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## KAZAKHSTAN: Religious freedom survey, September 2009

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*In its survey analysis of freedom of religion or belief in Kazakhstan, Forum 18 News Service finds continuing violations of human rights commitments. The country will be 2010 Chairperson-in-Office of the OSCE, and faces the UN Universal Periodic Review process in February 2010. Serious violations Forum 18 has documented include: attacks on religious freedom by officials ranging from President Nursultan Nazarbaev down to local officials; literature censorship; state-sponsored encouragement of religious intolerance; legal restrictions on freedom of religion or belief; raids, interrogations, threats and fines affecting both registered and unregistered religious communities and individuals; unfair trials; the jailing of a few particularly disfavoured religious believers; restrictions on the social and charitable work of religious communities; close police and KNB secret police surveillance of religious communities; and attempts to deprive religious communities of their property. These violations interlock with violations of other fundamental human rights, such as freedom of expression and of association.*

Ahead of the UN Human Rights Council February 2010 Universal Periodic Review (UPR) of Kazakhstan, and the country becoming 2010 Chairperson-in-Office of the Organisation for Security and Co-operation in Europe (OSCE), Forum 18 News Service has found that the country continues to violate its commitments to implement freedom of religion or belief for all. These violations interlock with ongoing violations of other fundamental human rights in Kazakhstan, such as freedom of expression and of association, and the right to a fair trial.

Serious violations Forum 18 has documented include: attacks on religious freedom by officials ranging from President Nursultan Nazarbaev down to local officials; censorship of religious literature; state-sponsored encouragement of religious intolerance through state programmes and the media; legal restrictions on freedom of religion or belief; raids, interrogations, threats and fines affecting both registered and unregistered religious communities and individuals; unfair trials; the jailing of a few particularly disfavoured religious believers; restrictions on the social and charitable work of religious communities; close police and National Security Committee (KNB) secret police surveillance of religious communities; and attempts to deprive religious communities of their property.

Kazakhstan is geographically the largest country in Central Asia, and has the second largest population with nearly 16 million people. Roughly half the population are ethnic Kazakhs (regarded as being of Muslim background) and the rest are made up of ethnic Uzbeks (likewise of Muslim background), Slavs (mainly Russians and Ukrainians, many of Russian Orthodox or other Christian background) and smaller minorities of Koreans, Germans and Poles. Kazakhstan's economy has been the strongest in the region, buoyed by its oil and gas reserves, attracting migrants from its poorer neighbours.

President Nazarbaev has ruled Kazakhstan since 1989 when it was part of the Soviet Union. At the start of his Soviet-era career he had a reputation for maintaining the party line against freedom of religion or belief; his statements as President and the actions of his government suggest a continuing hostility to this freedom. For example, he told a council meeting of his Nur Otan party in January 2008 that "it is necessary to suppress the activity of illegal religious movements in Kazakhstan." Nazarbaev also claimed that "tens of thousands of different missionary organisations work in Kazakhstan. We don't know their purposes and intentions, and we should not allow such unchecked activity." He added the comment, Kazinform stated, that "We are a secular state, religion is separate from the state, but this does not mean that Kazakhstan should become the dumping ground for religious movements of all kinds." Nur Otan should strengthen its position on the religious question "given the growth of influence of religions, above all of Islam and Christianity, on the life of society."

Elections in Kazakhstan have been criticised by OSCE election observers, and in the last 2005 presidential election, Nazarbaev was said to have gained over 91 per cent of the vote. His Nur Otan political party is the only party with deputies in the Majilis (lower house) of Parliament.

Official rhetoric routinely describes the state-backed Muslim Board and the Russian Orthodox Church as the "traditional" faiths, even though the 1992 Religion Law, revised several times but still in force, declares in Article 4 that all religious communities are equal before the law and the Constitution bans discrimination on the grounds of religious faith. Officials appear to divide other communities into those they tolerate and do not regard as threatening, such as Jews, Catholics and small communities of Buddhists, and others which they dub "sects" or worse. Such groups regarded with official suspicion include independent Muslims, Ahmadi

Muslims, most Protestants, Hare Krishna devotees and Jehovah's Witnesses.

Before Kazakhstan was confirmed as 2010 OSCE Chairperson-in-Office, then Foreign Minister Marat Tazhin claimed at the 2007 Madrid Ministerial Meeting that the country "pays priority attention to the broad scope of activities within the framework of this [human dimension] basket. It is commonly recognized that one of the most important achievements of Kazakhstan in the humanitarian sphere is securing the inter-ethnic and inter-religious accord. Additional emphasis on strengthening the dialogue between religions and people is the imperative demand of our time." Tazhin also claimed that Kazakhstan's experience in promoting "religious tolerance and freedom of religions (..) is exemplary. Kazakhstan has hosted two Congresses of the world and traditional religions, bringing together the spiritual leaders of main confessions, as well as the high level OSCE Conference on tolerance. Our country is a member of the group of friends of the Alliance of Civilizations." In contrast to his comments in the same speech about the media, Tazhin avoided any concrete commitments as to how and when Kazakhstan would respect freedom of religion or belief.

As Tazhin indicated, Kazakhstan places great importance on its "Congresses of leaders of world and traditional religions". One participant in the planning process described these "in a confidential conversation - as prepared "in Soviet style top-down fashion". A secular guest from a well-known international organisation, invited to a Congress by the Kazakh government, described "in a confidential conversation - their surprise that President Nazarbaev attended most of the Congress. They also spoke of what they described as their "horrified amazement" when they witnessed other foreign guests present – including foreign religious leaders – ignoring fundamental human rights violations within Kazakhstan, and the fact that genuine dialogue and tolerance can only happen in a context of the freedom of everyone to exercise all human rights. It appears to people within Kazakhstan that the government, with the collaboration of such foreign guests, wants to empty the language of dialogue and tolerance of any connection with the government's binding international legal obligations to ensure that everyone can exercise their freedom of religion and belief, freedom of expression, and other human rights and fundamental freedoms.

#### Official hostility to freedom of religion or belief

State officials from the President downwards - often, as in Tazhin's case, in remarks aimed at a foreign audience - routinely claim that Kazakhstan is known for religious tolerance. However, within Kazakhstan intolerant statements are made about certain religious communities, and people peacefully exercising their right to freedom of religion or belief are attacked.

This is part of a broader context of official hostility over several years. The "State Programme of Patriotic Education of Citizens of Kazakhstan for 2006-8", approved by a Presidential Decree in October 2006, contains a section on how to combat what it stated was the growing interest in "non-traditional" faiths. "Topical for the state at present without a doubt are questions of the organisation of the struggle with the activation of the activity of non-traditional religious associations and extremist organisations in Kazakhstan directed above all at attracting the youth into their ranks," the State Programme declares. It blames foreign propaganda for contributing to the spread of extremism in the past decade.

"The interest of youth in associations which are non-traditional for Kazakhstan, such as the [Hare] Krishnaites and the Jehovah's Witnesses, as well as extremist organisations like the religious/political group Hizb ut-Tahrir and others is connected with the psychological influence of activist members of these associations and organisations on the consciousness of young people. For this reason it is necessary to draw up a clear mechanism to regulate the burning problems which arise in the religious sphere." Seminars, apparently as part of this programme, were held around Kazakhstan.

Similarly nationwide was the distribution of a Justice Ministry booklet called "How not to fall under the influence of religious sects". This lamented that "very many young people" have joined "religious sects", which it identifies as including Jehovah's Witnesses, Baptists and Ahmadi Muslims. The booklet equates all of these with the Hizb ut-Tahrir Islamist political movement. "Transferring to other religious faiths represents treason to one's country and faith," it added. It called for work with young people, who "can only be called illiterate on a theological level", "to return them to consciousness, and such work must be conducted by imams in mosques, academic theologians in towns and aksakals [elders] in small villages."

State-funded hostility to "destructive sects" also takes place at the local level. The Internal Policy Department of the capital Astana confirmed to Forum 18 that it initiated and is fully financing a centre that works with "victims of destructive sects", which opened in September 2009. However, the Department refused to name any of the "destructive sects" it was targeting.

The authorities also attempt to encourage intolerance among state employees. In December 2008, the local Religious Affairs Department lectured all students at the Kazakh Air Force's main training establishment about what it described as "religious extremism" and "religious groups non-traditional for Kazakhstan". Officer candidates and other students were also shown a 2004 Russian film "Religious Sects – Freedom from Conscience". At one point the film - which has been seen by Forum 18 - claims that the Hare Krishna faith incites devotees to commit murder.

