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12 December 2007

KAZAKHSTAN: "Ridiculous excuses" for denying legal status

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

Lack of work phone numbers for the founders of the Jehovah's Witness community in the Caspian Sea port of Atyrau on its registration application was enough for the regional Justice Department to deny legal status. Jehovah's Witness lawyer Yuri Toporov complained to Forum 18 News Service of "ridiculous excuses" in rejecting this and all the community's previous applications since 2001. Law professor Roman Podoprigora told Forum 18 that state bodies sometimes use "just any excuse", even an insignificant one, to reject religious communities' registration applications. Atyrau Region officials have denied legal status to at least two local Protestant churches, and this summer pressured an independent Muslim community to hand over its mosque to the state-backed Muftiate. Unregistered religious activity in Kazakhstan is illegal and punishable. Local Jehovah's Witnesses and Protestants have been fined for unregistered worship. Officials deny any restrictions. "Look, we don't have any problems related to religious freedom in our region," deputy regional head Kenes Kosybaev told Forum 18. "Just don't listen to those negative reports about us."

Jehovah's Witness lawyer Yuri Toporov has complained of "ridiculous excuses" given by the Justice Department in the western region of Atyrau for refusing successive applications for legal status by the local Jehovah's Witness community since 2001. The latest such refusal came on 24 November, he told Forum 18 News Service on 10 December. Toporov pointed out that this is the only region of Kazakhstan where their communities cannot gain legal status at all. Lack of registration is a serious concern, given that unregistered religious activity in Kazakhstan is illegal and punishable. Local Jehovah's Witnesses and Protestants are known to have been fined for unregistered worship. A number of other religious communities in Atyrau Region have complained about the difficulty of gaining state registration, while this summer officials pressured an independent Muslim community in Atyrau to give up their mosque and hand it over to the state-approved Muftiate.

Toporov insists that denial of registration to the Jehovah's Witnesses was "unlawful". "All the documents necessary to register the community were collected and the documents contained all the required information," he insisted to Forum 18. The community intends to make a further attempt to register soon before complaining to a court, he said.

In justifying the denial of the latest Jehovah's Witness registration application, Aset Kitarov, head of the religious affairs section of Atyrau Justice Department, told Forum 18 that the work phone numbers of some of the founders were missing in the registration application. Asked why the lack of work phone numbers – given that all the other necessary information was there – was a serious enough reason to refuse registration, Kitarov said he was newly appointed as head of the section and he was going to study what the real reasons were. "The person who knows about this problem in detail is Asangaliev who is our leading specialist," he told Forum 18 on 4 December from Atyrau.

Reached by Forum 18 on 10 December, Asangaliev refused to talk, saying that he could not give such "important information" over the phone. "I am not authorised to talk to you, why don't you call and talk to our department chief, Rahmetulla Nugmanov?" However, Nugmanov's phone went unanswered on 10 and 11 December.

Kenes Kosybaev, the deputy Akim (head of the executive authority) of Atyrau Region, denied that there is any intentional policy of preventing religious organisations from gaining registration. He insisted to Forum 18 from Atyrau on 11 December that the Jehovah's Witnesses had problems in their documents needed for registration. He said he was not familiar with the cases of two Protestant churches denied legal status, the Grace church and Sun Bok Ym. "As regards the Darussalam community they voluntarily turned the mosque over to the Muftiate themselves," Kosybaev claimed. "Look, we don't have any problems related to religious freedom in our region. Just don't listen to those negative reports about us."

Professor Roman Podoprigora of the Caspian Public University in the country's commercial capital Almaty – a specialist on religion and law - complained that state bodies sometimes use "just any excuse", even an insignificant one, to reject religious communities' registration applications. "It is true that the Law requires founders to provide their work phone numbers, but this does not mean that the absence of such information is a sufficient ground for refusal of registration," he told Forum 18 on 8 December. "Some people in Kazakhstan have no job, and which phone number must be presented in such cases? Other people still don't have a home phone. It is obvious that the law doesn't fit in such cases."

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Rustam Kairulin, pastor of the Grace Presbyterian church in Atyrau, reported that successive registration applications to Atyrau Justice Department since 2002 have "unfortunately" all been denied for no reason. "This year alone we applied twice, and the last time we were denied was on 17 September," he told Forum 18 from the town on 6 December.

Another local Protestant church denied registration in 2002 was Sun Bok Ym, a Pentecostal congregation. Nurlybek Zhalgasbaev complained that because they had no success in their attempts to register officially they were "totally disappointed" and discouraged to make further efforts. "We saw other churches being denied constantly, and realised there was no way for us to be registered," he told Forum 18 on 7 December. "So we gave up trying." Sun Bok Ym was forced to function under the umbrella of a different registered church. However, Zhalgasbaev said they intend to try again to register soon.

Local Muslim Gibrat Sultangali-tegi told Forum 18 on 8 December that the at-Takhwa mosque of the Darussalam Muslim community was dissolved by the decision of the city court in July, and the mosque given to the city Muftiate.

