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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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KAZAKHSTAN: Pensioners fined as Parliament awaits new Law

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

Two Baptists in their late seventies were among seven people in East Kazakhstan Region fined for attending a home religious meeting. A new anti-"Extremism" Law, likely to reach Parliament within days, envisages further censorship of religious literature and controls on foreign pilgrimages.

On 29 August a Judge in East Kazakhstan Region fined seven members of a small Baptist church for meeting for worship in a home without state registration. The punishments came a week after one of those fined celebrated her 79th birthday, and less than three weeks before another is due to celebrate her 79th birthday.

The congregation is a member of the Baptist Council of Churches. They have adopted a policy of civil disobedience, refusing to pay the many fines handed down in Kazakhstan and other countries of the region for exercising their right to freedom of religion or belief.

Meanwhile, the government is likely to sign off within days a draft anti-"extremism" Amending Law to be presented to the Majilis (parliament) in the capital Astana for consideration in September. The Amending Law is set to amend six Codes and 18 individual laws.

While many provisions of the draft currently available would widen or increase punishments for those involved in violence – such as attacking foreign diplomats, distributing illegal weapons or committing acts of terrorism that kill or maim people – some provisions appear unrelated to the stated goal of "countering extremism and terrorism".

Among the wide-ranging proposed amendments are increases in state-imposed pre-publication censorship of all literature about religion. Further restrictions would be imposed on the import or distribution of literature about religion, including by allowing individuals to bring into the country only one copy of any uncensored book about religion. "Religious tourism" – such as the haj pilgrimage to Mecca – is also set to come under tighter state control (see below).

Harsher version of Amending Law to come?

This draft text of the Amending Law was published on the National Security Committee (KNB) website on 8 July. However, observers warn that the text due to reach the Majilis within the next days might be different and contain much harsher provisions. "This is a trick they often pull off," one observer told Forum 18 from Astana. "They publish a mild text and then, when it reaches parliament, the text is harsher. Then deputies add even more provisions at the government's behest."

Some observers fear that once the draft reaches the Majilis, new restrictions will be introduced on religious meetings in homes. They point to remarks on 10 June by Galym Shoikin, the head of the Culture and Sport Ministry's Religious Affairs Committee, promising "to limit as far as we can the possibility to conduct illegal meetings, including in flats and other premises" (see F18News 14 June 2016 http://www.forum18.org/archive.php?article_id=2188).

The proposed amendments currently available would remove none of the existing restrictions on exercising freedom of religion or belief already enshrined in the 2011 Religion Law and punishable under the Administrative Code or Criminal Code. These restrictions and punishments already violate Kazakhstan's international human rights commitments (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Seven fined for home religious meeting

In successive hearings in the afternoon of 29 August, Judge Aigul Saduakasova of Zharma District Court in East Kazakhstan Region found seven individuals guilty of attending a Baptist Sunday morning worship meeting in a home in the village of Kalbatau. All were convicted under Administrative Code Article 490, Part 1, according to the seven decisions seen by Forum 18.

Administrative Code Article 490, Part 1 punishes "Violation of the demands established in law for the conducting of religious rites,

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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" with fines for individuals of 50 Monthly Financial Indicators (MFIs).

A fine of 50 MFIs is currently 106,050 Tenge (2,600 Norwegian Kroner, 280 Euros or 310 US Dollars). This represents nearly a month's average wages for a person in work.

Judge Saduakasova handed down the maximum fine of 50 MFIs each on Yevgeny Seleznev and the home owner Yakov Frizen. She handed down reduced fines of 35 MFIs each on the remaining five: 79-year-old Zoya Tabolina, 78-year-old Olga Berimets, Natalya Kvach, Nina Gurzhueva and Snezhana Bondarenko.

In the cases of Tabolina and Berimets, fines were reduced because of their "advanced age and material situation" and, additionally in Tabolina's case, her "state of health". Fines were reduced for Bondarenko, Gurzhueva and Kvach because they had children to look after, including a son with disabilities.

The hearings had originally been scheduled for the morning of 25 August (see F18News 18 August 2016 http://www.forum18.org/archive.php?article_id=2208). However, four of the defendants requested a state-provided lawyer. New hearings for all were thus scheduled for 29 August, with the same state lawyer representing four of the defendants.

The seven defendants each insisted that Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which Kazakhstan ratified in a 2005 Law, protects their right to freedom of religion or belief. However, the Judge ignored the defendants' reference to their internationally-protected human rights.

