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KAZAKHSTAN: Years of intrusive questioning

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

A Muslim complains of six years' intrusive police questioning about his faith: "These are my personal beliefs they are asking about." The Interior Minister denied that police questioned Yerlan – most recently on 20 July - because of his faith. The Interior Ministry says 23,000 are on a register of adherents of "destructive religious movements". Rights defender Yevgeny Zhovtis says no such category exists in law.

Yerlan, a Muslim from a village in North Kazakhstan Region's Kyzylzhar District, is trying to stop repeated questioning because of his faith that he says has been going on for six years. Most recently, a police inspector questioned him on 20 July. Surveillance and questioning started because of an anonymous claim that he was a terrorist.

"Officers keep coming and asking me what religion I follow, what movement within it, how long I have belonged to it. These are my personal beliefs they are asking about," Yerlan complained to Forum 18. "I have the right to reveal or not to reveal my faith. They never say on what basis they are asking these questions."

Kazakhstan's international human rights obligations ban officials from compelling individuals to reveal their "thoughts or adherence to a religion or belief" (see below).

Interior Minister Yerlan Turgumbayev denied that repeated police questioning of Yerlan – most recently on 20 July - was because of his faith. A 5 August response to Yerlan's complaint on the Minister's blog claimed that "in relation to you, no preventative measures connected with your religious views have been undertaken or are being undertaken" (see below).

Yerlan said officials have not prevented him otherwise from exercising his rights. However, he recalled that when he last crossed the border to Russia some three years ago he appeared to have been subjected to extra scrutiny.

Another Muslim elsewhere in Kazakhstan complains that she has faced harassment for her faith since 2000. Four years ago, National Security Committee (NSC) secret police officers offered inducements to try to persuade her husband to denounce her, but he refused. In mid-August 2019, the local police officer told her she is on a NSC register and ordered her to go to a state-controlled imam and to write a statement. All her complaints over the years have brought no result (see below).

Yerlan told Forum 18 he knows of other Muslims in various parts of the country who face similar repeated questioning because of their faith.

Many Muslims the government believes are Salafis – either because of their theological views or because of the way they dress – are under tight state scrutiny. So too are leaders of other faiths the government regards with suspicion, such as Protestant Christians, though open surveillance on Protestant leaders appears to have reduced in recent years (see below).

The Interior Ministry claimed in 2018 that 22,945 people were adherents of "destructive religious movements", despite no such designation being defined in law. "An individual's adherence to a destructive religious movement is determined in the course of joint work by local executive bodies (religious affairs departments), police and national security agencies drawing on professional theologians and religious studies experts," the then Interior Minister noted (see below).

The Interior Ministry in the capital Nur-Sultan has not responded to Forum 18's questions, including: what an individual has to do to be placed on the register; what law specifies what is a "destructive religious movement"; and what court or other agency decides that an individual should be placed on the register (see below).

Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law objects to this register. He pointed out that the government already has a separate list of court-banned "extremist and terrorist" organisations, so "it is clear that this register is something different and people included in this register are obviously stigmatised" (see below).

People who put their names forward as founders of religious organisations when they register with the state can also face harassment

and intrusive questioning.

After the Hare Krishna community in Aktau lodged its registration application in November 2018, officials of Mangistau Regional Religious Affairs Department summoned the founders and tried to force them to complete detailed questionnaires requiring among other information "the reason for supporting the Krishna religion", and how long they have participated in the community's activity. (http://www.forum18.org/archive.php?article_id=2500) Most of the founders refused to fill in the questionnaires, complaining to officials that they were illegal and pointing out that "the question of adherence to a certain religion is very sensitive".

Police in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region suddenly began harassing the founders of the city's New Life Protestant Church in May 2019, as it was seeking re-registration under a new name. Officers visited several founders late at night, threatening one woman in her late 70s to try to make her open the door. (http://www.forum18.org/archive.php?article_id=2500)

Violating international standards

Forcing anyone to reveal their beliefs is prohibited under Kazakhstan's binding international human rights law obligations.

The United Nations Human Rights Committee stated in Paragraph 2 of its General Comment 22 on International Covenant on Civil and Political Rights Article 18 (<https://www.refworld.org/docid/453883fb22.html>) ("Freedom of Thought, Conscience or Religion"): "In accordance with articles 18.2 and 17 ["The right to privacy"], no one can be compelled to reveal his thoughts or adherence to a religion or belief."

Kyzylzhar District: Six years of repeated questioning

Yerlan, a Muslim in a village in North Kazakhstan Region's Kyzylzhar District who asked that his last name not be given, is trying to stop repeated questioning because of his faith that he says has been going on for six years. Surveillance and questioning started because of an anonymous claim that he was a terrorist.

Yerlan complained on various government blogs about the repeated questioning about his faith. "I am an observant Muslim, just like my father, my mother, my grandparents, and I conduct the namaz and as far as possible all the demands of our and your religion," Yerlan wrote on 21 July.

However, an individual complained about Yerlan anonymously. "He accused me of all kinds of sins, being a Salafi, a Wahhabi, an extremist, a terrorist. If even a hundredth of what he wrote had been confirmed, I would long ago have been jailed." However, Yerlan complained that although no evidence of his wrongdoing had been found, "I can't break free from this slander".

For six years Yerlan has faced repeated questioning from the Police Anti-Extremism Department or local police officers. "Whenever an officer changes, they immediately come to visit me and it starts all over again. All the same questions: who am I, what is my worldview, what plans, why I am not clean-shaven etc."

On 20 July a young police inspector Sake (last name unknown) visited him by car. Sake told Yerlan that his bosses had sent him "to check up" on him. Sake presented no documents "as he had been given the instruction verbally". As Yerlan would not answer all his questions, Sake ordered him to come to the police station in a nearby village the following day. He refused to give Yerlan a summons in writing.

Sake "had a report in his hand with my details, as it was written there that I am a Salafi", Yerlan added. "I have been proving to everyone for six years that I am not a Salafi and have nothing in common with this. After each conversation officers nod their heads and agree you are not one and say there's been a mistake." But he said officers keep returning with a report that he is a Salafi.

"They see a man with a beard and that means an extremist, a woman with a headscarf [hijab] and that means a non-traditional world view," Yerlan insisted. He asked the senior government officials, including President Kassym-Zhomart Tokayev, to ensure that the police catch criminals "rather than running after Muslims with stupid questions, questionnaires, forms, statements and the like".

Interior Minister Yerlan Turgumbayev denied that repeated police questioning of Yerlan – most recently on 20 July - was because of his faith. A 5 August response to Yerlan's complaint on the Minister's blog claimed that "in relation to you, no preventative measures connected with your religious views have been undertaken or are being undertaken".

Minister Turgumbayev claimed the 20 July questioning at Yerlan's home had been in accordance with a 2015 Interior Ministry decree on how local police inspectors work.

The officer (who did not give his name) who answered the phone of Lieutenant Colonel Spartak Kabdinov, acting head of the North Kazakhstan Regional Police's Department for Countering Extremism, insisted that his Department had not been involved in questioning Yerlan and had not instructed the District Police to do so either.

"He is not on a register – we have no register," the officer claimed to Forum 18 from the regional capital Petropavl on 6 August. "We saw his complaint. We sent it on to Kyzylzhar District Police." The officer said Yerlan had visited the Department for Countering Extremism at the end of July. "We told him to go to the District Police."

Kyzylzhar District Police told Forum 18 that police chief Aidan Ospanov is on holiday until the end of August. One officer, Zhaslan Ismailov, told Forum 18 on 6 August that no District Police officers had travelled to the village to question Yerlan. Another – who did not give his name – told Forum 18 on 12 August that officer Sake could not have visited Yerlan as he is already retired. (Yerlan said the officer Sake who questioned him was a young man.)

Police officer "told me I'm on the NSC register"

A Muslim from elsewhere in Kazakhstan – who works in the medical field - says she is under surveillance because of her faith. "This persecution has been going on since 2000," she complained. "My flat has been broken into four times, they follow me, listen in to communications and conduct all kinds of dirty tricks against me."

Four years ago, the woman added, NSC secret police officers tried to persuade her husband to denounce her as a Salafi who was recruiting people to go to fight in Syria, offering inducements if he did so. He refused.

In mid-August 2019, the local police officer phoned her and "told me I'm on the NSC [secret police] register because I am a believer, a Muslim", the Muslim complained. The officer ordered her to come to an unspecified centre for a conversation with an imam (from the state-controlled Muslim Board) and write "some kind of statement".

The woman told the officer she is a Sunni Muslim who "simply reads the Koran and prays", and is not in any religious organisation. She asked on what basis he was instructing her to go to talk to an imam and write a statement.

Over the years the woman has complained to the Interior Ministry, the Prosecutor's Office and the police, but with no result.

Nearly 23,000 adherents of "destructive religious movements"?

When amendments to the Religion Law were being proposed from 2017, the Interior Ministry presented information that 22,945 people were adherents of "destructive religious movements", the then Religion and Civil Society Minister Nurlan Yermekbayev told a questioner on his official blog on 16 March 2018.

Minister Yermekbayev's March 2018 response insisted that his Ministry (now the Information and Social Development Ministry) did not collect its own data on alleged adherents of "destructive religious movements" and also "does not conduct expert theological analyses" of individuals.

"We want to inform you that religious studies expertise is not carried out of individuals." Organisations, religious educational establishments, and religious literature, documents and objects are subject to "expert" analyses, Minister Yermekbayev added.

Responding to the same question on 6 April 2018, the then Interior Minister Kalmukhanbet Kasymov claimed that countering religious extremism was a priority. "An individual's adherence to a destructive religious movement is determined in the course of joint work by local executive bodies (religious affairs departments), police and national security agencies drawing on professional theologians and religious studies experts," Kasymov responded.

"The presence of an individual on such a register brings on them no legal consequences and is used exclusively for the aim of preventing the spread of radical ideas among the population," Kasymov claimed.

No Interior Ministry response on adherents of "destructive religious movements" register

Forum 18 sent written questions to the Interior Ministry in Nur-Sultan before the beginning of the working day on 15 August. It asked: how many people are currently on the register as adherents of "destructive religious movements"; what an individual has to do to be placed on the register; what law specifies what is a "destructive religious movement"; what court or other agency decides that an individual should be placed on the register; what an individual who has been placed on the register is not allowed to do; whether the Interior Ministry informs an individual when they have been placed on the register; and what can an individual do to challenge a decision to place them on the register.

Forum 18 received no response from the Interior Ministry by the end of the working day in Nur-Sultan on 19 August.

"People included in this register are obviously stigmatised"

Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law objects to the use of such registers. "Destructive religious movements' is not a legal term," he pointed out to Forum 18 on 19 August. "It is absolutely unclear what

criteria are used to designate any particular religious group as 'destructive'."

Zhovtis noted that the government already publishes a separate list of banned "extremist and terrorist" organisations banned through the courts. Given the existence of this separate published list, "it is clear that this register is something different and people included in this register are obviously stigmatised".

Zhovtis expressed concern also over the use made of the published list of banned organisations. "A number of people were imprisoned for support or ties with such organisations," he told Forum 18, "as it is a crime if somebody expressed support or even mentioned such an organisation positively or neutrally without any evidence of doing something or calling for violence."

While many of the banned organisations violate or call for the violation of others' human rights, the published list also includes the Tabligh Jamaat Muslim missionary movement.

A court in Astana (now Nur-Sultan) banned Tabligh Jamaat in 2013 even though the leader of a NSC secret police study of the movement found that it was "not an extremist or terrorist organisation .. speaking out against all forms of violence against individuals". (http://www.forum18.org/archive.php?article_id=2409)

On 9 January 2019, Abilai Bokbasarov from Balkhash became the 73rd Muslim known to have been convicted and punished for alleged Tabligh Jamaat membership since the beginning of 2015. Balkhash City Court jailed him for three years and, after his release, banned him from exercising freedom of religion or belief for five years (http://www.forum18.org/archive.php?article_id=2452). His bank accounts were subsequently blocked, as is usual for prisoners of conscience sentenced on "extremism"-related charges. (http://www.forum18.org/archive.php?article_id=2409)

Under surveillance

All religious or belief communities are thought to be under surveillance by the ordinary police and NSC secret police. (http://www.forum18.org/archive.php?article_id=2409)

Earlier, several prominent leaders of registered Protestant churches were placed on an official "signal register" (signalny uchet in Russian) which prevented them from changing their officially-registered place of residence, selling a legally-owned car, or gaining state child benefit for newly-born children. (http://www.forum18.org/archive.php?article_id=1568) Such individuals were also subject to close scrutiny and questioning when crossing the border into and out of Kazakhstan.

"The signal register was a serious problem for Protestant leaders in the early and mid-2010s," an individual familiar with these controls told Forum 18. "But this has lessened in recent years." (END)

Full reports on freedom of thought, conscience and belief in Kazakhstan (<http://www.forum18.org/archive.php?query=&religion=all&country=29>)

For more background, see Forum 18's Kazakhstan religious freedom survey (http://www.forum18.org/archive.php?article_id=2409)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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