

27 July 2004

KAZAKHSTAN: Is religion extremism?

By Igor Rotar, Forum 18

A draft law on "combating extremist activity" and amendments to existing laws about the "battle against extremist activity" do not define what "extremism" is. This makes it possible to use the proposed measures against religious communities the state dislikes, such as the unregistered Baptists. For example, concern has been expressed that the word "religious" appears 10 times in the draft law on combating extremist activity. One local lawyer told Forum 18 News Service that, if the law is passed, Kazakhstan could decide to close down religious communities based on information from oppressive regimes such as North Korea. Very few religious leaders are aware of the law's text.

Human rights groups have expressed concern about a draft law on "combating extremist activity" currently going through the lower chamber of Kazakhstan's parliament, as well as a draft law to amend and supplement existing laws affecting the "battle against extremist activity". At the same time as this, fresh pressure is being applied to the unregistered Baptists (see F18News, 20 July 2004 http://www.forum18.org/Archive.php?article_id=365).

The Kazakhstan International Bureau for Human Rights, the Almaty Helsinki Committee and the International Center for Not-for-Profit Law are among those criticising these draft laws, which they believe might restrict individual rights. Ninel Fokina, head of the Almaty Helsinki Committee, told Forum 18 News Service she believes they might specifically threaten religious believers' rights. She is alarmed that the word "religious" appears 10 times in the draft law on combating extremist activity, even though religion and extremism are different concepts

The draft law is open to being used against religious communities the authorities dislike, as no clear definition of "extremism" is given. Article 1 of the draft law defines extremism as "the organisation and/or the carrying out of actions by a person, group of people or organisation in the name of organisations that are formally recognised as extremist". This definition of "extremism" is so vague that it could be applied to any religious association.

According to Article 6 of the draft law, "the state agency for relations with religious associations will: conduct studies and analysis of the activity of religious associations that have been set up on the territory of the Republic of Kazakhstan, and of foreign citizens who engage in preaching and/or preaching any form of religious doctrine by means of religious educational activity: implement information and propaganda measures on issues that relate to its area of jurisdiction; consider issues relating to infringements of legislation on freedom of conscience and religious associations; make recommendations on banning the activity of religious associations that infringe the legislation of the Republic of Kazakhstan on combating extremist activity". This article substantially strengthens state control over the life of religious communities and, yet again, no definition of "extremist" is given.

The second part of the same Article 6 of the draft law requires state agencies to give the public prosecution agency documents of unclear status to help prove allegations of "extremism". These documents may vary widely in origin and reliability. The draft Article reads: "In order to prevent extremist activity by a foreign or international organisation on the territory of the Republic of Kazakhstan, a foreign or international organisation that carries out extremist activity on the territory of other states will be designated extremist by the court of the city of Astana by means of a declaration by the procuracy [public prosecution] agency in a manner prescribed by legislation of the Republic of Kazakhstan. Kazakhstan's state agencies are obliged, within the limits of their competency, to give the procuracy agencies documents to establish the evidence required to identify a foreign or international organisation that is carrying out extremist activity on the territory of other states".

The proposed addition to Article 317-7 of the State Procedural Code is very unclear about the sources and status of the information which must be provided to a court by a state agency that wants an organisation to be declared "extremist". The proposed addition reads: "The statement must set out the circumstances which confirm that a foreign or international organisation on the territory of whatever state is carrying out activity which, if it were carried out on the territory of the Republic of Kazakhstan, could be defined as extremist activity under the legislation of the Republic of Kazakhstan. The evidence contained in the declaration by the procuracy agencies designating a foreign or international organisation as extremist may also include factual information received from the competent agencies of foreign states, including legal verdicts by international courts and the courts of foreign states."

Roman Podoprigrora, a doctor of legal sciences specialising in religion, is concerned about the implications of both part two of

Article 6 and the amendments to Article 317-7 of the Civil Procedural Code. "For example, Christian religious associations and Jehovah's Witnesses are banned in many Arab states and in North Korea," he told Forum 18 on 22 July from Almaty. "Theoretically, the Kazakh prosecuting authorities may decide to close down religious communities on the basis of information received from the agencies of oppressive regimes."

However, religious leaders do not seem worried by this draft law and very few of them are aware of its text. "I have not read the draft law myself on combating extremist activity, but I am sure that it will not limit Muslim rights in any way - we are on excellent terms with the authorities," Ongar Omerbek, press officer for the country's muftiate, told Forum 18 on 23 July.

"We are aware of the new draft law, but for us, at least, it does not pose any problems. Kazakhstan is a country where the state observes believers' rights," Father Vasili Zaleznyak, dean for Almaty region in the Orthodox diocese of Almaty and Astana, told Forum 18.

"I have not yet seen the contents of the draft law on combating extremist activity, and so I cannot make any comment on its contents," the head of the Protestant Emmanuel society, Roman Dudnik, told Forum 18 on 22 July.

The head of the ruling council of Jehovah's Witnesses of Kazakhstan, Fyodor Zhitnikov, as well as a member of Kazakhstan's Ahmadiya community, both declined to comment about the draft law to Forum 18 on 23 July.

For more background, see Forum 18's latest religious freedom survey at

http://www.forum18.org/Archive.php?article_id=249

A printer-friendly map of Kazakhstan is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kazakh>

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY