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KAZAKHSTAN: "We have our own norms"

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

Kazakh officials have denied to Forum 18 News Service that a raid on a religious community was a raid. "You can't call this a raid," commented Atyrau region Deputy Prosecutor Aspenbi Zharylgasov on a Prosecutor's Office raid on a Jehovah's Witness worship service. Officials confiscated religious literature, filmed those present and are prosecuting six Witnesses for unregistered religious activity. The raid and prosecutions may have been sparked by the community's latest registration application, the fourth in six years. Amanbek Mukhashev, head of the state Religious Affairs Committee, also denied that the raid was a raid, earlier asking the Jehovah's Witnesses "Why do you want to go there? It's a region where Muslims live." Protestant churches have had similar problems in Atyrau region. Asked how denying the right to freedom of thought conscience and belief to unregistered religious communities matches Kazakhstan's OSCE human rights commitments and its ambition to chair the OSCE, Mukhashev replied "we have our own norms."

Six years after Jehovah's Witnesses in the Caspian Sea port of Atyrau in western Kazakhstan first applied for legal status, the local Justice Department is still denying them registration. Officials insist that without such registration, all their religious activity is illegal. On 6 May six prosecutor's office staff raided their worship service in a private home, confiscated religious literature and filmed the 30 Jehovah's Witnesses present without their permission. Six Jehovah's Witnesses are facing court trial for offences against the Administrative Code on 29 May.

"You can't call this a raid," Aspenbi Zharylgasov, Deputy Prosecutor for Atyrau Region, maintained to Forum 18 News Service from Atyrau on 24 May. "But they don't have the right to break the law. They can't meet without registration."

Jehovah's Witness leader Fyodor Zhitnikov believes the raid and the court cases have been deliberately timed, as the community lodged its fourth registration application in March. "We suspect that these actions have been taken to prevent our community getting registration," he told Forum 18 on 24 May. "Officials are looking for a verdict which they can use as an excuse for continuing to deny registration."

Zhitnikov told Forum 18 that he met the head of the Justice Ministry's Religious Affairs Committee, Amanbek Mukhashev, several months ago to discuss the problems in Atyrau. However, Mukhashev had complained: "Why do you want to go there? It's a region where Muslims live." Zhitnikov says this may lie behind the problems, as Atyrau Region is the only part of Kazakhstan where Jehovah's Witness communities cannot gain registration.

Mukhashev of the Religious Affairs Committee refused to confirm or deny to Forum 18 whether he had said this to Zhitnikov. However, he insisted that the Jehovah's Witness community had been denied registration according to the law. "I remember that earlier they were denied registration because six of their founders were people not from Atyrau but from Aktobe Region," he told Forum 18 from the capital Astana on 24 May. He added that he knew nothing about any raid.

The Religious Affairs Committee's Mukhashev refused to accept that religious believers have the right to meet freely in Kazakhstan. "The Religion Law says they can only do so once they've registered – all unregistered religious activity is banned," he told Forum 18. Asked how this fits with Kazakhstan's human rights commitments as a member of the Organisation for Security and Co-operation in Europe (OSCE), especially as the country seeks to chair the organisation in 2009, he responded: "Let's hope Kazakhstan will be the chair of the OSCE. But we have our own norms."

Professor Roman Podoprigora, a Kazakh law professor specialising in religious law, has pointed out that Kazakh law contradicts itself over whether or not registration is compulsory (see F18News 8 December 2005 http://www.forum18.org/Archive.php?article_id=701).

"At least two Protestant churches have repeatedly been denied local registration over a five-year period," Aleksandr Klyushev, head of the Association of Religious Organisations of Kazakhstan, told Forum 18 on 24 May. "They keep finding reasons not to register them." He pointed in particular to the Sun Bogim Church in Atyrau and the Grace Church in the nearby town of Kulsary. "They've been raided and fined several times over recent years."

Klyushev says restrictions on Protestant churches are tighter in Atyrau Region than almost anywhere else in Kazakhstan. "Most of the population are ethnic Kazakhs and the local authorities don't want Protestants there," he told Forum 18. Protestant communities in the region have faced fines for unregistered religious activity (see F18News 1 June 2006 http://www.forum18.org/Archive.php?article_id=792).

Some other faiths are allowed to function in the region. The Russian Orthodox Church is present, while the town is also the seat of a Catholic Apostolic Administration. Baptists of the Council of Churches – who refuse on principle to register with the state - have told Forum 18 that their congregations in Atyrau Region have not faced serious problems. "Of course they've been visited by the police, as elsewhere," one Baptist told Forum 18 on 24 May. "But as there are only three small groups they've not been harassed as much." These Baptist communities face heavy and growing fines elsewhere in Kazakhstan (see F18News 11 May 2007 http://www.forum18.org/Archive.php?article_id=954).

