

11 November 2011

KAZAKHSTAN: Prison mosques, churches, and prayer rooms closed down

By Felix Corley, Forum 18 (<https://www.forum18.org/>)

Kazakhstan has recently closed mosques, churches and prayer rooms in prisons, citing two laws restricting freedom of religion or belief before they came into force, Forum 18 News Service has learnt. "Mosques and Russian Orthodox churches were built in prisons in violation of building regulations and the law", Aliya Kadenova of the Interior Ministry told Forum 18. "They are illegal – that's why they are being closed down." She refused to say why, if they had been built illegally, no prison governors had been prosecuted. "How can these Orthodox churches have been built illegally?" Fr Aleksandr Suvorov of the Astana and Almaty Orthodox Diocese asked. "Prisons are zones under the strictest of controls." Muslim Board spokesperson Ongar Omirbek told Forum 18 that "we complained to the state about this – verbally and in writing. But they didn't listen. Prisoners have now been left without prayer rooms." Also some prisoners state that they have been placed in solitary confinement, on the instructions of the KNB secret police, for praying Muslim prayers.

After two harsh laws restricting people's right to freedom of religion or belief were passed – and apparently before they came into force – Kazakhstan had begun closing mosques, churches and prayer rooms in prisons, Forum 18 News Service has learnt. "Mosques and Russian Orthodox churches were built in prisons in violation of building regulations and the law," Aliya Kadenova, an aide to Eskali Salamatov, deputy head of the Interior Ministry's Criminal Administration System Committee which oversees prisons, told Forum 18 from the capital Astana on 10 November. "They are illegal – that's why they are being closed down."

Kadenova made clear she was speaking about dedicated mosques and churches, not prayer rooms in other buildings. She refused to say why, if such mosques and churches had been built illegally, why no prison governors had been prosecuted. She then refused to answer any more questions and put the phone down.

How can they have been built "illegally"?

"How can these Orthodox churches have been built illegally?" asks Fr Aleksandr Suvorov of the Astana and Almaty Orthodox Diocese. "Prisons are zones under the strictest of controls." He told Forum 18 from Almaty on 10 November that if anyone is to blame for "illegal" construction of such churches it must be the administrators of the prisons, as they had authorised their construction.

Muslims have more than 100 mosques or prayer rooms in prisons, while the Russian Orthodox have 63 churches or prayer rooms. Forum 18 is not aware of other faiths which have either dedicated prison places of worship or prayer rooms. However, in a few places Forum 18 knows of Protestants who have been able to visit for regular services.

Ambiguous Religion Law

The new Religion Law is ambiguous over what rights prisoners and other residents of state institutions have to exercise their religious freedom (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617). Both harsh laws were adopted with unprecedented speed, and have been strongly criticised by human rights defenders, international bodies and religious communities within Kazakhstan (see F18News 13 October 2011 http://www.forum18.org/Archive.php?article_id=1624).

Article 7, Part 2 of the Religion Law reads: "Services, religious rites, ceremonies and/or meetings are held (conducted) without obstruction in places of worship (premises) and on land attached to them, in places of veneration, in institutions and premises of religious associations, in cemeteries and in crematoria, homes and places of public catering in cases of necessity and on condition of observing the rights and interests of nearby residents. In other cases, religious events are conducted according to the procedure established by the laws of Kazakhstan."

Article 7, Part 4 reads: "For those held in special institutions ensuring temporary isolation from society or being in institutions serving punishment, being patients in health institutions providing stationary care, or who are undergoing social care in residential homes for the elderly or disabled people, at their request or the request of their relatives in cases of ritual necessity, priests of

religious associations registered according to the procedure of the laws of Kazakhstan are invited. In this, the carrying out of religious rites, ceremonies and/or meetings must not obstruct the activity of the given organisations or violate the rights and legal interests of other individuals."

But Criminal Administration System Committee spokesperson Galymzhan Khasenov told Tengrinews on 22 October that prisons are state institutions and that the Religion Law bans prayer rooms in state institutions. (This is stated in Article 7, Part 3.)

International law clearly defends the right of prisoners to freedom of religion or belief. The International Covenant on Civil and Political Rights has been ratified by Kazakhstan and came into force in the country in 2006. This states that, "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person" (Article 10, Paragraph 1). This specifically includes those held in prisons, detention camps or correctional institutions (General Comment 21 on the same article).

