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The right to believe, to worship and witness
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KAZAKHSTAN: Mosques and churches forcibly closed

By Mushfig Bayram, Forum 18 News Service <http://www.forum18.org>

Kazakhstan is enforcing though the courts the closures of many religious communities after the deadline for re-registration applications expired. Communities complain of arbitrary and flawed decisions. One Protestant church was liquidated for providing "false information" after one of its 54 founders died shortly before the re-registration deadline, its pastor told Forum 18 News Service. Registration requires only 50 founders. An independent mosque was closed down for failing to give extensive information about its beliefs in its application. The judge in the case refused to explain to Forum 18 why her verdict said the mosque's representative was present in court, while the imam told Forum 18 they knew nothing of the hearings. A Protestant Church complained to Forum 18 it was closed down because most of its members are ethnic Kazakhs. No one at the government's Agency of Religious Affairs in the capital Astana was prepared to discuss the court-ordered closures with Forum 18.

Kazakhstan is enforcing the closures of many Muslim and Christian religious communities after the deadline for re-registration applications expired. Many closed communities have complained to Forum 18 News Service that liquidation decisions are arbitrary and flawed, often taken amid questionable legal procedures. One community was closed down for giving "false information" (one of the listed founders died during the application process). Another - an independent mosque - was closed down (without being aware of the hearings) for failing to give extensive information about its beliefs. A Protestant church believes it was closed down because most of its members are ethnic Kazakhs.

In some cases the authorities have enforced closures of mosques and Protestant churches with the "consent" of these communities, with promises that they may function as branches of other registered communities of the same faith, or apply for registration as new organisations. Leaders of these communities have described themselves to Forum 18 as being "deceived" or "compelled" to agree in courts to their liquidation. But subsequently state registration has not yet been granted, or steps to register as new organisations have not been successful (see below).

No one at the government's Agency of Religious Affairs (ARA) in the capital Astana was prepared to discuss the court-ordered closures of religious communities with Forum 18 on 11 December.

Closed against their will

Communities had one year to apply or re-apply for state permission to exist from 25 October 2011, when the Religion Law came into force. All unregistered exercise of freedom of religion or belief by people in association with others is a criminal offence, against the international human rights obligations Kazakhstan has solemnly promised to implement. Many communities have condemned the compulsory re-registration process as "complex", "burdensome", "arbitrary", "unnecessary" and "expensive" (see F18News 21 November 2012 <http://www.forum18.org/Archive.php?article_id=1768>).

Among communities known to have been closed against their will have been the ethnic Azerbaijani Fatimai Shia Muslim Mosque in Almaty Region (see F18News 7 December 2012 <http://www.forum18.org/Archive.php?article_id=1778>), Tautan Molla independent Mosque in Karaganda [Qaraghandy] Region (see F18News 22 November 2012 <http://www.forum18.org/Archive.php?article_id=1769>), Light of the World Pentecostal Church in South Kazakhstan Region, and several Protestant churches in another southern region (see below).

Other communities across Kazakhstan known by Forum 18 to have been closed do not wish to be publicly identified, for fear of state reprisals.

Among communities currently threatened with forced closure is the 160-year-old ethnic Tatar-Bashkir Din-Muhammad Sunni Muslim Mosque in North Kazakhstan Region. No court case is known to have yet been opened against the Mosque, and state re-registration has not yet been given despite the application being made on time. The authorities have refused to answer Forum 18's questions on whether or not they will re-register the Mosque (see F18News 7 December 2012 <http://www.forum18.org/Archive.php?article_id=1778>).

Even before the Religion Law was adopted, officials were insisting that mosques catering for a particular non-Kazakh ethnicity, for

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example in the language used, could not exist (see F18News 4 November 2010 <http://www.forum18.org/Archive.php?article_id=1506>). Officials were also insisting before the Religion Law was adopted that all mosques independent of the state-backed Muslim Board must be closed (see F18News 14 October 2010 <http://www.forum18.org/Archive.php?article_id=1498>).

Liquidated in their absence

Judge Indira Kuspayeva of Karaganda Regional Inter-District Economic Court, ordered the closure of the independent Tautan Molla Mosque on 29 November. Her decision, seen by Forum 18, was in response to the suit brought against the Community by the Regional Justice Department. She ordered to exact the state fee of 809 Tenge (30 Norwegian Kroner, 4 Euros or 5 US Dollars) from the Mosque and entrust the liquidation of the Mosque to Kazakhstan's Finance Ministry.