Some officials indicate confidentially that they would prefer to work on the basis of the rule of law, and do not like attacking freedom of religion or belief. As one official explained to Forum 18 in April 2008, "higher authorities" were responsible for charges against the pastor of an unregistered Baptist church and banning its activity. "Often we are asked to limit religious communities by prosecuting them and by other means," the official said. "Because the law can be easily manipulated, religious communities fall

victim to that." As is usually the case when officials indicate that "higher authorities" are behind prosecutions, the official declined to state who these authorities were.

## Censorship

Hostility to freedom of religion or belief has in 2009 translated into literature censorship. In April 2009 Anti-Terrorist Police seized Russian translations of the Koran published locally by the Ahmadi Muslim community – whose charter allows them to publish literature – from a bookshop in the northern city of Kostanay. Police claimed this was to allow the books to be "checked", and the bookshop chain involved has since refused to stock the translation.

In September 2009 the Justice Ministry's Committee for Religious Affairs produced an "expert study" alleging that the Jehovah's Witness magazines 'The Watchtower' and 'Awake' "creates preconditions for the development of conflicts on inter-confessional grounds, for the aggravation of the religious and social-political situation in the society, [and] presents a potential threat for the security of the state." Jehovah's Witnesses think that this will lead to the Justice Ministry denying their application to register the magazines as mass media, and to ban the magazines. In international law such as the International Covenant on Civil and Political Rights – which entered into force in Kazakhstan on 24 April 2006 - "national security" is not a permissible reason to restrict freedom of religion or belief.

## Mass media attacks

The mass media is still used to promote intolerance against religious communities the authorities dislike. In stark contrast to the state's access to the media, human rights defenders and disfavoured communities are not granted such access or a right of reply to official allegations. Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and Rule of Law, and Ninel Fokina of the Almaty Helsinki Committee have repeatedly noted this use by the state of the media to influence public opinion against freedom of religion or belief, and indeed the religious tolerance the state proclaims internationally. "All these articles have one source: the KNB secret police," Fokina told Forum 18. Told that journalists and editors had denied this to Forum 18, she responded: "Who's going to admit such coverage is ordered?"

Protestants such as Seventh-day Adventists, Baptists and Pentecostals have faced media attacks along with Ahmadi Muslims, the Hare Krishna community and Jehovah's Witnesses. In one of many examples, four separate newspapers published an identical article in early 2008 attacking the Jehovah's Witnesses. One of the newspapers credited the article to a named former Jehovah's Witness, one credited a different author, and two of the newspapers credited KNB secret police offices in different Kazakh regions.

Media intolerance was particularly prominent in late 2008, when Parliament was considering amendments to existing laws which would have seriously restricted freedom of religion or belief. Parliamentary deputies and the media aggressively campaigned for the restrictions. Sociological research cited by the Internal Policy Department of East Kazakhstan Regional Administration, in its Strategic Plan for 2010 to 2012, revealed the impact such media campaigns of intolerance have on the population: in August and September 2008 it noted "a fall in the level of tolerance towards representatives of other faiths and ethnicities" in the Region. Though the report does not make the link, at this time politicians and the media were severely attacking allegedly "dangerous" and "extremist" religious communities in the campaign to adopt the harsh amendments.

## Rhetoric transformed into action

Since 2005 two major legislative initiatives have been launched to tighten state control over all religious activity and increase penalties for activity the authorities do not like. In 2005 laws affecting extremism and national security were tightened, despite strong criticism from Kazakh human rights defenders and OSCE legal opinions. These amendments also included tighter restrictions in the Religion Law and new or increased penalties for "unauthorised" or "illegal" religious activity – such as unregistered religious worship – under the Code of Administrative Offences.

The national security changes included provisions that: religious organisations must register with the Ministry of Justice; unregistered religious activity was made an administrative offence; the authorities were given the power to suspend the activities of or impose fines on the leaders of unregistered groups; a religious organisation whose charter includes religious education may be denied registration if it does not obtain approval from the Ministry of Education; and made unregistered missionary activity illegal and force potential missionaries to register with the authorities. The extremism changes included provisions that ban unregistered religious activity, give the state the power to designate religious or other groups as extremist organisations and ban their activities, as well as to criminalise membership of a banned organisation.

