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KAZAKHSTAN: Threats, fear, and independent mosque closures

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

Members of the Tatar-Bashkir Din-Muhammad Community in Petropavl in North Kazakhstan Region continue to gather for prayers in their 19th century mosque despite a 12 September court decision rejecting their appeal against compulsory liquidation. The court ordered officials to complete the liquidation quickly. Attendance at prayers has dropped from hundreds to tens because "people are afraid of the authorities", community members told Forum 18 News Service. The imam and members of another independent mosque denied re-registration after intense state pressure – who asked not to be identified – told Forum 18 that when they met to discuss applying for new registration, officials "came out of nowhere" and threatened them with punishment. Baltabay Metezhanov, who oversees work with mosques at the government's Agency of Religious Affairs, refused to explain to Forum 18 what law bans independent mosques.

Attendance at what may be Kazakhstan's last remaining publicly-accessible independent mosque has dropped from hundreds to tens because "people are afraid of the authorities", members of the Tatar-Bashkir Din-Muhammad Community told Forum 18 News Service from Petropavl [Petropavlovsk] in North Kazakhstan Region. On 12 September the Regional Inter-District Economic Court upheld the decision to liquidate the mosque and instructed the responsible authorities present at the hearing to complete the community's liquidation quickly.

Community members told Forum 18 that – even if in diminished numbers - they still gather for prayers at the 19th century mosque, as they continue to challenge the Court decisions.

Authorities in another Region of Kazakhstan also threatened the Imam of a liquidated independent mosque with fines if he sought to revive its activity. Financial Police officials "immediately arrived out of nowhere" when the Imam and a few community members arranged a meeting to discuss the possibilities of gaining new registration. The Police drew up a report, on the basis of which the Religious Affairs Department of the Regional Administration later attempted to open an administrative case against the Imam (see below).

In late April, Regional Religious Affairs Departments (with their combined total of 86 staff) were removed from the control of the Agency of Religious Affairs (ARA) in the capital Astana and subordinated to regional administrations. The Administrative Code was amended on 13 June to allow these regional Departments to continue to bring administrative cases to court to punish individuals and communities for religious activity. Also amended at the same time was the 2011 Religion Law to leave only regional administrations, not the ARA, with responsibility for decisions on whether and where a religious community can build, and whether a religious community can gain official change of usage for a building it wants to turn into a place of worship.

The last independent mosque?

The Tatar-Bashkir Mosque may be the last remaining publicly-accessible mosque independent of the state-sponsored Muslim Board, Forum 18 notes. Abai District Mosque and Tautan Molla Mosques - the last known independent mosques in Karaganda Region - were for instance closed down by court decisions after heavy state pressure on their imams and congregations (see F18News 25 January 2013 http://www.forum18.org/archive.php?article_id=1794). As of 2 October, the Imams of both Mosques told Forum 18 that they fully stopped all activity several months earlier.

Forum 18 is aware of another mosque elsewhere in Kazakhstan mainly catering to members of an ethnic minority. Although denied re-registration as a religious organisation in the round of compulsory re-registration in 2011-2, it is able to continue some activity as part of a cultural centre.

ARA officials refuse to comment

Baltabay Metezhanov, who oversees work with mosques at the ARA in Astana, refused to explain whether there is a legally prescribed order requiring mosques wanting state registration to join the Muslim Board. "I cannot answer that question," he told Forum 18 on 2 October. Asked why, he said: "Well, first of all I don't know who you are, I can't see your face." He then asked Forum 18 to send questions in writing.

Metezhanov also refused to say whether any mosques have registration independently of the Muslim Board.

No other ARA officials were prepared to answer these questions on 2 October.

Despite frequent assertions by state officials that the 2011 Religion Law states that all mosques must belong to the Muslim Board (a monopoly that is not imposed on any other religious community), Forum 18 cannot find this requirement in this or in any other published law (see F18News 25 January 2013 http://www.forum18.org/archive.php?article_id=1794).

Ethnic, independent and non-Hanafi Sunni mosques were targeted by the authorities even before the harsh 2011 Religion Law (see F18News 14 October 2010 http://www.forum18.org/Archive.php?article_id=1498 and 4 November 2010 http://www.forum18.org/archive.php?article_id=1506).

