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Promoting the "progressiveness" of the harsh new Religion Law

By Felix Corley

Forum 18 News Service (19.12.11) / HRWF (19.01.12) - At a closed 27 October meeting of about 20 of Kazakhstan's most senior officials, State Secretary Kanat Saudabaev ordered the devotion of considerable resources to promoting what he claimed to be "the significance and the progressiveness" of the controversial new Religion Law which came into force in October. He ordered not only the "observance of the demands" of the Law, but "their positive acceptance by subjects of religious activity [i.e. religious communities]", according to documents from the meeting seen by Forum 18 News Service. Members of a wide range of religious communities have privately told Forum 18 of their deep concerns over the new laws, but are now too afraid to criticise them publicly.

After the adoption of the new laws, one media company was threatened that if it gave negative coverage of them, the authorities would close the company down, sources close to the case told Forum 18. They asked that the media company not be identified.

The harsh new Religion Law – and an associated Amending Law changing other laws relating to freedom of religion or belief – were signed by President Nursultan Nazarbaev on 11 October, were officially published on 15 October, and came into force ten days later (see F18News 13 October 2011 http://www.forum18.org/Archive.php?article_id=1624).

Human rights defenders and believers of a very wide range of faiths have expressed their concern to Forum 18 over the new restrictions on freedom of religion or belief. These include the requirement that all religious activity must have state approval before it is legal and the punishments for those who conduct religious activity without such registration. Many are also concerned at the many new controls over spreading a faith, producing or importing religious literature, and building and opening places of worship. They are also concerned at enforced closures of places of worship in state institutions, including prisons and social care facilities. Also causing great concern are the widened and increased punishments for any exercise of freedom of religion or belief that the government now deems illegal (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

The closed 27 October meeting included many senior government ministers, and discussed among other things: Registration Regulations, financial controls, missionary activities and strengthening state agencies to enforce the laws (see F18News 7 December 2011 http://www.forum18.org/Archive.php?article_id=1644); imposing complete state control of all permitted Islamic religious activity (see F18News 29 November 2011 http://www.forum18.org/Archive.php?article_id=1640); and draft Censorship Regulations which break the country's human rights commitments (see F18News 24 November 2011 http://www.forum18.org/Archive.php?article_id=1639).

Individuals continue to be detained for several days, fined and deported to punish them for their religious activity. The administrative trial of a Council of Churches Baptist, Ivan Yantsen, in Karaganda [Qaraghandy] Region resumes on 21 December, Baptists told Forum 18 on 19 December. Prosecutors are seeking to have him fined for meeting for worship without state registration (see F18News 13 December 2011 http://www.forum18.org/Archive.php?article_id=1646).

Waiting, waiting

Members of a variety of religious faiths have expressed concern about the way the new laws will operate. Many told Forum 18 they have tried to find out from officials how their communities will have to reapply for registration within the one year period prescribed by the law. "There's only silence," many religious believers told Forum 18 separately.

Many fear months might go by before the re-registration regulations are published and that they will fail to regain the compulsory re-registration because they will not have time to complete what they fear will be excessive or even obstructive bureaucracy. Exacerbating the fear is the ban on unregistered religious activity.

Threats to parents

Meanwhile, parents have been threatened for keeping their children away from the compulsory once-weekly Self-Recognition lessons in schools. The subject - promoted by President Nazarbaev's wife Sara and using her textbook "Philosophy of Love" - was introduced nationally in the 2010-11 academic year and consists of one lesson per week in each of the eleven years of general education. The 2010 syllabus approved by the Education Ministry appears vague, with lessons on "general human values", "basic personal qualities" and "the components of social experience".

Sara Nazarbaeva is quoted by the Education Ministry website as stating that the course "helps people to find themselves". Officials claim that this "new discipline" is "directed to spiritual and moral development of a man, self-perfection and harmonious development of people".

Parents who belong to congregations of the Baptist Council of Churches believe that the subject promotes "Eastern religions and the occult", as they complained to Forum 18. "We've done serious analysis of this subject, looking at the textbooks and methodology, and we cannot accept it," one Baptist told Forum 18 from Karaganda Region.

Members of a variety of other religious communities told Forum 18 that they consider the subject to be harmless, and say it depends on how each teacher approaches it.

Trouble for Baptist parents appears to have begun in Astrakhanka in Akmola Region. On 18 November, several members of their congregation were summoned by the Deputy Akim Miram Kozhakhmet. Parents were threatened that if they refused to send their children to the classes they would be fined. "They spoke to us very harshly," local Baptists complained to Forum 18. Joining Kozhakhmet in his threats were officials working on education, children, the Sanitary-epidemiological Service and the police.

Kozhakhmet of the local Akimat rejected any criticism of the threats. "Whether Christian or Muslim, all children must go to these lessons," he insisted to Forum 18 from Astrakhanka on 23 November. "This is just about the children, not about religious freedom. The law is the same for all."

Baptists note that attitudes to their children who refuse to attend such classes vary from place to place. In some places threats are widespread. In some instances in Karaganda Region, officials have even threatened to imprison parents who refuse to send their children to the lessons. However, in other places schools appear indifferent if children fail to attend.

Continuing concern over religious studies textbook

Concern continues over an official textbook for the compulsory Religious Studies course for all children in the 9th class (aged about 14). "Introduction to Religious Studies" - introduced into schools in January 2010 - aroused concern from members of many

religious communities, including Ahmadi Muslims, Protestant Christians, Hare Krishna devotees and Jehovah's Witnesses. The book – echoing the views of many state officials - is hostile to "non-traditional" religious communities, which it tries to equate with "terrorist", "destructive", and "extremist" movements, and sharing one's beliefs.