Also very strongly criticised by a wide range of national and international human rights defenders, as well as other OSCE participating States, were the latest 2008-9 attempts to impose further legal restrictions on freedom of religion or belief. The "Law on Amendments and Additions to Several Legislative Acts on Questions of Freedom of Conscience and Religious Associations" would have amended numerous articles of the current Religion Law, the Code of Administrative Offences and several other laws. After being passed by Parliament and sent to the President for signature, he sent it for review by the Constitutional Council. Although the Council ruled in February 2009 that the draft Law was unconstitutional, its contents provide an insight into the aspects

of freedom of religion or belief officials are currently most hostile to.

Among the new restrictions, the Law would for the first time have explicitly banned unregistered religious activity. It would also have banned anyone from sharing their beliefs without both the written backing of a registered religious association and also personal state registration as a missionary. It would have required permission from both parents for children to attend any religious event.

Small "religious groups" – the lowest level of registered community - would only have been authorised to carry out religious activity with existing members and would not have been allowed to maintain places of worship "open to a wide access". Nor would they have been allowed to conduct missionary activity. Apart from a few personal items, all religious literature imported into the country would have required approval through a "religious expert assessment".

Penalties for holding religious services, conducting charitable work, importing, publishing or distributing religious literature or building or opening places of worship in violation of "demands established in law" would have been increased. Repeat "offences" would have led to a religious community being banned.

Kazakhstan long withheld permission for the OSCE Office for Democratic Institutions and Human Rights (ODIHR) legal review of the draft Law to be published, and claimed – falsely – that the ODIHR was responsible for this delay. In reality, the ODIHR had recommended to Kazakhstan that the Legal Opinion be made public, as is normal practice. The OSCE / ODIHR review was eventually published in February 2009, when the proposed Law was with the President for signature.

The Law was found to be unconstitutional by Kazakhstan's Constitutional Council and not signed by the President. Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and Rule of Law pointed out to Forum 18 that the Constitutional Council's ruling on the draft Law implies that the current Religion Law is also unconstitutional, as the ruling cited the Constitutional ban on limitations on freedom of religion or belief. To seek a Constitutional Council review of the current Law, it would be necessary for either 20 per cent of parliamentary deputies from both houses, a judge, or a senior government member to refer the Law to the Council. Human rights defenders such as Ninel Fokina of the Almaty Helsinki Committee think it would be very difficult for this to happen.

Kazakh human rights defenders have told Forum 18 that they think that the provisions of the draft Law will be re-introduced after Kazakhstan ceases to be the OSCE Chairperson-in-Office at the end of 2010. Forum 18 understands that shortly before Parliament approved the Law, the then Foreign Minister Marat Tazhin – who is understood to be strongly in favour of it – suggested that the Law be postponed until after 2010.

In December 2011 Parliament plans to consider amendments to the NGO Law. The details of these are unknown as yet, but they may target religious organisations.

#### Planned new Administrative Code

Moves are underway to complete a new Code of Administrative Offences, a major piece of legislation. In July 2009 the Justice Ministry made public its initial draft. The draft was then sent to the Presidential Administration for approval before being approved by the government for further transmission to Parliament. The draft could be significantly amended before it reaches final approval, however Kazakhstan has not sought the assistance of the OSCE in reviewing the draft, to help the country implement its commitments on fundamental freedoms and the rule of law.

Two Articles in the current Code attack the peaceful exercise of freedom of religion or belief. Article 374-1 – first introduced in 2005 - punishes leading, participating in or financing an unregistered religious community or social organisation. Article 375, a broadly framed article, punishes "violating the Law on Religion" (including by leaders who reject state registration) by communities whose activity "contradicts their aims and tasks" or which is not listed in their state-approved statutes, and by individuals who conduct "missionary activity" without a special licence from the state.

"Offences" under these Articles are punishable by fines of up to 300 times the minimum monthly financial unit and temporary or permanent bans on a religious organisation's activity. Foreign citizens or those without citizenship found guilty of conducting unauthorised missionary activity are liable to deportation.

The Justice Ministry draft leaves Article 374-1 unchanged, moving it to a new Article 451. The draft removes two provisions from Article 375, reducing one fine from 100 times the minimum monthly unit to between 50 and 80 times; and removing as "offences" both "violating the rules for conducting religious events outside the place of location of the religious association" and "organising and conducting by servants of cult and members of religious associations of children's and youth meetings and groups not connected with the conducting of the cult". But most of Article 375 is unchanged as a new Article 452, mostly retaining the same level of maximum fines but with new minimum fines. Victims of these Articles and human rights defenders told Forum 18 these Articles should be scrapped entirely, rather than being transferred almost word for word into the proposed new Code.

