

19 October 2011

KAZAKHSTAN: Laws enforced although not yet in force

By Mushfig Bayram, Forum 18

Kazakhstan is enforcing laws before they have come into force, Forum 18 News Service has found. In Atyrau, police and KNB secret police officers raided a meeting for worship of an officially registered Protestant church, New Life, claiming that under the new Religion Law the church cannot meet outside its legal address. The church had been forced to meet away from its legal address because of pressure from the KNB. During the raid, a 17-year old woman was hit by a policeman, leaving her unconscious. No action seems to be being taken against the policeman responsible for the attack, even though church members state that a Public Prosecutor's Office official was a witness. In the commercial capital Almaty, Jehovah's Witnesses sharing their beliefs were briefly detained by police, who stated that they were doing this as the new Religion Law bans missionary activity on the street. When other Jehovah's Witnesses pointed out that the Law was not yet in force, their colleagues were released. Hare Krishna devotees, Ahmadi Muslims and Catholics have all expressed concern to Forum 18 about the new laws and their impact, but do not wish to comment publicly.

Kazakhstan is enforcing laws before they have come into force, Forum 18 News Service has found. In the south-western city of Atyrau, officials including police and National Security Committee (KNB) secret police officers raided a worship meeting of an officially registered Protestant church, claiming that under the new Religion Law the church cannot meet outside its legal address. During the raid, a 17-year old woman was hit by a police officer, leaving her unconscious. In the commercial capital Almaty, Jehovah's Witnesses sharing their beliefs were briefly detained by police, who stated that they were doing this as the new Religion Law bans missionary activity on the street. However, the new Religion Law does not come into force until 25 October.

The new Religion Law, which breaks the country's human rights commitments, imposes a complex tiered registration system, bans unregistered religious activity, imposes compulsory religious censorship and requires both central and local government approval to build or open new places of worship. All religious communities will be required to re-register or face liquidation through the courts (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

The second law restricting freedom of religion or belief is an Amending Law amending nine other laws and legal provisions. It also enters into force on 25 October. Most of the changes are minor, but changes to Article 375 of the Code of Administrative Offences and to the Law on the Rights of the Child could have a more far-reaching impact (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

Both the new Laws were signed on 11 October by President Nursultan Nazarbaev, though this was not publicly announced until 13 October (see F18News 13 October 2011 http://www.forum18.org/Archive.php?article_id=1624). Both laws were officially published on 15 October in the Kazakh-language paper Egemen Kazakhstan and the Russian-language paper Kazakhstanskaya Pravda. They both come into force on 25 October, ten days after their official publication. The same day the laws were signed, Kazakhstan applied for full membership of the Council of Europe's Commission for Democracy through Law, or Venice Commission (see F18News 21 October 2011 http://www.forum18.org/Archive.php?article_id=1628).

Before parliament had even passed the laws, state officials were based on them threatening registered independent mosques that they will not be re-registered under the new Religion Law – and so will be banned - if they do not join the state-favoured Muslim Board (see F18News 16 September 2011 http://www.forum18.org/Archive.php?article_id=1613).

In early September, the government's Agency of Religious Affairs (ARA) wrote to the Muslim Board warning it not to invite a Moscow-based imam Shamil Alyautdinov or other foreign Muslim preachers. He was forced to cancel his proposed speaking tour of Kazakhstan at short notice. The ARA's head Kairat Lama Sharif appears to have now overturned the ban on Alyautdinov's visit after widespread protests (see F18News 21 October 2011 http://www.forum18.org/Archive.php?article_id=1628).

Hare Krishna devotees, Ahmadi Muslims and Catholics all expressed concern to Forum 18 on 18 October that they will face difficulties and possible punishments by the authorities for carrying out their normal religious activity. All those Forum 18 spoke to did not wish to make any public comments on the new laws and their impact.

"There is a new law.."

