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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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KAZAKHSTAN: New extremism law "serious danger" to religious believers

By Igor Rotar, Forum 18

A controversial new extremism law, actively promoted by the KNB secret police, has now been signed by the Kazakh President. As well as being criticised by some religious believers, the law has been criticised by a wide range of local and international organisations, including the Organisation for Security and Cooperation in Europe. But Almaty city's official chief specialist on religious affairs, Vladimir Ivanov, told Forum 18 News Service that "I do not understand this concern. The law on extremism and also the amendments to other laws have no relation to religion and consequently do not represent a threat to believers." Strongly disagreeing was Ninel Fokina of the Almaty Helsinki Committee, who told Forum 18 that "the term 'religious' occurs ten times (…). The new law can be used by the state to combat religious organisations it does not like." Religious law specialist Roman Podoprigora pointed out to Forum 18 that, under amendments to other laws brought in with the extremism law, Kazakhstan can now decide "to close religious communities on the basis of information from the relevant organs of odious regimes," such as North Korea.

On 21 February, Kazakhstan's president Nursultan Nazarbayev signed the controversial law on countering extremism and also the law on amendments and additions to certain legal acts of the Republic of Kazakhstan on matters of countering extremist activity, the Kazinform agency reported. "I'm very concerned that the president signed these laws despite the fierce criticism of the drafts by both foreign and domestic human rights activists," the president of the Almaty Helsinki Committee Ninel Fokina told Forum 18 News Service on 23 February in Almaty. Legal specialist Roman Podoprigora was equally concerned, complaining of numerous "imperfections" in the laws. While Muslim and Russian Orthodox representatives expressed no concern, Kazakhstan's Hare Krishna leader Vidiya Volkova told Forum 18 the new laws against extremism "undoubtedly present a serious danger to us".

The laws, which were initiated by the law-enforcement agencies, had been considered in parliament for the past six months. During the drafting process, successive texts were criticised by a range of human rights organisations – the Organisation for Security and Cooperation in Europe (OSCE), the Kazakhstan International Bureau for Human Rights, the Almaty Helsinki Committee and the International Centre for Non-commercial Law – which regarded the draft law as potentially limiting the rights of Kazakh citizens (see F18News 27 July 2004 http://www.forum18.org/Archive.php?article_id=376).

"I do not understand this concern," Vladimir Ivanov, chief specialist on religious affairs of the Almaty city administration, told Forum 18 on 22 February in Almaty. "The law on extremism and also the amendments to other laws have no relation to religion and consequently do not represent a threat to believers."

However, Fokina totally disagrees. "In the law on countering extremist activity the term 'religious' occurs ten times, although it would seem that religion and extremism are two totally different concepts," she insisted to Forum 18. "The new law can be used by the state to combat religious organisations it does not like."

The law on countering extremist activity fails to give a clear definition of extremism. According to article 1, extremism is defined as "the organisation and/or the carrying out of actions by a person, group of people or organisation in the name of organisations that are formally recognised as extremist". Thus the term extremism, defined with the help of the adjective derived from the same root, can be understood from the law only subjectively. Since the definition of extremism is vague, in theory the state could use it against any religious association.

According to article 6 of the law, "the state agency for relations with religious associations will

- study and analyse the activity of religious associations that have been established on the territory of the Republic of Kazakhstan and of foreign citizens engaged in preaching and/or disseminating any form of religious belief;

- the agency will also implement information and propaganda measures on issues that are within its competence

- will consider issues relating to breaking the law on freedom of conscience by religious associations,

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- and will make representations to forbid the activity of religious associations which have broken the Republic of Kazakhstan's laws on countering extremism."

It is clear that article 6 significantly strengthens state control over the life of religious communities.

According to article 8 of the law "a foreign or international organisation which carries out its activity on the territory of the Republic of Kazakhstan and/or of other states will be designated extremist by the court of the city of Astana by means of a declaration by the procuracy agency in a manner prescribed by the law of the Republic of Kazakhstan".

The law on amendments and additions to certain legal acts of the Republic of Kazakhstan on matters of countering extremist activity is also controversial. Article 317-7 of the Civil Procedural Code in its new wording establishes what kind of information should be contained in the statement submitted to the court by an official agency seeking to get an organisation recognised as extremist: "The statement must set out the circumstances which confirm that a foreign or international organisation on the territory of whatever state is carrying out activity which, if it were carried out on the territory of the Republic of Kazakhstan, could be defined as extremist activity under the law of the Republic of Kazakhstan."

Amendments were also made to the law on freedom of religious profession and religious associations. Article 4 is augmented by parts 4 and 5 with the following wording: "The establishment and activity of religious associations, the aims and actions of which are directed to kindling religious discord, to the destruction of the personality of a person or to threats to his life and health, is banned. The propaganda of religious extremism and also committing actions directed towards exploiting religious differences for political ends is banned."

"The law on countering extremism and also the law on amendments and additions to certain legal acts of the Republic of Kazakhstan on matters of countering extremist activity leave room for improvement," Roman Podoprigora, a Doctor of Law specialising in religious matters, told Forum 18 in Almaty on 23 February. "They have so many imperfections it is impossible to list them all briefly. I should like just to note that the term extremism is defined very unclearly in the new laws. So, if one wishes, practically any non-traditional religious organisation could be listed as extremist."

He complained that the amendments to article 317-7 of the Civil Procedural Code are "rather ambiguous" and "raise certain questions". He pointed out that Christian groups and also Jehovah's Witnesses are banned in many Arab countries and in North Korea. "In theory the procuracy organs in Kazakhstan can now take decisions to close religious communities on the basis of information from the relevant organs of odious regimes."

Podoprigora also noted the potential dangers of the amendment to the law on freedom of religious profession and religious associations. "I am disturbed by the ban on 'the destruction of the personality of a person or threats to his life and health' introduced into the religion law," he told Forum 18. "From the point of view of an atheist, any religion involves the destruction of the personality. The vagueness of this term could theoretically permit the banning of the activity of any religious organisation."

It is interesting that representatives of the law-enforcement agencies – above all the KNB secret police – make no attempt to hide the fact that they initiated the law on extremism and the amendments to other laws. Last November, the chairman of the KNB, Nartay Dutbaev, admitted publicly in an interview with Interfax-Kazakhstan that his agency was trying to change the laws on terrorism, national security, law enforcement, criminal investigations, and freedom of religion, believing that the existing laws contained "weaknesses" and arguing that it was necessary to augment the laws to strengthen state influence over believers.

The first deputy chairman of the KNB secret police, Vladimir Bozhko, was equally open, telling the Khabar agency on 31 January that "our proposals for regulating missionary activity in Kazakhstan are now with the Ministry of Justice". He added: "We need to defend society from the penetration of ideas that are alien to our mentality, alien to our traditional forms of religious expression Of course, we need to take certain measures. Incidentally, we have already expelled from Kazakhstan all kinds of religious 'emissaries' who without permission from the authorities and without registration carried out activities which were, to put it mildly, incompatible with the principles of national security."

Bozhko also emphasised that the KNB "definitely" intended to regulate missionary activity strictly. "We will tighten up our approach to preventing incidents of kindling inter-religious discord," he told Khabar. "We have religious associations which are not registered but which are active on the territory of the republic. It is clear that they should be held to greater accountability and we are working towards that."

However, for the moment at least, the new laws do not worry the vast majority of believers – perhaps because hardly any of them are aware of their content. "I am sure that laws directed against extremism will not in any way limit the rights of Muslims," Ongar Omerbek, the press secretary of the Muftiate of Kazakhstan, told Forum 18 on 23 February. "We are familiar with the new laws against extremism," the dean of the Almaty district of the Orthodox diocese of Almaty and Astana, Fr Vasili Zalezniak, told Forum 18 on 24 February. "However, it poses no problems for us. We have excellent relations with Nazarbayev. May God grant such good relations between the church and the authorities in Russia."

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Vidiya Volkova, president of the Krishna Consciousness Society of Kazakhstan, fears that the imprecise definition of extremism in the new laws could be used against Hare Krishna adherents. "It has already been hinted to us that we could be presented as religious extremists," she told Forum 18 in Almaty on 24 February. Volkova also expressed puzzlement that only the city court in the capital Astana can rule on whether a foreign or international organisation is extremist. "If the decision on whether a given organisation is extremist could be taken by courts in various regions then the likelihood of an objective verdict, independent of the wishes of the authorities, would be much greater," she insisted.

Anatoli Melnik, deputy president of the ruling council of Jehovah's Witnesses of Kazakhstan, Said Hasan Buhari, chairman of the Ahmadiya religious community of South Kazakhstan region and Roman Dudnik, president of the Protestant Emmanuel Society, declined to comment to Forum 18 on 24 February on the new laws on the grounds that they were not familiar with their contents.

Baptist, Jehovah's Witnesses and Ahmadiya representatives have all told Forum 18 that the authorities have increased pressure against them in the past few months (see F18News 24 January 2005 http://www.forum18.org/Archive.php?article_id=497 and 1 February 2005 http://www.forum18.org/Archive.php?article_id=502). (END)

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=249

A printer-friendly map of Kazakhstan is available at

http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kazakh

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