

30 May 2012

KAZAKHSTAN: "The Church will be closed down anyway"

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

Kazakhstan continues to use land use regulations as a means to prevent religious communities and their members exercising freedom of religion or belief, Forum 18 News Service notes. In one of several recent examples, in Taldykorgan the authorities have with this tactic forced a Methodist church to "voluntarily" close and fined the wife of the Church's Pastor. Pastor Valery Kim told Forum 18 that the Church paid for an announcement in newspapers that it was liquidating itself. "We do not want more punishment from the authorities", he noted. Zhumagul Alimbekov, Head of Almaty Region's Agency of Religious Affairs (ARA) Department told Forum 18 that "the Church will be closed down anyway, unless they can collect 50 signatures for re-registration". Asked why Kazakhstan, whose government loudly boasts of its alleged religious tolerance, obstructs people exercising the internationally recognised right to freedom of religion or belief, Alimbekov claimed: "We are a law-governed state, we must obey the law". Religious communities also note that "expert analyses" by the ARA are obstructing communities gaining state registration and so permission to exist.

Kazakhstan continues to use land use regulations as a means to prevent religious communities and their members exercising freedom of religion or belief, Forum 18 News Service notes. In one of several recent examples from across the country, in Taldykorgan [Taldyquorgan] in Almaty Region the authorities have with this tactic forced a Methodist church to "voluntarily" close and fined the wife of the Church's Pastor. Religious communities also note that "expert analyses" by the state's Agency of Religious Affairs, of both literature and religious community official charters, are obstructing communities gaining state registration and so permission to exist. Against the international human rights standards that the government has solemnly promised to implement, the 2011 Religion Law makes all exercise of freedom of religion or belief in association with others without state permission illegal.

The latest moves follow widespread state inspections of places of worship, which has resulted in the enforced closure of all Ahmadi Muslim mosques throughout Kazakhstan (see F18News 24 April 2012 http://www.forum18.org/Archive.php?article_id=1692). Until mid-2008 using property cases to harass religious communities exercising their religious freedom was a common official tactic. The use of this tactic with inspections, warnings and pressure over use of property for meetings for worship has restarted and increased since the beginning of 2012 (see F18News 29 February 2012 http://www.forum18.org/Archive.php?article_id=1673).

"We do not want more punishment from the authorities"

Taldykorgan's Jesus Methodist Church has been forced to "voluntarily" liquidate itself after the wife of Pastor Valery Kim, Larissa Kim, was fined for using her private home – the Church's registered legal address - for meetings for religious worship. "We paid the fine two weeks ago", Pastor Kim told Forum 18 on 22 May. The Church then paid for an announcement in newspapers that the Church had decided to liquidate itself. "We do not want more punishment from the authorities," Valery Kim stated.

After one similarly officially registered church was forced by the National Security Committee (KNB) secret police to meet away from its legal address, the ordinary police and the KNB raided it when it was meeting for worship. Under the Religion Law religious communities cannot meet away from their legal address. During the raid a 17-year old woman was hit by a policeman, leaving her unconscious. No action seems to have been taken against the policeman responsible, even though a Public Prosecutor's Office official was a witness (see F18News 19 October 2011 http://www.forum18.org/Archive.php?article_id=1627).

Larissa Kim's fine followed a "surprise visit" by Land Inspector Askar Kuttybayev, after which a fine of 8,090 Tenge (332 Norwegian Kroner, 44 Euros, or 55 US Dollars) was imposed on her (see F18News 24 April 2012 http://www.forum18.org/Archive.php?article_id=1692).

Pastor Kim told Forum 18 that their Church is very small, and they will not be able to collect the 50 signatures required under the Religion Law for re-registration (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617). The Pastor noted that this would make any future activity by the Methodist Church unlawful.

Since the beginning of 2012, Kazakhstan has cancelled the registration of hundreds of "small religious groups" (with fewer than 50 adult citizen members) across the country, so depriving them of the right to exist. Local officials of the Agency of Religious Affairs (ARA) and other state officials then summoned the leaders of such communities and demanded that they stop their activity (see

Kim added that they had decided not to change the status of their home. This, the Kims thought, ran the risk of losing it as the authorities "may want to confiscate the building under the pretext of the Law being violated, because it would be seen as the property of an unregistered church".

Pastor Kim said that their members are thinking of joining other churches, to be able to continue to worship as Christians. "It's not the best thing to do, but we will have to do it", he lamented.