Jehovah's Witnesses were stopped by police in Almaty on 18 October while they were sharing their beliefs with others on the street, and taken to be detained at Auezov District Police Station. The police said that this was because "there is a new law banning missionary activity on the street", the Jehovah's Witnesses told Forum 18 on 18 October. But, "when we took our registration documents to the police station and explained that the law has not entered into force, the police released our believers without opening a case".

Duman Aukhadiyev, Deputy Chief of Auezov Police, told Forum 18 on 19 October that "we need to see what kind of literature people are passing out on the streets". Asked why police are enforcing a law which is not in force, he said: "I cannot comment on that over the phone".

KNB secret police targets church

New Life Church in Atyrau has long faced harassment from the KNB secret police. As one official put it to Forum 18, not directly referring to New Life: "Often we are asked to limit religious communities by prosecuting them and by other means. Because the law can be easily manipulated, religious communities fall prey to that" (see F18News 23 April 2008 http://www.forum18.org/Archive.php?article_id=1117).

In the most recent targeting of New Life, the KNB secret police placed a hostile article in a local newspaper, and along with other officials raided its worship in a local hotel beating up a member and forced the Church to halt the meeting, after the authorities earlier forced the end of a rental agreement to hire a local meeting hall. The Church has not been able to meet together as one group for worship since 25 September.

"Robbing members of his congregation.."

The most recent problems for the Church began when on 10 September an article with serious allegations against the Church was published in the Russian-language Prikaspiyskaya Kommuna (Caspian Commune) local newspaper. The article accused Pastor Galymzhan Nagmadinov of "brainwashing" church members so that they would give the Church their money and all they have. In the article neither Pastor Nagmadinov nor anyone else from his Church was asked to answer the allegations. The article was also reprinted on 12 September by Caspienews and several other news agencies in Kazakhstan.

"Robbing members of his congregation, the pastor, his relatives and close friends ensured for themselves a comfortable life," Aynura Zhubanova, the author of the article, alleged. "The pastor bought parcels of land from his church members very cheaply," she claimed, later selling them for ten times the price. "The saddest thing is that it is very difficult to prove such facts, and it is virtually impossible to return to the victims their property."

The article also says that "statistics are silent about how many people in the country have fallen under the influence of such religious organisations. And the outcome for many of them as a rule is the same." Zhubanova identifies these as "destruction of families, taking control [of church members]" and "brainwashing".

Officials have been running a campaign against alleged "extremist" and "non-traditional" movements to coincide along with both the new laws' adoption (see F18News 20 September 2011 http://www.forum18.org/Archive.php?article_id=1614), and the KNB has in the past placed articles in newspapers attacking people exercising freedom of religion or belief (see F18News 5 February 2009 http://www.forum18.org/Archive.php?article_id=1250).

"Atyrau regional KNB gave us materials.."

Aleksey Burenkov, Assistant Editor-in-Chief of Prikaspiyskaya Kommuna, told Forum 18 on 17 October that "Atyrau regional KNB gave us materials about the Church with evidence, and we published it". Asked why they did not ask Pastor Nagmadinov or the Church for their opinion, he responded: "I don't see anything strange in it. We have evidence, we can show it to anyone."

Asked whether they would publish a refutation or the Church's answer to the article, he said: "If they write anything interesting we can". Pastor Nagmadinov told Forum 18 that the Church is preparing their answer to the newspaper article with the hope that it will publish it.

Zhubanova said she did not want to discuss her article with Forum 18. "I already have a headache from this article," she told Forum 18 on 17 October. "I received so many calls from Church members and officials that my managers gave me a few days' leave from work. I am at home at the moment." Asked whether the KNB pressured her to publish the article, she said: "Please, talk to my editors."

The duty officer (who would not give his name) at Atyrau regional KNB asked Forum 18 to call back five minutes later, when Forum 18 asked to talk to Nurzhan Jigitkov, head of the regional KNB. When called again, the KNB officer said that Jigitkov was away on an assignment. When Forum 18 asked why the KNB had asked Prikaspiyskaya Kommuna to print the article, and has also

raided the Church, he said he could not answer those questions and no-one who could answer them was available to talk.

"She was afraid.."

New Life, a state-registered church, had been meeting in a hall in Atyrau since 2007. The hall is owned by a church member, and is the Church's legally registered address. But on 16 September the KNB secret police told the owner not to rent space to the Church, Pastor Nagmadinov told Forum 18 on 13 October. Reluctantly, the owner eventually complied. "She said that she was afraid, and out of fear she also stopped meeting with us."

Not wanting to cause problems for the owner of the hall, and trying to avoid conflict with the authorities, the church rented a hall in Atyrau's Ak-Zhayik Hotel for a meeting on 2 October. Present at that meeting were "church members, a few newcomers, as well as few visitors from New Life Church outside Atyrau", Nagmadinov said. He said that they had a guest speaker from Almaty New Life Church.

As soon as the guest speaker started speaking, seven ordinary police and KNB secret police officers in plain clothes "broke into the meeting and without identifying themselves" began to film the attendees, Nagmadinov stated. "When we insisted that they show their IDs and tell us who they are, one official identified himself as Lieutenant Colonel Rustem Istleuov of the Atyrau Regional Police."

The police demanded that all the attendees write their names and a statement. "Only one or two newcomers out of fear wrote statements," Nagmadinov said. "The police told the people that they should not attend the Church because it is a dangerous sect. And it is illegal under the new Religion Law for the Church to meet outside its legal address."

Istleuov refused to tell Forum 18 why police based their actions on a law which is not yet in force. "I do not have time or desire to discuss these questions with you over the phone. Please, come to our office, and I will talk to you," he told Forum 18 on 17 October.

Attack

While the raid was going on, 17-year old Aina Nurmanova began to film the process on her mobile phone. "Seeing this, one officer hit her face with his elbow, and she fell down." When the officer saw that she was lying unconscious on the floor, he "ran away through the back door". He said church members called an ambulance, and when it arrived all the officials quickly left. Meeting place staff, who did wish to be named, confirmed this to Forum 18.

As they left, officials warned one first-time visitor who wrote a statement that they will soon summon him for questioning. "All the Church members and the visitors also left because they were scared. And so the police disrupted our meeting," Nagmadinov said.

Pastor Nagmadinov told Forum 18 that "so far police have not summoned anyone from the meeting". Meeting place staff told Forum 18 that they were not contacted or summoned by police later. Lt. Col. Istleuov stated to Forum 18 on 13 October that "we have referred the case to the Prosecutor's office".

Will attacker be punished?

When Forum 18 asked whether the police included in their records the attack on Nurmanova, Istleuov said: "She was outside the meeting hall, we do not know what happened to her, I only know the ambulance was called". He claimed that: "We did not mention the beating incident in our records because we did not see it."

"Church members told me that they will complain about it to the Prosecutor's Office," he added. Istleuov then claimed he could not talk further and asked Forum 18 to call back in 30 minutes. When Forum 18 did, his telephone went unanswered.

Pastor Nagmadinov and Nurmanova's mother, both of whom were present at the meeting, disputed Istleuov's account. They told Forum 18 that everything happened in the same room and the officials saw this. Pastor Nagmadinov himself asked a Prosecutor's Office official why they were not doing anything when this attack was happening in front of them. "He gave me a surprised look but did not say anything," Nagmadinov said.

"Not in my competence"

Judge Adylkhan Talas of Karaganda Regional Court on 18 October upheld a fine of nearly ten months' minimum wage for leading an unregistered religious community imposed on Viktor Gutyar. The fine had been handed down on Gutyar after an 11 September raid on his Baptist congregation in Satpaev just before Sunday worship was due to begin at which he was not even present (see F18News 27 September 2011 http://www.forum18.org/Archive.php?article_id=1618).

Raushen Sergazina, Press-Secretary of the Karaganda Court told Forum 18 on 18 October that the Baptists carry out unregistered religious activity, which is not allowed by the Law. Asked why Kazakhstan's authorities punish peaceful religious activity, she said

that it is "not in my competence" to answer the question. (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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY