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KAZAKHSTAN: Officials try to force registration signature withdrawals

By Felix Corley, Forum 18

Officials harassing founders of religious communities, possibly trying to block applications to exist. In May 2019 police began harassing Oskemen's New Life Church founders as it sought re-registration. Officers visited several late at night, threatening one woman in her late 70s. Aktau's Hare Krishna community has faced similar harassment.

In Kazakhstan, people who give their names as founders of religious organisations applying for legal status continue to face harassment and intrusive questioning.

In a recent case, the Hare Krishna community in Aktau lodged its registration application in November 2018. Officials of Mangistau Regional Religious Affairs Department then summoned the founders and tried to force them to complete detailed questionnaires requiring among other information "the reason for supporting the Krishna religion", and how long they have participated in the community's activity. Most of the founders refused to fill in the questionnaires, complaining to officials that they were illegal and pointing out that "the question of adherence to a certain religion is very sensitive" (see below).

Against international law, Kazakhstan bans all exercise of freedom of religion and belief without state permission (http://www.forum18.org/archive.php?article_id=2409). Kazakhstan's international human rights obligations also ban officials from compelling individuals to reveal their "thoughts or adherence to a religion or belief" (see below).

Local religious communities require at least 50 adult citizen founders to be allowed to apply for state registration, thus effectively banning smaller communities from existing (http://www.forum18.org/archive.php?article_id=2409). If officials succeed in pressuring 13 of the 62 founders of the Hare Krishna community to remove their signatures, the community would be blocked from obtaining legal status.

After Hare Krishna community members in Aktau complained to the then-Information and Social Development Minister Darkhan Kaletayev, he responded in March 2019 claiming that his Ministry had conducted "appropriate explanatory work" with the Regional Religious Affairs Department. The head of the Regional Religious Affairs Department Yerlan Esbergenov confirmed this but refused to discuss who had devised the intrusive questionnaire and why (see below).

Esbergenov also refused to say why the Hare Krishna community has still not been given state registration nearly nine months after it lodged its application documents (see below).

In the most recent known case, police in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region suddenly began harassing the founders of the city's New Life Protestant Church in May 2019, as it was seeking re-registration under a new name. Officers visited several founders late at night, threatening one woman in her late 70s to try to make her open the door. It remains unknown why police needed to question the founders or which government agency had ordered the aggressive and intrusive questioning (see below).

"At present the founders do not think that their rights are being protected by the law or its representatives," Church members stated. "On the contrary, they are being subjected to pressure, which cannot help but arouse concern about the right to freedom of conscience in Kazakhstan."

Pressure including attempts to force founders to withdraw signatures has been a common tactic used by officials against communities they dislike, including Protestants, Hare Krishna devotees, and Muslims from now-closed independent mosques (http://www.forum18.org/archive.php?article_id=2025).

The names of founders of religious organisations are held in a government database. The authorities initially stopped one of the founders of the Seventh-day Adventist Church in the capital Astana (now Nur-Sultan) from leaving the country for Russia, but in spring 2019 he was finally allowed to leave. Adventists told Forum 18 that "officials told Andrei that all government agencies have

access to the database of founders when he was preparing documentation to move to Russia." (see below).

Many Muslims the government thinks are Salafis – either because of their theological views or because of the way they dress – are under tight state scrutiny. A Muslim from a village in North Kazakhstan Region's Kyzylzhar District, is trying to stop repeated questioning because of his faith that he says has been going on for six years. (http://www.forum18.org/archive.php?article_id=2502)

Also under state scrutiny are leaders of other faiths the government regards with suspicion, such as Protestant Christians. However, open public surveillance of Protestant leaders appears to have reduced in recent years (http://www.forum18.org/archive.php?article_id=2502).

Violating international human rights standards

Forcing anyone to reveal their beliefs is prohibited under Kazakhstan's binding international human rights law obligations. The United Nations Human Rights Committee stated in Paragraph 2 of its General Comment 22 on International Covenant on Civil and Political Rights Article 18 ("Freedom of Thought, Conscience or Religion"): "In accordance with articles 18.2 and 17 ["The right to privacy"], no one can be compelled to reveal his thoughts or adherence to a religion or belief." (<http://www.refworld.org/docid/453883fb22.html>)

Similarly, international human rights law as outlined in the the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities states that: "access to legal personality for religious or belief communities should be quick, transparent, fair, inclusive and non-discriminatory" (paragraph 24); "any procedure that provides religious or belief communities with access to legal personality status should not set burdensome requirements" such as "excessively detailed information" (paragraph 25); and "states should observe their obligations by ensuring that national law leaves it to the religious or belief community itself to decide on .. the substantive content of its beliefs" (paragraph 31) (<http://www.osce.org/odihr/139046>).

