

30 April 2012

KAZAKHSTAN: Restrictions on and punishment for spreading religious literature and faith

By Mushfig Bayram, Forum 18

In separate cases in three of Kazakhstan's Regions since February, police have stopped Jehovah's Witnesses, Baptists and Hare Krishna devotees from spreading their faith, questioned them and threatened them with punishment. Two of the five Baptists detained in Akmola Region in March were treated "as though they were criminals", another of the five told Forum 18 News Service. They were questioned and entered into police records, with their personal data, shoe size, and photographs in profile and full face taken. Police accused the Hare Krishna devotees of handing out "extremist literature". Baptist and Hare Krishna literature was sent to the Agency of Religious Affairs (ARA), which conducts the compulsory state censorship of all religious literature. "The Religion Law necessitates the ARA to authorise all religious literature before it is used or distributed by religious communities," ARA spokesperson Svetlana Penkova told Forum 18. Several religious communities - some anonymously - complained not only about the censorship itself, but that literature sent to the ARA for approval has languished there "for months".

Six months after Kazakhstan's harsh new Religion Law and associated new punishments for exercising the right to freedom of religion or belief came into force, a growing number of religious communities are complaining of restrictions on and threats of prosecution for sharing their faith, Forum 18 News Service has learnt. Five Baptists in the northern Akmola Region who distribute Christian literature on the street were stopped twice within the space of a week in March. Their literature was confiscated, they were all questioned at the police and some were entered into police records. They may face prosecution, a police official told Forum 18. Police detained two Hare Krishna devotees in East Kazakhstan Region in April for handing out what police claim was "extremist literature" on the street. Their identity documents were seized and they too may face prosecution. Two Jehovah's Witnesses who verbally shared their faith in the northern Kostanai Region were questioned by police in February, but in April were finally acquitted by a court.

A growing number of religious communities - including the Jehovah's Witness and Hare Krishna communities and others, which did not want to identify themselves for the moment - complained to Forum 18 not only about the compulsory prior religious censorship imposed by the October 2011 Religion Law but the slowness of the process. They complained that the state Agency of Religious Affairs (ARA) - the body tasked with censoring all religious literature - has not responded in months to their requests for approval for specific religious materials. Without the ARA's approval, religious communities cannot use or distribute such literature without risking heavy penalties.

The government adopted in February and published in March the Censorship Regulations, drawn up by the ARA to implement the censorship provisions of the 2011 Religion Law (see F18News 8 May 2012 <http://www.forum18.org/Archive.php?article_id=1698>).

Although partial state censorship of religious literature imported into the country has existed for some years, this represents the first time the way the official state censorship of religious literature and other materials is conducted has been codified. Kazakhstan's religious censorship regime directly violates its international human rights commitments, including as a member of the Organisation for Security and Co-operation in Europe (OSCE) (see F18News 24 November 2011 <http://www.forum18.org/Archive.php?article_id=1639>).

Authorisation for religious literature required

Asked why religious communities must receive permission to distribute their religious literature in public places, the response from Svetlana Penkova, Press Secretary of the ARA in the capital Astana, was short. "The Religion Law necessitates the ARA to authorise all religious literature before it is used or distributed by religious communities," she told Forum 18 on 27 April from Astana. She did not say what will happen to the books confiscated from the Baptists and the Hare Krishna devotees.

Asked whether religious believers cannot share their faith verbally, and whether it was lawful for the Police and Kostanai Religious Affairs officials to detain and bring to court the two Jehovah's Witnesses, Penkova responded that she will "look into the matter, and make sure that no such incidents occur in future".

ARA censorship - "we have been waiting for so long"

Each month since November 2011, Jehovah's Witnesses have been sending their publications to the ARA in Astana, including successive issues of their monthly magazines Awake! and Watchtower, they told Forum 18. They point out that the magazines and books are among their members' main sources for spiritual reading. However, as of 27 April 2012 they had not received the results of the "expert analyses" of any of these publications. "We decided not to distribute our magazines and other religious literature until we receive the results of the expert analyses, and we have been waiting for so long," they lamented to Forum 18.

