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KAZAKHSTAN: Religious free speech "doesn't exist"

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Kazakhstan's National Library in Almaty has had its religious books checked, its General Director Gulisa Balabekova told Forum 18 News Service, but "there were no problems". The check was part of the compulsory prior censorship of all printed and imported religious literature and controls on where religious literature can be sold or distributed. In other religious free speech restrictions, who can lead or address worship services is restricted, while discussing faith with other people in public is banned – with punishments for those who ignore these bans. "Unfortunately the right to freedom of speech in the area of religion doesn't exist in Kazakhstan," independent journalist Sergei Duvanov told Forum 18.

As part of its controls on free speech in the area of religion, Kazakhstan's government agency controlling religion – the Agency of Religious Affairs (ARA) - is stepping up pressure on religious communities to instruct their members not to speak about their faith with others in public, Forum 18 News Service has found. The ARA has already instructed people to report such individuals to the police.

With compulsory prior censorship of all printed and imported religious literature, controls on where religious literature can be sold or distributed, restrictions on who can lead or address worship services, and a ban on discussing faith with other people in public – and punishments for those who ignore these bans - human rights defenders and religious communities have concluded that religious free speech does not exist in Kazakhstan.

The ARA has refused to allow some religious publications to be imported and distributed. Confiscation of religious books from individuals in the country and arriving in the country appears to be increasing, as too are fines for those who discuss their faith with others. Those singled out for punishment tend to be from religious communities the government does not like, such as the Tabligh Jamaat Islamic group, Jehovah's Witnesses and Council of Churches Baptists.

Two courts have ordered religious literature confiscated from individuals sharing their faith – including Bibles – to be destroyed. However, after widespread outrage both decisions were overturned, though fines on the individuals remained (see F18News 10 April 2013 http://www.forum18.org/Archive.php?article_id=1822).

The proposed new Criminal Code due to reach parliament later in 2013 (probably in the Autumn) is set to introduce a maximum penalty for sharing beliefs without state permission of four months' imprisonment (see F18News 18 March 2013 http://www.forum18.org/Archive.php?article_id=1814). One network of religious communities – Council of Churches Baptist congregations – are holding two days of prayers on 26 and 27 April in connection with the existing and proposed punishments.

"Even dangerous to promote atheism"

"Unfortunately the right to freedom of speech in the area of religion doesn't exist in Kazakhstan," independent journalist Sergei Duvanov told Forum 18 from Almaty on 25 April. "People in Kazakhstan are not free to preach or promote their religious faith. Now it is even dangerous to promote atheism, as the case of Aleksandr Kharlamov demonstrates."

Kharlamov, an atheist from Ridder in East Kazakhstan Region, was imprisoned on 14 March on criminal charges of inciting religious hatred after prosecutors arranged "expert analyses" of his writings on religion. He was transferred to Almaty in early April for a psychiatric examination (see F18News 18 April 2013 http://www.forum18.org/Archive.php?article_id=1826).

Duvanov said he had given several interviews locally since Kharlamov's arrest in which he too openly expressed his atheist views. "I don't know what will happen to me," he told Forum 18. "Will I too be prosecuted? This obscurantism on the part of the state is a cause of fear."

"Missionary" prosecutions continue

Discussing or sharing faith with others is punishable under Code of Administrative Offences Article 375, Part 3, with a maximum penalty for Kazakh citizens under this Article of 100 MFIs or 173,100 Tenge (6,700 Norwegian Kroner, 880 Euros or 1,150 US

Dollars). This is currently equivalent to nearly two months' average wages as measured nationwide by the state.

Jehovah's Witnesses across Kazakhstan have been particular victims of administrative punishment for discussing their faith with others (see F18News 18 March 2013 http://www.forum18.org/Archive.php?article_id=1814). They told Forum 18 that all the administrative cases under Article 375, Part 3 that have been concluded in court have resulted in the maximum fine of 100 MFIs.

On 18 February, police in the capital Astana detained Ahmet Alseitov and Dariya Mischenko for sharing their faith.

On 20 February, police in Oskemen in East Kazakhstan Region detained and interrogated Marat Saleubayev and Arman Abdullinov. They were charged under Article 375, Part 3.

On 26 February, police in Kokshetau in Akmola Region detained Sofya Ilyinykh and Yulia Khrumchenko and seized their religious literature.

On 27 February, police in Petropavl, North Kazakhstan Region, detained Svetlana Molibayeva and Tatyana Folomeyeva. They too face administrative charges under Article 375, Part 3.

On 16 March, police in Balpyk-bi in Almaty Region detained Zhayna Zhumabayeva and Olga Karpova. They held them for five hours, forced them to write statements and seized their personal Bibles. They too face administrative cases.

On 18 March, police in Saran in Karaganda Region detained V. Podborodova and P. Starodubtseva, seizing one personal Bible.

On 20 March, police in Oskemen detained Zhangazy Biimbetov in his home, took him to the police station, photographed and fingerprinted him. On 5 April he was summoned to the Regional ARA Department, where an administrative case under Article 375, Part 3 was prepared and handed to court.

Also on 20 March, police in Kokshetau in Akmola Region detained Zhanat Abilova and Pakizat Ismagulova.

The same day in Zhezkazgan in Karaganda Region, Maya Pustovit and Svetlana Pavlushenko were detained by Major Akmoldin, chief of the local Department Against Extremism, Separatism, and Terrorism.

On 2 April in Atyrau, the married couple Zarina Burova and Aydos Sydykbayev (who is disabled) were detained in their home and taken to the police station. They were not allowed to telephone for a lawyer.

On 5 April, two further detentions occurred in Petropavl, Galina Klynina and Aleksandr Folomeyev (whose wife had been detained in February). Klynina was fined 100 MFIs on 25 April and Folomeyev the same amount on 26 April, according to court documents seen by Forum 18.

Inadequacies

However, Judges have refused to hear several cases against Jehovah's Witnesses accused under Code of Administrative Offences Article 375, Part 3, because of inadequate preparation of the cases by Regional Departments of the ARA.

In the case against Saleubayev and Abdullinov, on 11 April Judge Kuralai Tobelbasova of Oskemen's Specialised Administrative Court returned the case to the East Kazakhstan Regional Department of the ARA "to remove inadequacies and to include the appropriate documentation", according to the decision seen by Forum 18.

Similarly, on 15 April another Judge at the same court returned the case against Biimbetov, according to the decision seen by Forum 18.

A court in Akmola Region had sent back a case against Jehovah's Witness Sergei Chuvashkin in March (see F18News 10 April 2013 http://www.forum18.org/Archive.php?article_id=1822).

Complaint rejected

Jehovah's Witnesses lodged an official complaint about the punishments imposed in December 2012 and January 2013 on four individuals for discussing their faith. Dmitry Bukin from Astana, Nurzhan Aglakov from Pavlodar, and Natalia Lashova and Nadezhda Shefer from Aktau had each been fined 100 MFIs under Article 375, Part 3 (see F18News 22 January 2013 http://www.forum18.org/Archive.php?article_id=1792).

However, in a 5 April response seen by Forum 18, Kazakhstan's Deputy Prosecutor General Zhakip Asanov rejected their complaint. He noted that local Departments of the ARA had reported that none of the four had personal registration as missionaries, so their activity was illegal.

"The Prosecutor General's Office completely ignored our arguments that the prosecution and conviction of Jehovah's Witnesses is an obvious violation of the right to freedom of speech and religion guaranteed by Kazakhstan's Constitution and the International Covenant on Civil and Political Rights," Jehovah's Witnesses complained to Forum 18.

"It is obvious that many more cases will now be instituted against Jehovah's Witnesses for peacefully speaking about their religious beliefs," they added.

Pressure not to discuss faith

The ARA insists that individuals cannot share their faith with others. One of its Deputy Chairs, Marat Azilkhanov – who worked for the NSC secret police from 1992 until his appointment to the ARA in August 2011 – told an ARA meeting that "it is not allowed simply to go and preach your religious ideas on the streets, stopping people and talking about your faith," the local news agency Tengrinews quoted him on 1 February. "This must be done [only] in approved places."

Azilkhanov instructed anyone encountering individuals talking about their faith on the street to contact the police or the local Department of the ARA immediately.

The ARA is directly pressuring the Jehovah's Witness headquarters in Almaty to stop their adherents from sharing their faith with others. A 28 March letter from the ARA Deputy Chair Azilkhanov insisted that such activity violates Article 1, Part 5 of the 2011 Religion Law. He was responding to a Jehovah's Witness complaint about the many administrative fines.

Actions by individuals "directed at spreading a religious faith on the territory of Kazakhstan represents missionary activity, which can only be carried out after undergoing [personal] registration", he noted in the letter, seen by Forum 18. "In connection with this, we ask you to conduct educational work among adherents of the Jehovah's Witnesses on the necessity of observing the norms of current legislation of Kazakhstan."

Azilkhanov's telephone went unanswered each time Forum 18 tried to reach him. Nazym Mukanova - the ARA official who drafted the 28 March letter – refused absolutely to discuss the pressure on the Jehovah's Witnesses or the state-imposed religious censorship with Forum 18 on 25 April.

Literature censorship

The Religion Law requires all religious literature and informational materials to be approved by the ARA before it can be published or imported. An official of the ARA's Expertise Department – who would not give his name – denied to Forum 18 on 26 April that this represents censorship.

The censorship was introduced in early 2012 as a follow-up to the harsh 2011 Religion Law amendments (see F18News 8 May 2012 http://www.forum18.org/Archive.php?article_id=1698).

One Islamic book distributor told Forum 18 that after the censorship was introduced, the ARA routinely took several months to approve or reject any item. The distributor said that now the ARA generally gives a decision within the specified 30 days.

The ARA publishes on its website the list of religious books it has approved. Forum 18 has not been able to find out if this means that any book published before Kazakhstan introduced compulsory state religious censorship and which has not been approved is now illegal. Nor has it been able to find out if books not on the approved list are illegal. The Expertise Department official refused to give Forum 18 a clear response.

The published list is made up solely of books in Kazakh and Russian. No books in Arabic, Tatar, Hebrew, Armenian, Azeri, Ukrainian or Latin are listed, implying that all religious books in such languages might be illegal. The official of the ARA's Expertise Department claimed to Forum 18 that only books in Kazakh and Russian are subject to censorship.

However, the 7 February 2012 government Decree setting out the procedure for "expert analyses" – which he cited to back up his claim - makes no mention of any exemption from the compulsory censorship for materials not in Kazakh or Russian.

"Not recommended" or banned?

The ARA Expertise Department official told Forum 18 that "many negative expert opinions" have been given. Asked for a list of such rejected works, he responded: "Why do you need it?" Asked repeatedly, he said Forum 18 should request the list officially in writing.

Jehovah's Witnesses have had several of their publications banned. The October-December 2012 issue of their Kazakh-language magazine "The Watchtower" was banned because it cited an individual who had been brought up as a Catholic who later became a

Jehovah's Witness. "We had been led to believe that our salvation came from the priests," the individual was quoted as saying.

The ARA regarded this as promoting "a negative attitude toward certain denominations, including Catholicism", according to a 31 January letter from Azilkhanov of the ARA to the Jehovah's Witness organisation in Almaty and seen by Forum 18.

The letter also banned the 15 January Russian-language issue of the magazine for containing "ideas that discourage pursuing secular education, a profession or paid work". The 15 February Kazakh-language issue of the magazine was banned for containing "the idea that its teachings are superior and rejects the fundamental teachings of traditional Christianity, which contributes to the development of a negative and suspicious attitude toward other religions".

Azilkhanov's letter says these and other banned Jehovah's Witness publications are "not recommended for distribution and use on the territory of the Republic of Kazakhstan". Officials of the ARA's Expertise Department refused to explain to Forum 18 if this means such works are banned.

The ARA has rejected Jehovah's Witness requests to see the full "expert conclusions" on which the bans have been based. "They told us these conclusions are state secrets and they won't even say who the 'experts' are," Jehovah's Witnesses complained to Forum 18.

Border confiscations

Several religious believers of a variety of faiths have complained of religious books being taken from them when they return to Kazakhstan. "We have stopped bringing books in this way," one member of a religious community who asked not to be identified told Forum 18.

Local Departments for Customs Control – especially in western Kazakhstan – have confiscated Muslim books in Arabic from arriving travellers in recent months. A Kazakh citizen arriving at Aktau airport from the Azerbaijani capital Baku had more than 300 such books seized, Mangistau Region Customs Control Department told the local media in early April. Books had similarly been seized from a passenger arriving at the same airport on a flight from Istanbul in March.

The Customs Control Committee told Forum 18 from Astana on 25 April that individuals are free to import religious books for their personal use. However, the official – who did not give his name – stressed that books containing "extremist or radical content" cannot be imported. "Customs officers have secret lists of specific titles – both our own list and one from the Customs Union to which Kazakhstan, Russia and Belarus belong." He refused to say how many religious books are on each of the two lists.

The Border Control Department in Astana – which is under the National Security Committee (KNB) secret police – refused to discuss with Forum 18 on 25 April their involvement in religious literature confiscations.

University libraries to be censored?

The official of the ARA Expertise Department insisted to Forum 18 that books for personal use are not subject to censorship. But he stressed that libraries must submit their religious books in Kazakh and Russian for Regional ARA Departments to conduct "expert conclusions" even if they have had the books since before the censorship system was introduced.

"If a library gets a negative conclusion on a book they have, the book must be removed from the library and from the catalogue," the official told Forum 18. "Police will then take it."

Gulisa Balabekova, General Director of Kazakhstan's National Library in Almaty, said that the books in the religion section of the library have been checked. "They did an expert analysis and as far as I recall, there were no problems," she told Forum 18 on 26 April. She could not remember the exact date of the check or if it had been conducted by the local ARA Department. The telephone at Almaty's ARA Department went unanswered on 26 April.

One Chief Librarian of a State University in a regional centre away from Astana told Forum 18 on 26 April that the library contains textbooks on religion which have been in the library for some time. "But no-one has asked us to submit them for checking." (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.

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