## Unregistered peaceful religious activity punished

The most common violations of freedom of religion or belief are prosecutions for unregistered religious activity – even though there is no clear basis for such prosecutions. The 2005 "national security" amendments to the Religion Law changed Article 6-2 to state that formal registration [or notification] is adequate. This directly contradicts Articles 4 and 9 of the Law, which state that juridical registration is compulsory. Other legal irregularities – including the intimidation of defence lawyers – have accompanied court proceedings against groups the government dislikes, such as the Hare Krishna community.

Council of Churches Baptists – who reject state registration on principle – have been particular targets of Administrative Code Articles 374-1 and 375. Their leaders have repeatedly been fined for leading unregistered religious worship and their congregations have repeatedly been banned, often for six month periods. Baptists have complained to Forum 18 of the government's "economic war" against them simply for practising their Constitutional right to meet for worship.

Jehovah's Witnesses have also been subjected to punishments, with bans on their activity and heavy fines, particularly in the Caspian port town of Atyrau. In 2007, one was fined 100 times the minimum monthly unit and five others 50 times each. In 2008, one member of the same community was again fined 100 times, with seven others fined 50 times the minimum wage. The fines followed a raid and confiscation of religious literature. The community eventually gained registration in January 2009, with seven registration denials since 2001.

In addition, sentences under these two Articles can lead to further harassment. Rejecting state accusations that meeting for worship without state registration is a crime, Council of Churches Baptists refuse to pay fines imposed by the courts. This often leads courts to send bailiffs to issue restraining orders on property or to confiscate items of value, including cars, pigs and washing machines. Courts have also ordered that the fines be deducted at source from individuals' wages.

In several cases, refusal to pay fines or to halt worship by communities which have been "banned" has led Baptist pastors to face further charges under Article 524 of the Code of Administrative Offences (failure to carry out court decisions). In February 2009 in Akmola Region, which surrounds the capital Astana, a judge fined the pastor of one such church and imposed a permanent ban on the church. This is the first time a court in Kazakhstan has banned a Baptist church permanently. Previously such bans were imposed for up to six months.

Short-term prison sentences have also been imposed. Baptist pastor Vasily Kliver, who has been fined many times for leading unregistered worship, was given a five-day prison term in June 2009 for refusing to pay the fines, the fourth Baptist leader to be given a short sentence since 2006.

Such prosecutions can also result in people losing their employment. In January 2009, a Baptist had his main source of income confiscated and been fired from his job, because he led worship without state permission. Speaking of his former employer, who fired him after being visited by court officials, Pastor Aleksandr Kerker said that "he is not to blame though – he was afraid."

## Denials of state registration

While insisting that registration is a requirement and punishing religious communities that either do not wish to gain registration or have been denied it, officials often reject applications from communities they do not like – even though Kazakhstan has made clear OSCE commitments to allow the exercise of freedom of religion or belief without registration. This particularly affects non-Muslim communities in rural areas, especially those led by or largely made up of ethnic Kazakhs or ethnic Uzbeks. The massive fines on Jehovah's Witnesses in Atyrau in 2007 and 2008 for unregistered religious activity came after the community had applied in vain for registration since 2001. On one occasion the application was rejected because they failed to give work telephone numbers for the founding members (a number were pensioners and had no work). The government tries to ensure that all Muslim communities function within the state-backed Muslim Board and Muslim communities face great pressure to align themselves with it.

Echoing calls by local religious communities and human rights defenders for the abolition of any registration requirement was Gay McDougall, the United Nations (UN) Independent Expert on Minority Issues, who visited Kazakhstan in July 2009. "The existing law on registration of religious organisations and activities should be brought into compliance with the Constitution of the Republic and international legal standards," she declared at the end of the visit. "Such laws should in no way restrict the legitimate activities of individuals or religious groups. Repressive measures against religious groups and their members must stop immediately."

## Foreign religious workers

In addition to fines and bans handed down under Articles 374-1 and 375, foreigners have been deported for "illegal missionary activity". Among them have been foreign Muslims, Christians and Jehovah's Witnesses. In a January 2009 case, a Hare Krishna devotee was barred from entering the country after the authorities claimed a court had found him guilty of the "offence" of giving a private talk to devotees – even though the courts involved told Forum 18 that no such hearing had taken place.

