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KAZAKHSTAN: "We're liquidating the [mosque] community"

By Felix Corley, Forum 18

Kazakhstan's Din-Muhammad Tatar-Bashkir Mosque, built in 1852, is being forcibly closed. Yesterday evening (4 February), three officials of a Liquidation Commission appointed by a court to dissolve the community arrived at the Mosque in Petropavl to prepare an inventory of all its possessions. "The mosque is to be handed over to another religious organisation", Marat Zhamaliyev, deputy head of the regional Finance Department, told Forum 18 News Service. He refused to say which religious community the mosque will be given to. Told by Forum 18 that the mosque community still exists, regularly holds the namaz (prayers) in the mosque (including this morning, 5 February) and intends to continue to exist, Zhamaliyev responded: "We're not liquidating the mosque, we're liquidating the community." He insisted that the juridical community had been liquidated by a court and therefore did not exist. The Din-Muhammad Mosque may possibly be the last remaining publicly-accessible mosque independent of the state-backed Muslim Board.

Kazakhstan's Din-Muhammad Tatar-Bashkir Mosque - built in 1852, forcibly closed down in the 1930s under Stalin, and reopened after the end of the Soviet Union – is being forcibly closed down again. Yesterday evening (4 February), three officials of a Liquidation Commission appointed by a court to dissolve the community arrived at the Mosque in Petropavl [Petropavlovsk], in North Kazakhstan Region to prepare an inventory of all its possessions. "The mosque is to be handed over to another religious organisation," Marat Zhamaliyev, deputy head of the regional Finance Department, insisted to Forum 18 News Service on 5 February.

The moves against the Tatar-Bashkir Mosque come just before Kazakhstan's record under the International Convention on the Elimination of All Forms of Racial Discrimination is due to be considered. The United Nations (UN) Committee on the Elimination of Racial Discrimination will consider Kazakhstan's record in Geneva on 12 and 13 February, according to the UN website. The Kazakh delegation has already been informed that the registration of religious communities is one of the topics the Country Rapporteur is set to raise.

"The religious community has been liquidated"

Zhamaliyev vigorously denied that officials were confiscating the Din-Muhammad Tatar-Bashkir Mosque community's property. "The property will shortly be handed over as communal property to the state," he told Forum 18, "because the religious community has been liquidated."

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Zhamaliyev declined to say which other religious community and of what religious affiliation officials intend to give the mosque to. Asked who had given the state the right to take a place of worship away from one community and give it to any other, he responded: "The law." He insisted that as the Din-Muhammad Tatar-Bashkir Mosque community had failed to gain the compulsory re-registration, it had to be liquidated.

Asked by Forum 18 why the community repeatedly had its re-registration application rejected and why the community cannot continue to exist and meet for worship without registration without being expelled from the mosque building, Zhamaliyev repeated that the juridical community had been liquidated by the court and therefore did not exist. "No-one is banning people from praying," he insisted. "People can go to pray in the new community."

The Din-Muhammad Mosque may possibly be the last remaining publicly-accessible mosque independent of the state-backed Muslim Board, Forum 18 notes (see F18News 2 October 2013 http://www.forum18.org/archive.php?article_id=1882). If the mosque community continues to meet together, they risk being fined and being jailed if they do not pay fines. Many people - over 150 in 2013 alone - have been fined for the "offence" of meeting for worship without state permission. In 2014 four people have so far being jailed for non-payment of fines (see F18News 28 January 2013 http://www.forum18.org/archive.php?article_id=1921).

Muslims subjected to tightest controls

Kazakhstan's Muslims are subjected to even tighter state controls than members of other religious communities. All Muslim communities must be part of the state-backed Muslim Board. No independent mosques or Shia Muslim communities have been given state permission to exist. Neither have any Ahmadi Muslim communities, all of whom having been forcibly closed by the state. The Muslim Board's spokesperson told Forum 18 that all Islamic communities "must be Hanafi Sunni Muslim". "We don't have other sorts of Muslims here", he added (see F18News 23 November 2012 http://www.forum18.org/archive.php?article_id=1769). The Din-Muhammad Mosque is Hanafi Sunni, but independent.

