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KAZAKHSTAN: Ahmadi Muslims closed down everywhere, Methodist congregation next?

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The enforced closure of the Ahmadi Muslim community in Kazakhstan's commercial capital Almaty leaves the community unable to worship legally anywhere in the country, community members lamented to Forum 18 News Service. Their place of worship was closed amid a continuing official campaign against religious communities which use private homes for religious worship and followed a fine by Land Inspectors. Community member Nurym Taibek told Forum 18 they see no point in appealing against the decision and said that they "have given up hope" of resuming worship in their building. The Ahmadi Muslim community's place of worship in Shymkent was forcibly closed in 2011. Also threatened by Land Inspectors is a small Methodist Church which meets in a private home in Taldykorgan near Almaty, the Church's legal address. The home owner was fined in April. Land Inspectors from both Almaty City and Almaty Region defended their moves to Forum 18. They said they are inspecting all religious communities' properties to see if properties and land are used for their proper purpose.

Public religious worship by the Ahmadi Muslim community has been forced to stop throughout Kazakhstan as they no longer have anywhere they can legally meet, community members lamented to Forum 18 News Service. The Ahmadi Muslim community in Kazakhstan's commercial capital Almaty was forced to close on 2 March after being fined by Land Inspectors for using a private home for religious worship.

The enforced closure of their places of worship is a result of the continuing campaign by Land Agency officials, Prosecutor's Offices and other authorities to stop and punish meetings for religious worship in private homes, Forum 18 notes. The campaign – which targets both registered and unregistered religious communities – appears to have been stepped up again since early 2012.

Also threatened by Land Inspectors is a small Methodist Church in Taldykorgan near Almaty. The owner of the home where the Church meets was fined by Land Inspectors in April for using her private home for worship. The Pastor told Forum 18 that he is now afraid that his Church will be closed down.

Land Inspectors from both Almaty City and Almaty Region told Forum 18 that they are inspecting all religious communities' properties to see if properties and land are used for their proper purpose. Owners of buildings that are not approved specifically for religious worship face warnings to halt religious activity and possible punishments if they do not comply. One Land Inspector told Forum 18 the order came from the Prosecutor's Office. Almaty City Prosecutor's Office refused to discuss their actions with Forum 18.

Kazakhstan's authorities also appear to be stepping up raids on members of unregistered religious communities, particularly on member congregations of the Baptist Council of Churches who meet in places of worship in private homes. These congregations refuse on principle to submit to state registration, and their leaders are often warned and fined. Among recent cases, three such Baptists' homes in East Kazakhstan Region have been raided and one has been fined based on what he insists is "fabricated" evidence following police pressure on neighbours. Also, the authorities in Kostanay [Qostanay] Region raided and warned Baptists that they are allowed neither to conduct religious activity in a private home, nor to conduct unregistered activity (see F18News 22 May 2012 http://www.forum18.org/Archive.php?article_id=1705).

Unapproved worship banned

Until mid-2008 using property cases to harass religious communities was a common official tactic, but such cases appear to have later declined. However, inspections, warnings and pressure over use of property for meetings for worship have increased since the beginning of 2012 (see F18News 29 February 2012 http://www.forum18.org/Archive.php?article_id=1673).

Under the terms of the harsh new 2011 Religion Law – and in defiance of Kazakhstan's international human rights commitments – all unregistered religious activity is banned. Also banned is religious activity by registered religious communities outside the framework of what the Law specifically allows. Article 7, Part 2 – which like many parts of the Religion Law is open to arbitrary interpretation – defines where meetings for worship and other activity can be held (see F18News 23 September 2011).

http://www.forum18.org/Archive.php?article_id=1617).

Since the beginning of 2012, Kazakhstan's authorities have cancelled the registration of 579 "small religious groups" (with fewer than 50 adult citizen members) across the country, so depriving them of the right to exist. Local officials then summoned the leaders of such communities and demanded that they stop their activity (see F18News 22 February 2012

http://www.forum18.org/Archive.php?article_id=1671).

All public Ahmadi Muslim worship now halted

Ahmadi Muslim Nurym Taibek complained to Forum 18 from Almaty on 19 April that their communities can no longer meet for worship across Kazakhstan. He pointed out that the ban on their Almaty community follows a decision to strip their other officially registered branch in Shymkent in South Kazakhstan Region of the right to use its building for worship.

South Kazakhstan Regional Economic Court on 12 May 2011 fined the Shymkent Ahmadi Muslim Community 756 Tenge (28 Norwegian Kroner, 4 Euros, or 5 US Dollars), and suspended the Community's right to use its mosque and land. The suspension applies until the alleged violations of land usage claimed by the joint Zhambyl-Kyzylorda-South Kazakhstan inter-regional Land Inspection Agency are "eliminated", the verdict seen by Forum 18, said (see F18News 7 June 2011

http://www.forum18.org/Archive.php?article_id=1577).