One of the founders of the mosque, who preferred not to be identified for fear of reprisals from the authorities, told Forum 18 on 10 December that pressures started right after they registered the mosque that they had built at their own expense. The authorities wanted to impose their own mufti, which the community resisted several times. Then followed the "mysterious" trial at the Inter-district Economic Court of Atyrau Region. "On 11 July of this year the court ruled that the Darussalam Muslim community functioned illegally," the mosque co-founder told Forum 18. The court found that four out of the ten founders had signed confessions that allegedly they had not even read the charter of the organisation which they had signed. Sources told Forum 18 that these four founders might have been pressured to sign those confessions.

The sources added that shortly after the court case, people who identified themselves as National Security Committee (KNB) secret police officers came and told those at the mosque that they should vacate the building since it now belonged to the city Muftiate.

Forum 18 tried to find out from the Inter-district Economic Court what the exact decision was, but the official who answered the telephone on 11 December said she could not give such information over the phone. Forum 18 also reached the regional KNB office in Atyrau, but the officer who answered the phone, who did not identify himself, brushed off any suggestions of pressure on religious communities. "We don't have problems with religious freedom in Kazakhstan, and also we do not know of any organisation named Darussalam."

But local Muslim Sultangali-tegi told Forum 18 that the community's problems did not end with the Muftiate's takeover of the Darussalam mosque. He said some local Muslims remain unhappy at the way the community is now led. He and another local Muslim Ruslan Bisenov wrote an open letter on 3 December, of which Forum 18 has seen the text, complaining that imams are being appointed from above without seeking the consent of the community. The letter was addressed to Murat Telibekov, the head of the Union of Muslims of Kazakhstan, an independent grouping, as well as to the country's state-backed Chief Mufti. Telibekov confirmed to Forum 18 on 7 December that the problem of state-appointed imams exists.

Meanwhile, local Catholic leader Bishop Janusz Kaleta of Atyrau says he believes Kazakhstan's current Religion Law is not perfect "but one can work with it". He, however, did not deny that problems existed. "Sometimes one needs to be patient while importing religious literature into Kazakhstan, inviting guests from abroad, or even with registration," he told Forum 18 from Atyrau on 10 December. "We had to wait six months until our parish in the nearby town of Gulsary received registration."

However, Aleksandr Klyushev of the Association of Religious Communities of Kazakhstan, a mainly Protestant group, was less optimistic about the current religious freedom situation in Atyrau Region. He told Forum 18 on 10 December that while the Catholic Church may have been treated better, many other religious communities have not. "The Atyrau regional authorities try to prevent any new organisations from being registered at all costs," he insisted to Forum 18. "At least I don't remember any Protestant churches being registered there for the last five years, despite attempts by a number of churches."

Ninel Fokina of the Almaty Helsinki Committee, a human rights group, gave an interesting statistical comparison. She pointed out that only 40 religious organisations have so far been registered in Atyrau Region. "The number is very small in comparison with other regions of Kazakhstan," she told Forum 18 from Almaty on 7 December, "and of the total number of registered communities, only seven are Protestant churches." She said this could be an indicator of the regional authorities' unwillingness to register religious organisations.

Denial of registration has led to severe consequences for members of such religious communities. The Jehovah's Witnesses would like to build a place of worship, a Kingdom Hall, in Atyrau but without legal status cannot do so. The Prosecutor's Office raided a local meeting in May, filming those present without their permission and confiscating religious magazines. Six Jehovah's Witnesses, including the Atyrau community's leader Aleksandr Rozinov, were given massive fines in June for meeting for worship without registration. The six tried to challenge the fines – so far in vain (see F18News 23 July 2007 http://www.forum18.org/Archive.php?article_id=999).

Members of Grace Presbyterian church are among local Protestants to have faced pressure and harassment for continuing to function after being denied legal status, while Protestants in Gulsary have been fined in recent years (see F18News 8 September 2005

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http://www.forum18.org/Archive.php?article_id=645).

The largest Grace Church in Kazakhstan, in the north-eastern town of Karaganda [Qaraghandy], faced a massive raid on 24 August. The 15-hour raid was linked to treason investigations from the KNB secret police, as well as investigations from the Prosecutor's Office, the Sanitary-Epidemiological Service and the Tax Police. Other Grace congregations were also raided and investigated (see F18News 28 September 2007 http://www.forum18.org/Archive.php?article_id=1026). Grace Church members told Forum 18 on 5 December that the Karaganda church continues to hold services, but the treason investigation is still underway against their leaders.

Kazakhstan has long punished unregistered religious activity, in violation of the country's international human rights commitments. However, an actual ban on unregistered religious activity was introduced only in July 2005, when the Religion Law was amended as part of a package of "national security" amendments to various laws (see F18News 15 July 2005 http://www.forum18.org/Archive.php?article_id=608). Both registered and unregistered organisations are subjected to tight government scrutiny. (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

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 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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