The textbook's lead author, Garifolla Esim, a professor who is also a member of Kazakhstan's upper house of parliament, the Senate, defended it to Forum 18 in June 2010 (see F18News 18 June 2010 http://www.forum18.org/Archive.php?article_id=1458).

Artur Artemyev, an Almaty-based religious studies professor and long-standing critic of the textbook, says that it is still being used across the country, despite claims by the Education Ministry that it had been withdrawn. "It has been given out to all children in Almaty," he told Forum 18 on 19 December, "and I heard just yesterday that it was given out to all children in Oskemen [Ust-Kamenogorsk]." He repeated his early call for the book to be withdrawn from schools.

A member of a religious community in East Kazakhstan Region shared Artemyev's concern not only about Esim's textbook but another used locally that similarly "waves the stick" against certain religious communities. "They want to show children that 'sects and movements' are dangerous, while 'traditional confessions' are good," the individual insisted to Forum 18 on 19 December. "But information in such lessons must be about the teachings of such faiths, and the children themselves will draw conclusions for themselves."

"Forming a positive public view"

The 27 October meeting in the capital Astana set out detailed instructions to many state agencies as to how to implement the controversial new laws (see F18News 7 December 2011 http://www.forum18.org/Archive.php?article_id=1644).

The government's Agency of Religious Affairs (ARA), together with the Foreign Ministry, was instructed at the 27 October meeting to hold presentations on the Law and Regulations enacting it to religious representatives, the diplomatic corps and the media by the end of 2011.

They were also instructed by the end of the year "to organise a series of publications and articles in the media directed at forming a positive public view of the provisions of the new Law" as well as "to secure permanent control of the media coverage of the priority directions of state policy in the religious sphere in the context of realisation of provisions of the new law".

Similarly, Saudabaev instructed the Foreign Ministry, including through its embassies abroad, together with the ARA to "hold a series of measures to explain the significance and progressiveness" of the new Religion Law "for a foreign audience".

The Secretariat of the Assembly of People of Kazakhstan, with the ARA's and the Culture Ministry's help, is to prepare a "complex of measures in support of the Law" by the end of June 2012 "with the involvement of ethno-cultural associations". These "ethno-cultural associations" are state-backed organisations for Kazakhstan's ethnic minorities, such as Germans, Uyghurs, Koreans and Dungans.

"Plan of Informational/Educational Work in the Religious Sphere"

The Culture Ministry and the ARA are to "organise explanatory work in support of" the new Religion Law "with the involvement of NGOs and the creative intelligentsia".

The ARA and the Communications Ministry are – "with the aim of increasing informational/ideological work to strengthen stability in the religious sphere" – to ensure that state-owned television and radio channels (including Khabar, Medeniet and El Arna) launch specific religious programming presenting the state's viewpoint.

They are also to create "alternative Muslim websites" to present the government's view. Similarly, "pro-state Muslim NGOs" are to be created (see F18News 29 November 2011 http://www.forum18.org/Archive.php?article_id=1640).

Saudabaev ordered that all the measures should be incorporated into the General Republican Plan of Informational/Educational Work in the Religious Sphere. Forum 18 has been unable to get a copy of the Plan.

A Security Council meeting – possibly an apparently unpublicised July 2010 meeting – also ordered the creation of Centres to rehabilitate "victims of religious extremism" and Centres for help to "those who suffered from the activities of destructive religious movements". That meeting "on questions of strengthening stability in the religious sphere" was followed by an internal document of the ruling Nur Otan Party attacking so-called "non-traditional" religions (see F18News 7 December 2011 http://www.forum18.org/Archive.php?article_id=1644).

Forum 18 notes that many so-called "anti-sect centres" have been established in recent years and, according to government websites, many receive financial support from the state (see F18News 5 February 2009 http://www.forum18.org/Archive.php?article_id=1250). Many have also been involved in the campaign in favour of the new Religion Law and other harsh restrictions on religious activity (see F18News 6 May 2011 http://www.forum18.org/Archive.php?article_id=1568). Members of religious minorities have suggested a direct link between the campaigns of such "anti-sect centres" and encouraging intolerance of freedom of religion or belief (see F18News 20 September 2011 http://www.forum18.org/Archive.php?article_id=1614).

Supporting one faith?

Documents from the October 2011 meeting note that in fulfilment of President Nazarbaev's instructions to increase "stability in the religious sphere" (presumably a reference to the July 2010 Security Council decisions), the Fund for Support of Islamic Culture and Education was ordered to fund a daily broadcast Iman aynasi on Kazakhstan television channel.

The Fund for Support of Islamic Culture and Education was set up on President Nazarbaev's initiative in 2009. The chair of its Board has, since it was established, been state religious affairs official Ardak Doszhan (currently one of the ARA's two deputy chairs). One of the three tasks the Fund identifies on its website as the purpose of films it sponsors is: "Propaganda of the state's policy for security stability and inter-confessional concord in the Republic of Kazakhstan."

Kairat Lama Sharif, the ARA Chair, praised the Fund on his personal blog as making "a great contribution to the correct understanding of the traditional Islamic religion and its spread among the population". He did not define what constituted "traditional" Islam. Among its publications, the Fund has published Lama Sharif's book on the haj pilgrimage to Mecca which, according to its website, is given to all Kazakh haj pilgrims.

The documents from the 27 October meeting note that an agreement was reached in 2010 for the transfer to the Fund for Support of Islamic Culture of 577,000,000 Tenge (22.5 million Norwegian Kroner, 2.9 million Euros or 3.9 million US Dollars) from Kazakhstan's sovereign wealth fund Samruk-Kazyna. The meeting ordered the Prime

Minister's Office and the ARA to agree with Samruk-Kazyna by 25 December on "additional financial support" for it in 2012.

The documents noted that among other activities by the Fund for Support of Islamic Culture, it had financed five "tours by agitational/propaganda groups" around the country. Officials from the ARA and Muslim Board imams took part. The meeting noted that further finance for such activity was necessary in 2012.

No members of other faiths were required to take part in such "agitational" work and the imams appear not to have been given any choice as to whether they would or should take part. The 27 October meeting also discussed plans which would have the effect of bringing all Islamic religious activity under state control. At no point do the documents seen by Forum 18 indicate that state officials recognise that the Muslim Board is an independent organisation or that it could be in a position to object to the orders state officials plan to give it (see F18News 29 November 2011 http://www.forum18.org/Archive.php?article_id=1640).

Yuri Cherkasov, head of Samruk-Kazyna's press service, admitted that the 2010 contribution to the Fund of 577,000,000 Tenge was "fairly large". But he rejected suggestions that some of Kazakhstan's citizens might regard it as inappropriate for the state's money invested in the country's sovereign wealth fund to be given to one faith. "I wouldn't call it support for one faith," he told Forum 18 from Astana on 7 December. "But in any case, Islam is the country's traditional faith – along with Russian Orthodoxy - and is supported by the majority of the population."

Cherkasov also noted that Samruk-Kazyna had financially supported the building of mosques, including the new Khazret Sultan Central Mosque in Astana which was begun in October 2010 and is due for completion in 2012. (Despite the funding from Samruk-Kazyna, President Nazarbaev declared on a visit to the mosque on 7 December that the building had been funded not by the state but by donations from individuals.)

However, Cherkasov was unable to say if Samruk-Kazyna had supported the activity of any other faith.

Cherkasov insisted that any other questions should be sent in writing. As of the end of the day in Kazakhstan on 19 December, Forum 18 had not received answers as to whether funds were given to the Fund for Support of Islamic Culture in 2011 and how far plans have reached for a 2012 contribution.

What is state-backed "moderate Islam"?

In June, soon after his appointment as ARA Chair, Lama Sharif claimed in a press conference that: "each citizen of Kazakhstan has a right to freedom of conscience and choice, and we have made our own choice. Our choice is objective and based on the principle of 'one nation – one religion', and it is exactly this principle that makes us one nation. In this context, we will prepare a concept on the 'Development of moderate Islam in Kazakhstan'."

The "concept" does not appear to have been published. However, this principle appears to entail adopting Hanafi Islam as the one acceptable form of the faith and the Muslim Board – under firm state control - as its only proponent (see F18News 28 July 2011 http://www.forum18.org/Archive.php?article_id=1599).

Three fines, a 48-hour jail term, and a deportation

By Felix Corley,

Forum 18 News Service (13.12.2011) / HRWF (19.12.2011) <http://www.hrwf.net> - Baptist leader Nikolai Popov was imprisoned for 48 hours in early December for refusing to pay fines handed down for leading meetings for religious worship, according to the verdict seen by Forum 18 News Service. Also given a large fine for unregistered religious activity was another Baptist, while a third is expected to be fined tomorrow (14 December). A Muslim was fined and ordered deported back to his home country elsewhere in Central Asia, for occasionally leading prayers in his local mosque without being personally registered as a "missionary".

The punishments come as Kazakhstan's State Secretary Kanat Saudabaev insisted in a closed 27 October meeting of senior ministers and other officials that the "progressiveness" of the harsh new Religion Law must be promoted at home and abroad and that "positive acceptance" of its demands by Kazakhstan's religious communities must be achieved (see forthcoming F18News article).

Charges against two of the Baptists were brought under the still current Article 374-1, Part 2 ("Participation in the activity of a banned religious organisation") of the Code of Administrative Offences. Charges against the Muslim and the third Baptist, Popov, were brought under the old Article 375, Part 3 ("Carrying out missionary activity without local registration") of the Administrative Code.

"Offences" widened, punishments increased

The scope of the Administrative Code's Article 375 to punish the exercise of freedom of religion or belief was considerably widened, and the punishments sharply increased, in an Amending Law changing other laws relating to freedom of religion or belief. Among the many increases in Article 375's scope, Part 3 now punishes: "The carrying out of missionary activity by citizens of the Republic of Kazakhstan, foreigners and persons without citizenship without registration (re-registration), as well as the use by missionaries of religious literature, informational materials of religious content or objects of religious significance without a positive assessment of a religious studies expert analysis".

The fine for this "offence" under Article 375 Part 3 is for Kazakhstani citizens 100 Monthly Financial Indicators (MFI). Article 375, Part 9, punishes such offences committed again within a year with fines of 200 MFIs. The punishment for foreigners and stateless persons under Article 375, Part 3, is 100 MFIs with deportation.

The MFI is set annually, and since 1 January 2011 has been 1,512 Tenge (60 Norwegian Kroner, 8 Euros, and 10 US Dollars). This is just below one tenth of the official minimum monthly wage.

The previous Article 375, Part 3 made no mention of "missionaries" using unapproved literature or other religious materials. It handed down fines for missionary activity without local registration ("uchetnaya registratsiya" in Russian) on citizens of up to 15 MFIs, with similar fines for non-citizens together with deportation from Kazakhstan. No provisions were present for increased fines for repeat "offenders".

The Amending Law which changed Article 375 along with the Religion Law came into force in October, without the provisions in the drafts of both laws being altered.

Since both new laws restricting freedom of religion and belief were adopted, the Religion Law has been increasingly used to close places of worship in prisons and social care institutions, and to bar foreign Protestant and Muslim guest speakers from entering the country.

48 hours in prison

On 1 December, Baptist pastor Popov from the town of Balkhash in Karaganda [Qaraghandy] Region began a two-day prison term, local Baptists complained to Forum 18. The sentence was handed down that day for refusing to pay a fine for leading meetings for religious worship without the compulsory state registration.