"The court took no notice of the International Covenant [ICCPR], which Kazakhstan has signed," a fellow Baptist who attended the hearings complained to Forum 18 on 31 August. "All of them will appeal against the punishments."

State-backed anti-"sect" activist helps prosecution

Appearing at each of the seven hearings against the Baptists was Sergei Lebedev, head of the Oskemen-based organisation Unity. He speaks regularly at state-sponsored events criticising "destructive sects". He told the court in each case that the Religion Law requires all religious communities to gain registration. "This Law was adopted with the aim of defending and protecting the interests of citizens of the Republic to prevent the activity of radical religious movements," the court decisions record his remarks in identical wording.

The court decisions do not explain who invited Lebedev to attend the hearings or why. Nor do they record why punishing the seven individuals for meeting for worship in a home would "prevent the activity of radical religious movements".

Lebedev told Forum 18 on 31 August that Zharma District Akimat (administration) Internal Policy Department – which had initiated the prosecutions - had invited him to the court hearings to testify.

Police had similarly invited Lebedev to testify in cases against two Jehovah's Witnesses in Oskemen in November 2015. In the court hearings he condemned Jehovah's Witnesses as "one of the best known and most dangerous contemporary destructive cults". The two women were fined for sharing their faith with others (see F18News 8 February 2016 http://www.forum18.org/archive.php?article_id=2147).

"Unknown people were singing religious songs"

The court decisions in the case of the Baptists note that at noon on Sunday 7 August, Police responded to an alleged call on the emergency phone number that "unknown people were singing religious songs" at Frizen's home in Kalbatau. Erzhan Donenbayev of the Police's Operational Criminal Division confirmed that an "illegal" religious meeting was being held. He drew up the records of an offence against the seven people on 11 August. That same day, Police also raided a further meeting for worship at Frizen's home (see F18News 18 August 2016 http://www.forum18.org/archive.php?article_id=2208).

"Don't think it's just Baptists who are fined"

Meirambek Kameshev, who is in charge of supervising local religious communities at Zharma District Akimat's Internal Policy Department, drew up the records of an offence against the seven individuals and appeared in court. He was out of the office when Forum 18 called on 31 August.

However, his colleague – who would not give her name – defended the fines handed down to the seven for meeting for worship. "Everything was done in accordance with the law," she insisted to Forum 18. "They can't meet without registration as they are an illegal organisation. But don't think it's just Baptists who are fined. We fine Muslims and Christians of all sorts."

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The Internal Policy Department official said more than 10 people of various faiths had been fined in Zharma District in 2016 alone for distributing religious literature which has not passed through the state censorship. "Many of them were Muslims who were distributing home-made literature without permission." She freely admitted that this represented state censorship. The official refused to give Forum 18 the names of the individuals punished.

More than 25 individuals are known to have been fined in the first half of 2016 for exercising the right to freedom of religion and belief without state permission. The known victims were Muslims, Protestants, Jehovah's Witnesses and commercial traders (see F18News 15 July 2016 http://www.forum18.org/archive.php?article_id=2199).

Further religious censorship, state interference in foreign religious travel

The draft Law on Amendments and Additions to Various Laws on Questions of Countering Extremism and Terrorism – completed by early July – was published on the KNB secret police website on 8 July. The KNB appears to have drafted the proposed amendments, or at least co-ordinated their drafting. Also published on the KNB website was the draft Decree – to be signed by Prime Minister Karim Masimov - authorising the handing of the Amending Law to the Majilis.

"As of this morning Prime Minister Masimov has not yet signed the Decree to present the amendments to the Majilis," Toleukhan Aitmukhambetov, deputy head of the staff of the Majilis International Relations, Defence and Security Committee, told Forum 18 on 31 August. "The amendments will probably arrive here on 1 September or in the following days." He said the Amending Law is likely to be handed to his Committee, but stressed that this is a decision for a plenary session of the Majilis.

The draft Law currently available includes several proposed amendments which will further restrict the right to freedom of religion or belief. If adopted by the Majilis, the Amending Law would come into force ten days after its official publication.

Asked whether the Amending Law provided by the government to the Majilis will be the version as published by the KNB secret police, Aitmukhambetov said he did not know. "We're still waiting for the text." Asked if the Amending Law will be hastily adopted, as was the case with the new Religion Law in 2011, he responded: "We have our own procedures and these will be followed." He declined to comment on the content of the Amending Law.

