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KAZAKHSTAN: "Those who initiated and adopted such laws will answer before Allah"

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Following the adoption of laws seriously restricting the ability of people to exercise their freedom of religion or belief, Kazakhstan has started closing Muslim and Russian Orthodox prayer rooms in social care institutions. "We're all in shock," Fr Vladimir Zavadich of the Orthodox Church told Forum 18 News Service. "We didn't expect this from our government. Now we fear this will happen everywhere." The Muslim Board has also protested, spokesperson Ongar Omirbek telling Forum 18 "those who initiated and adopted such laws will answer before Allah". Orthodox Bishop Gennady of Kaskelen stated that this took away "the last consolation from those people who, for health reasons, find themselves in a desperate, helpless situation". He described calls to bar priests from such homes, hospices and old people's homes as "inhumane". One Almaty care home staff member told Forum 18 that "faith is often a help for people in difficult times. There was no harm in what the imam and the Orthodox priest did". Elsewhere, two more prosecutions have been brought against Baptists for meeting for worship without state permission.

The leadership of a Care Home for people with physical disabilities or mental health problems in Kazakhstan's commercial capital Almaty has closed down two prayer room used by Muslim and Russian Orthodox residents, Forum 18 News Service has learnt. The prayer rooms were closed in April when the home underwent refurbishment. But after the new Religion Law and an Amending Law were adopted in October, the home told Muslims and Orthodox that the rooms' closure was permanent, a member of the home's staff told Forum 18.

"We're all in shock," Fr Vladimir Zavadich, the deputy head of the Social Service Commission of the Orthodox Church in Kazakhstan, told Forum 18 from Almaty on 7 November. "We didn't expect this from our government. Now we fear this will happen everywhere."

"Those who initiated and adopted such laws will answer before Allah"

A number of hospitals and health care institutions across Kazakhstan have prayer rooms – generally for Muslims or Russian Orthodox. It remains unclear whether all will now be closed down after the adoption of a new Religion Law and an Amending Law amending nine laws seriously restricting people's ability to exercise the right to freedom of religion or belief. Both laws came into force on 25 October. After the laws were signed by President Nursultan Nazarbaev on 11 October – and before they had come into force – mosques, Orthodox churches and prayer rooms in prisons began to be closed (see F18News 11 November 2011 http://www.forum18.org/Archive.php?article_id=1635).

Ongar Omirbek, Press Spokesperson of the Muslim Board, told Forum 18 that the Board had also protested at the closures. "Those who initiated and adopted such laws will answer before Allah," he told Forum 18 on 15 November. Asked whether the Muslim Board will ask the Agency of Religious Affairs (ARA) or Parliament to change the laws, Omirbek said; "There is no point, as they will not pay any attention to us". He added that "it depends on the conscience of people in the Agency and Parliament".

Closure decisions "at the level of the government"

Fr Vladimir of the Orthodox Church's Social Care Commission pointed out that the Almaty Care Home's then Director, Deputy Director and Chief Doctor had all promised in April that, after the rooms were closed for repair, they would reopen afterwards. "But as soon as the new Religion Law came along, we were told immediately that they were gone." The Orthodox prayer room has functioned for fifteen years. The letter Fr Vladimir wrote to the Director of the home was published on 6 November on the church website prtvor.kz.

Fr Vladimir's colleague, Fr Aleksandr Suvorov, noted the widespread closure of places of worship in facilities such as educational establishments, prisons, hospitals and care homes. "The government argues that having such prayer rooms allows them to be exploited by extremists," he told Forum 18 from Almaty on 10 November. "But there are no extremists in hospitals and homes for the disabled. Such extremists are out on the streets, not in homes for the dying, where people need the hope that faith brings."

The decision not to reopen the Muslim and Russian Orthodox prayer rooms was taken "at the level of the government", a care home staff member – who did not give her name – told Forum 18 on 9 November. They said had not seen any written order to close the prayer rooms permanently.