The state also subjects Muslim communities to special language restrictions which do not apply to other faiths – officials demand that they use Kazakh rather than the language of their choice (Russian, Tatar, Chechen, Azeri) for sermons. Unlike communities of other faiths (Russian Orthodox, Armenian Apostolic, Jewish) they cannot have an ethnic affiliation in their name. The Din-Muhammad Mosque's efforts to negotiate an exception were rejected (see F18News 2 October 2013 http://www.forum18.org/archive.php?article_id=1882).

"It's no longer your property"

In the early evening of 4 February three Liquidation Commission officials arrived unannounced at the mosque for the inventory. They were Abu-Bakir Karmenov of the Religious Affairs Department of the Regional Akimat (administration) and two officials of the Rehabilitation and Bankruptcy Department of the Regional Tax Committee, its head Nurzhan Kaisenov and a chief specialist Lyudmila Bryksina.

Karmenov was the Religious Affairs Department official who had delayed consideration of the community's re-registration application and who lodged the liquidation suit to court after it was rejected. He also represented the Department in court at liquidation hearings, according to court documents seen by Forum 18.

"We had asked them to let us know in advance if they were intending to come," one community member told Forum 18 from Petropavl on 5 February. "But it was better for them if we didn't know."

The three officials counted and listed the carpets on the floor of the prayer hall, the copies of the Koran in Arabic, Tatar, Russian and other languages, furniture and lumps of coal.

"We've never counted the carpets, but there must be about 200," the community member told Forum 18. "These are the personal property of individuals – and their names are marked on the back of each." Some of those who provided the carpets have since died, the community member added.

Officials told mosque members present: "It's no longer your property". Karmenov told them that the building would remain a mosque, but would be handed to another community. He added that sermons would in future be held only in Kazakh, not in Russian and Tatar as at present.

One mosque member, Artur Temerzhanov, posted video of the 4 February inventory on YouTube (http://www.youtube.com/watch?v=_xvHUUerqKQ). The video shows Bryksina sitting at a desk in the prayer hall listing the carpets as Karmenov and Kaisenov turn them over one by one and read out the names.

"The mosque and everything in it is private property," one mosque member insisted to Forum 18.

"We're not preparing to confiscate the property"?

"We're not preparing to confiscate the property," Kaisenov of the Rehabilitation and Bankruptcy Department claimed to Forum 18 from Petropavl on 5 February. "We simply did an inventory for the liquidation." He insisted he and his colleagues could do "nothing else" as a court had ordered the community's liquidation.

Kaisenov added that the head of the Finance Department of North Kazakhstan Region, Esken Akimzhanov, and his deputy Zhamaliyev have not yet told him what will happen to the mosque community's property. But he noted that many of those who had given carpets to the mosque had died. He was unable to explain why that gave officials the right to take them from the community.

Chief specialist Bryksina, who compiled the inventory in the mosque, declined to discuss her role. "I am not authorised to answer questions from journalists," she told Forum 18 on 5 February.

Despite repeated calls to the Religious Affairs Department, Forum 18 was unable to reach Karmenov on 5 February. His colleagues said he was out of the office visiting the Akimat.

Karmenov's colleague, Department chief specialist Bolat Omarov, defended the officials' action. "A Liquidation Commission was

formed – it's just listing the property," he told Forum 18 on 5 February. "No-one is confiscating anything."

Omarov categorically denied that any order had come down from the capital Astana banning the re-registration of any mosques which choose not to be subordinate to the state-backed Muslim Board. "There could never be such an order," he claimed. He insisted that the only reason the Tatar-Bashkir Mosque had been denied re-registration was because of "mistakes" in the application.

Opened in 19th century, forcibly closed in 21st century

The Din-Muhammad Mosque is mainly attended by ethnic Tatars and Bashkirs. It was built in 1852 and has been open since, apart from when it was closed during Soviet-era repression of freedom of religion or belief. The mosque community lodged a re-registration application before the Religion Law's October 2012 deadline, receiving no official response (see F18News 7 December 2012 http://www.forum18.org/Archive.php?article_id=1778).