Tighter state religious censorship

Of the 18 Laws which the amending Law would change, the 2011 Religion Law would be amended to tighten state controls over producing and distributing literature about religion.

Article 9, Part 3 would be rewritten to declare: "The import into the territory of Kazakhstan of religious literature and informational materials of religious content, with the exception of that dedicated to personal use in one copy of each named title, is carried out only by registered religious associations after receiving a positive conclusion of a religious-studies expert analysis".

If adopted, this amendment would limit to just one the number of copies of any single title anyone wished to import into Kazakhstan without having to submit it for censorship by the Religious Affairs Committee. The current version of this Article does not specify a limit on the number of copies deemed to be for "personal use".

A new Article 9, Part 3-1 would be added: "The production, publication and distribution of religious literature and informational materials of religious content is allowed only after receiving a positive conclusion of a religious-studies expert analysis".

This states more bluntly the situation that currently exists.

"Missionary activity" reworded to "spreading a religious teaching"

Religion Law Article 7, Part 3, which bans the conducting of religious services, meetings and ceremonies in a range of state and commercial buildings, would be re-worded. While previously "missionary activity" was banned in those buildings also, this has now been changed to "activity for spreading a religious teaching".

A proposed amendment to the Administrative Code rewords Article 490, Part 3. The new wording specifying what is punishable reads: "Carrying out activity to spread a religious teaching on the territory of Kazakhstan without registration/re-registration as a missionary, as well as the use by missionaries and other individuals spreading religious teaching, religious literature and informational materials and items of religious significance without a positive conclusion of a religious-studies expert analysis, or the spreading of religious teaching of religious associations unregistered in Kazakhstan".

The previous wording of this provision spoke not of "activity to spread a religious teaching" but simply of "missionary activity". While the new wording might not indicate much change, the Article does now specifically punish not only those registered personally as missionaries but "other individuals" sharing their faith or distributing religious materials.

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Punishment remains a fine of 100 MFIs, plus deportation if the individual punished is a foreign citizen.

State control over foreign religious travel

Among the 18 Laws the new amendments would amend is the 2001 Tourism Law. An additional Point 20-7 would be added to Article 11, requiring that the state oversight body over foreign tourism, together with the Religious Affairs Committee, agree the procedure for conducting "religious tourism".

This could lead to state control over, for example, Muslims wanting to go on the haj or umra pilgrimages to Mecca. While the haj pilgrimage in particular might be easy for the state to control, it remains unclear how the state could control individuals travelling abroad to visit holy sites.

This was one of the changes promised by Culture and Sport Minister Arystanbek Mukhamediuli in his remarks to a government meeting on 19 July (see F18News 22 July 2016 http://www.forum18.org/archive.php?article_id=2201).

State controls already exist on sending people abroad for religious study. Under Article 27, Part 15 of the Licensing Law, religious organisations which send people abroad for study in religious educational institutions require a state licence (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Foreigners

An addition to Article 7 of the 2011 Migration Law, a new Part 6-1, would ban foreign members of organisations banned in Kazakhstan from applying for legal residence. While many of the banned organisations are violent, one of them – the Muslim missionary movement Tabligh Jamaat – does not appear to have been involved in any violence or deprivation of the human rights of others.

Despite this, 30 alleged Tabligh Jamaat adherents (all of them Kazakh citizens) are known to have been given criminal convictions since December 2014. Of these, 19 were given prison terms (see F18News 22 July 2016 http://www.forum18.org/archive.php?article_id=2201).

Presidential order to adopt new restrictions

Following killings in the north-western city of Aktobe [Aqtobe] on 5 June, President Nursultan Nazarbayev told a meeting of the Security Council in Astana on 10 June that in response legal changes would be made to a range of laws "to ensure national security". Under Kazakhstan's international human rights obligations, "national security" is not a permissible reason to restrict freedom of religion and belief.

President Nazarbayev instructed the government "within a two-month period to draft a package of legislative initiatives in the sphere of countering terrorism and extremism, production, storage and sale of weapons, in the area of regulating migration and religious associations". He added that it was "necessary" to include the entire legislative package in the legislative plan for 2016.

When wide-ranging increased restrictions on freedom of religion and belief were imposed in the 2011 Religion Law along with changes to other laws, they were introduced into parliament on 5 September 2011 and in a rushed process with little discussion were signed into law on 11 October, despite strong criticism from national and international human rights defenders. Officials claimed the restrictions breaking international human rights obligations and the rushed process were needed as counter-terrorism measures (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939). (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=1939.

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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