"After the court hearing that day, he was allowed home for two hours before they locked him up in Balkhash's temporary isolation cells," Baptists told Forum 18. "The court bailiff warned him that if he does not pay off the fine when he is released, he will again be prosecuted."

Popov leads a congregation of the Baptist Council of Churches, who reject state registration on principle in all the former Soviet republics where they operate. Council of Churches Baptists have long faced fines or short terms of imprisonment for their insistence that they have the right to meet for worship without state registration.

According to court documents seen by Forum 18, Popov was accused in September of violating the then Article 375, Part 1 of the Code of Administrative Offences ("Refusal by leaders of religious associations to register them with state bodies, carrying out of activity by religious associations not in accordance with their statute, participating in the activity of or financing political parties, violating the rules governing holding of religious events outside the location of a religious association, organising of special children's or youth meetings not related to worship, and forcing individuals to carry out religious rituals").

On 12 October Judge Nurlan Asanov of the Specialised Inter-regional Administrative Court in Balkhash found Popov guilty and fined him 10,584 Tenge (417 Norwegian Kroner, 54 Euros or 72 US Dollars). However, Popov refused to pay the fine, arguing that it "violated his religious faith", according to the record of his refusal drawn up by the court bailiff on 29 November, seen by Forum 18.

Charges were then brought against Popov of violating Article 524 of the Code of Administrative Offences ("Failure to carry out court decisions"). On 1 December, Judge Yerkin Zhaparov of Specialised Inter-regional Administrative Court in Balkhash found him guilty and ordered the two-day prison term. "During the court hearing, Popov did not recognise his guilt," the verdict records, "and explained that he could pay the 10,584 Tenge fine, but that his religious convictions do not allow him to do that." The judge refused to accept that Popov had "objective reasons" for refusing to pay the fine.

The official who prepared the case, Rakhman Uzbekov, the senior aide to Balkhash's Prosecutor, was not present when Forum 18 called on 7 December. However, a colleague who did not give her name told Forum 18 that the law demands the registration of all religious communities and that it must be carried out. She then put the phone down.

International human rights commitments?

Forum 18 on 5 December commented to Svetlana Penkova, spokesperson for the government's Agency of Religious Affairs (ARA), that the actions of the court in fining and

jailing Popov are not in accordance with Kazakhstan's Constitution or international standards in the area of freedom of religion or belief, including those of the Organisation for Security and Co-operation in Europe (OSCE).

Penkova was then asked by Forum 18 what the ARA is going to do to defend Popov's constitutional rights. She responded that she could only answer the question in writing, so Forum 18 sent the question in writing on 5 December, and resent it on 7, 9 and 12 December. No response had been received by the end of the working day in Kazakhstan on 13 December.

Refusal to pay fines

Council of Churches Baptists have a policy of not paying fines handed down to punish them for exercising the right to freedom of religion or belief. In response, the authorities give some short terms of imprisonment. One pastor, Vasily Kliver, received a five-day prison term in June 2009.

In other such cases, court bailiffs have confiscated property including washing machines, or the value of the fines has (for those in work) been taken direct from individuals' wages. This happened to Viktor Gutyar, who works in a coal mine.

Fined and ordered deported

A Muslim has been ordered deported back to his home country elsewhere in Central Asia, according to court documents seen by Forum 18. Sources close to the case asked Forum 18 not to give the individual's name and location, for fear of state reprisals.

In a case brought by a town Prosecutor's Office, the Muslim was found guilty of becoming the imam of a local mosque without permission from Kazakhstan's Muslim Board. There he taught people the namaz (Muslim prayers) and conducted "illegal" missionary activities without permission or personal registration as a missionary, the verdict in his case claims.

A Judge at a city Court found him guilty in mid-November of violating the old Article 375, Part 3 of the Code of Administrative Offences ("Carrying out missionary activity without local registration"). The Judge sentenced him to a fine of 7,560 Tenge (298 Norwegian Kroner, 39 Euros or 51 US Dollars) and deportation from Kazakhstan.

The Muslim appealed against the punishment, arguing that he only led prayers in the mosque on an occasional basis when the main imam was absent and was not aware that this required registration as a "missionary". However, in early December, the Regional Court rejected the appeal. The Muslim has paid the fine, officials said on 12 December, and moves to deport him are expected "within days".

Colleagues of the Prosecutor's Office official who brought the case said he was not in the office when Forum 18 called on 12 December, but one colleague insisted that the Muslim was a "law-breaker". However, she added that only the head of the Prosecutor's Office was authorised to speak to the press. The head was not available when Forum 18 called.

The Judge who handed down the initial sentence began discussing the case with Forum 18 on 12 December. But as soon as Forum 18 asked whether fining the Muslim and ordering his deportation simply for leading prayers in a mosque was a violation of religious freedom, the Judge put the phone down. Subsequent calls went unanswered.

Under the new Religion Law anyone – whether a Kazakh or foreign citizen - regarded by officials as engaging in "spreading a faith" or "missionary activity" is classed as a "missionary". These terms are undefined. The "missionary" must every year obtain

approval from a registered religious association, as well as personal registration as such with state authorities. The ARA is preparing Regulations to implement the Law, including Missionary Regulations.

The ARA has also made plans with a wide range of senior officials to bring all permitted Islamic activity under complete state control, including taking over the Muslim Board.

Fined following extorted statements

Another Council of Churches Baptist, Aleksey Buka from the village of Kievka in Karaganda Region, was fined for participating in unregistered meetings for worship. On 1 December, Judge Aidar Mikhibaev of Nura District Court found him guilty under Administrative Code Article 374-1, Part 2 ("Participation in the activity of a banned religious organisation"). Buka was fined 75,600 Tenge (2,978 Norwegian Kroner, 387 Euros or 511 US Dollars), according to the verdict seen by Forum 18.