In a May 2008 case, two foreign Jehovah's Witnesses were detained by police and counter-terrorist police and accused of "illegal

missionary activity" - without written evidence being presented – before being ordered to be deported. The charge itself contradicted the Kazakh legal provision that missionary activity is permitted, if it is by a registered group whose registered charter permits this. Contrary to the Vienna Convention on Consular Relations, the judge in the case denied the two detainees access to their own diplomatic representatives.

#### Harsh jail sentences

Two cases have involved long jail sentences for religious believers. In February 2008, 14 out of 15 Muslims arrested in April 2007 were given prison sentences of between 14 and 19 and a half years at a closed trial in the southern city of Shymkent. The remaining prisoner received a three-year corrective labour sentence. Zhovtis of the Kazakhstan International Bureau for Human Rights and Rule of Law characterised the KNB secret police's method of dealing with Muslims who have a different theology from the state-backed version of Islam as a "power struggle". The secrecy of the case, pretrial and trial methods and the severe punishment for crimes the men had not committed revealed that struggle, he maintained to Forum 18.

Zhovtis said he believed this was a show trial to scare other Muslims who may try to be independent in their theology and practice. Relatives and other local Muslims are concerned not only about the convicted men and their families, but also about the impact the trial and heavy sentences are already having in the area. "In the wake of this case, people in Shymkent and surroundings are afraid to talk to religious Muslims, especially those with an outward Islamic appearance," one relative told Forum 18, another stating that "this has been done to discredit Islam and believers."

The KNB secret police claim that the group was preparing to blow up its Shymkent office was, Zhovtis told Forum 18, not proven. Relatives of the men complained to Forum 18 that the KNB secret police had planted evidence and that the trial was unfair. This was strongly supported by Fokina of the Almaty Helsinki Committee. "Most of the evidence was built up on the testimony of one of the convicts, where he allegedly admitted that he knew these people were planning to cause explosions," Fokina told Forum 18.

She was also concerned that the court decided to continue the trial behind closed doors after some of the female relatives caused disturbances in the courtroom. "You know these are women and they may be emotional about the injustice done to their husbands and brothers," Fokina said. "That cannot serve as a basis to announce a closed trial. They could have reimposed order in the courtroom instead. There is a law on when a trial can be closed, and it was not respected," she stated. "The question is why journalists, civil society and international organisations were not allowed in. It looks like the court just needed an excuse to kick us out of the room."

Judge Shara Biysimbaeva, who presided over the trial, rejected these claims to Forum 18. KNB secret police and Prosecutor's Office officials involved in the case refused to discuss it with Forum 18.

In January 2009, Elizaveta Drenicheva, a Russian working as a missionary for the Unification Church (commonly known as the Moonies), was jailed for two years for sharing her beliefs in private seminars in her flat. A member of the KNB secret police had been assigned to attend the seminars. Religious believers, who strongly disagree with her beliefs, as well as human rights defenders, were alarmed by the jail sentence. "This is a highly dangerous precedent," one Protestant who preferred not to be identified told Forum 18. "It seems to me that any believer who preaches about sin and how to be saved from it could be convicted in the same way." Two months later Drenicheva's prison term was commuted to a fine, but she will still have a criminal record. Her case has been understood by religious communities and human rights defenders as an official warning that there are limits to officially tolerated activities.

#### Religious involvement with social activity restricted

The authorities have also moved against religious-inspired charitable projects. The day after a local deputy prosecutor, an officer of the KNB secret police and three ordinary police officers at the Spiritual Centre for the Rehabilitation of Drug Addicts and Alcoholics in the village of Steklyanka in East Kazakhstan Region in January 2009, which found residents singing hymns, a court ordered the Protestant-run centre closed for six months for conducting "religious measures without state registration". Prosecutors insisted this was "in violation of the aims and tasks of [the Centre's] statutes" and that conducting religious activity on the premises of a social organisation violated the Law on Social Organisations, as well as the Religion Law. The organiser of the centre, who was also fined, told Forum 18 that those who attended did so voluntarily, and could leave at any time. They were not forced to accept Christianity or participate in any religious activity if they did not wish to do so. Other religious-run charitable ventures have faced similar pressure.