Among the other relevant United Nations standards is the 1955 Standard Minimum Rules for the Treatment of Prisoners, which state: "Access to a qualified representative of any religion shall not be refused to any prisoner" (Rule 41, Part 3). The regulations also stipulate that, "So far as practicable, every prisoner shall be allowed to satisfy the needs of his/her religious life by attending the services provided in the institution and having in his/her possession the books of religious observance and instruction of his/her denomination" (Rule 42).

Officials of the government's Agency of Religious Affairs (ARA) refused to discuss the new restrictions on places of worship in prisons. Baurzhan Amirbekov, chief specialist at ARA, confirmed to Forum 18 on 10 November that the new regulations to enact the controversial new Religion Law have still not been drafted. He and other ARA officials referred Forum 18 to ARA spokesperson Svetlana Penkova. However, she claimed not to be able to hear Forum 18's questions. Subsequent calls to her number on 10 November went unanswered.

Places of worship in social care institutions have also been closed, as in the case of a Russian Orthodox prayer room in a care home for people with physical disabilities and mental health problems in Almaty (see F18News 15 November 2011 http://www.forum18.org/Archive.php?article_id=1636).

First known closures

In the first case in a prison known to Forum 18, the leadership of the strict regime labour camp (LA 155/8) in Almaty Region's village of Zarechny, closed the camp's mosque and Russian Orthodox church. "These were closed down about two weeks ago," an official of the camp's Regulations Department told Forum 18 on 10 November. Asked why, the official – who would not give his name – responded: "I can't explain why." He refused to answer any other questions.

The telephone of prison chief Abylgazy Idilov went unanswered each time Forum 18 called on 10 November. The camp's Special Department refused to comment.

However, the camp's duty officer told Forum 18 that the mosque and church were in separate buildings within the camp perimeter. The camp holds about 1,300 prisoners.

Work began on the prison Orthodox church in June 2008 at the initiative of the then head of the Orthodox Church in Kazakhstan, Metropolitan Mefody (Nemtsov). The Kazakh Orthodox website notes that the Justice Ministry (which was then in charge of prisons) agreed the construction, which was welcomed by the then camp commander Colonel Balabek Zhunosov and his successor Lt-Col. Kuanish Baigazinov. Twelve volunteer prisoners built the church, five of whom received baptism in the months it took to build.

Denied access

Information that the two places of worship had been closed came as news to Fr Pimen Tkachenko, an Orthodox priest in the nearby town of Kapchagai who is one of the priests who serves the camp parish. "There is no ban on our church and I hope there won't be," he told Forum 18 from Kapchagai on 10 November.

Fr Pimen said he had discussed the continuing operation of the church with the camp's deputy governor, who told him that from mid-October, new regulations governing the work of religious officials in prisons have been introduced. "He told me he is still waiting for instructions from above." Fr Pimen told Forum 18 that he has not yet seen the proposed memorandum which is supposed to be drawn up and signed which will govern the priests' access to the camp.

Fr Pimen noted that the new regulations meant that one of his colleagues – Fr Georgy Kharlov – was denied entry when he arrived as scheduled on 3 November to conduct services for prisoners (the Orthodox priests have visited the camp on Thursdays).

ARA order?

On 21 October one of the ARA's deputy chairs, Marat Azilkhanov, told a television programme of RIA Novosti news agency that the Criminal Administration System Committee would begin removing places of worship from prisons at the end of October. He linked the removal – which he said included both separate places of worship and prayer rooms within other buildings – to the new Religion Law signed by President Nazarbaev on 11 October.

Forum 18 notes that Azilkhanov made the remarks on 21 October, four days before the controversial new Religion Law entered into force.

"The law sets out a clear position: all places of worship, including prayer rooms, in corrective institutions and in places of deprivation of freedom of citizens must stop functioning," he told the broadcast.

Azilkhanov complained that "hundreds of prayer rooms and about 60 Orthodox parishes function in corrective institutions". He said that they "would not be closed down in one day, but definitely would be closed".

Not closure – just not used for worship

The day after the broadcast, Criminal Administration System Committee spokesperson Khasenov told Tengrinews on 22 October categorically that places of worship would not be closed. Yet he insisted that "order would be brought to the functioning" of these places of worship. He added that religious leaders would have to undergo a new licensing system to be able to visit prisons.

Khasenov explained to Forum 18 that "bringing order" meant ending the use of separate mosques and Orthodox churches built in prison and turning them instead into libraries. "There is no order to close them – this is merely reformulating their use," he claimed to Forum 18 from Astana on 8 November. "The new Law requires this." He said the process would be gradual, but declined to discuss when this will happen.

Asked why the closure of these places of worship was necessary and whether it will help prisoners, Khasenov insisted that prisoners will still be able to invite imams and priests.

