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KAZAKHSTAN: "Illegal use" of property, meetings for worship stopped, independent mosque pressured

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

Kazakhstan has started moves to close down an independent mosque, Forum 18 News Service has learned. State officials have also re-started using claims of allegedly "illegal use" of property to harass religious communities the authorities dislike. For example the mosque of the Ahmadi Muslim Community in the Medeu District of Almaty, and the church of Grace Presbyterian Church in a suburb of Turkestan in South Kazakhstan Region, are both facing challenges from local Prosecutor's Offices as to whether they can be used as places of worship. The action against Grace Church was initiated by the KNB secret police. The leaders of both communities have been told by both regional Departments of the Agency of Religious Affairs (ARA) and Prosecutor's Office officials to stop worship in the buildings while investigations are conducted. Officials have stated – contrary to the Religion Law - that homes may not be used for worship, and have also used the Land Code to argue that communities' own places of worship are not places of worship. No official Forum 18 has spoken to could say how the authorities will interpret the concept of place of worship in the Religion Law. Almaty's Ahmadi Muslim community has also been targeted by the state-controlled mass media, and the ARA has also been supporting the establishment of more so-called "anti-sect centres".

Kazakhstan has – following threats made before the harsh new Religion Law was passed – started moves to close down an independent mosque, Forum 18 News Service has learned. State officials have also re-started using claims of allegedly "illegal use" of property to harass religious communities the authorities dislike. For example the mosque of the Ahmadi Muslim Community in the Medeu District of Almaty, and the church of Grace Presbyterian Church in a suburb of Turkestan in South Kazakhstan Region, are both facing challenges from local Prosecutor's Offices as to whether they can be used as places of worship. The leaders of both communities have been told by both regional Departments of the Agency of Religious Affairs (ARA) and Prosecutor's Office officials to stop worship in the buildings while investigations are being conducted.

Almaty's Ahmadi Muslim community has also been targeted by media attacks from the state-controlled mass media. The ARA has also actively supported the establishment of so-called "anti-sect centres", who actively incite hostility against religious communities the government dislikes.

Re-register or be closed

An independent mosque in Abai District in Karaganda Region, which is independent from the Muslim Board, has been pressure since January by the regional ARA Department to re-register or be closed – even though no Regulations governing re-registration have been drawn up by the ARA. The Religion Law requires all communities to re-register by 25 October, but the authorities have been demanding that small religious communities stop their activity immediately (see F18News 22 February 2012 http://www.forum18.org/Archive.php?article_id=1671). Officials threatened before the new Religion Law was adopted to use it to close down independent Mosques (see F18News 16 September 2011 http://www.forum18.org/Archive.php?article_id=1613).

Serik Tlekbayev, Head of the regional ARA Department, sent a warning letter (which Forum 18 has seen) to the Mosque on 11 January, demanding that Imam Nurmuhamed Ahmedyanov re-register the Mosque by 14 February.

Tlekbayev claims in the letter that the Religion Law and the "approved official schedule of re-registration of religious communities and their branches" (which has not been published) states that the Mosque must be re-registered by 14 February. He referred in the letter to Articles 17 (which states grounds to refuse registration) and 18 (which governs closure of groups) of the Religion Law. Like many parts of the Law, these articles are open to arbitrary interpretation by officials (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

Imam Ahmedyanov told Forum 18 on 15 February that he had visited the Abai District Administration, who told him that he had more time to re-register. So far no action has been taken to close down the Mosque.

"We are the ARA.."

Karlygash Akhmetova, Chief Specialist of Karaganda's ARA Department, on 16 February refused to put Forum 18 through to Tlekbayev, saying that she could answer Forum 18's questions. However, Akhmetova refused to explain why the ARA is putting pressure on the Abai Mosque to re-register, and why it was asked to do so by 14 February. Instead, she sneered "Like a child you keep asking why, why."

Asked why the authorities are demanding that the registration of small communities is cancelled, she stated: "We are the ARA, and we are subordinate to state organs over us". Asked whether this meant that instructions to do this came from the central ARA in the capital Astana, she responded with a question: "Who are you, and who gives you the right to ask these questions?"

"Illegal use" ?

The state-sponsored Almaty TV national TV station on 22 February broadcast a report by reporters Altynshash Smagulova and Nurbol Kyzymbayev on the city's Ahmadi Muslim Community, and its alleged "illegal use" of its own building. The TV channel's website also published a written report of this.

