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KAZAKHSTAN: Repressive actions continue, repressive law sent for review

By Felix Corley, Forum 18

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

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

The Constitutional Council consists of people directly nominated by President Nazarbaev and by the upper and lower houses of parliament – both of which are dominated by the President's own party. The new Law was passed by both houses of parliament (see F18News 26 November 2008 http://www.forum18.org/Archive.php?article_id=1222).

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

Kerker said he now has no source of income to support himself, his wife and his ten children, six of whom are minors. Bailiffs have already told him they will return after New Year to confiscate a cow, his refrigerator and gas stove (see F18News 19 December 2008 http://www.forum18.org/Archive.php?article_id=1233).

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

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

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

Other members of the Council of Churches Baptists point to continuing problems. The church in the village of Konaevo near the town of Shu in the southern Zhambyl Region remains sealed. "The authorities said it would remain sealed until we register," church members told Forum 18 from Konaevo on 8 January. "But we will never do this." The authorities sealed the church in May 2008 after it was "banned" by a local court (see F18News 30 May 2008 http://www.forum18.org/Archive.php?article_id=1137).

Pastor Senyushkevich remains sceptical about the authorities' intentions. He pointed out that President Nazarbaev refused to sign a

harsh new Religion Law in 2002 after the Constitutional Council ruled it unconstitutional. "Despite this, in 2005 new amendments were adopted increasing state control," he told Forum 18 (see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=701). "Maybe even if the President doesn't sign the Law now, he will in future."

State officials also continue to incite hostility against religious minorities (see eg. F18News 3 April 2007 http://www.forum18.org/Archive.php?article_id=939). This continues, the Justice Ministry stating that on 6 December 2008, the local Religious Affairs Department in Aktobe [Aqtobe] lectured all students at the Kazakh Air Force's main training establishment about what it described as "religious extremism" and "religious groups non-traditional for Kazakhstan." Officer candidates and other students at the "Military Institute of Air Defence Forces named after twice Hero of Soviet Union T.Y. Begeldinov" were also shown a 2004 Russian film "Religious Sects – Freedom from Conscience", made with the support of people within the Orthodox Church. At one point the film - which has been seen by Forum 18 - claims that the Hare Krishna faith incites devotees to commit murder.

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

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

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

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

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

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

Golous pointed out that even under the current Law, their commune near Almaty has faced sustained official attempts to close it down (see F18News 19 December 2008 http://www.forum18.org/Archive.php?article_id=1233). "Of course, there was no need for them to have moved against the commune at all," he insisted. "Twenty-six homes were destroyed and they are trying to close the rest down. We're barely existing there."

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

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

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

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

approval through a "religious expert assessment".

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

The controversial Law was approved by parliament and sent to President Nazarbaev on 2 December 2008, despite widespread criticism by human rights defenders and many of Kazakhstan's religious communities. It was also criticised by many institutions, governments and organisations around the world, including the European Union, the Moscow Patriarchate, the Lutheran World Federation, and Pope Benedict XVI (see F18News 22 December 2008 http://www.forum18.org/Archive.php?article_id=1234).

The Kazakh authorities have repeatedly refused to allow the publication of a legal review of the draft conducted by the OSCE, claiming – falsely – that this refusal is due to the OSCE (see F18News 18 November 2008 http://www.forum18.org/Archive.php?article_id=1218). Ambassador Janez Lenarcic, Director of the ODIHR, has expressed disappointment at the "hasty" passage of the Law, and has called for it to be changed to make it "fully reflecting OSCE commitments and other international standards" (see F18News 26 November 2008 http://www.forum18.org/Archive.php?article_id=1222).

Pope Benedict XVI made a further apparent reference to this Law and proposed harsh new Religion Laws in Kyrgyzstan (see F18News 6 November 2008 http://www.forum18.org/Archive.php?article_id=1215) and Tajikistan (see F18News 17 December 2008 http://www.forum18.org/Archive.php?article_id=1230) in his traditional annual address to the diplomatic corps accredited to the Holy See on 8 January. "The Church, as has often been said, does not demand privileges, but the full application of the principle of religious freedom," he was quoted by the official Vatican Information Service as declaring. "In this perspective, it is important that, in central Asia, legislation concerning religious communities guarantee the full exercise of this fundamental right, in respect for international norms." (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=701.

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 survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806 and a survey of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Kazakhstan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kazakh>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY