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KAZAKHSTAN: Mosque again denied legal status, Imam dies, electricity "temporarily" cut off

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

Kazakhstan has once more denied legal status to the Din-Muhammad Mosque community in Petropavl and the regional Justice Department has refused to tell the community or Forum 18 News Service what exactly is wrong with their application, despite the authorities claiming it is "not truthful". An official of the Religious Affairs Department stated that the authorities have not stopped the Community using the Mosque as "we do not want to stir up the Tatars and Bashkirs". But a community member stated that "we all know that sooner or later we will be forced out of the building". Muslims think that the death from a heart attack of the community's Imam, Rafael Ryazapov, was caused by heavy state pressure on the mosque and its members. On the first day of Ramadan (and 11 days after Imam Ryazapov's death), Mosque community members could not meet for night prayers as the authorities cut off the electricity supply. Also, three Turkish academics have been deported from a Sufi-named university for Sufi activity, Muslim prisoner of conscience Saken Tulbayev is being kept in "awful" conditions, and a criminal case against Baptist Nikolai Novikov is not yet closed.

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Mosque community members think that the 7 June death from a heart attack of the community's Imam, Rafael Ryazapov, was caused by heavy state pressure on the mosque and its members. On the first day of Ramadan (and 11 days after Imam Ryazapov's death), Mosque community members could not meet for night prayers as the authorities cut off the electricity supply.

Also, three Turkish academics have been deported from the Sufi-named Ahmet Yesevi University – a joint venture between the Turkish and Kazakh governments - for sharing Sufi teachings with their students. The three - Turgay Dincay, Ilyas Ordueri, and Recep Cengiz - were also fined.

Muslim prisoner of conscience Saken Tulbayev, sentenced on 2 July to four years eight months jail in a labour camp and banned from exercising freedom of religion or belief from his scheduled December 2019 release until December 2022, is according to his lawyer being kept in "awful" conditions. An appeal against his conviction was filed on 14 July.

And a criminal case against Baptist Nikolai Novikov is not yet closed, but is expected to be closed once the Prosecutor in the case signs a police report.

Mosque legal status application refused again

Kazakhstan has once more denied legal status to the Din-Muhammad Mosque community in Petropavl in North Kazakhstan Region. On 28 April the regional Justice Department rejected the Mosque's latest registration application, which the Mosque community submitted on 9 February. Ibrahim Akhmedjanov, the Chair of the Community elected on 25 December 2014, told Forum 18 on 16 July 2015 that the Community has since early May several times written to the Justice Department and the Religious Affairs Department to find out what exactly is wrong or missing in their founding documents, but have not received a clear response.

The Din-Muhammad Mosque, which mainly serves ethnic Tatars, was built in 1852, forcibly closed down in the 1930s under Stalin, and reopened after the end of the Soviet Union. The state-backed Muslim Board insists that only the Sunni Hanafi school of Islam is allowed, with all other approaches being banned, and that all mosques must be controlled by the Board (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

The Mosque is Sunni Hanafi but independent of the state. All independent mosques, like the Din-Muhammad Mosque, have come under severe state pressure – including threats to use bulldozers - to close or be taken over. The Mosque may possibly be the last

remaining publicly-accessible mosque independent of the state-backed Muslim Board (see F18News 2 October 2013 http://www.forum18.org/archive.php?article_id=1882)

Who is "not truthful"?

The Justice Department's 28 April 2015 rejection letter claims that "based on the expert opinion of the North Kazakhstan Religious Affairs Department the information provided in the documents about the Community is not truthful", that the "foundations of the religious teachings of the Community and their religious movement not indicated", that "not everything is clear about the organisational structure of the Community", and that "there are spelling and style errors in the translation of the Charter of the Community into the Kazakh language". No specific information is given to back any of these wide-ranging allegations.

Dinara Shaldybayeva of the regional Justice Department would not on 9 July give Forum 18 any reason for refusing registration to the Din-Muhammad Mosque. She claimed the reason "was written in the conclusion from the Religious Affairs Department". When Forum 18 asked what exactly was wrong in the Community's application or founding documents, Shaldybayeva would not answer the question. "If a conclusion is negative, how can we ignore it?" She added that the Community has the right to go to court. "I see no illegality in our action."

Nazhiba Akkuzhina, Chief Expert of the regional Religious Affairs Department, claimed to Forum 18 that "I don't know if the registration application was seen in this Department". When Forum 18 pointed out that the Justice Department claimed that the refusal to register the Mosque was based on the negative opinion of her Religious Affairs Department, she claimed that "I cannot say if we were involved".

Community Chair Akhmedjanov told Forum 18 that "we removed from our name the title Tatar-Bashkir, and gave our name as the Din-Muhammad Muslim Community. Officials had insisted to us in the past that this was the main stumbling block. But the authorities seemingly do not want to register us at all."

A member of the Community, who wished to remain anonymous for fear of state reprisals, on 15 July commented to Forum 18 that "the authorities will always find some reason, something wrong, in our applications to deny us a right to exist". They stated that the authorities "deliberately continue to ignore the needs and wishes of the Tatars, and by their actions want to crush the will of members of the Community".

Since 2012 the Din-Muhammad Mosque community has been struggling against strong state pressure on its Imam and members to gain state registration. On 4 February 2014, three officials of a Liquidation Commission appointed by a court to dissolve the community arrived at the Mosque to prepare an inventory of all its possessions. "The mosque is to be handed over to another religious organisation", Marat Zhamaliyev, deputy head of the regional Finance Department, told Forum 18. He refused to say which religious community the mosque will be given to. Told by Forum 18 that the mosque community still exists, regularly holds the namaz (prayers) in the mosque and intends to continue to exist, Zhamaliyev responded: "We're not liquidating the mosque, we're liquidating the community". He insisted that the juridical community had been liquidated by a court and therefore did not exist (see F18News 5 February 2014 http://www.forum18.org/archive.php?article_id=1924).

"We do not want to stir up Tatars and Bashkirs"

A Muslim, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 15 July that an official of the Religious Affairs Department some time ago told them that the reason the authorities have not stopped the Community using the Mosque building is that: "We do not want to stir up the Tatars and Bashkirs". The Muslim did not wish to name the official, fearing reprisals. "But we all know that sooner or later we will be forced out of the building", they said.

Illegal state demands, heavy pressure

Kazakhstan demands that groups of people can exist as a religious community and exercise freedom of religion or belief only if they have state permission. This is gained via a complex and restrictive state registration system, including examinations of a community's beliefs that are illegal under Kazakhstan's international human rights obligations (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

The ban on exercising human rights without state permission violates international law, as is outlined in the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (see http://www.legislationline.org/download/action/download/id/5719/file/VC_ODIHR_Guidelines_Legal_personality_religious_communities_2014_en.pdf). Kazakhstan is both an OSCE participating State and a Venice Commission member state.

No independent mosques or Shia Muslim communities have been given state permission to exist. Neither have any Ahmadi Muslim communities, all of which have been forcibly closed by the state (see F18News 23 November 2012 http://www.forum18.org/archive.php?article_id=1769). The state also subjects Muslim communities to special language restrictions

which do not apply to other faiths – officials demand that they use Kazakh rather than the language of their choice (Russian, Tatar, Chechen, Azeri) for sermons. Unlike communities of other faiths (Russian Orthodox, Armenian Apostolic, Jewish) they cannot have an ethnic affiliation in their name. The Din-Muhammad Mosque's efforts to negotiate an exception were rejected (see F18News 2 October 2013 http://www.forum18.org/archive.php?article_id=1882).

Will the Din-Muhammad Mosque community be registered?

Baurzhan Bakirov, Head of the section overseeing work with mosques of the Culture and Sports Ministry's Religious Affairs Committee in the capital Astana, on 16 July claimed to Forum 18 that the Committee is waiting for Ramadan to be over, and "then we will register them." Asked how this is possible when the authorities rejected the Mosque's latest application, and under what conditions they will be registered, he stated that the Mosque must be controlled by the state-backed Muslim Board. "We will have the Muslim Board and the Community come together and sign an exclusive agreement that the community will be under the auspices of the Board, and that the Board will not interfere in how the Community uses their building and they will be able to elect their Imams."

Community Chair Akhmedjanov told Forum 18 that "this is not possible as the Charter of the Muslim Board clearly states that the buildings of mosques under its auspices are its property". He noted that "we want our property back and the restoration of our property rights. They are not willing to do this".

Death of Imam Ryazapov

The Din-Muhammad Mosque's Imam Rafael Ryazapov died of a heart attack on 7 June, after the authorities' 28 April rejection of the Mosque community's latest registration application. Several Community members, who wished to remain anonymous for fear of state reprisals, told Forum 18 that they thought Imam Ryazapov suffered a heart attack because he was under constant pressure from the authorities. One person stated that "Imam Rafael was a good man, struggled for years to receive registration without success, and was under tremendous pressure from the authorities. He could not bear it any longer and suffered a heart attack."

Imam Ryazapov has indeed faced heavy state pressure. For example, on the night of 20 December 2012 the ARA (Agency of Religious Affairs, now replaced by the Religious Affairs Committee) telephoned the Imam and some elderly members of the community demanded they attend an 09.00 meeting with the Head of North Kazakhstan Region's administration, Serik Bilyalov. He threatened them that if they did not join the Muslim Board the community would be liquidated and the mosque would be taken over by the local authorities who would use it for some public non-religious purpose. A central ARA official claimed to Forum 18 that "there is no pressure on the mosques" (see F18News 25 January 2013 http://www.forum18.org/archive.php?article_id=1794).

Imam Ryazapov himself on 15 December 2014 told Forum 18 that "we live under constant fear that any time we will be thrown out of the Mosque since, according to court documents, it no longer belongs to us" (see F18News 19 December 2014 http://www.forum18.org/archive.php?article_id=2025).

Asked whether she thought state pressure on Imam Ryazapov and the Community hastened his death, Akkuzhina of the Religious Affairs Department responded: "Of course it's a big loss for the city, but I can't say the reason [for his death]".

Electricity cut off on first day of Ramadan

Community Chair Akhmedjanov stated that on 18 June, the first day of Ramadan (and 11 days after Imam Ryazapov's death), Mosque community members could not meet to pray the Taraweeh prayer service as Petropavl Energy Department officials cut off the electricity supply. "We asked the Department in writing to restore electricity to the Mosque, and they did this the next day", he stated.

However, the Energy Department described the restoration of power as "temporary until 1 August". The Energy Department told the Community that they should get their documents in order before then. Akhmedjanov explained to the Energy Department that they cannot do this as their most recent registration application was rejected.

Zinaida Gorodnichyeva of the Division of the Energy Department responsible for agreements, whose officials cut off the Mosque's electricity, stated that the Community "should before 1 August explain in writing that they are in the process of gaining registration". "Maybe," she told Forum 18 on 17 July, "our Division will temporarily provide them with energy after 1 August". She would not state how long "temporarily" meant and then refused to talk to Forum 18, stating that further discussion must be between the Community and her Division.

In late 2013 the Din-Muhammad Mosque also suffered from a brief cut off of its electricity supply (see F18News 21 November 2013 http://www.forum18.org/archive.php?article_id=1898).

Turkish academics deported from Sufi-named university for Sufi activity

Three Turkish academics working at the Ahmet Yesevi University in Turkestan in South Kazakhstan Region - Turgay Dincay, Ilyas Ordueri, and Recep Cengiz – were on 9 June fined and later deported from Kazakhstan, according to the court decisions seen by Forum 18. All three were accused of illegally teaching their students the "unregistered in Kazakhstan Naqshbandi Muslim religious movement's teachings", as well as being involved in "illegal missionary activity" from November 2014 until February 2015. The authorities also confiscated religious books and DVD disks from the three which had not been censored by the state.

Judge Svetlana Imankulova of Turkestan City Court fined all three the maximum penalty of 100 Monthly Financial Indicators (MFI), or 198,200 Kazakh Tenge (about 8,630 Norwegian Kroner, 970 Euros, or 1,050 US Dollars) with deportation under the Code of Administrative Offences' Article 490 ("Violation of the Religion Law") Part 3. This part bans: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan".

"They were fined because they taught religion privately in their rented flats in Turkestan without prior state permission", Saltanat Kulzhesarova of Turkestan City Court's Chancellery told Forum 18 on 7 July. She added that "they taught the teachings of Naqshbandi which is not accepted as the official version of Islam in Kazakhstan".

The Naqshbandi movement is a prominent part of the Sufi mystical tradition within Islam. The state-backed Muslim Board insists that only the Sunni Hanafi school of Islam is allowed (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939). But the Naqshbandi movement and the Hanafi school are not seen by many Muslims within either to be mutually incompatible.

Ironically, Ahmet Yesevi University is named after the 12th century Sufi poet of that name from what is now Kazakhstan. The University is a joint venture of the governments of Turkey and Kazakhstan.

Judge Nurmakhan Zhumatayev of the Regional Court on 30 June rejected Ordueri's appeal and his deportation order entered into force on 30 June. The deportation order for Dincay and Cengiz entered into force on 19 June as they did not appeal within the 10 days allowed for an appeal.

In January 2013 Kazakh members of a Naqshbandi movement – which the authorities stated they had closed down – were fined under Administrative Code Article 375, Part 3 for "illegal missionary activity" in a private home (see F18News 22 January 2013 http://www.forum18.org/archive.php?article_id=1792). (Article 375, Part 3 has now been replaced by Article 490, Part 3 – see F18News 21 July 2014 http://www.forum18.org/archive.php?article_id=1979.)

Another Turkish academic at Ahmet Yesevi University, who wished to remain unnamed for fear of state reprisals, told Forum 18 that the punishments did not affect the other Turkish teachers or employees. They did not wish to discuss the cases.

Muslim prisoner of conscience in "awful" conditions

Muslim prisoner of conscience Saken Tulbayev was on 2 July sentenced to four years eight months jail in a labour camp and banned from exercising freedom of religion or belief from his scheduled December 2019 release until December 2022, despite his family and others insisting that evidence was planted by police and false witnesses produced (see F18News 8 July 2015 http://www.forum18.org/archive.php?article_id=2078).

Ayman Umarova, Tulbayev's lawyer, told Forum 18 on 16 July that the prison where Tulbayev is kept "is awful". She added that "I cannot imagine what the conditions in the incarceration room are".

Umarova met Tulbayev on 13 July to discuss the appeal, and it was filed on 14 July.

Case against former Baptist prisoner of conscience not yet closed

A criminal case against Council of Churches Baptist Nikolai Novikov is not yet closed. He had refused to pay a 2013 fine for offering uncensored religious literature on the streets. He has also refused to pay other fines he was given for exercising his freedom of religion or belief, as they are unjust (see F18News 17 April 2015 http://www.forum18.org/archive.php?article_id=2056). But the police told Novikov that after appeals from what they described as "half the world" the case – which violated legal procedures – was being closed (see F18News 10 June 2015 http://www.forum18.org/archive.php?article_id=2072).

Novikov told Forum 18 on 16 July that Police Captain Aydin Ispolov in early July told him that the police have reported to the Prosecutor's Office that it has closed the case without an indictment. But the case will be considered finally closed only after the Prosecutor signs the report. Captain Ispolov told Novikov that he thinks that the Prosecutor will sign, but that it will take some time because of procedures. He asked Novikov to call him in August.

Like dozens of Council of Churches Baptists with unpaid fines, Novikov remains on the Justice Ministry's list of those banned from

leaving Kazakhstan. (END)

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 more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1939.

For a personal commentary from 2005 on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

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.

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