their communities.

Some communities are also not sure that they will be able to collect the fifty required signatures now needed to register or re-register the lowest level of community since they either do not have fifty adult citizen members or – through fear of possible pressure – enough of them prepared to give their personal data to the authorities.

Aleksandr Klyushev, Head of Association of Religious Organisations of Kazakhstan (AROK), told Forum 18 on 15 February from Astana that he shares these concerns. He pointed out that the new Religion Law allows religious groups and associations to make amendments to their charters and re-register with the authorities within one year of the Law's entry into force, until 25 October 2012. "Why should they stop their activity?" he asked. "Some of these groups will be able to get fifty members as founders by then and re-register as legal entities."

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