Nura District Court began hearing the case on 11 November, but the case had to be sent back for further work as the claims that police had found the church at worship turned out not to be true. Several church members testified in court that a police officer D. Zhanabylov had pressured them to sign statements about the activity of the church, but had deceived them by saying such statements would not be used to prosecute anyone.

The police also claimed to have visited the meetings for worship, which church members denied. Three other church members refused to testify in court about Buka's activity, the court verdict reveals, despite threats by police of criminal prosecution.

Zhmagul Shuzhenov, Chair of Nura District Court, told Forum 18 in November that the Baptists had to register their church as "the law demands it".

Buka insisted that he has done nothing wrong and will not pay the fine. He told Forum 18 from Kievka on 12 December that he has lodged an appeal to Karaganda Regional Court, which is likely to be heard within the next month.

Prosecutor calls for fine

Another Council of Churches Baptist, Ivan Yantsen, is also on trial in Karaganda Region under Article 374-1, Part 2, the same charge as Buka faced. The sixth hearing in Yantsen's case is due at Temirtau City Court on 14 December, local Baptists told Forum 18. The prosecutor is also calling for a fine of 75,600 Tenge, the same fine as was imposed on Buka.

Kazakh students win fight against hijab ban

RFE/RL (13.12.2011) / HRWF (14.12.2011) <http://www.hrwf.net> - Officials at a university in northwestern Kazakhstan have lifted a hijab ban for students after eight female students threatened to sue the school, RFE/RL's Kazakh Service reports.

The students told RFE/RL on December 8 that they had been unable to attend classes at Saqtaghan Baishev University, as a duty officer at the school's entrance was preventing them from entering the university because of their head scarves, or hijabs.

The students received help on the issue from the Kazakh Bureau for Human Rights when its lawyer, Aghyzbek Tolegenov, met with university Rector Khalel Khusainov last week.

Tolegenov told Khusainov that the university's internal regulations contradicted the Kazakh Constitution and reminded him that "our society should fight extremism, but not Islam."

Tolegenov told RFE/RL on December 12 that he and human rights experts from the nongovernmental organization Coalition for Defending Human Rights and Freedoms started a campaign on "lifting the hijab ban" at the university.

University officials then held a series of discussions involving teachers and students that lasted until December 10. Aqtobe Oblast Imam Abdimutalip Daurenbekov also took part in the discussions.

Daurenbekov told RFE/RL that it was decided that students can attend classes with head scarves as of December 12.

'Do Not Cover Up In Black'

The university's deputy rector, Bayan Orynbaeva, refused to comment on the issue last week and told RFE/RL's correspondent to leave the university. But she agreed to talk to RFE/RL on December 12 and said the main problem was the color of the students' head scarves and dresses.

"They were all black, which is not a traditional [color for] Kazakhs to wear," Orynbaeva said.

However, one of the eight female students who made the initial complaint, Shynar Mantaiqzy, told RFE/RL that none of them ever wore either black dresses or black head scarves.

"Kazakhs traditionally say, 'Do not cover up in black,' something that we all follow. Our clothes and head scarves were always of different colors," she said.

Another student, Perizat Moldasheva, told RFE/RL that "what we wear is not a hijab, what we wear is called a head scarf -- a traditional part of a Kazakh woman's dress."

The Kazakh Constitution guarantees the right of all citizens to practice any religion freely and without any restrictions. Amendments to the law on religions do not say anything regarding the head scarf or other religious dress.

The first phase of this work has been fully completed

By Felix Corley,

Forum 18 News (07.12.2011) / HRWF (12.12.2011) <http://www.hrwf.net> - "The first phase of this work has been fully completed", State Secretary Kanat Saudabaev told a closed 27 October meeting in the capital Astana of about 20 of Kazakhstan's most senior officials to consider their work restricting freedom of religion or belief. He identified this "first phase" as including adopting new legislation including the harsh new Religion Law, strengthening the Agency of Religious Affairs (ARA), law enforcement agencies, "special services", and other measures countering "religious extremism", including in educational institutions. These measures were adopted "on the initiative of the the Head of State [President Nursultan Nazarbaev]".

Saudabayev said that "an algorithm of further actions for the planned implementation of the instructions of the Head of State" is to follow, according to the minutes and other documents from the meeting seen by Forum 18 News Service. The meeting agreed that restrictions on where religious services can be held, places of worship built and religious literature distributed must be strictly enforced, while places of worship in prison must be closed (a process which has already begun). Officials should strive to reduce the number of foreign "missionaries".

The 27 October meeting "on current tasks in the religious sphere" has not been officially publicised, but several Presidential Administration officials confirmed to Forum 18 that it had taken place

Also attending – and responsible for ensuring that the meeting's decisions are carried out – was one of the Deputy Heads of the Presidential Administration, Baglan Mailybaev. Attending from the security agencies were: Nurtai Abykaev, the head of the National Security Committee (KNB) secret police; Amanzhol Zhankuliev, head of Kazakhstan's Syrbar Foreign Intelligence Service; Interior Minister Kalmukhanbet Kasymov (who is in charge of the police); and Prosecutor-General Askhat Daulbaev.

The Foreign, Finance, Justice, Communications, Education and Culture Ministers also took part. The Chair of the government's Agency of Religious Affairs (ARA) Kairat Lama Sharif played a prominent part in the meeting. One of his assistants was also present, together with officials of the Prime Minister's Office, the Tax Committee and the Customs Control Committee.