The Shymkent Community's appeal and cassation appeal in the South Kazakhstan Court against the May 2011 decision in July and August 2011 were both unsuccessful. Taibek told Forum 18 that the Shymkent Community's building can now only be used as a residence.

Forced to stop worship in legally registered building

The Almaty City authorities on 2 March effectively stopped the local Ahmadi Community from worshipping in their legally registered building in the city's Medeu District. The Land Agency on the same day sent two City Land Inspectors, Yerlan Kalibayev and Askar Duysekov, to inspect the Community's usage of its property. The Inspectors fined the Community 48,540 Tenge (1,885 Norwegian Kroner, 250 Euros or 330 US Dollars) for allegedly violating Kazakhstan's Administrative Code's Article 253.

Article 253 of the Code of Administrative Violations punishes not using land according to its designated purpose. Possible punishments range from a warning to a fine for individuals of up to 10 Minimal Financial Indicators (MFIs), for officials and small business owners of between 10 and 30 MFIs, and for large business owners of between 50 and 120 MFIs.

The MFI is set annually, and since 1 January 2012 has been 1,618 Tenge (63 Norwegian Kroner, 8 Euros, and 11 US Dollars). This is just below one tenth of the official minimum monthly wage.

Taibek told Forum 18 that the community challenged the fine in Almaty City's Specialised Inter-District Administrative Court, though without success. On 16 March, Judge Galym Keldybayev upheld the fine.

The Court decision, a copy of which Forum 18 has seen, claims that photographs taken by the Land Inspectors show that part of the building is being used as an office, and in another part, Imam Rufatzhan Tukamov resides with his family. The decision adds that the fact that the building is registered as the Community's legal address proves that the Community has been using the building for worship.

Judge Keldybayev claims in his decision that this constitutes a violation of Article 253, "the land on which the Community building stands, was used not according to its purpose," in other words, "not for maintenance and service of a residential building but of an office and also place of meetings, where members of the Community gather and carry out activity to fulfil their duties related to their Charter."

Judge Keldybayev's Assistant, Aysel (she refused to give her last name), said from the Court on 19 April that Keldybayev does not wish to talk to Forum 18. "I know the case," she told Forum 18 from the Court on 19 April. "If the Community is not happy with the decision, they can challenge it through the Prosecutor's Office."

"We have stopped using our building for prayers and worship since 2 March, and do not know how to resolve the problem with the authorities," community member Taibek complained to Forum 18.

Why can't Ahmadi Muslims use their private home for worship?

The Land Inspectors' moves follow warnings by Prosecutor's Office officials that the Almaty Ahmadi community was functioning illegally. The community was also targeted by attacks in the state-controlled media (see F18News 29 February 2012 http://www.forum18.org/Archive.php?article_id=1673).

Land Inspector Duysekov told Forum 18 on 19 April that the raid and inspection of the Ahmadi Community on 2 March was initiated by Almaty City Prosecutor's Office. He added that Land Inspectors are inspecting all religious communities on the subject of property usage.

Asked why the Ahmadi Muslims cannot use their home for worship, Duysekov claimed that the building first needs to receive official status as a place of worship. "We are not against the Ahmadi Community, but we do not want them to violate the Land Code," he claimed. "The Community must re-register it as a place of worship, in order to be able to carry out their religious activity." Duysekov - without explaining in detail - said that for such official status the Community must gain the permission of various state authorities.

Taibek, however, said that it will be "a very lengthy and costly process to receive such status, since this will mean changes to the building, and bureaucratic obstacles of authorities." He pointed out that permission needs to be obtained firstly from the City Administration, and then the Land Agency, Fire Department, as well as the Architecture Agency. "There is no guarantee in the end that we will receive these permissions."

Told that Kazakhstan's Constitution guarantees freedom of religious worship and association with other believers from one's own confession, Inspector Duysekov refused to answer whether he does not think that the limitation on worship in private homes violates Kazakhstan's citizens' constitutional rights and its religious communities' liberties. "Please, send us your questions in writing," he said. He refused to discuss anything further with Forum 18.

Ahmadi Muslims "have given up hope" to use their worship place

Community member Taibek said that they "have given up hope" to use their building in Almaty for worship in future. He explained that a further appeal against the Administrative Court decision cannot be legally brought through the Court, but only through the Prosecutor's Office. However, the Community is not seeking to continue their lawsuit. "We do not believe that it will be of any help," he told Forum 18.

Taibek pointed out that their complaints to the General Prosecutor's office in December 2010 and South Kazakhstan Regional Economic Court in summer 2011 could not help overturn the fine given to the Community's Shymkent branch for using their building for worship (see F18News 7 June 2011 http://www.forum18.org/Archive.php?article_id=1577).

Taibek said they their appeal and cassation appeal in the South Kazakhstan Court against the May 2011 decision in July and August 2011 were both unsuccessful, and that the Community's Shymkent building is now only used for residence.

Why did Almaty City Prosecutor initiate raid and inspection?

It is not clear why the Almaty City Prosecutor's office initiated the raid and inspection of the Ahmadi Community. The Secretary (who did not give her name) of Berik Asylov, Almaty City Prosecutor, said on 19 April that he was busy at a meeting and referred Forum 18 to Bakhytgul Tutkina, who oversees complaints at the Prosecutor's Office. However, the same day Tutkina refused to answer Forum 18's questions, saying that she is "not responsible to comment". She referred Forum 18 to Marlen Slambekov, the Assistant of Prosecutor Asylov, who in his turn also refused to talk about the issue.

Zhandos Umiraliyev, Deputy Prosecutor, on 19 April refused to answer Forum 18's questions over the phone, but promised to answer in writing. Forum 18 has not received a written response from him as of 24 April.

Methodist Pastor's wife fined for allowing worship in her private home

Larissa Kim, wife of Valery Kim, Pastor of the officially registered New Testament Co-workers of Jesus Methodist Church of Taldykorgan, received notification of an administrative fine by mail on 20 April. The notification, signed by Askar Kuttybayev, Inspector of the Land Agency's Taldykorgan territorial Inspection, said Larissa Kim had been fined five MFIs, 8,090 Tenge (332 Norwegian Kroner, 44 Euros, or 55 US Dollars).

Pastor Kim told Forum 18 on 23 April that the notification indicates that his wife was fined for using her private home for religious purposes allegedly in violation of the Administrative Code's Article 253. The notification warns Larissa Kim that unless she pays the fine by 11 May, the Land Inspector's office will bring an administrative case against her in Court, in which case she might receive a higher fine.

Pastor Kim said that Inspector Kuttybayev made a "surprise visit" to their private home on 28 March. The home has been hosting the Methodist Church's worship services and is its legal address. Then on 10 April, the Inspector summoned Pastor Kim and his wife to his office to warn them about the punishment. "Kuttybayev asked my wife to sign the official report of the inspection of our home, which says that in violation of the Land Code we held religious activity in her private home," the Pastor told Forum 18. "She signed it to say that she did not agree with the official report."

Pastor Kim said the Church has existed since 1997 and received official registration in 2001 in Almaty City. It was then re-registered in 2008 in Taldykorgan, since the couple moved to the nearby town. "We had no problems until now, and all of a sudden it became a problem," he lamented to Forum 18.

Why can't Church meet for worship in private home?

Inspector Kuttybayev told Forum 18 on 19 April that his Agency is inspecting all the religious communities' properties but refused to say from whom or where the instruction came to do so. He, like Inspector Duysekov from Almaty, refused to answer the question whether the Land Agency actions brought against the religious Communities did not violate the Constitutional rights of Kazakhstan's citizens who are religious believers.

"I am not authorised to answer these questions over the phone," he said. "Send us the questions in writing." He refused to discuss anything further with Forum 18.

Will church be forced to close down?

Pastor Kim told Forum 18 that Inspector Kuttybayev told them that they must re-register their home as a place of worship if they want to continue to use it for religious purposes.

Pastor Kim complained to Forum 18 that since the new Religion Law demands at least 50 adult citizen founding members – the Church only has 12 members – it will be very difficult to register the building as a place of worship. He fears they will "be forced to close down the Church". He said that the Church has continued to meet for worship, but that they are "unsure of the future".

Turkestan church reprieved for now?

Officials have tried to halt the activity of the Protestant Grace Church which meets in a private home in the suburb of Kentau in Turkestan in South Kazakhstan Region. However, church leader Pastor Vadim Tsoy told Forum 18 on 24 April that they have continued to use their building for worship.

He said that in March, two Land Inspectors visited their building and told him that they could not use the home for worship. Pastor Tsoy in response told the Inspectors that the Law allows the leader of a registered religious organisation to register it to a residential building, and use it for religious purposes.

"About a week later I received a letter from the Inspectors that they have no objections to the use of the building," he told Forum 18, "and they did not find any violation with our use of our building."

Officials of Turkestan's Prosecutor's Office visited the home where the church meets on 20 February and then warned Pastor Tsoy that it was illegal for the church to meet in the private home. Turkestan Prosecutor Artykbek Pashayev told Forum 18 a week later that the National Security Committee (KNB) secret police had initiated their action (see F18News 29 February 2012 http://www.forum18.org/Archive.php?article_id=1673). (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://education.nationalgeographic.com/education/mapping/outline-map/?map=Kazakhstan>.

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