"The Ahmadi who opened a religious community right in the centre of Almaty violated the Law. It turns out the authorities knew about this all along. However, they did not take any measures", the report claimed. It went on to state that "No matter how we [the reporters] tried to explain to the leaders of the community that it is illegal for them to turn the rented land plot into a worship place, they did not worry saying that the authorities are aware of the facts. The whole Islamic world rejected Ghulam Ahmad, who is the founder Ahmadi movement. The Muslim Board also gave a fatwa against them."

Yerhsat Agybayuly, former Head of Almaty's ARA Department now in Astana's ARA Department, was interviewed saying that: "Those who bring shame on Islam must be banned. The Ahmadi do not respect the Koran and sow discord between Muslims. The Muslim Board gave a fatwa that this community are infidels. The law-enforcement agencies know that they are a group of fraudsters."

Baurzhan Moldazhan, the most senior official in Almaty's Prosecutor's Office told that programme that "as soon as we received a letter from the local ARA Department we inspected the files at the Land Committee, and realised that they are violating the Law. The Land Committee will file a complaint against them soon."

Friday prayers stopped

Imam Rufatshan Tukamov of the Ahmadi community told Forum 18 on 27 February that the reporters came to the Ahmadi Centre in Medeu District on 20 February, and "filmed the building from outside and wanted to film inside the building but we refused and then they left". The Imam said that after the TV report they did not conduct their regular Friday prayers, the following Friday on 24 February. "We only had informal conversations and tea," he said. "We are trying to be careful to not get into trouble with the authorities." He said that he does not know how they will continue their worship in the Centre.

Journalist or state official?

Journalist Smagulova insisted she had not been asked to produce the report by the local ARA Department, but refused to say whether such a request had come from another part of the ARA. "However, I knew that the ARA Department had written to the Prosecutor's Office so I know we needed to investigate," she told Forum 18 from Almaty on 27 February. She declined to say who had given her this information.

Smagulova insisted that religious communities like the Ahmadi "need to be controlled". She said she had produced many reports about "religious sects", but declined to specify which ones she had covered. When Forum 18 commented that she sounded more like a state official than a journalist, she responded: "We need stability and control".

A closed meeting involving senior government ministers and officials discussed plans to use the media to promote "the significance and the progressiveness" of the new Religion Law breaking human rights commitments. One media company has been threatened that if it gave negative coverage of the Law the authorities would close the company down (see F18News 19 December 2011 http://www.forum18.org/Archive.php?article_id=1649).

Investigation of all property

Zhasulan Tazhibayev, current Head of Almaty's ARA Department, told Forum 18 on 27 February that on his Department's request Almaty's Prosecutor's Office are investigating the property of all the city's legally registered religious communities. "This is not only about the Ahmadi Community but all the Communities to see whether they are holding their worship in places of worship," he said.

Other communities elsewhere in Kazakhstan have stated that they have also begun to face similarly wide-ranging enquiries about their property. For example, Jehovah's Witnesses have recently faced similar inspections from local authorities in both Kyzylorda [Qyzylorda] in South Kazakhstan Region and Astana, a Jehovah's Witness told on 28 February. They did not want to discuss the

details for fear of state reprisals.

Asked whether Ahmadi Muslims can continue to worship in their building, Tazhibayev responded, "First we need to see whether it is fit for worship." Told that they had used the building for several years, and asked why the authorities are investigating the issue now, Tazhibayev claimed that the new Religion Law requires that religious worship can only be held in "places of worship." He said that the community's building was registered as a private home.

Article 7 Part 2 of the Religion Law – which like many parts of the Law is open to arbitrary interpretation - defines where meetings for worship and other activity can be held (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

"We are investigating whether they can use the building for worship"

When Forum 18 noted that the Religion Law allows religious organisations until 25 October to re-register, and asked whether the Ahmadi Community can re-register their building as a Mosque Tazhibayev after some hesitation said yes. He also hesitantly commented that "I suppose they can use their building for worship while they prepare for re-registration".

Azamat Alibekov, Chief Prosecutor of Almaty city Prosecutor's Department of Oversight of the Fulfilment of Laws in the Socio-economic Sphere, told Forum 18 on 27 February that "we are not against the Ahmadi Community's worship, but we are investigating whether they can use the building for worship under the new Law." Asked whether this means that the Community must re-register their building as a Mosque, the Prosecutor said yes.

However, Alibekov dismissed a comment by Forum 18 that the Religion Law allowed worship in homes. "The Land Code says that the land on which the building is must be used for its intended purpose, which in this case is for residence," he claimed. He said that the "purpose for use of the building must be changed in order for it to be used for worship".

In the recent past, officials have claimed, in relation to Shymkent's Ahmadi Muslim Mosque, that using homes or land for religious purposes violates Article 65 of the Land Code (see F18News 7 June 2011 http://www.forum18.org/Archive.php?article_id=1577).

Part 1 of paragraph 1 of Land Code Article 65 states that landowners shall use the land for its designated purpose. Article 65 goes on to state that landowners must follow sanitary and environmental regulations, and not cause harm to the health of the population or the environment as a result of their commercial or other activity. The Article also states that landowners must protect flora and fauna, natural resources, the historical-cultural legacy, and other objects of state importance. Nowhere in the Article is the use of land for religious purposes banned.

What will "place of worship" mean?

Prosecutor Alibekov could not answer why the Ahmadi Community is not allowed to use the building for worship while they prepare for a re-registration application before the deadline of 25 October.

No official Forum 18 has spoken to could say whether the authorities will interpret the concept of place of worship in the Law as any building registered as a place of worship, or will require this to be buildings with specific architectural features and in a specific location.

Until mid-2008 using property cases to harass communities was a common official tactic, but since then such cases had until now declined. For example, in August 2008 six property cases were known to have been initiated against Christian and Muslim religious organisations in Almaty Region since mid-June (see F18News 20 August 2008 http://www.forum18.org/Archive.php?article_id=1174). A more recent case was a fine imposed on the Ahmadi Muslim Mosque in the southern city of Shymkent for allegedly illegal land use (see F18News 7 June 2011 http://www.forum18.org/Archive.php?article_id=1577).

Another "illegal use" ?

Religious communities in Almaty are far from the only communities to face demands that they stop using their own buildings to meet for worship. In South Kazakhstan Region officials of the city of Turkestan's Prosecutor's Office on 20 February visited the Protestant Grace Church in the suburb of Kentau, and summoned Pastor Vadim Tsoy to the Prosecutor's Office the following day. There he was told that the Church is "illegally using a private home for religious worship." Pastor Tsoy told Forum 18 on 27 February.

Officials told him that the Church must stop worship in the building, while an investigation is carried out to see whether the building can be used as a place of worship.

"The argument given by the officials was that the new Religion Law requires that religious worship can only be conducted in a place

of worship, not in a private home", Pastor Tsoy stated. He said that when he told officials that the Law allows worship in private homes, he was told that the land on which the home is was intended - based on the Land Code - for residential use not religious activity.

Prosecutor's Office officials used Article 7 Part 2 of the Religion Law – which like many parts of the Law is open to arbitrary interpretation - to back their claims. This Article defines where meetings for worship and other activity can be held (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

Formal meetings for worship stopped

Pastor Tsoy said that on Sunday 26 February they did not have a formal worship meeting, but only a "conversation around tea with a few people". He added that "we are not afraid, but will be careful in the building".

KNB secret police initiated action

Turkstan Prosecutor Artykbek Pashayev told Forum 18 on 27 February that "I cannot give you any details while we are conducting an investigation". Asked why the Church cannot use its building to meet for worship, he responded that he cannot answer Forum 18's questions. This was because the request to start the inquiry was made to the Prosecutor's Office by the National Security Committee (KNB) secret police. He would not say when the investigation will be complete.

The duty officer of the South Kazakhstan Department of the KNB (who would not give his name) on 27 February refused to put Forum 18 through to its Press Service or other KNB officials. He also refused to answer why the KNB initiated the request to investigate the Church's property.

The KNB secret police was one of a wide range of government ministries and agencies present at a closed meeting in October 2011 to discuss implementation of "an algorithm of further actions for the planned implementation of the instructions of the Head of State [President Nursultan Nazarbaev]". The meeting was held to discuss implementation of the two harsh new laws restricting freedom of religion or belief (see F18News 7 December 2011 http://www.forum18.org/Archive.php?article_id=1644).