Judge Kuspayeva's decision claims that a representative, with a power of attorney, of Imam Kinayat Ismailov of the Tautan Molla Mosque was present at the 29 November hearing. However, the representative is not named although the names of all other parties in the hearing are given. Both the Imam and Sergali Kunekpayev, his Lawyer, denied to Forum 18 that any community representative participated in the hearing.

Imam Ismailov of the Mosque told Forum 18 on 10 December he gave a letter of attorney to Kunekpayev on 4 December to represent him in court, and that he had not participated in the hearing. The Imam said that the Court heard the case in his or his representative's absence despite the fact he had asked the Court for the hearing to be held after 29 November so that the Mosque could be represented.

Imam Ismailov lamented that the court failed to notify him about the hearing or the final verdict. He said that he heard about the final verdict from Forum 18.

Judge Kuspayeva refused to discuss any aspect of the liquidation suit. Asked by Forum 18 on 11 December why the Court made a fabricated decision saying that Imam Ismailov was represented at the final hearing when he was not, she responded: "I am not obliged to answer you over the phone - please send us your written questions."

Only four days left to appeal?

The verdict says that the defendant has 15 days to lodge an appeal from the date of receiving the written decision. However, Imam Ismailov told Forum 18 he was "worried" since 11 days had passed since 29 November, and the Court could "falsely claim that his 'representative' received a copy" of the decision on 29 November. He said that he and Lawyer Kunekpayev planned to visit the Court to find out whether he can still lodge an appeal.

Why was Mosque closed down?

The decision claims that Imam Ismailov's unnamed representative argued that he presented all the necessary documents to the authorities on 9 September - well before the 25 October re-registration deadline. Despite this, the decision maintains that the Justice Department's suit to liquidate the Mosque is "well-grounded". The decision claimed that the Mosque's documents presented to the authorities "fail to contain information on the attitudes of the Community to secular society, fulfilling one's constitutional rights and duties, family and health of citizen, and the Community's name is disputable since it does not reveal its real confessional identity, as well as false information was disclosed about eight of its founder-citizens."

Imam Ismailov told Forum 18 that the Justice Department had earlier alleged that eight of the founders told it that when signing for the Tautan Molla Mosque "they thought that they were signing for a new Mosque being built by the Muslim Board in their District." However, Imam Ismailov rejects this. "Those eight people knew very well that they were signing for us, and we asked the Justice Department to prove their claim."

The name of the Mosque, the Imam told Forum 18, comes from the name of a popular and respected Imam in the area from the Soviet times.

Imam Ismailov dismisses the Justice Department's claim that the Mosque failed to set out its views on various points. "All this is nonsense created by the Justice Department just to come up with some kind of argument against us," he insisted. "We cannot give the authorities in detail what our values are on each specific question, and we did not know that the authorities needed such information from us."

Can Mosque survive?

Serik Tlekbayev, Chair of Karaganda Regional Department of the ARA, explained that the Tautan Molla mosque did not wish to become a member to the Muslim Board. "That is why they did not receive re-registration," he told Forum 18 on 5 December. He would not respond to the question why Mosques cannot be independent of the Muslim Board.

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Asked whether the Mosque has any chance to receive registration as a new organisation and continue as a community, Tlekbayev said: "I don't know."

Imam Ismailov told Forum 18 that his Mosque now has little choice but to try to join the Muslim Board if it wants to survive.

Muslim Board to consider Mosques "if they agree to our conditions"

Muhammadhussein Alsabekov of the Muslim Board, Deputy Chief Mufti of Kazakhstan, refused to talk to Forum 18 on 11 December. He referred all questions to Zhandulla Begzhigitov, the Board official responsible for relations with Mosques.

The Muslim Board's Council will decide in late December whether to accept the Tautan Molla Mosque - as well as another formerly independent Karaganda community, Abai mosque - into the Board, Begzhigitov told Forum 18 on 11 December. "If they agree to our conditions we may accept them," he insisted.