Central ARA officials would not comment on this and other cases on 30 May. ARA official Svetlana Penkova asked Forum 18 to call back later, as the ARA is busy running the so-called "Congress of Leaders of World and Traditional Religions" for foreigners. Forum 18's calls to other central ARA officials went unanswered on 30 May.

The ARA, the Foreign Ministry, other state agencies, and the mass media have all been instructed to promote a positive domestic and foreign image of the new Religion Law (see F18News 19 December 2011 http://www.forum18.org/Archive.php?article_id=1649).

"The Church will be closed down anyway"

Zhumagul Alimbekov, Head of the Almaty Region's ARA Department noted to Forum 18 on 21 May that all the religious organisations must under the Religion Law re-register by 26 October 2012, one year after it came into force (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

"The Church will be closed down anyway," he told Forum 18, "unless they can collect 50 signatures for re-registration". Alimbekov also emphasised that the Methodist Church "must meet in a place registered as for religious purposes". When told that the Church does not have 50 members, and that Kim and his family do not want to change the status of their home, Alimbekov said that "they must obey the Law".

Asked why Kazakhstan, whose government loudly boasts of its alleged religious tolerance, obstructs people exercising the internationally recognised right to freedom of religion or belief, Alimbekov claimed: "We are a law-governed state, we must obey the law".

Forum 18 also asked whether the Religion Law's requirement of 50 signatures for compulsory community registration, and not allowing meetings for religious worship on private property was just and fair. Alimbekov responded: "There may be faults with the Law but it is the Law and we must obey it now. In future we can speak about changes to the Law."

Raids and fines continue against people exercising the right to freedom of religion or belief without state permission. The Religion Law bans all unregistered religious activity, and in one recent case a Baptist was convicted of this "offence" on apparently false testimony extracted by police from neighbours (see F18News 22 May 2012 http://www.forum18.org/Archive.php?article_id=1705).

"Everyone must use their land in accordance with the law"

Another community whose religious freedom is being undermined using property regulations is the capital Astana's Full Gospel Protestant Church. Yelena Kan, who rented her private home to the Church, which she belongs to, had her home inspected in mid-April by Inspector Aynura Kulbatyrova of the city's Territorial Inspectorate of State Agency of Control over the Usage and Preservation of Lands.

Kan told Forum 18 on 24 May that the inspection followed a 2 April letter from the Land Inspectorate. This stated that her home would be inspected under instructions from Astana's city ARA Department dated 6 March, and a letter from the State Agency for the Management of Land Resources dated 1 February.

Inspections nationwide

The Land Agency's 1 February letter ordered all regional and local Land Inspectorates to inspect the properties of all currently registered religious organisations, Inspector Kulbatyrova told Forum 18 on 25 May. She claimed that this is "necessary to make sure that everyone uses their land according to its designated purpose".

The Land Inspectorate in Almaty began this process in concert with Prosecutor's Office officials and attacks in the state-controlled media on the Ahmadi Muslims, whose mosques were subsequently closed (see F18News 29 February 2012 http://www.forum18.org/Archive.php?article_id=1673).

A lawyer for the Jehovah's Witnesses, Yuri Toporov, told Forum 18 from Almaty on 30 May that their communities throughout Kazakhstan had been inspected by Land Inspectors between February and April. However, "the inspections ended peacefully, and

did not result in warnings or punishments".

Official warning

On 2 May Kan received a written official warning from Inspector Kulbatyrova, saying that she must use the land on which her home is for its designated purpose of residence, or change its official purpose to usage for religious activity. The warning was sent even though legal experts Forum 18 has spoken to argue that under Kazakh law, individuals have every right to rent private homes to religious communities. The warning letter also states that the building can be confiscated with a court order unless Kan does this.

Asked why she inspected Kan's home, Inspector Kulbatyrova told Forum 18 that: "We are checking up on all religious organisations to see whether they are using their lands according to their purpose". She then claimed that "the Land Code does not allow the usage of private property on land for residential purpose for religious activity".

Article 7 Part 2 of the Religion Law allows religious activity in private homes with the undefined restriction "on condition that they respect the rights and interests of nearby residents. In other cases religious activities are carried out in accordance with the laws of the Republic of Kazakhstan" (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

Can Kan's home still be used for meetings for worship?

Kan said that she had already started the process of changing the status of her private home. She said that she is not sure whether she they will be able to live in the building once the status is changed. "We will probably rent an apartment elsewhere to use the building for the Church." "If need be in future we will rent another place where we can live", she added. Inspector Kulbatyrova had, she said, promised her that she will "help them to receive a status for their building by which they could use it for worship".

Inspector Kulbatyrova told Forum 18 that "we explained to Kan that she should apply to receive a status allowing her to use the home both for residence and religious activity". Asked whether the building can be used for meetings for worship while its status is being changed, she responded: "Nowhere in the Law is it indicated that they cannot use the property while they are changing its status".

Fined for preventing Emergency Department inspection

Fire safety and other inspections have in the past been used as a pretext to harass religious communities the authorities dislike (see eg. F18News 23 June 2010 http://www.forum18.org/Archive.php?article_id=1459). In Pavlodar Region in the north of the country Yevgeny Yesenkin, Pastor of the Grace – Light of Love Protestant Church has been fined 8,090 Tenge (332 Norwegian Kroner, 44 Euros, or 55 US Dollars), or 5 Monthly Financial Indicators (MFIs), for not letting Emergency Department inspectors onto the premises his church uses.

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.

On 10 April Grace Church received an official notification, seen by Forum 18, signed on 10 April by Colonel Mikhail Romanevich, Chief of Aksu Emergency Division. This stated that Emergency Department officials will inspect the Church's premises on 53 Kalinin Street on an unspecified date between 11 and 20 April, to check the observance of fire safety rules.

On 20 April Zhasulan Rakhimberdin, Chief Engineer of Aksu Emergency Department, with R. Korzhumbayev and K. Khamitov, two others from the Department arrived. "The [24 May] verdict says that I did not allow these officials to enter the building, and that I did not produce building documents", Pastor Yesenkin told Forum 18 on 30 May. He insisted that "it is true that I did not allow the officials to enter the building, but I did show them the documents".

Explaining why he refused the officials entry, Yesenkin said that the Church is officially registered at the building, a private home owned by Yelena Yun. She was not warned about the inspection, and so was not present.

Yesenkin said that he asked the visiting officials to send a new notification in Yun's name, and make the inspection of the building as a private home. The officials refused to do this, and warned him that they will file a complaint against him in court.

Pastor's complaint rejected

Yesenkin then complained about this to Pavlodar Regional Emergency Department, which rejected the complaint in a 25 April letter seen by Forum 18. The letter, signed by Colonel Mulykhybay Aytzhanov, Head of the Department, states that according to Aksu's Justice Department, the legal address of the Church is 53 Kalinin Street, and so the officials did not violate the Law.

Colonel Aytzhanov told Forum 18 on 30 May that it was an unscheduled inspection of Grace Church, which is usually done after complaints from citizens or state agencies. "We cannot on our own initiate such inspections," he stated. Asked what the exact reason

for this inspection was, he responded, "I am not prepared to talk, I need to examine the case files to see".

Asked why Yun, the owner of the home, was not notified of the inspection, Colonel Aytzhanov repeated his previous response. He also did not want to say whether the Emergency Department planned to make another inspection of the building, since the previous attempt failed. "I don't know," he said, and then declined to discuss the issue further.

Despite Pastor Yesenkin's formal complaint against officials, Judge Gulnar Mukhamedkaliyeva of Aksu Specialised Administrative Court on 24 May fined him under Part 1 of the Code of Administrative Offences' Article 356 ("Preventing state inspectors from carrying out their official duties, non-compliance with directives, orders and other demands").

Judge Mukhametkaliyeva, refused to comment on the case. She told Forum 18 on 30 May that "her decision did not enter into force yet." She added that Yesenkin has a right to challenge the decision.

Hare Krishna commune still operating, but ownership still unapproved

The most high-profile state attempt to use property to attack the right to freedom of religion or belief has revolved around the Hare Krishna commune outside Almaty. The cattle farming commune - the only Hare Krishna commune in the entire former Soviet Union - has long been resisting state attempts to force them to move to a rubbish dump (see F18News 30 January 2009 http://www.forum18.org/Archive.php?article_id=1247). The case gained enormous international publicity when Kazakhstan with no warning used bulldozers to destroy Hare Krishna devotees' homes in November 2006, even attracting the attention of the fictional character Borat (see F18News 8 December 2006 http://www.forum18.org/Archive.php?article_id=885). Since then there have been threats to continue demolitions and court harassment, but no renewed demolitions (see eg. F18News 4 May 2007 http://www.forum18.org/Archive.php?article_id=952).

Galina Golous of the Hare Krishna community told Forum 18 on 30 May that the commune can still use the farm. This was taken from the commune by a court. However, "although the authorities have left us in peace, they still have not officially approved our use of the land". Golous said that the community continues their negotiations with the Regional and local Administrations to legalise the farm and the homes adjacent to it.

Negative "expert opinion" obstructs re-registration

After the city of Karaganda's [Quaraghandy] Grace Presbyterian Church applied for re-registration, the Karaganda Regional ARA Department gave a negative "expert opinion" on the Church's Charter. The Religion Law – against international human rights standards – requires religious organisations' ideas and activities in their charters to be approved by state "expert analysis" (see F18News 8 May 2012 http://www.forum18.org/Archive.php?article_id=1698).

The negative opinion effectively means that the Church will not be re-registered until the opinion is changed, the Church's lawyer Gaukhar Alkeyeva told Forum 18 on 24 May. She said that the Department sent the charter to the central ARA in Astana for another expert opinion. "The same experts gave us a positive opinion when we were registered before, and gave us a negative opinion now", she said.

One argument given by the "experts" is that "we are not Presbyterians, despite what it says in our charter", Alkeyeva said. "Another argument is that they think that our three-day intensive spiritual training can be dangerous for mental health." She said that the "experts" did not give their opinion in writing, but only told the Church their opinions verbally.

Lyazzat Kalybekova of the Religious Expertise Department of the ARA on 24 May told Forum 18 that: "Our experts are analyzing the Church's charter, and by the end of May we should give our opinion". She added that "if need be we may ask the Church to present the spiritual literature they use for additional analysis, and extend for another month the time the expert analysis takes".

More communities unable to re-register yet

Among the other religious communities unable to gain re-registration is the Hare Krishna commune. "We are still waiting to receive the results of the expertise of our religious literature", Viktor Golous, leader of the commune told Forum 18 on 24 May. "And without that expert opinion we cannot be re-registered."

His colleague Galina Golous explained to Forum 18 on 30 May that they wanted to send their literature for censorship when the Religion Law was passed in October 2011. But the Almaty Regional ARA Department told them that they cannot do this as the censorship regulations were not in place.

Compulsory state censorship is one of many aspects of the Religion Law which break the international human rights Kazakhstan has promised to implement. Local and international human rights defenders have heavily criticised this and other aspects of the Law (see F18News 13 October 2011 http://www.forum18.org/Archive.php?article_id=1624). Draft Censorship Regulations were considered at a closed meeting of about 20 senior officials on 27 October 2011 (see F18News 24 November 2011).

http://www.forum18.org/Archive.php?article_id=1639).

However the finalised Censorship Regulations were only published on 17 March 2012 (see F18News 8 May 2012 http://www.forum18.org/Archive.php?article_id=1698). Hare Krishna devotees immediately contacted the Almaty Regional ARA Department, but were told that they need only send a list of their books, and the ARA would ask for copies of particular books from the list for analysis. "We waited for almost two and half months for this, and on 25 May we were called by the Almaty ARA branch and told what books to bring", Golous stated. She said that the books were taken to the ARA on 29 May.

The Almaty ARA branch told Hare Krishna devotees that the books will be sent to the central ARA in Astana. Golous said that she did not know how long it would take for them to receive the results of the analysis. "One can only imagine how long they need, if it took them two and half months to consider the names of books", she commented.

Unlike other Communities, Mosques registered under the state-backed Muslim Board have been told by regional ARA Departments to wait to be told by them when to apply for re-registration. (The Board itself is due to be fully taken over by the state – see F18News 29 November 2011 http://www.forum18.org/Archive.php?article_id=1640.) Several Imams of Mosques in Taldykorgan, who asked not to be named for fear of state reprisals, told Forum 18 that they see "no problems with re-registration but were told to wait to be invited" by the local ARA branch.

Imams of independent Mosques in Karaganda Region told Forum 18 on 29 May that they will apply for re-registration in the end of August, when Ramadan is over. "We do not want to be disturbed by the officials during fasting", one Imam who wished to remain unnamed for fear of state reprisals told Forum 18.

Independent mosques have been pressured since January to re-register or be closed (see F18News 22 February 2012 http://www.forum18.org/Archive.php?article_id=1671). Officials threatened before the new Religion Law was adopted to use it to close down independent Mosques (see F18News 16 September 2011 http://www.forum18.org/Archive.php?article_id=1613). (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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY