

21 November 2013

KAZAKHSTAN: "They need permission from the local authorities"

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

Up to 16 police officers and journalists – led by the local religious affairs official – raided the meeting for Sunday worship on 10 November of Baptists in Oral (Uralsk) in West Kazakhstan Region. Ten of those present face possible fines of one or two months' average salary, for meeting for worship without state permission. One of the Baptists, Kenzhetai Baytinov, may have been removed from his job under state pressure. Elsewhere, imam Mukhammad Toleu of a mosque in Aktobe, which was denied state re-registration, has had his appeal against a fine for leading the community of one month's average salary rejected. He told a court that "no law bans praying five times a day", but he was found guilty. "They had no registration and no permission to meet", Prosecutor's Assistant Talap Usnadin insisted to Forum 18 News Service. Asked why, he insisted that "they need permission from the local authorities". And in a village near Aktobe, a Muslim who turned his home into a mosque with an unapproved minaret has been fined.

Up to 16 police officers and journalists – led by the local religious affairs official – raided the meeting for Sunday worship on 10 November of a small Baptist congregation in Oral (Uralsk) in West Kazakhstan Region, local Baptists complained to Forum 18 News Service from the town on 21 November. Ten of those present are due in court to face possible fines of one or two months' average salary.

Meanwhile the prayer-leader at a mosque in the north-western city of Aktobe [Aqtobe], which failed to regain compulsory state registration in October 2012, has had his appeal against a fine rejected. And in a village near Aktobe, a Muslim who turned his newly-built home into a mosque with an unapproved minaret has been fined.

Sunday morning raid

The Council of Churches Baptist congregation in Oral had begun its 10 November meeting for Sunday morning worship when local police arrived, led by the head of West Kazakhstan Regional Akimat (Administration) Religious Affairs Department Talgat Nygmetov, local Baptists told Forum 18. Accompanying them were journalists with video-cameras and smartphones.

"They immediately started filming without asking permission and without introducing themselves," one church member present complained to Forum 18.

Nygmetov of the local Religious Affairs Department tried to halt the service, but church members insisted they would carry on until the service was over. But without waiting for the end of the service, police officers took four church members out of the meeting and took them to the local police station.

Police drew up a record of an "offence" against 10 individuals – Sergei Krasnov, Ivan Isayev, Serkali Kumargaliev, Vladimir Nelepin, Aleksandr Nelepin, Andrei Labinsky, Nikolai Novikov, Kenzhetai Baytinov, Vladimir Trifonov and Anatoli Lazarenko. All face trial under Article 374-1 of the Code of Administrative Offences. Hearings are due, at least for some, on 28 November at Oral Specialised Administrative Court, according to court documents seen by Forum 18.

Article 374-1, Part 1 bans "Leading, participating in, or financing an unregistered, halted, or banned religious community or social organisation", and Part 2 bans "Participation in the activity of an unregistered, halted, or banned religious community or social organisation". At least 77 fines are known to have been imposed in 2013 under this Article alone in 2013, many of about the equivalent of one or two months' average salary (see F18News 11 November 2013 http://www.forum18.org/archive.php?article_id=1895).

If Lazarenko – who is aged 79 - is fined he would be the second-oldest individual known to have been fined in 2013 to punish them for exercising the right to freedom of religion or belief. The oldest was fellow Baptist Yegor Prokopenko, who was 86 when fined in April. Others fined have been in their seventies (see F18News 10 April 2013 http://www.forum18.org/archive.php?article_id=1822).

No answers

Despite repeated calls, Forum 18 was unable to speak to Nygmetov at the Akimat on 21 November. Forum 18 waited while his assistant went to ask if he was available to speak. After a delay the phone line was cut. When Forum 18 called back, the assistant – who did not give her name – told Forum 18 it was a wrong number.

Forum 18 could find no police officer prepared to explain why the Baptist Church's Sunday service had been raided. Oral Prosecutor Aydin Rashidov claimed to Forum 18 on 21 November that his office was not involved.

Church member fired for his faith?

Church members told Forum 18 that Baytinov, one of those expecting to be fined, had been sacked from his job as a caretaker at Oral's School No. 1 because of his faith. He had worked at the school for a year and his last day at work was 4 November, less than a week before the raid on the church.

They said school headteacher Nurly Dauletkaliyeva had been summoned by Oral's Prosecutor's Office and instructed to remove him from his job. "They said he is a 'sectarian' who spreads his faith at work," church members told Forum 18.

Dauletkaliyeva of School No. 1 denied that Baytinov had been sacked and that his faith was connected to the end of his contract. "No-one summoned me," she insisted to Forum 18 on 21 November. "His contract was for one year and it ended. He had been told it would be ending."

Prosecutor Rashidov denied absolutely that any of his staff had summoned headteacher Dauletkaliyeva and pressured her to sack Baytinov. "This is the first I heard of this," he claimed to Forum 18. "It didn't happen."

Independent mosque's imam loses appeal

Imam Mukhammad Toleu has failed in his appeal against an administrative fine for leading prayers in Fatikha Mosque in Aktobe, according to the verdict seen by Forum 18. He had been found guilty on 27 September by Aktobe Specialised Administrative Court of violating Administrative Code Article 375, Part 1 ("Violation of the demands established in law for the conducting of religious rites, ceremonies and/or meetings; carrying out of charitable activity; the import, production, publication and/or distribution of religious literature and other materials of religious content (designation) and objects of religious significance; and building of places of worship and changing the designation of buildings into places of worship").

Imam Toleu was fined 50 MFIs or 86,550 Tenge (about 3,500 Norwegian Kroner, 425 Euros or 550 US Dollars), which is about one month's average wages, for his "offence". Article 375 was greatly expanded at the same time the harsh 2011 Religion Law was introduced (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617). Many fines have been imposed under this Article in 2013 (see F18News 11 November 2013 http://www.forum18.org/archive.php?article_id=1895).

Long targeted

The Justice Department had registered the mosque community in September 2005 at the address of the home, registration it retained until 2012. But officials have since then worked to halt the use of the Fatikha Mosque for meetings for worship. Mosques are being denied re-registration – and so permission to exist – if they will not join the Muslim Board, with independent and ethnic minority mosques having being particularly targeted since at least 2010 (see eg. F18News 2 October 2013 http://www.forum18.org/Archive.php?article_id=1882).

In a suit brought by Aktobe Akimat, Aktobe City Court ruled on 24 August 2011 that the house used by the Fatikha Mosque was a residential property and banned the owners from using it for worship, according to the ruling seen by Forum 18. Aktobe Regional Court rejected one of the home owners' appeal against the decision on 11 October 2011.

The city authorities had already forced the home owners to take down a notice in Arabic and a half moon symbol from the outside of the house.

Forum 18 was unable to question Aktobe Region Akimat's head of the Religious Affairs Department, Baurzhan Yesmekhan, or anyone at the Justice Department on 21 November.

Re-registration bid rejected

After the adoption of the October 2011 Religion Law, all religious communities were given one year to apply to be re-registered (see F18News 21 November 2012 http://www.forum18.org/archive.php?article_id=1768). Despite frequent assertions by state officials that the 2011 Religion Law states that all mosques must belong to the state-controlled Muslim Board (a monopoly that is not imposed on any other religious community), Forum 18 cannot find this requirement in this or in any other published law (see F18News 25 January 2013 http://www.forum18.org/archive.php?article_id=1794).

Fatikha Mosque lodged its re-registration application on 24 October 2012, the day before the deadline. However, within 24 hours the Justice Department rejected the application, claiming the documents "were not in accord with the demands of the law".

Many religious communities complained of what they variously described as the "complex", "burdensome", "arbitrary", "unnecessary" and "expensive" compulsory re-registration process – which broke the country's international human rights obligations (see F18News 21 November 2012 http://www.forum18.org/archive.php?article_id=1768).

On 27 November 2012, Aktobe Region Inter-District Specialised Economic Court approved the Justice Department's suit to liquidate Fatikha Mosque, according to the ruling seen by Forum 18.

However, state-approved Muslim communities, along with the Catholic Church, were given different and more favourable treatment to other communities in state decisions on whether they were allowed to exist (see F18News 21 November 2012 http://www.forum18.org/archive.php?article_id=1768).

Raid

The most recent trouble for Fatikha Mosque began when a meeting for Friday prayers was raided on 19 July 2013. Up to 30 worshippers were present. Adilbek Zhanybekuli of the police Department for the Struggle Against Extremism told Aktobe Specialised Administrative Court on 27 September that he had received a report that individuals were praying at the mosque and called in the Prosecutor's Office and the National Security Committee (KNB) secret police.

Toleu told the court that "no law bans praying five times a day". However, the court found him guilty, based on statements from officials and photographs they had taken.

On 14 November, Aktobe Regional Court rejected Toleu's appeal, according to the verdict seen by Forum 18.

"No permission to meet"

Prosecutor's Assistant Talap Usnadin, who had appeared in Aktobe Specialised Administrative Court, defended the prosecution. "They had no registration and no permission to meet [for worship]," he insisted to Forum 18 from Aktobe on 20 November. Asked why, he insisted that "they need permission from the local authorities".

An officer of the police Department for the Struggle Against Extremism told Forum 18 on 21 November that Zhanybekuli, who had initiated the case against Toleu, was not in the office. "I can't give any information on the case," he added and put the phone down.

Also liquidated at the same time as Fatikha Mosque was Aktobe's Nurdaulet Mosque – a Hanafi Sunni community in the city centre. Community members chose not to challenge the final liquidation but insisted they would continue to seek to function and gain new registration (see F18News 1 March 2013 http://www.forum18.org/archive.php?article_id=1809).

Struggling to survive

One independent mosque that is still struggling through the courts to continue to exist is the Tatar-Bashkir Mosque in Petropavl in North Kazakhstan Region (see eg. F18News 2 October 2013 http://www.forum18.org/archive.php?article_id=1882). On 30 October North Kazakhstan Regional Court rejected the community's latest appeal against an earlier court decision setting up a commission to liquidate the community, according to the decision seen by Forum 18.

"We have lodged a case now to Kazakhstan's Supreme Court, and if that fails we will try to bring a case internationally," one community member told Forum 18 from Petropavl on 20 November.

Appeals from Kazakhstan against violations of the state's international human rights commitments are possible to the United Nations (UN) Human Rights Committee and other UN mechanisms in Geneva. These include the office of the Special Rapporteur on Freedom of Religion or Belief (see <http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/complaints.aspx> and in Russian <http://www2.ohchr.org/english/issues/religion/docs/questionnaire-r.doc>).

Up to about 40 community members still gather for Friday prayers at the mosque, compared to up to 150 before the 2011 Religion Law. Attendance has dropped because "people are afraid of the authorities". The imam and members of another independent mosque denied re-registration after intense state pressure - who asked not to be identified - told Forum 18 that when they met to discuss applying for new registration, officials "came out of nowhere" and threatened them with punishment.

Initial attempts to cut electricity off from the Tatar-Bashkir mosque after the initial court decision liquidating the community have been suspended, the community member added (see eg. F18News 2 October 2013 http://www.forum18.org/archive.php?article_id=1882).

Illegal mosque or minaret?

Meanwhile, another mosque functioning in a private home in Aktobe has been targeted. Amanat Sundetov bought a plot of land of 1,000 square metres (about a quarter of an acre) in the village of Akzhar on the edge of Aktobe in May 2012 to build a private house. Once built, he said neighbours asked if he could turn part of it into a mosque and he agreed, according to court documents seen by Forum 18. He turned part of it into a prayer-room with prayer mats for up to 70 worshippers.

However, Murat Balbayev of the City's Architecture Department insisted that Sundetov had also built a minaret which was not on the original plan. "No private home in Aktobe has a minaret," he told Aktobe's Specialised Administrative Court on 28 August 2013 when Sundetov was tried for his offence.

But Sundetov was not accused of building an illegal minaret. He was accused of violating Administrative Code Article 375, Part 1 by building and opening a place of worship "and conducting religious rituals" without approval from the Regional Religious Affairs Department, according to the verdict seen by Forum 18.

An officer of Aktobe Police's Department for the Struggle with Extremism, S. Konyrbai, told the court that he had received information that a mosque was "illegally functioning" in the village. He visited twice and observed both times that up to 15 people were conducting the namaz in the premises. At his request the local police conducted "operational filming". Judge Murat Bayzhanov fined Sundetov 50 MFIs or one month's average salary.

No answers

The same officer at the Aktobe Police's Department for the Struggle with Extremism told Forum 18 that officer Konyrbai was also out of the office on 21 November. He refused to give any further information about Sundetov's case.

Despite repeated calls, Forum 18 was unable to find out from Aktobe City's Architecture Department whether Sundetov's minaret or the house was in violation of the regulations, and why he cannot hold prayers in his house. Although Balbayev appears to have been in the office, officials told Forum 18 he was not present. "He dealt with this issue," one official told Forum 18 on 21 November. Acting Department head Talgat Zhubikeshov was out of the office. (END)

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>.

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

For a personal commentary from 2005 on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

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.

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