Khasenov added that permission to build new mosques and Orthodox churches in prisons – begun twenty years ago – was stopped "in 2009 or 2010". He refused to explain why it was stopped or who ordered its halt. He claimed that many of these mosques and churches did not function.

However, Khasenov insisted that prayer rooms will still be able to function, claiming that they are large enough to meet prisoners' needs.

"Question being discussed"

Other prison officials told Forum 18 that they know the issue of whether to keep open religious premises is being discussed, but they say they have not received any instructions yet.

Serizhan Dikhanbaev, governor of the strict regime camp in Tolebi District of South Kazakhstan Region (ICh 167/9), said that so far the mosque and the prayer room for Christians (used by the Russian Orthodox and the Full Gospel Protestant Church) continue to function. "All we have so far is what we have read about the new Religion Law in the papers," he told Forum 18 on 9 November. He said the imam, Orthodox priest and Full Gospel pastor visit weekly.

An official of the Education Department at the pre-trial Investigation Prison in Taldykorgan [Taldyqorghana], Zhanna Bimendinova, said that the two prayer rooms – one Muslim, one Russian Orthodox – continue to function. "This question has been discussed, and we don't know if they will remain open," she told Forum 18 from the prison on 8 November.

Muslim, Orthodox complaints

Muslim Board officials have complained about moves to close their places of worship in prisons. "All were closed on 1 November in state institutions because of the new law," Ongar Omirbek, spokesperson for the Board told Forum 18 on 9 November. "We complained to the state about this – verbally and in writing. But they didn't listen. Prisoners have now been left without prayer rooms. We can't do anything about it now."

Russian Orthodox leaders also complained about the moves. On 24 October, Metropolitan Aleksandr (Mogilev) of Astana and Almaty wrote to President Nazarbaev calling for places of worship in prisons – both churches and prayer rooms – to be preserved.

The response came in a letter dated 27 October from Salamatov, deputy head of the Interior Ministry's Criminal Administration System Committee, although the Orthodox did not receive it until 8 November. The letter, drawn up by Salamatov's aide Kadenova and seen by Forum 18, carefully avoids responding on the issue of churches.

Salamatov quoted provisions of Article 7 of the new Religion Law without any comment. However, he noted that "the [new Religion] Law does not envisage the halting of the functioning of prayer rooms in institutions carrying out criminal punishment". And he added that performing religious rituals must be voluntary. "This must not violate internal procedures, or harm the rights of other individuals serving their punishment."

When Kadenova of the Interior Ministry was challenged by Forum 18 about why the letter only responded to concerns about prayer rooms, she immediately insisted that mosques and churches were illegal and refused to say if the Committee had written a similar letter to the Muslim Board.

Varied picture

"Mosques and churches located in separate buildings have now been closed," the office of the Kazakhstan International Bureau for Human Rights and Rule of Law in Astana told Forum 18 on 9 November. "But prayer rooms located in buildings, blocks where prisoners are held and live continue to function. This has not been forbidden."

In South Kazakhstan Region, mosques and prayer rooms are still functioning, but their hours when they are open has been cut back recently, Tatyana Kiselyova of the local branch of the Kazakhstan International Bureau for Human Rights and Rule of Law told Forum 18 from Shymkent on 9 November. The head of the Committee for the Region, as well as senior officials of a women's prison and a prison for tuberculosis sufferers, told her that previously they were open from morning to evening. Now they are only open at prayer times.

By contrast, Fr Pavel Pridatchenko, a prison chaplain in Pavlodar, said all the prison parishes the Orthodox Church has in the region are functioning normally. "I don't think they'll be particular problems," he told Forum 18 from Pavlodar on 10 November. "Mosques and churches in prison won't be closed. Spiritual care is necessary for prisoners." At least four prisons in the Region have dedicated churches.

Literature confiscated

On 21 October, the administration of the special regime camp in Zhetikara in Kostanai [Qostanay] Region (UK 161/3) "illegally" confiscated religious literature - including Bibles and New Testaments - and discs with films and sermons from prisoners, the Association of Religions of Kazakhstan (AROK) told Forum 18 on 11 November, citing an appeal it had received. The camp administration claimed the law banned prisoners from having such material. "However, according to the law, having such literature and other materials for personal use is allowed," AROK declared.

Earlier restrictions

Although the new Law and requirement for religious personnel to gain new licences to be allowed to visit prisons have made access more difficult, several religious leaders complained to Forum 18 of earlier restrictions or denial of access.