The Hare Krishna community is among those who have complained of long delays in "expert analyses". They sent lists of their main scriptures, the Bhagavad-Gita, and other religious books to the Almaty Regional Department of the ARA on 17 March, when the Censorship Regulations were published (see F18News 8 May 2012 <http://www.forum18.org/Archive.php?article_id=1698>). However, devotees complained to Forum 18 on 27 April that the ARA still was not ready to analyse books.

Penkova, spokesperson of the ARA in Astana, played down the concerns of the communities. "Perhaps something went wrong in communication," she told Forum 18. She promised that she will look into the cases, and "speed up the process". She added: "We appreciate the desire of the religious communities to cooperate with us."

Forum 18 on 27 April also asked Penkova in writing what the specific reason for the delay in giving the expert analysis of the religious literature in each case was, and whether any measures will be taken against the officials who attempted to punish Jehovah's Witnesses in Akmola Region. As of the end of the working day in Astana on 30 April, Forum 18 had received no response.

Literature confiscated, possible punishments

On successive Saturdays - 3 and 10 March - police in Shchuchinsk in Akmola Region's Burabai District stopped members of the local Council of Churches Baptist congregation while they were offering Christian literature for free to passers-by in the town centre, church member Aleksandr Zhukov told Forum 18 from Shchuchinsk on 27 April. Police confiscated all their literature on both occasions, "roughly between 90 and 100 books and booklets" in total. Among the confiscated books were several Bibles in Kazakh and New Testaments in Russian, he said.

Zhukov said that administrative cases may be opened against himself, Mikhail Milkin, Ruslan Yermakov, Vyacheslav Cherkasov and Zhasulan Alzhanov.

Police Inspector Captain Aybek Aubakirov led both operations, which also involved local Police officer Captain Kairbek Ashkenov, Senior Lieutenants Maksat Tazhibayev and Yermek Yespembetov and Police Investigator Arkhat Moldybayev.

Police records and warning

After the Police detained Cherkasov and Alzhanov on 3 March, the two were treated "as though they were criminals", Zhukov complained. Police Officers Aubakirov, Ashkenov and Yespembetov - as well as 12 other officials both in uniform and in plain clothes, which "may have included" National Security Committee (KNB) secret police officers - drew up records of all the literature before confiscating it.

Officers then took away Cherkasov and Alzhanov's identification documents, and brought them to the Burabay District Police Department. They photographed and filmed the two Baptists and the literature. The two were questioned about what church they belong to, where they get the literature and where they store it.

Cherkasov refused to sign any police records. Alzhanov wrote a short statement that he is a member of the Council of Churches Baptist Church and that he has "the perfect right on the basis of Kazakhstan Constitution's Articles 20, 22, and 39 to spread spiritual literature".

Zhukov told Forum 18 that the two Baptists were then taken to the room with the doorplate which only read "Police Lieutenant Forensic Investigator of Burabai District", where their personal data, shoe size, and photographs in profile and full face were taken. "The officers warned them that their names have now been entered in police records," he said. After their IDs were returned, the two Baptists were released.

Zhukov said that on 10 March, the Police detained him and two other Baptists, Milkin and Yermakov. The three were taken to Burabai town Police. After officers drew up official records the three were released.

Who initiated the operations?

Captain Aubakirov and Omyrbai Beysenov, Deputy Chief of Burabai District Police gave contradictory information on who initiated and led the operations. Captain Aubakirov told Forum 18 on 26 April that the Police's Criminal Investigation Department had led the

case. However, Deputy Chief Beysenov said that the case was led by KNB secret police and Prosecutor's Office officials. "Our officers' duty in the process was only to record the actions of the Baptists," he told Forum 18.

"They cannot be involved in unregistered activity"

Captain Aubakirov complained that the Baptists - as well as distributing religious literature "illegally" - also do not have State registration. "We told them that they cannot be involved in religious activity until they receive official registration," he told Forum 18. (Council of Churches Baptists have a policy of not seeking state registration, insisting that they should not need government permission before conducting religious activity.)

