

14 October 2010

KAZAKHSTAN: "Mosques cannot be independent"

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

Kazakhstan is pressuring independent Muslim communities to join the state-controlled Muslim Board, Forum 18 News Service has found. Asylkhan Nurmagambetov of the state Religious Affairs Committee stated that "mosques cannot be independent. Just like any other religious organisation, because it belongs to a certain confession, it must be subordinated to a religious centre. Mosques also must do this". An official of the Muslim Board claimed that independent mosques "will breed terrorists". However officials were unable to explain what law demanded that mosques join the Board, or what proof there is for their assertions. In one example of pressure, five mosques in Karaganda Region have been for over two years under pressure from – among other state agencies – law-enforcement agencies, the regional Tax Authority, Emergency Service, Sanitary-Epidemiological Service, Architecture Department, Prosecutor's Office, and Land Committee to join the Muslim Board. Among conditions imposed on mosques which join the Board is that they must hand over one third of their income, one imam from a mosque under the Board observing that "mosques which want to remain independent in rural areas across Kazakhstan will not be able to do this". The imams of the five mosques insist that they do not want to join the Muslim Board, despite the state pressure.

Kazakhstan continues to pressure independent Muslim communities to join the state-controlled Muslim Board, Forum 18 News Service has found. Five legally registered Muslim communities in Karaganda [Qaraghandy] Region and their Imams, who have diplomas from the Muslim Board, are currently being pressured by the Regional Administration and various regional state agencies to join Kazakhstan's Muslim Board as its branches. Another Muslim community in East Kazakhstan Region joined the Board under state pressure, after several years unsuccessfully trying to register as an independent mosque. An official of the Culture Ministry's Religious Affairs Committee told Forum 18 that the number of independent mosques went down from ninety to some twelve in recent years. "Mosques cannot be independent," he told Forum 18, insisting that all mosques in Kazakhstan "must be" under the Muslim Board. A Muslim Board official claimed independent mosques "will breed terrorists".

The pressure to subordinate the Karaganda mosques to the Muslim Board seems to be part of a wider state-backed campaign, which has also seen 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).

The authorities have in the past shown hostility to independent Muslims, and 14 were in 2008 sentenced to between 14 and 19 and a half years in jail at a closed trial in the southern city of Shymkent. Now jailed human rights defender Yevgeny Zhovtis told Forum 18 that he thought this was a show trial, to scare other Muslims who try to be independent in their theology and practice from the state-backed version of Islam (see F18News 8 April 2008 http://www.forum18.org/Archive.php?article_id=1110).

One last warning?

Karaganda Regional Administration on 17 September summoned four imams from the five independent Muslim communities, to give them one last warning that they must join the Muslim Board, local Imams told Forum 18.

The five communities are all legally registered in Karaganda Region – two are in Abai District, and three are in the town of Karaganda. The four imams were: Nurmukhamed Ahmedyanov, Imam of Abai town Mosque; Meyram Ibrayev, Imam of Topar mosque in Abai District; Berik Zhagipar, the Imam of Hazret Ali Mosque in the town of Karaganda; and Zhanarbek Mambar, Imam of Akyt kazhy Mosque, also in Karaganda. Inoyatzhan Ismailov, Imam of Tautan Molla Mosque, another Muslim community under official pressure, was not present.

The Imams told Forum 18 that Arman Kyrykbayev, Deputy Akim (Head of Administration) of the Regional Administration, led the meeting, and that representatives of the Religious Affairs Committee and the Muslim Board were present.

Imam Ahmedyanov complained to Forum 18 on 6 October, along with the other imams, that "because we keep refusing, the regional authorities have run a campaign against us during the last two years, with all kinds of officials visiting us, and court cases against us".

Referring to the meeting on 17 September, Imam Ahmedyanov said that officials told them that "if we joined the Muslim Board, it

would help us, and all our problems would disappear". Seeing that this did not work, Deputy Akim Kyrykbayev and the other officials warned the Imams that there could be negative consequences for them, and demanded that they join the Board.

Imam Ibrayev said that all the Imams at that meeting once again told the officials that they did not want to be part of the Muslim Board. "The representative of the Muslim Board told me in that meeting to my face, 'you are an unworthy person'," the Imam complained. He said that the officials gave them two days to think about it, and "make up your mind." He told Forum 18 that "of course we did not send them any messages after the meeting, because we don't want to be part of the Muslim Board."

Imams Ahmedyanov and Ibrayev also told Forum 18 that Nauryzbay Utpinov, Karaganda Region's Chief Imam and the representative of the Muslim Board, held a meeting in 2008 in the Abai District where representatives of State Agencies, directors of secondary schools and others were gathered, and told those present to discourage people from going to the two mosques in Abai District. "Utpinov spoke insulting words about us in that meeting," Imam Ibrai complained. "He told the audience that our mosques were not under the Muslim Board, and that people should not attend our mosques."

No official pressure or "mosques cannot be independent"?

All five imams told Forum 18 that their complaints to Kazakh President Nursultan Nazarbaev, Ardak Doszhan, Chair of the Religious Affairs Committee, and Absattar Derbisali, Head of the Muslim Board and the Chief Mufti, about the attacks against them produced no results.

Karaganda Regional Administration told Forum 18 on 7 October that Deputy Akim Kyrykbayev was not available to talk. Forum 18 was referred to Kayrat Nurkenov, Kyrykbayev's Assistant. Nurkenov said that he did not remember any such meeting, and did want to comment on the complaints of the five Imams.

Regional Chief Imam Utpinov of the Muslim Board told Forum 18 on 12 October that all the five imams have diplomas of qualification from the Muslim Board, and that there is no official pressure on them to join the Board. However, when Forum 18 asked why he held a public meeting in 2008 where he spoke against the imams, he replied: "call me in an hour's time, I am about to start a prayer". Called back several times on 12 and 13 October, Utpinov's phone went unanswered.

Asylkhan Nurmagambetov of the national Religious Affairs Committee denied that the Committee is forcing any mosque to join the Muslim Board. "They voluntarily do so," he insisted to Forum 18 on 7 October. Asked whether mosques can remain independent, he responded: "Mosques cannot be independent. Just like any other religious organisation, because it belongs to a certain confession, it must be subordinated to a religious centre. Mosques also must do this."

Told that the five communities, as legally registered organisations, see no reason why they should join another registered organisation - such as the Muslim Board - Nurmagambetov said that the imams "should resolve their problems with the Muslim Board themselves". He refused to answer when Forum 18 asked by what right the Muslim Board can demand that other Muslim communities join it, and what would be done if the communities continue to refuse to join the Board.

If mosques are independent "they will breed terrorists"?

Nurzhan (he did not give his last name) of the Muslim Board's headquarters in Almaty, who presented himself as Chief Mufti Derbisali's Assistant, told Forum 18 on 11 October that the law "demands all the mosques, not the other faiths or religious communities, join the Muslim Board." He added that President Nazarbaev "many times in his speeches has said that mosques in Kazakhstan cannot be uncoordinated and separate." Nurzhan said that "if the mosques are not run from one centre and are independent, there is a risk that they will breed terrorists like Hizb-ut-Tahrir."

Hizb-ut-Tahrir is a radical Islamist party, which is banned in Kazakhstan (for an account of its views see http://www.forum18.org/Archive.php?article_id=170).

When Forum 18 asked where exactly Kazakh law demands that mosques join the Muslim Board, and where is the proof that the five mosques in Karaganda "bred terrorists", an irritated Nurzhan asked why Forum 18 was "arguing" with him. He then put the phone down.

The authorities have in the past publicly linked religious activity without state permission with terrorism, for example activity by unregistered Baptists (see F18News 31 March 2010 http://www.forum18.org/Archive.php?article_id=1427). Raids on Baptist and Pentecostal congregations have been described by police as "part of the fight against terrorism and religious groups without registration" (see F18News 28 February 2007 http://www.forum18.org/Archive.php?article_id=921).

In contrast to Nurzhan, Imam Muhammad-Hussein Alsabekov of the Muslim Board told Forum 18 on 11 October that although the law does not require mosques to join the Board, it is "advisable" for them to do so. Asked whether the Muslim Board will issue fatwas (decisions and interpretations on faith and practice) against the mosques and their imams, if they continue refusing to join the Board, Imam Alsabekov replied: "It is too early to talk about this - we will wait and see whether or not they will join us. If they

don't, then we will consult within the Board and then make our decision."

The mosques have visitors..

Karaganda Regional Tax Authority, Emergency Service, Sanitary-Epidemiological Service, Architecture Department, Prosecutor's Office, and Land Committee have made numerous visits to the five Muslim communities in the last two years, the five Imams told Forum 18. "Using different ways the authorities are putting pressure on us so that we give up our mosques to the Muslim Board," Imam Ahmedyanov complained.

"I saw an order of the Karaganda Regional Administration, signed in 2009, addressed to regional law-enforcement agencies, to visit and monitor the activity of the five mosques." Imam Zhagipar told Forum 18. He was shown the order by a state official, who was apologetic about the visit.

"The Sanitary-Epidemiological Service even visited us on the day of Kurban Bayram [Id al-Adha], the Holy Day of Sacrifice, in November 2009, when everybody, including most officials, was on public holidays," complained Imam Ahmedyanov. "They wanted to see our bathroom facilities, knowing that we would have very many people visiting it then."

Use of building laws against mosques

Karaganda City and Abai District Architecture Departments in November-December 2009 opened administrative legal cases against all the five mosques, claiming that the buildings were not used for the purpose for which they were built. Karaganda city and Abai District Courts stopped the prosecution of the mosques in all cases, the Imams told Forum 18.

Judge Gulnara Mikhanova of Abai District Court told Forum 18 on 11 October that the case against the mosque in Abai was brought on 18 January 2010 by the Abai District Architecture Department, under Article 36 Part 3 of the Law on Architecture and Construction Activity ("obligatory carrying out of instructions issued by organs of architectural-building control") and Article 356 Part 3 ("failure or inappropriate carrying out of legal demands, instructions, representations, or decrees by organs of state control and supervision") of the Administrative Code. The charges are that the mosque was not put properly into operation, as a certificate from an appropriate inspection board that the building was ready to be put into operation was not obtained. The Court on 22 April decided to suspend the case, as the mosque admitted its guilt and promised to eliminate the violation, Judge Mikhanova said.

Biysimbay Aysanov, Head of Abai District Architecture Department, told Forum 18 on 12 October that it is the duty of his Department to make sure that buildings in the District are used for the "purpose they were built for". The buildings of both Abai Mosques in the past were used as kindergartens, he said. "Now the imams must obtain the necessary documents from the District Administration to legalise their buildings as mosques," he claimed. Asked what will happen if the mosques fail to do so, Aysanov said that his Department will again file complaints in court. The mosques "may be stripped of their buildings" if they do not legalise them, he stated.

Asked why his Department visited the two Abai Mosques, Aysanov said that "I don't remember now, it was an order from some state authority."

Imams Ahmedyanov and Ismailov from Abai said that they were not going to ask for legalisation of their building as mosques. Both said that they did not believe the local administrations would give them such certificates, and that they did not need such documents since they were only providing their private buildings to the local Muslim communities for worship.

Imam Ismailov, of Karaganda's Tautan Molla Mosque, told Forum 18 on 13 October that he in 2003 personally bought a one-storey building of an abandoned factory, with the purpose of using it as a mosque. "I renovated it, made it usable as a mosque," he pointed out, "which I later provided at no cost for use by the local Muslim community." The law allows citizens to rent any usable building for worship, Imam Ismailov stated. "The rented premises neither have to look like a mosque and the original purpose of use does not need to be use as a mosque," he added.

Imam Zhagipar from Karaganda City said that although he did not need to legalise his building as a mosque, he would ask the authorities for legalisation.

Nationwide, the authorities have previously seemed particularly keen to deprive minority religious communities of places of worship and other buildings. Communities so targeted have included Protestants and Hare Krishna devotees (see eg. F18News 20 August 2008 http://www.forum18.org/Archive.php?article_id=1174).

Other types of pressure

Imam Ahmedyanov also told Forum 18 that their Mosque was cut off from the city central heating system "in the middle of winter when the temperature was 40 degrees Centigrade below zero". The claimed reason was delay in payment of the heating bill. "We somehow managed to put in electric heaters to the main hall for Friday prayers to get through the winter days," he said. He admitted

that the Mosque was indeed behind in paying the bill, but said that he thought the cutting off of heating was also done to pressure the community.

Imam Ahmedyanov also lamented that local businesspeople who used to support the Mosque financially "are now afraid to support us". He said that he believed they also were pressured by the local authorities. "One businessman even told me that we should join the Muslim Board."

The Muslim Board's "standard agreement"

Muhammadi Mosque in Oskemen, in Eastern Kazakhstan Region, was built in 2003 and began to work in 2004. At the same time the community submitted the documents for registration to the regional Justice Department. Imam Ibrahim Karnakbay-uuli said that they "did not tell us that they did not want to register us openly, but each time we met to discuss our registration we were given different excuses like something was wrong in our charter." Finally the Justice Department told the community in 2009 that it was possible to register the mosque, but only "if the community agreed" to register under the Muslim Board.

The community was registered on 24 August on the basis of an agreement with the Muslim Board. The mosque community undertook: to follow the Board's fatwas; to pay 30 percent of its income from offerings to the Board; and not to allow members of the Muslim movements banned in Kazakhstan - as well as members of the officially registered Ahmadi Muslim community - to preach in the mosque.

Imam Karnakbay-uuli said that, despite subordination to the Muslim Board, the agreement allowed them to keep a certain degree of independence. This is expressed in the agreement, which states that: in a case of force majeure [legally, when a major event happens which is beyond the control of both parties] the property will be returned to its owner, local entrepreneur Kazyken Muhamadiyev; the name of the mosque will remain the Muhammadi Mosque after registration; and that the current imam will remain until the community by election decides otherwise.

Asked if he was happy with the registration, Imam Karnakbay-uly said that "at least we can function without worries now." Commenting on the conditions of the "standard agreement" with Muslim Board, he said that it "will not be difficult" for them to pay 30 percent of their income to the Board. But he noted that "mosques which want to remain independent in rural areas across Kazakhstan will not be able to do this".

Yernar Seydimbekov, Head of Eastern Kazakhstan Regional Administration, was not available to talk, his Secretary told Forum 18 on 6 October. She referred Forum 18 to Askarbek Bilgibayev, Seydimbekov's Deputy, who refused to speak to Forum 18. Through the Secretary he said that he was not prepared to talk over the phone. When Forum 18 asked how many independent mosques there were in the region, and why mosques were asked to be put themselves under the Muslim Board's control, Bilgibayev through the Secretary said that he could not talk over the phone. (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://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kazakh>.

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