"The question has been looked at many times," they added. "Such prayer rooms have to close. We're not against such prayer rooms, but we are a state agency." The staff member stated that some of the home's 630 residents were helped by the opportunities to meet for worship offered by the prayer rooms. "Faith is often a help for people in difficult times. There was no harm in what the imam and the Orthodox priest did."

Prayer rooms "were not closed"

Forum 18 was unable to reach Gulyash Nazirova, who has been Director of the Care Home since October. Between 9 and 11 November she was either out of the home or in a meeting each time Forum 18 called. Nazirova's Secretary told Forum 18 on 14 November she would be available on 15 November in the morning. Calls on 15 November were not answered.

Zhumanali Sakenov, Deputy Head of the Department of Employment and Social Services in Almaty City Administration, which oversees the Care Home, told Forum 18 on 14 November that the prayer rooms "were not closed". He said that "because of the renovation patients have been moved into these rooms." He added that as soon as the renovation ends the prayer rooms will continue functioning. He did not want to comment on the arguments for the closure of the rooms given to Forum 18 by the Almaty Care Home's officials. He further did not want to talk to Forum 18 and put the phone down.

Svetlana Penkova, interim Press Spokesperson of the ARA, on 14 November told Forum 18 that the new Law allows in-patient religious believers or their relatives on an individual basis invite religious ministers to administer certain religious rites in hospitals but prayer rooms are not allowed. She declined to answer further questions asking Forum 18 to send questions to her in writing.

"Everyone in the Diocese is outraged"

Bishop Gennady (Gogolev) of Kaskelen told the Interfax-Kazakhstan news agency on 7 November that "it is no exaggeration to say that literally everyone in the Diocese is outraged by this development". He said it was "impossible to understand the logic and the state of the souls of the bureaucrats" who can interpret the new Religion Law "in such a way as to take away the last consolation from those people who, for health reasons, find themselves in a desperate, helpless situation". He described calls to bar priests from such homes, hospices and old people's homes as "inhumane".

Bishop Gennady said that the Synod of the Kazakh Metropolitan Region had discussed the issue on 24 October, and the bishops had subsequently written to President Nazarbaev calling for places of worship in social institutions to be retained.

One response to the letter had been from the head of the Committee in charge of prisons, which had claimed that prayer rooms could continue to function. But they avoided answering a question on whether dedicated churches and mosques would be allowed to continue functioning. However, the Committee official who drafted the response told Forum 18 that such churches and mosques built in prisons were "illegal" (see F18News 11 November 2011 http://www.forum18.org/Archive.php?article_id=1635).

Access to hospitals difficult

While some Muslim imams and Russian Orthodox priests have been able to have reasonable access to health facilities in recent years, access by religious leaders of other faiths or denominations has at times been difficult. For example in 2009 Catholic priest Fr Iosif Shmidtlein of Pavlodar was not allowed into a psychiatric care home where a resident had asked the priest to hear his confession (see F18News 10 July 2009 http://www.forum18.org/Archive.php?article_id=1325).

Similar incidents have been experienced by various leaders. For example in summer 2010 Fr Shmidtlein was called to Pavlodar Regional Maternity Hospital to baptise a baby who was seriously ill. "They let me in, but the doctors insulted me and told me not to get in their way", he told Forum 18 on 9 November.

Ayman Ospanova, Head Doctor of Pavlodar Regional Maternity Hospital, told Forum 18 on 15 November that she does not remember the case, as she would need to go into archives and see who the responsible doctors were. "Generally we have an open door for Imams, Russian Orthodox priests, and Catholic priests to come and pray."

She added that the hospital has a prayer room for Muslims as well, which has not been used in the recent past. "We will allow people to pray in the room," she said when asked whether the prayer room will be closed.

More prosecutions for meeting for worship without state permission

Meanwhile, another fine has been imposed on a leader of a Baptist Council of Churches congregation, whose congregation on principle refuse to seek state registration. Fines for meeting for worshipping without state permission are often large in relation to

the income of the person fined. If the person refuses to pay the fine – as is often the case - the authorities have at times confiscated family property such as washing machines, or deducted fines directly from salaries. This happened for example to Viktor Gutyar, a coalminer in the town of Satpaev in the central Karaganda Region who was given a large fine in September (see F18News 27 September 2011 http://www.forum18.org/Archive.php?article_id=1618).

Most recently, on 17 October Judge Nurlan Kurmangaliyev of Burabai District Specialised Administrative Court found Pyotr Zimens guilty of leading a congregation meeting without state permission in Shchuchinsk in the northern Akmola Region, Baptists told Forum 18 on 26 October. He was fined 30,240 Tenge (1,800 Norwegian Kroner, 150 Euros, or 200 US Dollars).

Zimens was prosecuted under Article 375, Part 1 of the Code of Administrative Offences ("Refusal by leaders of religious associations to register them with state bodies, carrying out of activity by religious associations not in accordance with their statute, participating in the activity of or financing political parties, violating the rules governing holding of religious events outside the location of a religious association, organising of special children's or youth meetings not related to worship, and forcing individuals to carry out religious rituals"). The case was brought after Prosecutor's Office official Argyna Aytukzhina, a local police captain, and officials of the local administration's Internal Policy Department raided the church's meeting for worship on 23 September. When the worship service was over, the officials handed three church leaders summonses to the Prosecutor's Office. After the three leaders refused to give statements, the Prosecutor's Office then prosecuted Pastor Zimens, accusing him of "wilfully violating the demands of current law. He undertakes no steps to correct this".

Burabai Court's telephones were not answered on 14 and 15 November.

Pastor Zimens told the court that he rejects the assertion that he and his congregation were doing anything wrong. He pointed out that "Kazakhstan's international human rights commitments specify that the possibility for state registration of religious communities to gain legal personality is a right – but it is not an obligation", local Baptists told Forum 18.

Pastor Zimens told Forum 18 on 14 November that an appeal he made against the fine to the Akmola Regional Civil Court was heard on 2 November in his absence, and the fine was upheld. "I only received the copy of the decision on 7 November", which was signed by Judge Abai Makitov, he said. "Tomorrow I am submitting a cassation appeal to the Regional Court."

The secretary (who did not give her name) to the Chair of the Appeal Board of the Regional Civil Court on 15 November said that Judge Makitov was not available to talk. When Forum 18 asked for the Chair of the Court, she refused to give his name but said that she could take a question for him. She took down Forum 18's questions on why the Court heard the appeal in Zimens' absence and why he was being fined for not registering his religious activity, and asked Forum 18 to wait on the line. A minute or so later she hung up, and subsequent calls went unanswered.

Zimens has been fined several times for his religious activity, for example in November 2006 and May 2008 (see F18News 30 May 2008 http://www.forum18.org/Archive.php?article_id=1137).

Did police really visit meeting?

A similar case has been opened against Aleksey Buka, a member of the unregistered Baptist congregation in Kievka in the central Karaganda [Qaraghandy] Region. Buka told Forum 18 on 14 November that Nura District Police had brought a case under Article 374-1 Part 2 of the Administrative Code ("Participation in the activity of a banned religious organisation"). The Nura District Administrative Court began hearing the case on 11 November, the next hearing being scheduled for 18 November. "The police claimed to the Court that they visited our meeting and established that this was unregistered religious activity", Buka told Forum 18. But Buka stated that the police had never visited their meetings for worship. "In fact the police visited our members' homes to gather information on us."

Why must community be registered?

Zhmagul Shuzhenov, Chair of Nura District Court, told Forum 18 on 15 November that the Baptists need to register their community. But, he said, "we do not know yet whether Buka is guilty of a violation or not".

Asked why the Baptists must register their community, Shuzhenov told Forum 18 that "the law demands it". When told that this contradicts Kazakhstan's Constitution, which provides for freedom of religion or belief, as well as the international human rights standards Kazakhstan is party to, he replied: "Let Buka and his lawyer prepare their arguments based on those points, and the Court will consider them". (END)

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

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

More reports on freedom of thought, conscience and belief in Kazakhstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=29>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Kazakhstan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Kazakhstan>.

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