Officials of the prison in Arkalyk in Kostanai Region (UK 161/12) closed the Orthodox prayer room in early 2010, claiming that it was being repaired, Anastasia Miller of the Kazakhstan International Bureau for Human Rights and Rule of Law in Kostanai told Forum 18 on 9 November. "It was formally under repair when we visited the prison in July 2010 and still when we returned in October 2011." She believes this could have been an excuse to close it. She said the Muslim prayer room was not closed.

Miller said that during an 18 and 19 October inspection of the prison by the regional Public Observation Commission, of which she is a part, Orthodox prisoner Aleksandr Gaponov complained that he had been told he could not visit the Orthodox prayer room because the prison's deputy governor for operational work did not want it. The deputy governor claimed to outsiders that the prayer room for Orthodox is available and no complaints had come in, but "de facto the room was under constant repair".

Regional Public Observation Commissions were established by a government decree of September 2005, and include some independent members. Commissions conduct monitoring missions to penal institutions to check whether laws, international norms and the "rights and legal interests" of prisoners are being observed.

The duty officer at Arkalyk prison refused to discuss anything with Forum 18 on 10 November, or to put Forum 18 through to any other prison official. The telephone of the prison governor Arman Kulzhanov went unanswered on 11 November.

Most vocal was Fr Maksim Boikov, head of the Social Services Department of Kostanai Diocese. He complained that neither he nor other Orthodox priests have access to Orthodox prisoners in a number of local prisons and institutions, including the strict regime camp in Kostanai (UK 161/2), the investigation prison and a centre for drug dependent people.

"Why don't Orthodox prisoners have the right to invite a priest for confession and to receive communion? This is not acceptable and a violation of their rights," he told Forum 18 from Kostanai on 10 November.

Fr Maksim complains that although access has become more difficult since the adoption of the new Religion Law, restrictions began earlier in 2011. This was supported by Catholic priest Fr Iosif Shmidtlein of Pavlodar. "If they didn't allow freedom of religion before for those in institutions, now it is even more difficult," he told Forum 18 on 9 November. "Theoretically we could go into prisons, but practically it was impossible. It took too many hours waiting for permission." He also noted that access to hospitals can also be difficult (see F18News 15 November 2011 http://www.forum18.org/Archive.php?article_id=1636).

Fr Shmidtlein said he was never allowed access again to a resident of a psychiatric care home, who had requested that he return to hear his confession (see F18News 10 July 2009 http://www.forum18.org/Archive.php?article_id=1325).

Protestants of various churches told Forum 18 that sometimes individual visits to prisons have been possible in recent years, but all depends on the attitude of the local prison governor.

Jehovah's Witnesses told Forum 18 that in recent years visits to prisoners who are studying the Bible and request such visits have become more difficult. "Sometimes our people weren't allowed in, at other times they were allowed in, but the length of the visits was very short," one Jehovah's Witness told Forum 18 on 11 November. "Prisons would earlier make available a room for a private meeting, but that stopped in 2010."

Although a few people write from prison requesting religious literature and contact, Jehovah's Witnesses say they do not know what impact the new Law will have on how they will be able to respond to such requests.

In 2007, Jehovah's Witnesses were barred from several prisons to which they had earlier had access. In one case in East Kazakhstan Region they, successfully challenged a Justice Ministry ruling that it "did not recommend" visits by Jehovah's Witnesses to prisons. However, visits to the prison could not resume until June 2009 and visits to other prisons were blocked (see F18News Kazakhstan religious freedom survey http://www.forum18.org/Archive.php?article_id=1352).

Punishments for praying?

During a 12 October visit to a strict regime camp in Astana (ETs 166/10), members of the city's Public Observation Commission met two prisoners in solitary confinement in the isolation cells who claimed to have been punished for their religious affiliation, according to two members of the Commission from the Astana branch of the Kazakhstan International Bureau for Human Rights and Rule of Law.

One of the prisoners, N. Zharkeev, had been accused of refusing to go to work, but he insisted that he was willing to work and that the accusation had been fabricated to punish him for praying the namaz regularly.

Another prisoner, Zh. Bimurzaev, had been held in an isolation cell for a year since his transfer from the prison in Arkalyk. He told the visitors he is a Muslim "and does not hide it", and that he was placed in isolation on orders from the National Security Committee (KNB) secret police. Officials told the visitors that Bimurzaev too had been punished for refusing to work, an accusation he denied.

The camp governor, Akylbek Abdrakhmanov, refused to say why the two prisoners had been punished, or to say whether the camp has any open mosque, church or prayer room. "I don't know who you are," he told Forum 18 on 11 November. "I won't answer any questions by phone." (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