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KAZAKHSTAN: "What difference does it make whether you are registered or not?"

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

Kazakhstan continues to attempt to make exercising freedom of religion or belief dependent on state permission, Forum 18 News Service has found. Council of Churches Baptists face possible confiscation of their homes if they continue to meet, Pastor Dmitry Yantsen asking rhetorically "What difference does it make whether you are registered or not?". Pastor Yantsen also noted that raids are continuing against both registered and unregistered communities. An independent mosque has been threatened with demolition with a bulldozer, Imam Kinayat Ismailov noting to Forum 18 that he thinks criminal allegations against him are to "create the grounds for his firing or closing the Mosque". Other independent mosques are being pressured into joining the state-backed Muslim Board. And the state Agency of Religious Affairs continues to find a variety of excuses to refuse to re-register churches belonging to Grace Presbyterian Church.

Over one week after the 25 October deadline for compulsory re-registration under Kazakhstan's Religion Law, which breaks the country's international human rights obligations, the government continues to attempt to make exercising freedom of religion or belief dependent on state permission. Council of Churches Baptists face possible confiscation of their homes if they continue to meet, an independent mosque has been threatened with demolition with a bulldozer while others are being pressured into joining the state-backed Muslim Board, and the Agency of Religious Affairs continues to find a variety of excuses to refuse to re-register churches belonging to Grace Presbyterian Church.

Application deadline expires

The Religion Law specifies a one-year period after the Law came into force on 25 October 2011 for all registered religious communities to submit re-registration applications (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617). ARA officials have told the local media that 25 October was the deadline to receive the applications for re-registration, and that the ARA still has one month to respond to all the applications.

Local human rights defenders in 2011 condemned both the Law and "obvious problems over its future implementation" (see F18News 13 October 2011 http://www.forum18.org/Archive.php?article_id=1624).

Forum 18 pointed out to ARA Press Secretary Svetlana Penkova on 5 November that the ban on unregistered religious activity in the new Law breaches Kazakhstan's international human rights obligations. It also noted that Article 4 of Kazakhstan's Constitution states: "International treaties ratified by the Republic shall have priority over its laws and be directly implemented except in cases when the application of an international treaty shall require the promulgation of a law." Penkova did not respond to the question, stating that she had been summoned to ARA Chair Kayrat Lama Sharif's office, and that Forum 18 could call back in 30 minutes. Subsequent calls to her went unanswered.

"What difference does it make whether you are registered or not?"

Dmitry Yantsen of the Council of Churches Baptists from Temirtau in Karagandy Region told Forum 18 on 5 November that they had "decided that we will not make changes to the principle of refusing to seek registration with the state, since we still consider it is interference with the internal matters of the Church," he said. Council of Churches Baptists follow this principle in all states they operate in.

He noted that the authorities still continue raids on their Churches, the last one being on a 29 October meeting in Almaty. A police Investigator, an official from the District Prosecutor's Office, and several other officials filmed the worship service, wrote down the names of the worshippers, and left. "We suppose that a case will be brought against the members of the Church," Yantsen told Forum 18. He also noted that there had been raids on even registered communities, such as New Life and Grace Presbyterian Churches (see eg. F18News 19 October 2012 http://www.forum18.org/Archive.php?article_id=1756).

"What difference does it make whether you are registered or not registered," Yantsen asked Forum 18. "The authorities will continue

attacking, pressuring and raiding."

Yantsen told Forum 18 that his fellow-Baptists are concerned about the situation, "especially taking into account the statements from some officials in the summer months saying that they will confiscate homes of unregistered Baptists if they continue meeting in them for worship." He added that "we are not panicking but concerned".

ARA Press Secretary Penkova, asked by Forum 18 what measures the ARA and other authorities will take against unregistered communities if they continue their religious activity without state permission, replied: "They need to obey the Laws." Asked whether the authorities will confiscate the homes where Baptists worship, Penkova said that "it is not our prerogative to take those measures, but it is the prerogative of the law-enforcement agencies. However, Baptists are obliged to respect the laws".

In an interview with Kazakhstanskaya Pravda newspaper, published on 25 October, ARA Chair Lama Sharif stated that the time for submitting documents for re-registration of religious communities had ended, and that all those organisations, which did not do so and those who will not receive re-registration "will be liquidated by the courts."

Out of 666 registered Protestant religious associations 462 have, he claimed, been re-registered and the rest [204] "will be liquidated". He also claimed that out of 48 "non-traditional" organisations – whose identity he did not specify - only 16 were registered. Lama Sharif did not specify any other religious or belief communities as being targeted for liquidation.

Independent mosques targeted

A particular target for the ARA and other state bodies has been independent mosques, and several such mosques have been closed.

Also, all Ahmadi Muslim mosques throughout Kazakhstan have been closed (see F18News 24 April 2012 http://www.forum18.org/Archive.php?article_id=1692). ARA Press Secretary Penkova told Forum 18 on 5 November that she "cannot guarantee that the Ahmadi Community will be re-registered. But I can guarantee that whatever decision the ARA will make will be based strictly on the Law."

Since the Religion law came into force, officials have issued repeated warnings that independent mosques will be closed, unless they join the state-backed Muslim Board (see F18News 29 February 2012 http://www.forum18.org/Archive.php?article_id=1673). Such independence as the Board has is being taken away from it (see F18News 29 November 2011 http://www.forum18.org/Archive.php?article_id=1640).

One independent mosque targeted for closure or take-over is the Tautan Molla Mosque in the small town of Prishakhtinsk in the central Karaganda [Qaraghandy] Region. Serik Tlekbayev, Head of the regional ARA Department, told the local Karaganda News newspaper on 30 October that the mosque will be closed as "the Mosque is not a member in the Muslim Board, the Imam in the past was put on trial for beating his wife, one third of the building is old and can collapse at any moment, and lastly there were many mistakes in their Charter."

Imam Kinayat Ismailov of the Mosque told Forum 18 on 5 November that he was told today (5 November) by the regional ARA Department that his mosque will be closed down. Imam Ismailov had applied on 21 September and received a letter from Karagandy DRA that the Mosque's founding documents are being checked by the experts of the ARA in the capital Astana, and that the re-registration process was halted.

Despite this, Karlygash Akhmetova, Chief Expert of the Karaganda regional ARA Department, told Forum 18 on 5 November that the closure decision had been conveyed to Imam Ismailov, but refused to discuss it with Forum 18. She claimed she was not authorised to discuss this. Asked who Forum 18 could discuss the closure decision with, she said that only with ARA regional Head Tlekbayev could discuss it. She then claimed that Tlekbayev was not available to talk.

To "create the grounds for his firing or closing the Mosque".

Imam Ismailov vehemently denied to Forum 18 that he beat his former wife, noting that they were divorced in 2008 and had had no relationship since then. He said that a criminal case brought against him in 2010 alleging that he beat his former wife was fabricated by the local authorities and the Muslim Board's local representatives.

Asked by Forum 18 whether he would like to join the Muslim Board, the Imam noted the great pressure brought to bear on all independent mosques. He stated that those he knew of would – if given a free choice – like to remain independent and be registered as such.

The Imam said that he has been working as the Imam in Prishakhtinsk since 1998, and that he was at that time working with the Muslim Board. "But it was impossible to cooperate with the Board", he told Forum 18. "I then with my own money bought the current building, which used to be a shoe factory, repaired it, and turned it into a Mosque." The Imam then registered it as an independent Mosque in 2008.

"Demolish the Mosque building with a bulldozer"

Imam Ismailov told Forum 18 that "[ARA regional Head] Tlekbayev a couple of months ago in the summer visited our Mosque to inspect our activity and the property along with officials from the District Administration. He told me that he will close down our Mosque, and even demolish the Mosque building with a bulldozer."

Kazakhstan has used bulldozers before to violate freedom of religion or belief, when the country with no warning used bulldozers to destroy Hare Krishna devotees' homes in November 2006 (see F18News 8 December 2006 http://www.forum18.org/Archive.php?article_id=885).

Independent mosques join Muslim Board

Imam Nurmukhamed Ahmedyanov, of the formerly independent Abai Mosque in Karaganda told Forum 18 on 1 November that he had signed an agreement with the Muslim Board. He had received assurances from the Board that he will continue as the Imam of the Mosque. "I was received very warmly at the Muslim Board on 25 October, and given the assurances that our Mosque will receive re-registration, and that I will be able to continue as the Imam of it," he said. The Imam did not wish to discuss anything further, or whether in future he will be free to make independent decisions, or preach sermons that have not given to him by the Board.

Other imams of independent mosques, who wished to remain unnamed for fear of state reprisals, have told Forum 18 they have faced heavy pressure from the authorities to join the state-controlled Muslim Board. Because of the pressure they may join the Board if they are able to retain property rights to the buildings used as mosques, and they are allowed to remain as imams.

Pressure has been brought to bear on Muslims who financially support independent mosques to pressure their imams to join the Muslim Board. Great pressure has also been brought directly to bear upon the Imams themselves – via such devices as threatening meetings and many phone calls - to join the Board or have their mosques closed. These took place even while the Religion Law was being adopted (see F18News 16 September 2011 http://www.forum18.org/Archive.php?article_id=1613).

Long-standing state hostility to independent mosques

Threats to try to force independent Muslim communities to join the Muslim Board pre-date the Law being made public (see F18News 14 October 2010 http://www.forum18.org/Archive.php?article_id=1498). There has also been state pressure on mosques which have traditionally catered to worshippers of one ethnic background (see F18News 4 November 2010 http://www.forum18.org/Archive.php?article_id=1506).

Forced reduction in communities to comply with Law

To comply with the Religion Law, Grace Presbyterian Church has had to reduce the number of its 70 officially registered Churches across Kazakhstan to 14. This would enable the rest to be branches, Pastor Dmitri Kan of Grace Presbyterian Church told Forum 18 on 1 November. "So it is very important for us that at least those 14 get re-registration, since the others will be legally dependent on them."

The Religion Law has imposed a complex tiered system of registration, as well as banning communities with under 50 members and those who do not have state permission to exist (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

Registration denials and excuses

However, of the 14, the Grace Churches in Kandygash (Aktobe Region), Karaturyk (Almaty Region), Oskemen (East Kazakhstan Region), Atbasar (Akmola Region), Temirtau (Karaganda Region) and the capital Astana have not received re-registration. In Ekibastuz (Pavlodar Region), the church was denied re-registration, with the ARA claiming that one reason was that some in the list of founders were also signatories as founders to other re-registration applications. Pastor Kan told Forum 18 that, in the case of Ekibastuz (some of whose members also went to the Church in the city of Pavlodar itself) "these Churches are no so far from each other being in the same region. Members freely attend both churches, and so some of them signed as founders for both." He also noted that "the Law does not specify that the same person cannot be a founder of two different communities".

In Astana, the ARA has told Grace Church that the police asked them to stop the re-registration process because of a criminal case. This claims that the health of a woman was damaged by churches, and has been the ostensible basis for raids on churches in different parts of Kazakhstan - Grace Church in Astana and New Life Church in Oral (Uralsk) (see F18News 19 October 2012 http://www.forum18.org/Archive.php?article_id=1756).

Just before the re-registration deadline of 25 October, the ARA regional Department in Astana claimed it could not verify or get in

touch with six of the Astana founders. "We collected the six founders, who had to ask for time off from their employers twice within one week, and took them with their passports to the ARA the last time being on 29 October. Each time", Pastor Kan said, "the ARA gave different excuses saying that they were busy and could not receive them at that moment."

Officials have also pressured signatories on re-registration applications to remove their names from applications (see F18News 24 October 2012 http://www.forum18.org/Archive.php?article_id=1758).

Grace Presbyterian Church is among the religious communities that has found that "expert analyses" by the ARA are obstructing communities gaining state registration and so permission to exist (see F18News 30 May 2012 http://www.forum18.org/Archive.php?article_id=1708).

ARA Press Secretary Penkova, asked by Forum 18 why six of Grace's Churches did not receive re-registration, while a seventh was denied re-registration, replied: "I need to find out from my colleagues in what stage the examination of their documents is," she said. Asked whether the criminal case against the Astana Grace will affect their re-registration she also could not say. (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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