The meeting was called to organise the implementation of the two controversial laws, a Religion Law and a law amending nine other laws, which imposed serious restrictions on the ability of people to exercise freedom of religion or belief. They were signed by President Nazarbaev on 11 October and came into force ten days after their 15 October official publication. Both before and after the adoption of the new Laws, state officials have raided religious communities, blocked the import of religious literature and fined individuals for religious activity. On 1 December, a Baptist pastor from Karaganda [Qaraghandy] Region, Nikolai Popov, began a two-day prison term for refusing to pay a fine for meeting for worship with his church without state registration

"Not to allow the holding of services"

State Secretary Saudabaev insisted at the 27 October meeting that the new Religion Law's strict controls on where religious activity can take place must be enforced.

Akims (administration heads), together with the Interior Ministry (which runs the police), are to "take measures not to allow the holding of services, religious rituals and ceremonies outside places [of worship] established by law, or the distribution of religious literature outside places of worship or specialised stationary premises".

Controls on places of worship

Akims in Kazakhstan's two main cities, Astana and Almaty, and all the country's regions were by 30 November, together with the ARA, to prepare regulations regulating the location and building of places of worship, as well as the redesignation of existing buildings as places of worship.

In his speech to the meeting, ARA chief Lama Sharif insisted that "it is necessary to observe all procedures" over allowing religious associations to build places of worship. This implies that the strict state controls over such building from local Akimats (administrations) and the ARA in Astana set out in the new Religion Law will be strictly enforced. They were also to prepare regulations on where religious communities are

allowed to hold religious rituals away from designated places of worship and what names religious communities could use for their places of worship.

Even before the Religion Law was in legal force and before the 27 October meeting, police and KNB secret police officers raided a meeting for worship of an officially registered Protestant church, claiming that under the new Law the church cannot meet outside its legal address. The church had been forced to meet away from its legal address because of pressure from the KNB.

Lama Sharif told the meeting that, in relation to prisons, "by means of explanatory work and the change to the current normative acts, places of worship, including namazkhanas [Muslim prayer rooms], must halt their activity". The closure of prison places of worship began even before the new Religion Law had come into force.

Censorship "a question of principle"

Other regulations being prepared would cover "the deployment of specialised stationary premises for distributing religious literature and other informational materials of religious content and objects of religious significance".

"Not allowing the distribution of religious literature outside places established by law is a question of principle," Lama Sharif told the meeting. "All street kiosks must be closed, while attempts to distribute religious literature on the streets, and in flats and homes must be strictly prevented."

A "harsh barrier" to the import of "extremist literature" into the country must be established, Lama Sharif added. However, he did not specify what constituted "extremist literature". Under the new Religion Law, the requirement for approval for imports from the ARA applies to all religious literature – not just to whatever is defined as "extremist".

The ARA presented to the meeting draft Censorship Regulations, which for the first time codify compulsory state censorship, breaking international human rights commitments not to impose such restrictions on freedom of religion or belief or interlocking freedoms such as freedom of expression.

The Finance Ministry is to – together with "plenipotentiary state organs" – by the end of June 2012 "to draw up within the framework of the Customs Union [of Kazakhstan, Russia and Belarus] joint approaches to the import through its external borders of religious literature".

Yedil Mamytbekov, a Deputy Chair of the Customs Union Secretariat in Moscow, told Forum 18 from Moscow on 7 December that while he was aware of such discussions within the Kazakh government, no proposals have yet been put to the Customs Union.

Number of foreign "missionaries" to be cut

Lama Sharif described the presence of foreign "missionaries" in the country as an "important factor influencing the religious situation". "We must organise joint work so that we are informed about all the activity by foreign missionaries," he told the meeting, "and strive to reduce their number."

He said that as of 1 October, Kazakhstan had given permission for 310 foreign missionaries: 124 Catholics, 90 Protestants of various churches, 48 Muslims, 42 Russian Orthodox, five Jews and one Buddhist. It remains unclear which of these religious communities will be denied visas for their foreign nationals.

Lama Sharif did not mention that under the new Religion Law, anyone – whether a Kazakh or foreign citizen - regarded by officials as engaging in "spreading a faith" or "missionary activity" is classed as a "missionary". These terms are undefined. The "missionary" must every year obtain approval from a registered religious association, as well as personal registration as such with state authorities.

ARA Chair Lama Sharif stressed that the Law requires that a "missionary" be invited by a registered religious organisation only, and that it is "very important" that the individual – and any literature they will use - has been approved by the ARA's "religious expert analysis". He said that it is "not superfluous" to examine whether to increase the salaries of officials of the ARA's Scientific Research and Analytical Centre on Questions of Religion – which seems set to be involved in such analyses – and to improve the Centre's capacity.

Describing checking on the activity of current missionaries as of "special interest", Lama Sharif noted that they will be able to complete their current approved terms under the earlier rules, but any new "missionaries" – including from countries whose citizens do not require Kazakh visas – will be subject to the new rules.

Lama Sharif said his agency is preparing Missionary Regulations. As well as this, the ARA has already prepared, together with the Foreign and Interior Ministries, a Decree. This, he stated, helps to resolve problems like "the formation of a system of measures of social protection and countering of the destructive influence of certain non-traditional religious organisations on the spiritual/moral development process of Kazakh society". He said it also creates a database of those conducting religious activity, including those who have been expelled for violating the law "or other reasons".

Regulations, regulations ..

The ARA, together with the Justice and Interior Ministries, together with other "interested agencies", was to prepare by 15 November Regulations to implement the new Religion Law covering, among other things, registration and re-registration of religious associations, censorship of religious literature and other materials, personal registration of local people and foreigners who spread their faith and what religious literature is allowed into prisons.