Aktau: "The reason for supporting the Krishna religion"

The Hare Krishna community in Aktau in Mangistau Region began preparing to lodge its registration application in late 2018. It met officials of the Regional Religious Affairs Department to make itself known and to outline its teachings and practices. Even before it lodged its application, the Department wanted to see copies of all its literature for inspection. Community members told it that it uses many books and all had undergone the compulsory state censorship at the Information and Social Development Ministry in the capital Astana (renamed Nur-Sultan in March 2019).

The community lodged its application on 23 November 2018. On 10 December 2018, Aset Nurov of the Regional Religious Affairs Department began phoning the 62 founders, questioning some by phone and summoning others to the Department verbally.

Nurov tried to force the founders who had complied with his verbal summons to fill in a questionnaire (seen by Forum 18). This included questions on "the reason for supporting the Krishna religion", and how long they have participated in the community's activity. Only six filled in the questionnaires, community members noted, feeling "discomfort" at the "illegal" questions.

"The question of adherence to a certain religion is very sensitive," community members pointed out. "So the majority of the founders decided that, in the absence of a legal basis being provided, and noting out they were busy and had already provided written confirmation of their agreement, decided not to go to the Religious Affairs Department and not to sign extra documents."

Asked why he had demanded such intrusive information, Religious Affairs Department official Nurov told the founders that he was following the instruction of the Department Head, Yerlan Esbergenov. He said the forms were needed for if the Prosecutor's Office wanted to verify the founders. Community members questioned this claim.

Esbergenov on 12 August refused to discuss with Forum 18 who had devised the intrusive questionnaire and why. Religious Affairs Department official Nurov insisted to Forum 18 on 9 August that Esbergenov had ordered him to present the questionnaire to the community's founders. Nurov then refused to answer any other questions and put the phone down.

In telephoning the founders, Nurov asked if they had agreed to be founders voluntarily. He then asked several founders to come to the Department with their identity documents. Community members noted that this is not in accordance with any law. "Most decided that there was no need for them to visit," they noted.

On 22 January 2019, when Hare Krishna community members came to the Department, Esbergenov told them that unless 100 per cent of the founders completed the questionnaire officials would not register the community. Again community members asked him to put his request and its legal basis in writing.

In his 24 January letter to the community, seen by Forum 18, Esbergenov complains that only 6 of 62 founders had come in so that his Department could check their identity. He asked for "help" to get them to visit.

Complaint to Information and Social Development Minister

On 20 February, Hare Krishna community members complained to the then-Information and Social Development Minister Darkhan Kaletayev. They asked him to check the legality of the Regional Religious Affairs Department's actions. "We believe that appearing in person and completing extra questionnaires are not needed," they wrote.

Minister Kaletayev responded on 6 March, claiming that instances of religious communities providing inaccurate information in their registration applications was increasing and such inspections were "to avoid such occurrences". He did not say that Mangistau Regional Religious Affairs Department had done anything wrong, but added that his Ministry had conducted "appropriate explanatory work" with its officials.

Regional Religious Affairs Department Head Esbergenov said the Hare Krishna community's registration application is still being considered. "We have done everything we are required to do," he told Forum 18. He refused to explain why, if the community had applied for registration in November 2018, officials have not yet completed the process nearly nine months later.

Esbergenov confirmed that the Information and Social Development Ministry in Nur-Sultan had responded to the Hare Krishna community's complaint by contacting his Department. But he refused to say what measures the Ministry or his Department had taken.

Problems in Atyrau Region also

A Hare Krishna community in neighbouring Atyrau Region gained state registration on 3 October 2018. Exactly four months later, on 3 February 2019, police raided a group of devotees as they were meeting for devotional chants in an Atyrau flat. The Regional Religious Affairs Department drew up a record of an "offence" against the community and sent it to court. However, the court sent the case back. The Department later withdrew the case (http://www.forum18.org/archive.php?article_id=2464).

Oskemen: Late night visits to Church's founders

Because New Life Pentecostal Church in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region is seeking re-registration under a new name, police visited many of its founders. The Church last gained re-registration in October 2012, following the adoption of the 2011 Religion Law which required all religious communities to apply for re-registration (http://www.forum18.org/archive.php?article_id=2409). Police have not stated why they needed to question the founders, and it is not known which government agency ordered the aggressive questioning.

Local religious communities require at least 50 adult citizen founders to be allowed to apply for state registration, thus effectively banning smaller communities from existing (http://www.forum18.org/archive.php?article_id=2409). If officials succeed in reducing the numbers of founders below 50, the Church would be blocked from re-obtaining legal status.

Police visits to the founders began in May 2019. On 20 May, police inspector Mirat Kasenov of Police Station No. 8 of Oskemen's October District visited two New Life Church founders. He asked them whether they had signed documents about the Church's purchase of land. They each said they had not, as the Church had not bought land.

On 26 May, Inspector Kasenov returned to one of the two founders, a woman in her late 70s. He banged on her door after 10 pm, "making a noise in the hallway when she refused to open the door" and issuing threats, church members stated.

The following day, Inspector Kasenov visited the other founder's workplace, as well as phoning her son, finding out that she was ill at home. He then visited her, making no apologies. He told her that on his last visit, the Akimat (Administration) had wrongly instructed him to ask about a land purchase. This time he asked if she had indeed signed to be a church founder. She signed a statement to say that she had.

Officers at Police Station No. 8 told Forum 18 on 12 August that Inspector Kasenov is on holiday for a further month and a half. They refused to answer any questions about his visits to the two New Life Church founders and put the phone down.

Also on 20 May, officer K. Toktamysov visited another church founder, questioning her for half an hour. He wrote down her answers and asked her to sign the record. The founder was angered by the visit and the questions, church members noted.

Police visited another church founder on 23 May while she was out. Neighbours told her that officers had a list of all the church's founders and that they had asked neighbours who she lived with, whether she went to church and whether she or her underage son had put her signature on the founders' list.

On 26 May, three police officers visited another church founder at her place of work, church members stated. In the hearing of other people they asked her if she had signed as a founder, telling her that five other founders had already denied that the signatures were

theirs.

Police officers visited other founders at their homes – often after 10 pm at night. They persuaded many to sign statements, after telling them that they needed to prove that they had fulfilled the orders they had been given.

The Police Press Office in East Kazakhstan Region said it would answer only written questions. Forum 18 asked on 12 August why police officers had visited and questioned New Life Church's founders, who had ordered this, whether it is lawful for police to visit people's homes after 10 pm when there is no emergency, and what actions it had taken – if any - to punish those who ordered or took part in the visits and to prevent such actions recurring. Forum 18 had received no response by the end of the working day in Oskemen on 13 August.

Anuar Abduldin, head of the Regional Religious Affairs Department, insisted that his Department had not ordered the police visits. "I don't have the right to instruct the police to do anything," he told Forum 18 from Oskemen on 12 August. "Maybe this came from the city administration."

Abduldin said his Department had received a copy of the Church's complaint to the Information and Information and Social Development Ministry in Nur-Sultan about the police visits and questioning. "We gave a full report to the Ministry." He declined to say what action his Department or the Ministry had taken or might take.

Serik Zhenisov, a deputy head of Oskemen City Akimat who is in charge of religion there, was out of the office each time Forum 18 called on 13 August. His assistant, Indira Adylkanova, told Forum 18 the same day that the city Akimat "did not and could not have issued instructions of that nature, as freedom of conscience is guaranteed in the country's Constitution". She claimed the Akimat scrupulously abides by the law.

"At present the founders do not feel that their rights are being protected by the law or its representatives," New Life Church members told Forum 18. "On the contrary, they are being subjected to pressure, which cannot help but arouse concern about the right to freedom of conscience in Kazakhstan."

In August 2017, an Oskemen court banned New Life Church from meeting for worship for three months and fined it after church members, relatives and friends sang religious songs without state permission at a holiday camp (http://www.forum18.org/archive.php?article_id=2313).

Astana: Founder initially prevented from leaving

The names of founders of religious organisations are held in a government database compiled by the Justice Ministry, which registers religious organisations. Other government agencies have access to the database.

The authorities initially stopped Andrei Miller, one of the founders of the Seventh-day Adventist Church in the capital Astana (now Nur-Sultan), from leaving the country to live in Russia. However, in spring 2019 he was finally allowed to leave, fellow Adventists told Forum 18. "Officials told Andrei that all government agencies have access to the database of founders when he was preparing documentation to move to Russia."

Although family members were also among the founders, the authorities made no attempt to prevent them from leaving. (END)

Full reports on freedom of thought, conscience and belief in Kazakhstan
(<http://www.forum18.org/archive.php?query=&religion=all&country=29>)

For more background, see Forum 18's Kazakhstan religious freedom survey (http://www.forum18.org/archive.php?article_id=2409)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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