A Catholic priest in Pavlodar was denied access in June 2009 to a resident of a psychiatric home who had asked for a visit so that the priest could hear his confession. The priest noted that access for Catholic priests to people in closed institutions, including prisons, had become more difficult and bureaucratic.

In 2007, Jehovah's Witnesses were barred from further visits to a prison in East Kazakhstan Region they had been visiting since 1998. When inmates who had requested the visits complained to the Prosecutor's Office, the Jehovah's Witnesses discovered that the Justice Ministry had ruled that it "did not recommend" visits by Jehovah's Witnesses to prisons. After complaints to the Human

Rights Ombudsperson, the ban on visiting the East Kazakhstan prison was overturned, though visits could not resume until June 2009. Prison officials will not let visiting Jehovah's Witnesses hand over religious literature to prisoners who want it. The regional prison administration has to approve and stamp each item of literature. This censorship is arranged by the local camp administration, and cannot be expedited by the religious community itself supplying copies of literature. The administration of other prisons from which Jehovah's Witnesses were barred in 2007 have blocked the resumption of visits.

#### Surveillance and raids

All religious communities remain under surveillance by the ordinary police and KNB secret police. In August 2009 Pastor Valeri Sudorgin of Atyrau Nazarene Protestant Church was summoned to Atyrau Anti-Terror Police, who told him to bring the church's registered charter and list of church members. Once he arrived he was questioned for some 90 minutes, photographed, fingerprinted and then released, he told Forum 18.

"Officer Amantai asked questions like 'where I was born,' 'where I came from,' 'how I became a pastor,' 'who opened the church,' 'where do the church members work,' 'how much they earn,' 'how much in offerings are collected in the church,' 'where we get funds,' 'on what means I survive,' whether there are members with court convictions,' 'whether we distribute religious literature,' 'where we get the literature from,' 'whether we hold meetings for a wider public,' 'whether we compel ethnic Kazakhs to convert to Christianity,'" Sudorgin told Forum 18.

Muslims in the same region told Radio Free Europe that the same month they were summoned and questioned by the local KNB secret police and questioned as to why they practice their faith outside the structures of the state-backed Muslim Board. One said the Board's local imam provided the KNB with lists of such local Muslims. He said he was beaten and threatened during questioning. Another had his passport confiscated for no reason, and said his wife – who covers her head – was attacked by unknown men who relatives believe were acting for the KNB. Again, officials denied all the allegations.

Many communities – particularly those described by the authorities as "non-traditional" such as Ahmadi Muslims – have faced raids, which often occur when they are meeting for worship. Officers have filmed members of communities on private property against their express wishes. They have forced or tried to force those attending such services to show their identity documents, give their home addresses, and write statements about why they were present and what they were doing. The authorities show particular interest in why children are present.

During a raid on the Ahmadi Muslim community in Semey (Semipalatinsk), eastern Kazakhstan, just before Friday prayers on 6 March 2009, two officers of the police Anti-Terrorism Department forced all those present to give their personal information and write statements about when they entered the Ahmadi movement, what differences exist between Ahmadi Muslims and other Muslims, and whether or not they were forced to join the Ahmadi movement. The leader was also asked to explain in writing why those praying at the private flat did not go to the mosque and when and why they meet in the flat.

Three weeks later, on 27 March 2009, police again raided the Ahmadis at Friday prayers and ordered all present to come to a police station for questioning and to write statements, where they were each detained for between three and four hours. As the Ahmadis pointed out to Forum 18, "this was obviously a breach of the law since the beginning."

In another example, within hours of members of the Pavlodar Grace Church arriving in the town of Uspen, police broke into the house where they were staying. Investigators pressured a local woman – who was also beaten - to sign a statement that she had been coerced into performing a religious ritual and prosecutions were opened against two of the visitors. Officials denied the allegations to Forum 18.

The Grace Church has faced repeated raids and investigations across Kazakhstan and a ban on its senior pastor – a US citizen - from entering the country. Church members have been accused of espionage, storing psychotropic (mind-altering) drugs, tax fraud and stirring up inter-religious enmity.

Several religious communities have told Forum 18 that the KNB secret police often sends officers incognito to attend religious events and spy on communities, and has tried to recruit members as informers.