The Din-Muhammad Mosque community and its imam have since faced heavy state pressure because they wish to exercise their freedom of religion or belief. For example, on the night of 20 December 2012 the ARA telephoned the Imam and some elderly members of the community for an 09.00 meeting with the Head of North Kazakhstan Region's administration Serik Bilyalov. He threatened them that if they did not join the Muslim Board the community would be liquidated and the mosque would be taken over by the local authorities who would use it for some public non-religious purpose. A central ARA official claimed to Forum 18 that "there is no pressure on the mosques" (see F18News 25 January 2013 http://www.forum18.org/archive.php?article_id=1794).

The state has also used pressure against other religious communities. Recently for example, members of New Life Protestant Church in Arkalyk [Arqalyq], in the northern Kostanai [Qostanai] Region, have faced state interrogations and threats, particularly targeting state employees. The authorities appear to want to close the Church (see F18News 28 January 2013 http://www.forum18.org/archive.php?article_id=1921).

Members of the Din-Muhammad Mosque community continued to gather for prayers in their 19th century mosque, even after a 12 September 2013 court decision rejecting an appeal against compulsory liquidation ordered on 20 February 2013. The appeal court ordered officials to complete the liquidation quickly. Attendance at prayers dropped from hundreds to tens because "people are afraid of the authorities", community members told Forum 18 (see F18News 2 October 2013 http://www.forum18.org/archive.php?article_id=1882).

"Any Muslim organisation can register"?

Despite claiming that "any Muslim organisation can register", Bakhytzhan Kulekeyev, Director of the Agency of Religious Affairs' (ARA) Interfaith Relations Department, admitted to Forum 18 from Astana on 5 February that only one Muslim organisation – the Muslim Board – gained re-registration after the adoption of the 2011 Religion Law. But he then claimed that mosques of other affiliations had failed to gain re-registration only because of "technical reasons".

Kulekeyev claimed that a Shia mosque in Astana had lodged a registration application "this week". He declined to identify the community or to say if it would be allowed to gain state registration outside the framework of the Muslim Board. He claimed that two other Shia mosques in Almaty and one in Zhambyl function as prayer rooms (namazkhanas) registered by local Akimats.

Asked about the enforced liquidation of the Tatar-Bashkir Mosque in Petropavl, Kulekeyev claimed they had been denied re-registration because "they couldn't write a normal statute". He also rejected the idea that they should be allowed to call themselves "Tatar-Bashkir". "They only allowed Tatars into their mosque," he claimed. Community members vigorously refute this to Forum 18, saying the community is open to all. The community's statute, seen by Forum 18, contains no racial restrictions to participation. The community aims to serve "citizens", according to the statute, with formal membership open to any Kazakh citizen over the age of 18.

Kulekeyev declined to discuss any other aspect of the liquidation of the mosque community.

Kulekeyev absolutely denied that any ban existed on mosques holding sermons in languages other than Kazakh. This contradicts repeated statements to Forum 18 from members of the Tatar-Bashkir Mosque.

State-backed Muslim monopoly

No published law appears to give the Muslim Board a monopoly over all Muslim activity in Kazakhstan. No published law appears to prevent the state registration of Muslim organisations independently of the Muslim Board. But even a year before the Religion Law was adopted, state officials obstructed the functioning of mosques catering mainly to members of one ethnic group, such as the Tatars and Bashkirs (see F18News 4 November 2010 http://www.forum18.org/Archive.php?article_id=1506). Officials also threatened to close all independent mosques using the Religion Law a year before it was passed (see F18News 14 October 2010 http://www.forum18.org/Archive.php?article_id=1498).

An Agreement between the ARA and the Muslim Board, signed by ARA head Marat Azilkhanov and Chief Mufti Yerzhan Mayamerov in Almaty on 15 January, implicitly recognises the Board's monopoly. Article 2, Part 2 specifies that the Board "preaches and explains among believers the norms of the Islamic faith in accordance with the Hanafi school and the theological school of [Samarkand-born Islamic scholar] al-Maturidi". The Agreement does not explain why it is the role of the state to determine the theological orientation of a religious community.

The Agreement also obliges the Muslim Board to work with the ARA in religious education and publishing. Again, it is not explained why it is the role of a state agency to determine what a religious community might wish to teach and publish.

The Muslim Board's monopoly has prevented Moscow-based imam Shamil Alyautdinov from presenting his books in Kazakhstan because it – as the only legally registered Islamic organisation - refuses to invite him (see F18News 23 January 2014 http://www.forum18.org/archive.php?article_id=1919).

No other local religious community has such an Agreement requiring state intervention in its activity. But Catholic communities have been given different treatment to other communities in state decisions on whether they are allowed to exist. Explaining different treatment for Catholics under a 1998 Agreement with the Holy See, hastily ratified in 2012, a Justice Ministry official in November 2012 told Forum 18 that international agreements override the Religion Law. But he did not explain why this reasoning does not also apply to the International Covenant on Civil and Political Rights, whose provisions would abolish most of the Religion Law including its provisions on compulsory state registration to exercise human rights (see F18News 22 November 2012 http://www.forum18.org/archive.php?article_id=1769).

Systemic state violations of freedom of religion or belief

The closure of independent and ethnic mosques such as the Tatar-Bashkir Din-Muhammad Mosque in Petropavl is part of a wider pattern of systemic Kazakh government violations of freedom of religion or belief and other human rights.

Two laws imposing severe restrictions on freedom of religion or belief and breaking the country's human rights obligations came into force in October 2011. A new Religion Law among other restrictions imposes a complex four-tier registration system, bans unregistered religious activity, and imposes compulsory state censorship of religious literature and objects. A new Administrative Code Article 375 ("Violation of the Religion Law") - replacing the previous Article 375 - was introduced at the same time in an Amending Law. It punishes a wide range of often unclearly defined "offences" with possible fines for individuals and groups with state-registration, and bans on the activity of "guilty" religious groups (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

Since the Religion Law was passed, all mosques outside state control are being closed down. The imam and members of an independent mosque denied re-registration after intense state pressure - who asked not to be identified for fear of state reprisals - told Forum 18 that when they met to discuss applying for new registration, officials "came out of nowhere" and threatened them with punishment (see F18News 2 October 2013 http://www.forum18.org/archive.php?article_id=1882).

Followers of a very wide range of religions and beliefs are targeted by the state for human rights violations. The criminal case launched against retired Presbyterian pastor Bakhytzhana Kashkumbayeva in July 2011 is still proceeding, having finally reached court on 22 January 2014. Similarly, the criminal investigation of atheist writer Aleksandr Kharlamov also continues. Both have been subjected to arrest, detention and forcible psychiatric examination (see F18News 22 January 2014 http://www.forum18.org/archive.php?article_id=1918).

Four people – all Baptists - have been jailed in 2014 alone for refusing to pay fines handed down in 2013 to punish them for exercising freedom of religion or belief without state permission. Numerous fines continue to be imposed under Administrative Code Article 375 for this "offence" (see eg. F18News 28 January 2014 http://www.forum18.org/archive.php?article_id=1921). In 2013 alone, over 150 people are known to have been fined for exercising this internationally-recognised human right (see F18News 11 November 2013 http://www.forum18.org/archive.php?article_id=1895).

Among the many targets of state censorship of religious literature and objects, including bans on bookshops selling of such items without state permission, have been Russian Orthodox icons. After 12 icons and three Bibles were seized from a commercial bookseller in Oral (Uralsk) in West Kazakhstan Region, the bookseller is due to face an administrative court where he may be fined several weeks' average wages and the icons and Bibles might be ordered destroyed. "Everything is OK now – he has agreed not to sell religious materials," Salamat Zhumagulov, the state religious affairs official who seized the items, told Forum 18. The ARA spokesperson Saktagan Sadvokasov claimed that "the Kazakh state must defend our citizens from harmful materials". Asked by Forum 18 whether he has known icons which are harmful, he replied: "We have experts to check icons" (see F18News 8 January 2014 http://www.forum18.org/archive.php?article_id=1913). (END)

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>.

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1352.

For a personal commentary from 2005 on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

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/mapping/outline-map/?map=Kazakhstan>.

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