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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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KAZAKHSTAN: "We will wait until after the New Year, and then seize his property"

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

Kazakhstan continues to actively violate its international human rights commitments, Forum 18 News Service has found. In the most recent of many known state actions against everyone's right to freedom of thought, conscience and belief, a Baptist is facing threats by the authorities to confiscate the major source of income for himself and his family because he led worship without state permission, the country's only Hare Krishna commune is still being pressured to accept a rubbish dump in exchange for their land, and Jehovah's Witnesses are still being denied the rights to use a private home and a Kingdom Hall they built for worship meetings. These human rights violations take place as President Nursultan Nazarbaev considers new legislation to even further restrict fundamental freedoms in the country. Among many other breaches of international human rights standards, the legal amendments would explicitly ban all unregistered religious activity. President Nazarbaev is formally due to sign or reject the amendments by around 2 January 2009.

A Baptist in northern Kazakhstan is facing the prospect of the authorities confiscating his means to support himself and his family, because he led worship without state permission, Forum 18 News Service has found. The authorities have threatened to confiscate his cows, refrigerator and gas stove. Bailiff Vladimir Kapareyko told Forum 18 that "we will wait until after the New Year, and then seize his property." Meanwhile, the country's only Hare Krishna commune outside Almaty is still being pressured to accept a rubbish dump in exchange for their land, and Jehovah's Witnesses elsewhere in Kazakhstan are still being denied the rights to use a private home and a Kingdom Hall they built for worship meetings.

Kazakhstan's continuing state actions violating its international human rights commitments take place as President Nursultan Nazarbaev considers new legislation that would even further restrict freedom of thought, conscience and belief. The amendments to existing laws would – among many other breaches of international human rights standards - explicitly ban all unregistered religious activity (see F18News 26 November 2008 http://www.forum18.org/Archive.php?article_id=1222). President Nazarbaev is formally due to sign or reject the legal amendments by around 2 January 2009.

On 14 November, in Tayinsha in North Kazakhstan Region, Bailiff Kapareyko formally notified Baptist leader Aleksandr Kerker of the authorities' intention to confiscate his two cows, refrigerator and gas stove. Kerker and his wife have ten children, six of whom are minors. Kerker's wife says that confiscating this property would deprive the family of their main source of income. The cows are "the main sources of livelihood," she told Forum 18 on 3 December. She insisted that as refrigerators and gas stoves are legally "of prime necessity", they cannot legally be confiscated.

Court bailiff Kapareyko denied that refrigerators and gas stoves cannot be confiscated. At least one of the cows will be confiscated, as "we think one would be enough to feed his family," Kapareyko told Forum 18 on 15 December. "We understand he [Kerker] has very limited income, but at the same time we are obliged to execute the court decision." Kapareyko said that "we will wait until after the New Year, and then seize his property".

Kerker, who belongs to the Baptist Council of Churches which rejects state registration on principle, has been convicted twice for leading unregistered worship. The investigation into this "offence" was led by the local police Department for the Struggle against Extremism, Separatism, and Terrorism (see F18News 6 October 2008 http://www.forum18.org/Archive.php?article_id=1199).

In violation of international human rights standards, unregistered religious activity is routinely prosecuted in Kazakhstan – even though current Kazakh law does not formally ban this (see F18News 4 August 2005 http://www.forum18.org/Archive.php?article_id=625).

The Organisation for Security and Co-operation in Europe (OSCE) – which Kazakhstan is due to chair in 2010 - has found that court proceedings in the country do not offer the guaranteed right to a fair trial. In a February 2007 report on trial monitoring, the OSCE found that Kazakh court proceedings needed to offer "the right of the public to attend court, equality between the parties and the presumption of innocence" (see http://www.osce.org/astana/24153).

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Meanwhile, the long-running attempts by Almaty Region's Karasai Akimat (local authority) to evict the country's only Hare Krishna commune are continuing. Because the Hare Krishna community's legally registered address is their temple at the commune, moving from this land would result in loss of the community's legal registration. Although the community has gained some court victories, the authorities remain determined to evict the commune (see F18News 21 November 2008 http://www.forum18.org/Archive.php?article_id=1220).

Judge Taken Shakirov of Karasai district court informed the Hare Krishna community on 1 December that the Karasai Akimat (Executive Authority) had withdrawn its claim against the community's buildings – the only Hare Krishna temple in Central Asia and the barn, Forum 18 has found. The latest twice-postponed court case began on 28 October (see F18News 28 October 2008 http://www.forum18.org/Archive.php?article_id=1210).

Maksim Varfolomeev of the Hare Krishna community told Forum 18 on 15 December that Serik Mukanov, the Deputy Akim (administration head) of Almaty Region, recently told the commune that "the only solution of the dispute is for us to vacate the buildings on the farm land." Varfolomeev also reported Mukanov as saying that developers already have plans for the site the Hare Krishna community occupies.

The authorities have offered a rubbish dump in Almaty Region's Ili district in exchange, and have most recently claimed, Varfolomeev stated, that "the dump could be used for other purposes including commercial purposes, so that some others might be interested in exchanging their land with us."

Deputy Akim Mukanov argues that the land case with the Hare Krishna community is now settled. "We withdrew our claim and agreed with the chairman of the community that they would take the land we offer them," he told Forum 18 on 18 December. Asked whether the Akimat is still insisting that the Hare Krishna community move out of their current buildings he responded: "Of course we want them to move out. The case has been settled, and the community agreed to accept our offer." He rejected Hare Krishna claims that the land in the Ili district is not suitable for cultivation.

Meanwhile the Jehovah's Witnesses have had some success in overturning earlier court decisions to suspend their activity in South Kazakhstan and Kyzylorda regions. Vladimir Voevodin of the Jehovah's Witness Centre told Forum 18 from Almaty on 16 December that the community welcomes these legal moves, but points out that obstacles to the communities' functioning still remain.

Kazakhstan's General Prosecutor's Office initiated the process of overturning the court decisions, Jehovah's Witnesses told Forum 18. In a 28 October letter to the Jehovah's Witness Centre in Almaty, the General Prosecutor informed them he had ordered regional prosecutors in South Kazakhstan and Kyzylorda regions to challenge the court decisions against Jehovah's Witnesses.

Jehovah's Witnesses told Forum 18 that the Supervisory Collegium of South Kazakhstan Regional Court decided in two separate hearings on 20 November to annul two decisions of the courts in the towns of Shymkent and Saryagash. Earlier on 13 November with a similar decision the Supervisory Collegium of Kyzylorda Regional Court restored the activity of Jehovah's Witnesses, which was also suspended back in August.

South Kazakhstan Regional Court refused to comment to Forum 18 on 18 December on the recent decisions. Asked whether the position of the courts in the region have now changed towards the Jehovah's Witnesses, the official who answered the phone responded. "None of the judges want to make any comments."

Judge Abdukarim Bekturganov of Shymkent Specialised Administrative Court also declined to make comments on why they had suspended the activity of the local Jehovah's Witnesses. "We are not spokespersons for the Regional Court," he told Forum 18. "Ask them - they were the ones to take the latest decisions."

The Jehovah's Witness communities' activities had been banned in the wake of massive raids by various state agencies on local Jehovah's Witness communities from July and leaders of the Shymkent and Saryagash communities were given heavy fines (see F18News 9 September http://www.forum18.org/Archive.php?article_id=1184).

Jehovah's Witnesses in the southern town of Kentau are also facing ongoing property problems. Voevodin told Forum 18 a Kentau resident is still facing court action to try to seize and demolish his house. The authorities argue that the house was built as a place of worship when it should have been a residential house (see F18News 9 September 2008 http://www.forum18.org/Archive.php?article_id=1184). "The local administration still wants the house to be destroyed and the land handed to State ownership," Voevodin complained.

The South Kazakhstan Court told Forum 18 on 18 December that the Kentau city Court's decision was annulled and the case was returned to the city court for a new hearing. The official who answered the phone said the judges declined to make comments on this case as well.

Similarly in the nearby town of Shymkent, despite having restored their rights to religious activity in the city, the Jehovah's

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Witnesses still cannot use their Kingdom Hall for worship. "We have to build a lightning conductor attached to the hall as the City Fire Brigade demands," Voevodin explained. "Work on the lightning conductor is underway and we will have to get the Fire Brigade's permission after that."

Many religious communities are facing similar attacks on their property by the authorities. New Life Church north-western city of Aktobe [Aqtobe], for example, has been evicted from its church building (see F18News 20 August 2008 http://www.forum18.org/Archive.php?article_id=1174). In Semey, in eastern Kazakhstan, the Fire Brigade was also used to provide an excuse for preventing a church using its own building (see F18News 3 July 2008 http://www.forum18.org/Archive.php?article_id=1154). (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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