Any religious activity by any community without state registration is banned and subject to punishment. Speaking of a punishment handed down to a Jehovah's Witness, Nurali Kayrenbayev, Chief Specialist of Atyrau Religious Affairs Department, insisted to Forum 18 in August that "all religious activity outside the building of a registered community is banned" (see F18News 3 September 2013 http://www.forum18.org/archive.php?article_id=1870).

Threats if mosque community restarts

In a different region of Kazakhstan the Regional Religious Affairs Department has threatened the Imam of another closed independent mosque with a possible administrative punishment for his attempts to gain new registration.

The Imam, who for fear of state reprisals asked Forum 18 not to reveal his or his mosque's details, told Forum 18 on 26 September that, between August and September, the Department summoned him for a talk and signing of an official report prepared by the Financial Police, which he refused to do.

The Imam told Forum 18 that when he and several community members gathered in the mosque building in August to arrange a meeting of founders for a possible new registration, the Financial Police "abruptly came out of nowhere". The officials filmed them and the building and questioned them about the purpose of their gathering. When the officials asked him to sign the report, he refused.

Several days later the Religious Affairs Department telephoned and sent their officials to the Imam's home to "convince me to sign the report or visit the Department". He said he again refused both demands. "I know that if I sign the report they at least will give me a big fine because they had told me earlier not to try for a new registration, and that I will have a trouble if I do so," the Imam explained to Forum 18.

After unsuccessful attempts to compel the Imam to sign the Financial Police report, the Religious Affairs Department then "sent the local Police Officer to my home," the Imam said. "I asked the Police Officer, by what right he is telling me to visit the ARA Department, and how can it give instructions to the police. I told him that I will not visit the Department."

The Imam told Forum 18 that since early September the authorities "have left me alone and not bothered me again". He said that he and the other members have "given up hope of restoring the community and are not thinking now to try again." The Imam said that he hopes that the ARA Department will not further open a case against him.

Afraid to attend mosque

Members of the Tatar-Bashkir Din-Muhammad Community, who wished to remain unnamed for the fear of the State reprisals, told Forum 18 from Petropavl on 26 September that despite the drop in attendance, the community continues to assemble for prayers at the mosque, which was built in 1852. "We will continue gathering in the mosque since we continue the legal battle for our existence and no final legal decision has yet been made on us," they said.

However, "many community members were warned in their work places not to attend the mosque since it lost favour with the authorities, and many others are just afraid to come because of bad publicity of the mosque in the media as well as they know that the authorities are trying to liquidate us."

Agent provocateurs?

"Some long-bearded young men with a radical appearance also recently came to the mosque and walked amid the praying community members during the prayer and filmed everything," one community member told Forum 18. "They disturbed the people and told them that they are not praying correctly."

The community member added that "it is difficult to say whether the young men came by their own will or were instigated to make a

provocation in the mosque."

Muslim Board and state officials often claim that allowing independent mosques to exist "will breed terrorists" (see F18News 14 October 2010 http://www.forum18.org/Archive.php?article_id=1498).

Appeal rejected

On 12 September, Judge Gulmira Daniyarova of North Kazakhstan Region's Specialised Inter-District Economic Court upheld the 20 February decision of Judge Damir Omarov of the same Court to liquidate Din-Muhammad Mosque of the Tatar-Bashkir Community. The ruling, seen by Forum 18, thereby rejected the community's petition to annul the Regional Agency of Religious Affairs (ARA) Department's orders No.674 from 4 December 2012 on verification of the list of the community's founders and No.46 from 29 January 2013 on rejection of the community's official re-registration.

Judge Omarov had issued the liquidation decision on the petition of the Regional ARA Department, which claimed that the community had not presented its documents for re-registration by the official deadline of 25 October 2012. However, following the community's appeal, North Kazakhstan Regional Court in August referred the case back to the Economic Court for further consideration.

The community argued in its appeal to the Regional Court that the decision of the ARA Department not to approve the list of founders was unlawful, since the community had prepared and presented the list on time and that it was not responsible for the fact one of the founders died just before the submission deadline.

Refusing to comment on her decision, Judge Daniyarova told Forum 18 on 2 October through her Assistant that she "does not want to talk". Similarly, the chair of the court Judge Kayrat Shaymegenov also declined to discuss the case with Forum 18, referring all questions to Dinara Tulingutova, Press-Secretary of North Kazakhstan Regional Court.

Tulingutova in turn declined to discuss the case, asking Forum 18 to send questions in writing. When Forum 18 insisted, asking whether the authorities' refusal to re-register the community and then altogether liquidating it is not a violation of their Constitutional right to freedom of religion or belief and freedom of association, she responded: "That's a question I cannot answer." She refused to talk further.

Daniyarova in her decision rules that the former founders of the Din-Muhammad Community cannot petition the Court on its behalf since it was liquidated by the Court decision on 20 February. She also ruled that only the Liquidation Commission set up to handle the mosque's liquidation, representatives of which were present at the hearing, are eligible to represent the liquidated organisation. The Liquidation Commission in its turn petitioned the Court to disregard and reject the community's appeal and uphold the previous liquidation decision.

Complete mosque liquidation "as soon as possible"

Judge Daniyarova did "not give a chance" to the community's lawyer to "present our arguments of the unlawfulness of the original decisions of the regional authorities not to re-register us", community members – who asked not to be identified for fear of further state reprisals – complained to Forum 18 from Petropavl on 26 September.

The Judge positively responded to the petition of the Liquidation Commission, and told them to "complete the liquidation of the mosque as soon as possible," they lamented. "This practically means that the Judge ordered the Liquidation Commission to take the building away from us as soon as possible."

Further appeal

On 26 September the community lodged a further cassation appeal to the Regional Court against the Economic Court decision, Rafael Ryazapov, the Imam of the Mosque, told Forum 18 on 30 September. "The Court accepted our appeal, and we are waiting to hear from the Regional Court," he said.

Ryazapov declined to comment on the Court decision saying that "I will not comment for now so the authorities will not accuse me in trying to influence the Court." However, he said that he heard rumours that the authorities told some of their members that "they should not make vain efforts since they will not receive registration and will be liquidated anyway."

Mosque closure intended "right from beginning"

"The authorities were intent on closing down our Mosque right from the beginning," the community member complained to Forum 18.

They explained that Kazakhstan's state-sponsored TV Channel Astana already on 15 November 2012 broadcast the statement of the

Muslim Board officials in a religious forum in Astana that the authorities had closed down the Tatar-Bashkir Community. They pointed out that this was "way before" the ARA Department officially refused to re-register the mosque on 29 January 2013 and the Court on 20 February 2013 made a decision to liquidate it.

They added that "Therefore all the arguments of the authorities that we did not prepare our registration documents properly and on time and that we did not want to become part of the Muslim Board are just excuses."

In its 4 December 2012 decision refusing re-registration, the ARA Department claimed that the community violated the Law by deliberately including the name of a deceased community member in the list of founders. The community told Forum 18 that the member died days after he signed the founders' list and the list was presented to the authorities (see F18News 25 January 2013 http://www.forum18.org/archive.php?article_id=1794).

Then on 29 January the ARA Department ultimately refused to re-register the community, saying that the re-registration deadline had passed and the community was too late.

After in October 2012 the community presented its founders' list and other legal documents for re-registration Nurislyam Gabdullin, Chair of the North Kazakhstan Regional Department of the ARA, gave conflicting opinions when asked whether or not it would be re-registered. He claimed to Forum 18 on 4 December 2012 that the authorities had no intention of closing down the mosque, but told Forum 18 one day later that "there can be no Chechen, Tatar or Tajik mosques in Kazakhstan" (see F18News 7 December 2012 http://www.forum18.org/archive.php?article_id=1778).

Negotiations for new registration also not successful

After the Economic Court's 20 February liquidation decision the Tatar-Bashkir Community - in parallel to challenging the Court decisions - held negotiations with the Regional Administration and the ARA Department to gain registration as a new organisation, community members told Forum 18.

"All our negotiations were unsuccessful as we did not accept the authorities' demands for the community to join the state-sponsored Muslim Board of Kazakhstan, to accept Kazakh as the only language of communication in the mosque and pay 30 percent of the offerings given to the mosque as levies to the Board," one community member complained to 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.

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.

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