Appeal rejected

Baptist Aleksei Asetov, the first known victim of the newly widened and increased penalties for exercising religious freedom, has failed in his bid to challenge a fine imposed on him on 8 February, after an initial hearing on 19 January. This was the first known use of the expanded and increased punishments in an Amending Law adopted at the same time as the Religion Law (see F18News 14 February 2012 http://www.forum18.org/Archive.php?article_id=1666). Judge Lyudmila Klimashina of Pavlodar Regional Court rejected Asetov's appeal on 28 February.

The original 8 February verdict notes the close observation of his congregation by the Pavlodar Region KNB secret police. It provided the information to the ordinary police that the congregation has more than 50 members, leading prosecutors to conclude that it could have lodged a registration application had it chosen to do so.

All religious communities are thought to be under surveillance by the ordinary police and KNB secret police. Many are reluctant to discuss this – including KNB attempts to recruit informers - for fear of state reprisals (see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1352). There has also recently been a resumption of open attempts by the authorities to gather intrusive information (see F18News 24 November 2011 http://www.forum18.org/Archive.php?article_id=1638).

"We consider the court decision unjustified," Asetov told Forum 18 from Ekibastuz on 29 February. "As soon as we get yesterday's verdict in writing we will consider how we can appeal further." He says he does not intend to pay the fine as he believes it to be unjust.

"Why should there be so many small communities?"

Tazhibayev of Almaty's ARA Department, when asked why the authorities wish to decrease the number of registered organisations claimed that "we are not interested in closing them down". However, he then asked Forum 18: "Why should there be so many small communities? Can't they unite and have more than 50 members and get registered?"

Forum 18 commented that communities may not wish to unite, and that people have the human right to decide for themselves who they do or do not wish to meet for worship and other religious activities with. In response Tazhibayev stated that "naturally each law needs to be changed as time goes by, and when the need arises it may be changed. But at the moment we must accept it as it is".

The ARA has under the Religion Law been moving to close down small religious groups with fewer than 50 adult citizen members. The senior state religious affairs official, Kairat Lama Sharif who is Chair of the ARA, has described the closure after they were

stripped of state registration of 579 such groups as a "positive dynamic". Also, Akmola Region's senior ARA official wrote to local government officials that "the activity of small religious groups in the territory of Kazakhstan is now banned since there is no such form of religious association of citizens". Regional ARA officials are now warning such groups that they must stop any activity. Imams of independent mosques and Grace, Baptist and Seventh-day Adventist leaders have been summoned to be stripped of registration and warned not to meet. "Now our believers are afraid each time they gather for worship", one leader told Forum 18 (see F18News 22 February 2011 http://www.forum18.org/Archive.php?article_id=1671).

More "anti-sect centres"

ARA Chair Kairat Lama Sharif told its Board meeting on 3 February that the ARA is supporting the establishment of "anti-sect" centres, stating that 20 such centres have already been established, *Kazakhstanskaya Pravda* newspaper reported on 4 February.

A closed meeting involving senior government ministers and officials has discussed plans to provide more support for "anti-sect centres" which encourage intolerance of people exercising their freedom of religion or belief (see F18News 19 December 2011 http://www.forum18.org/Archive.php?article_id=1649).

Yulia Denisenko, head of the Association of Centres for Work with Victims of Destructive Religious Movements and founder of once such centre in Kostanai [Qostanay], gave the ARA meeting "several telltale examples of what destructive consequences of the pseudo-religious movements and destructive cults may bring for the families and individuals," the newspaper reported. Denisenko told the meeting that "1,200 people asked the Association for help, and as a result 34 administrative cases were brought before the courts." She also thanked the ARA for its support in opening centres.

Denisenko has long been prominent in the activity of such state-funded "anti-sect" centres, which along with the mass media attack groups the government dislikes (see F18News 5 February 2009 http://www.forum18.org/Archive.php?article_id=1250). The first such centre in Kazakhstan was opened by Denisenko in Kostanai in June 2007.

Before the adoption of the new Religion Law and the Amending Law, the state-funded "anti-sect centres" were encouraging public hostility to freedom of religion or belief through statements in the state-controlled national and local mass media (see F18News 6 May 2011 http://www.forum18.org/Archive.php?article_id=1568). (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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