Church liquidated after "different excuses"

Judge Ilyas Junusov of South Kazakhstan Regional Economic Court on 28 November approved the local Justice Department suit to liquidate Light of the World Pentecostal Church, the Church's Pastor Pavel Semlyanskikh complained to Forum 18. "We have been registered here and active for the last ten years. We are a peaceful community and have not had problems."

Judge Junusov refused to comment on his decision. "We gave our decision, and if the Church is not happy it can appeal, but I will not comment," he told Forum 18 on 4 December.

Pastor Semlyanskikh pointed out that the ARA Regional Department and Justice Department refused to re-register them "under different excuses since the summer". The authorities several times "compelled us to make corrections to our Charter, list of founders and so on," which they did. Then on 24 October "just one day before expiration of the re-registration deadline", the ARA Department summoned Church leaders. "They told us that one of our founders is dead, and that we gave false information to the authorities, for which they will close us down."

Semlyanskikh explained to Forum 18 that the church member had died after the application was submitted. "However, that cannot be an excuse since we provided 54 names as founders as against the officially required 50 names." He said that the Church quickly removed the deceased person's name from the list, which it presented on the same day - 24 October - to the ARA Department.

Yerlan Daulbayev, Head of the Regional Justice Department, insisted to Forum 18 on 10 December that the Church did "not make corrections to its founding documents before the official deadline, and consequently did not receive re-registration."

Asked why his Department wrongly accused the Church of giving false information and why they did not take into account that more than 50 others had given their names and signatures on the list of founders, Daulbayev responded: "I cannot give such information over the phone." He further refused to talk to Forum 18.

Phones at the ARA Department went unanswered on 10 December.

Liquidated in their absence

Pointing out that the Regional authorities "just wanted to strip us of our registration under any excuse and as soon as possible," Pastor Semlyanskikh told Forum 18 that Judge Junusov "actually already on 26 November in our absence, liquidated us." He said that he found out about it on 26 November when he visited the ARA Department to ask about their status. "When we went to the Court the officials showed us a letter from a Muslim Mosque's leaders asking the Court to hear the liquidation suit in their absence."

Pastor Semlyanskikh said that they objected to this. They wrote to the Court asking that the case be heard in their presence, and so a new date was set for 28 November. "On that day we went to the Court, but the hearing seemed like it was set up from before," he complained to Forum 18. "The Judge would not even listen or take into account our arguments."

Judge also liquidated Muslim communities

Judge Junusov also closed down several Muslim communities on 26 November, in decisions seen by Forum 18. Surprisingly, all the decisions said that the communities agreed to the Regional Justice Department's liquidation suits, and asked to hear them in their absence.

Judge Junusov refused to say to Forum 18 why he closed so many communities in one day. Forum 18 could not reach these Muslim communities, and it is not clear whether they indeed voluntarily consented to their closure.

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Ethnic Kazakh Church closed "against our will"

Members of a Protestant Church in a southern Region of Kazakhstan, who for fear of State reprisals did not wish to reveal their or their Church's identity, told Forum 18 on 3 December that a Regional Court liquidated their Church - along with "five or six more Protestant Churches".

The Protestants said that some of these Churches were compelled to give their "consent" for their closures saying that they "could either become branches of bigger registered Churches or register as new organisations." However, the concerned Church was closed down "against our will", they said. "We do not want to go public yet because we are hoping that we can register as a new organisation."

The Protestants also told Forum 18 that during the application process, their members were pressured by the local authorities to withdraw their signatures from the founding documents.

Asked for the alleged reasons of the closures, one member of the Church said that the authorities "claimed that we should have made all the corrections to our documents before the deadline". However, the Protestant said that, they believe that their Church did not receive re-registration "because our membership is predominantly made up of ethnic Kazakhs". They said that they know of Russian or Korean Protestant Churches who received their re-registration. "The authorities refused re-registration only to [ethnic] Kazakh Churches." (END)

For a personal commentary on how attacking religious freedom damages national security in Kazakhstan, see F18News <http://www.forum18.org/Archive.php?article_id=564>.

For more background, see Forum 18's Kazakhstan religious freedom survey at <http://www.forum18.org/Archive.php?article_id=1352>.

More reports on freedom of thought, conscience and belief in Kazakhstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=29>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at <http://www.forum18.org/Archive.php?article_id=1351>.

A printer-friendly map of Kazakhstan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Kazakhstan>.

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