Mukhashev of the Religious Affairs Committee was dismissive of Baptist complaints. "No-one is persecuting them – you don't know the situation," he told Forum 18. "There are only about twenty of these Baptists in the country. Why can't they register like the other Baptists?" he added, referring to congregations of the Baptist Union which do register with the authorities. President Nursultan Nazarbayev's administration has dismissed Baptist efforts to discuss his government's attacks on them (see F18News 30 January 2007 http://www.forum18.org/Archive.php?article_id=904).

Asked why the Atyrau Prosecutor's Office decided to raid the Jehovah's Witness worship meeting, Mukhashev responded: "What do you mean, raid? They are just checking up what is going on. Perhaps they had a complaint from neighbours that people were gathering. They have to check up on any group meeting without registration."

Atyrau regional Prosecutor's Office assistant Diyaz Sultanov, who led the 6 May raid, refused to talk to Forum 18 on 24 May. After Forum 18 introduced itself and asked who had initiated the raid and why he put the phone down. When Forum 18 called back he had transferred the line to a fax machine. Sultanov has denied that any new religious communities should be registered, asking "why register yet another group of believers" (see F18News 1 June 2006 http://www.forum18.org/Archive.php?article_id=792).

The six Jehovah's Witnesses – including the local leader Aleksandr Rozinov, who was not even present at the 6 May service – have been accused of violating Article 374-1 of the Code of Administrative Offences. Some of the Jehovah's Witnesses have been charged under Part 1 of the article (which punishes leading an unregistered religious organisation), some under Part 2 (which punishes taking part in the activity of an unregistered religious organisation).

Two days after the raid, on 8 May, the congregation's leader Rozinov was summoned to the Prosecutor's Office and forced to write a statement about his activity. The six were originally due to face separate trials under Judge Rinat Aldamzhanov at Atyrau Specialised Administrative Court on 21 May. However, Jehovah's Witnesses told Forum 18 that the trials were delayed until 29 May at the request of the six.

Deputy Prosecutor Zharylgasov dismissed any concerns about the cases. "Decisions in the cases will be handed down by the court," he told Forum 18.

The OSCE has found that court proceedings in Kazakhstan do not offer the guaranteed right to a fair trial, with "the right of the public to attend court, equality between the parties and the presumption of innocence" (see <http://www.osce.org/item/23396.html>). Kazakh courts have repeatedly violated the right to freedom of thought, conscience and belief by prosecuting and convicting peaceful religious activity, such as by unregistered Baptists (see F18News 11 May 2007 http://www.forum18.org/Archive.php?article_id=954).

The Jehovah's Witnesses complain of the repeated rejection of their registration applications by the Atyrau regional Justice Department. After their third application was rejected in December 2005, the congregation tried to register in October 2006 as a small religious group with the Atyrau regional administration. However, on 28 December the Department rejected their application.

"We wrote to them to say that they had been functioning in conspiratorial conditions in Atyrau since 2000 and that we couldn't register them because they have more than the ten people that small religious groups can have," Timir Kosebaev, the head of the Department for Internal Policy at the regional administration, told Forum 18 on 24 May.

"Registration applications must give full information, including the number of members, their full names, addresses, telephone numbers, places of work and passport numbers, as well as the statute and other information," Kosebaev explained. He denied that his office had rejected the application, merely sent it back. He insisted that the Jehovah's Witnesses have never provided all the information needed to get registration, an accusation they reject. On 4 January the congregation complained against Kosebaev's action to his office and the Prosecutor's Office.

In some Kazakh regions, state registration demands information on the ethnicity ("Kazakhs, Russians, Germans, Koreans, Tatars, and Others"), family status, religious education of congregational leaders, their age and type of work and "the most acute problems worrying parishioners", as well as details of members' political affiliation. "Facts demanding attention on the part of state bodies,"

are also required by the state (see F18News 9 June 2006 http://www.forum18.org/Archive.php?article_id=797).

The community re-lodged its fourth registration application with the regional Justice Department in March. Soon afterwards, it was told that the application had been sent to the Religious Affairs Committee in Astana for an expert assessment. The official who answered the phone on 24 May at the regional Justice Department refused absolutely to answer Forum 18's questions and put the phone down.

Kosebaev of the Department for Internal Policy insisted that the community can only meet once it has registration. Asked whether it was not unpleasant for the community to be raided for meeting without registration after trying in vain to get legal status for six years, Kosebaev responded: "If they've been raided, of course that's unpleasant. But we have to find out why the Prosecutor's Office has done this."

Mukhashev of the Religious Affairs Committee refused absolutely to discuss the continuing efforts to crush the Hare Krishna commune near the country's commercial capital Almaty (see F18News 4 May 2007 http://www.forum18.org/Archive.php?article_id=952). When Forum 18 asked about the latest moves to seize the Hare Krishna-owned farm and destroy more of the Hare Krishna-owned homes, he put the phone down. (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=701

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806 and a survey of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

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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