Asked why the Baptists - or members of other religious communities - must receive permission from the authorities to share their faith with others or distribute their literature, Captain Aubakirov refused to answer.

What measures will be taken against the Baptists?

Deputy Police Chief Beysenov said that the Police "have nothing against" the Baptists, before adding: "We know that they are unregistered, and an administrative case under Administrative Code Article 375 may be brought." He said the confiscated books have been sent to the ARA in Astana. He noted that charges may also follow, depending on the results of the ARA's analysis of the books.

Article 375 of the Code of Administrative Offences ("Violation of legislation on religious activity and religious associations") was greatly expanded to punish a wider range of religious activity in the October 2011 amendments. Activities which are punishable include leading an unregistered religious community and distributing uncensored religious literature.

The first known use of the new Article 375 came in February 2012, when a Baptist in Pavlodar Region, Aleksei Asetov, was fined an estimated year and a half's average local wages for leading an unregistered religious organisation (see F18News 14 February 2012 <http://www.forum18.org/Archive.php?article_id=1666>).

On 28 February, Judge Lyudmila Klimashina of Pavlodar Regional Court rejected Asetov's appeal against the massive fine, according to the verdict seen by Forum 18.

Distributing "extremist literature"?

Possible punishments also for two Hare Krishna devotees may be on the way. Police in Oskemen [Ust-Kamenogorsk] in East Kazakhstan Region detained two devotees in early April for passing out - according to Police - "extremist literature" on the street, Hare Krishna devotees, who wished to remain unnamed for fear of the State reprisals, told Forum 18 on 27 April. The Police confiscated the identification documents of the two, which have still not been returned. It is not clear if and when any case will be referred to court.

Verbally sharing faith illegal?

Two members of the officially registered local Jehovah's Witness community were stopped by a local police officer on 28 February in a shop in the town of Karasu in Kostanai Region. One of two was talking to another customer in the shop about his faith, and while the other was standing by. "The officer heard them talking about religion, and detained them," Jehovah's Witnesses complained to Forum 18 from Almaty on 25 April.

The two were taken to Karasu town Police, questioned, and released after five hours. Later Karasu Police referred the case to Kostanai Regional Department of the ARA. The Department in turn brought an administrative case against the two in Karasu District Administrative Court, Jehovah's Witnesses told Forum 18.

Yerbol Ospanov, Chief Specialist of the Department, who at the time was also the interim Director of the Department, was plaintiff in the court.

However, on 10 April Judge Baktybai Ismukhambetov, Chair of Karasu District Court, acquitted the two Jehovah's Witnesses. "The Judge deemed that our believers did not violate the Law by merely speaking about religion in a public place," Jehovah's Witnesses told Forum 18.

No official comment

Ospanov refused to speak to Forum 18 on 27 April. As soon as he heard Forum 18's name, after introducing himself, he put the phone down. Subsequent calls went unanswered.

Manaf Kaushev, Specialist of the ARA Department, told Forum 18 the same day that neither Nurikan Nugurbekov, the newly

appointed Director, nor Ospanov were available to talk to Forum 18. Asked why the Department complained about the Jehovah's Witnesses simply for verbally sharing their faith in a public place, Kaushev refused to answer. "Please, send us your written questions, and we will answer," he said.

Judge Ismukhambetov declined to comment on the case. He also declined to comment on whether it is lawful for police or other authorities to stop religious believers from verbally propagating their faith in public places. "Look, I don't want to comment," he told Forum 18 on 27 April. "Let's just leave it at that."

Temirkhan Askarov, Deputy Chief of Karasu Police, on 27 April said he cannot comment on the case since he was "on vacation" when the Jehovah's Witnesses were detained. Asked whether the Police are authorised to detain anyone who propagates religion in a public place, even if they only speak verbally, he said he could not comment. When Forum 18 insisted and asked specifically whether this meant yes, he said he cannot say. He further declined to talk with Forum 18. (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>>.

Å© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

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

Forum 18
Postboks 6603
RodelÅ, kka
N-0502 Oslo
NORWAY