#### Intrusive questioning

Hostility against freedom of religion or belief also takes the form of pressure, which has been increasing for some years, on a wide range of non-Muslim religious communities to answer highly intrusive questions – including on such matters as who a religious leaders "close friends and comrades" are. These questions are known to be presented either by way of unexpected phone calls from the authorities, or in the form of detailed questionnaires. The intrusive questions – which Kazakh human rights defenders point out are unconstitutional – have been asked nationwide, but there does not appear to be a clear pattern of when questions are asked or which non-Muslim leaders are targeted.

Completing the questionnaires has often been linked by officials with the success or otherwise of registration applications, although

registered communities are also targeted for questioning. The questionnaires, which come in two basic forms, contain very similar questions. Among the numerous questions are: the ethnicity of congregation members, their profession, their individual political preferences, "the most influential and authoritative people in the community," foreign missionaries, media contacts, "facts demanding attention on the part of state bodies," military service of congregation leaders, their foreign language knowledge, and media articles written.

The questions are presented by a number of official bodies, and it is not clear who drew them up. They appear to originate in the Justice Ministry, possibly working with the KNB secret police. Officials have variously claimed to Forum 18 that the questionnaires are "a simple formality which the religious communities need to do every now and then," or are for "a database on religious organisations." The questions have raised concern in some religious communities, while others regard them as nothing serious and feel obliged to answer them, even though they have no legal obligation to do so.

#### Threats to the property of religious communities

Religious communities the government dislikes can face problems retaining legal ownership of property. Most prominently, local officials have repeatedly moved to strip members of a Hare Krishna commune near Almaty of its property, both through the courts and using threats to individual community members. Although the community was registered locally in May 2002, official investigations began soon after during which officials at the Prosecutor's Office and the police openly declared that they would make every effort to expel the Hare Krishna community from the district.

Amid an international outcry, the authorities bulldozed 26 of the original 66 homes owned by devotees in November 2006 and June 2007. The court also stripped the commune of ownership of the separate 47.7-hectare (118 acre) farm. No compensation was ever offered for the seized farm or for the 26 bulldozed homes. Similar homes owned by non-Hare Krishna devotees on the same basis have not been touched. Since then, officials have continued to disrupt worship at the site and have threatened to seize the farmhouse, where the temple is located. In negotiations with the central government, the Hare Krishna community has been offered alternative sites, but all have been further from Almaty and unable to sustain any agriculture.

Religious communities are often reluctant to discuss official threats to their property. But other known examples include cases launched by Almaty regional Public Prosecutor's Office in 2008 against Christian and Muslim religious organisations. Among them is Agafe Protestant Church, the regional Economic Court ruling – despite numerous violations of due process – that the Church's building and land should be confiscated. Similar attempts to seize religious property continue elsewhere in Kazakhstan. Near the north-western town of Alga, New Life Protestant Church was evicted from its building. Also in Semey, Grace Protestant Church was forced to brick up windows, as the Fire Brigade insisted on this "in case there is a fire in the neighbouring property." The Church was also prohibited from using its own building.

Council of Churches Baptists – who meet for worship in privately-owned homes – have received numerous threats that such homes will be confiscated if they continue to use them for worship. However, although some homes have been officially sealed by court executors in recent years, none has yet been seized.

#### Implementation of commitments

Kazakhstan has promised that it will implement its UN and OSCE commitments, stated that as 2010 Chairperson-in-Office it will include a specific focus on human rights, and claims to be a place of religious tolerance. For this rhetoric to become reality, it will be necessary to:

- end attacks on religious freedom by officials ranging from President Nazarbaev down to local officials;
- end censorship of religious literature;
- end state-sponsored encouragement of religious intolerance through state programmes and the media;
- end "legal" restrictions on freedom of religion or belief;
- end raids, interrogations, threats and fines affecting both registered and unregistered religious communities and individuals;
- end unfair trials;
- end actions against foreign religious workers;
- end the jailing of a few particularly disfavoured religious believers;
- end restrictions on the social and charitable work of religious communities;



- end close police and KNB secret police surveillance of religious communities;
- and end attempts to deprive religious communities of their property. (END)

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](http://www.forum18.org/Archive.php?article_id=1351).

(Printer friendly and PDF views of this article are available at [http://www.forum18.org/Archive.php?article\\_id=1352](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>.

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](http://www.forum18.org/Archive.php?article_id=564).

Previous Forum 18 Kazakhstan religious freedom surveys are at <http://www.forum18.org/Analyses.php?region=29>.

A printer-friendly map of Kazakhstan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kazakh>.

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