Lama Sharif told the meeting that the new Registration Regulations will require religious associations' statutes to say that any change to them must be approved by the ARA. He said his agency and local Akimats "now have the task of checking the legality of the activity" of the 4,514 registered religious associations. He noted that many of them were registered under the "liberal" 1992 Religion Law which required only ten founders.

Lama Sharif called for the identity of the legal founders of mosques to be examined, to see if they are appropriate people.

Forum 18 notes that as of 7 December, no Regulations have been published. ARA spokesperson Svetlana Penkova confirmed to Forum 18 on 5 December that they are still being worked on. "As soon as they are adopted they will be published, including on our new website." As of 7 December, the website din.gov.kz – which was set up on 26 September, according to internet records – had no content.

The Justice Ministry, together with the ARA, was to train religious associations by the end of 2011 on registration and re-registration procedures. The two bodies were also to help local government bodies draw up regulations implementing the new Law. The two bodies were also to prepare data each quarter on how many religious associations, their branches and representations are registered, are in the process of registration and are unregistered.

Financial controls

Lama Sharif noted that greater control must be imposed on religious associations' income, to establish how much is being spent on "goals not included in [a religious association's] statutes". He stressed that donations to religious associations "must be brought into accordance with the current law".

Lama Sharif singled out the Muslim community, saying contributions to the Muslim Board particularly needed to be recorded electronically and that everyone should have access to such information.

The Finance Ministry is by the end of 2011 to propose ways – jointly with "other interested agencies" - to "improve control over the inflow of financial offerings to religious associations". It is also to improve the "transparency" of such income. By the end of March 2012 it is to check whether "current religious associations" are abiding by tax laws.

Lama Sharif said the Finance Ministry and the Anti-Corruption Agency must establish "permanent control" over all donations to religious associations and missionaries from abroad.

All Islamic activity to be under state control

Many of the meeting's other decisions were targeted specifically at the Muslim community, and would have the effect of bringing all Islamic religious activity under state control. The plans discussed at the closed meeting included banning all independent and ethnically-based mosques, taking over all formal Islamic education, and using the existing Muslim Board to control and report on all permitted Islamic activity.

The meeting also discussed changing the Muslim Board's name to Muftiate of Muslims of Kazakhstan, so "making the Muftiate a symbol as the spiritual centre of an independent state", according to ARA Chair Lama Sharif.

"Huge work" - but no answers

Penkova, spokesperson for the ARA, told Forum 18 from Astana on 5 December that the agency currently has "huge work" to implement both the new laws. However, she declined to discuss any of Forum 18's detailed questions by telephone, insisting that they must be in writing.

Before the beginning of the working day in Astana on 6 December, Forum 18 asked Penkova in writing why – according to the records of the 27 October meeting - state officials feel free to interfere in the internal affairs of the Muslim community, why religious communities cannot choose for themselves what they call their communities and places of worship, why all mosques are to be handed to the ownership of the national Muslim Board, why the number of foreign "missionaries" is to be cut, and why places of worship in prison are to be closed, despite the provisions for example of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Article 19, Part 2 of the current National Security Law bans interference by religious communities in the affairs of the state - and interference by the state in religious communities. But this has not stopped state officials from interfering in religious communities, by for example demanding that independent mosques join the Muslim Board.

Forum 18 also asked Penkova if the ARA could identify the "non-traditional religious organisations" against which the ARA head Lama Sharif believes Kazakhstan's people need to be protected.

Forum 18 had received no response to its questions by the end of the working day in Astana on 7 December.

Fulfilling the President's orders

State Secretary Saudabaev several times cited the decisions of an apparently unpublicised 22 July 2010 meeting of Kazakhstan's Security Council "on questions of strengthening stability in the religious sphere", which he stressed had been approved by President Nazarbaev. The Plan of Measures for Realising the Decisions of the 22 July 2010 Security Council meeting on Strengthening Stability in the Religious Sphere appears, from the documents seen by Forum 18, to have included measures to crack down on individuals conducting "missionary activity".

In late July 2010 an internal document from the ruling Nur Otan party attacked "non-traditional" faiths and called for laws on religious freedom to be harshened. The section of the July document on religion – seen by Forum 18 – attacked groups including the Tabligh Jamaat Islamic movement, Jehovah's Witnesses, the Protestant New Life Church and Grace Protestant Church. It added that such groups are financed by "the special services of Western countries". The report claimed that tens of thousands of people in Kazakhstan are members of such groups "and need help". An official of Nur Otan's Institute of Parliamentarianism – which produced the report - insisted to Forum 18 that it was halted before being issued and the section on religion represented only the views of one party researcher who had since been fired.

In April 2011 President Nazarbaev claimed that "the sphere of scientific research of interethnic and interfaith relations requires the most serious attention. I want to particularly mention religious affairs in our country. Here we should understand it, and our associations of Muslims and Orthodox Christians should play a major role in protecting our religious relations from various sects and organisations, which have different views from what we need, entering Kazakhstan. Therefore, I instruct the Minister of Education and Science to take personal charge of this issue." The speech was broadcast by the state-run Khabar TV the same day. At the same time state-funded so-called anti-sect centres were encouraging public hostility to freedom of religion or belief through statements in the state-controlled national and local mass media.

Exactly a year after the July 2010 Security Council meeting, on 22 July 2011, a further Security Council meeting also "on questions of strengthening stability in the religious sphere" took place. This was chaired by President Nazarbaev and was made public. The presidential website stated that the meeting noted that "while Kazakhstan is a secular state, this does not mean that organs of power can stand back from regulating relations in the religious sphere". The President ordered Heads of Administration in each Region to ensure "strict observance by religious associations of the norms of current law".

An official of the Presidential Administration told Forum 18 on 7 December that not all Security Council meetings or their decisions are publicised.

The state doesn't interfere in religious communities' internal affairs"?

By Felix Corley and Mushfig Bayram

Forum 18 News (29.11.11) / HRWF (08.12.2011) <http://www.hrwf.net> - At a 27 October meeting of about twenty of Kazakhstan's most senior state officials, including the Foreign Minister and Chair of the state Agency of Religious Affairs (ARA), plans were discussed which would have the effect of bringing all Islamic religious activity under state control. The plans discussed at the closed meeting included banning all independent and ethnically-based mosques, taking over all formal Islamic education, and using the existing Muslim Board to control and report on all permitted Islamic activity. Documents from the meeting, seen by Forum 18 News Service, also discuss changing the Muslim Board's name to Muftiate of Muslims of Kazakhstan, so "making the Muftiate a symbol as the spiritual centre of an independent state", according to ARA Chair Kairat Lama Sharif.

The documents reveal the close attention at the height of government to controlling the Muslim community. Responsibility for ensuring the fulfilment of the meeting's decisions was handed to one of the Deputy Heads of the Presidential Administration, Baglan Mailybaev.

Forum 18 notes that at no point do the documents indicate that state officials recognise that the Muslim Board is an independent organisation or that it could be in a position to object to the orders state officials plan to give it.

"These are our own internal affairs"

"We know nothing about these decisions," Muslim Board spokesperson Ongar Omirbek told Forum 18 from Almaty on 29 November. "But these are our own internal affairs. The state can check what we're doing, but we're not subject to the Agency of Religious Affairs - or to anyone else."

Asked in particular about the apparent decision at the meeting to transfer the Muslim Board's Institute for Raising Qualifications of Imams to a new Islamic University, Omirbek immediately responded: "It's ours. We won't give it to anyone."

Closed meeting

The closed, top-level meeting was held in the capital Astana on the afternoon of 27 October, very shortly after the two controversial Laws restricting freedom of religion or belief came into force. The two laws, a Religion Law and a law amending nine other laws, imposed serious restrictions on the ability of people to exercise freedom of religion or belief.

The meeting – chaired by Kazakhstan's State Secretary Kanat Saudabaev, who as Foreign Minister was Chairperson-in-Office of the Organisation for Security and Co-operation in Europe (OSCE) in 2010 – was also attended by ARA head Lama Sharif, as well as senior ministers and the heads of the National Security Committee (KNB) secret police and the Foreign Intelligence Service. It agreed a whole series of measures to enforce the controversial new Laws (see forthcoming F18News article).

The meeting also reviewed the new draft Censorship Regulations prepared by the ARA, which for the first time codify compulsory state censorship, breaking international human rights commitments not to impose such restrictions on freedom of religion or belief or interlocking freedoms such as freedom of expression.

Officials of the Presidential Administration in Astana confirmed to Forum 18 that the 27 October meeting took place, but several said they had not been present and so were unable to discuss its decisions. Mailybaev of the Presidential Administration was in a meeting when Forum 18 called on 29 November, his office said.

Yerbol Shauenov, Deputy Head of the Internal Policy Department of the Presidential Administration, who was present at the meeting, refused to discuss its decisions by telephone. However, he insisted that the state acts in accordance with the law. "The state doesn't interfere in religious communities' internal affairs," he claimed to Forum 18 from Astana on 29 November. He refused to discuss how this matched the decisions taken at the meeting.

Article 19, Part 2 of the current National Security Law, dating from 1998, bans interference by religious communities in the affairs of the state - and interference by the state in religious communities. A proposed draft Law has the same provision. But this has not stopped state officials from interfering in religious communities. An example of this has been ARA, Muslim Board, and regional government officials demanding that independent mosques join the Muslim Board.

The draft National Security Law may be approved by the Senate in late December 2011 or early January 2012. Civil society activists have called for it to be sent for review by the Council of Europe's Venice Commission.

All the ARA officials Forum 18 spoke to between 24 and 29 November refused to discuss the 27 October meeting's decisions, referring Forum 18 to spokesperson Svetlana Penkova. However, her colleagues said she was not present each time Forum 18 called.

Muslim Board to report to state?

The minutes of the meeting – which were signed by State Secretary Saudabaev - record various decisions on the Muslim Board and the Muslim community more broadly.

In the minutes, the ARA was required by 15 November to ensure that the Muslim Board adopted a "plan of measures perfecting the work" of the Board, "including the elaboration of a plan for periodic reporting on the course of its fulfilment".

In his closing address to the meeting, State Secretary Saudabaev ordered the ARA to secure by 15 November the approval by the Muftiate of a Plan of Measures to "perfect the work" of the Muslim Board and to "prepare a mechanism of periodic reporting on the course of the work carried out". Saudabaev did not make clear whether the Muslim Board is required to present its reports to the ARA, but this appears to be the case.

State to take over Muslim education

The minutes of the meeting record various decisions to bring Muslim education under state control.

The Education and Science Ministry is to present to the Presidential Administration by 1 January 2012 draft plans and syllabuses for "courses to increase the qualifications of imams", drawn up with the involvement of the Muslim Board.

The Education Ministry is also to "examine the desirability of handing the Muslim Board's Institute for Raising Qualifications of Imams into the administration of the Islamic university being created". The Education Ministry is to report on all this activity to the Presidential Administration by 15 January 2012.

The decision from the minutes was echoed by State Secretary Saudabaev in his closing address to the meeting. By the end of this year, the Education Ministry, together with the ARA and the Muslim Board, was to draw up a plan and syllabus for courses to increase the qualifications of imams, "directed at the formation among the Muslim clergy of an adequate level of knowledge on religious studies and secular subjects. With this aim,

prepare a list of higher educational establishments having the appropriate personnel and methodological base (departments of religious studies)."

Saudabaev also ordered the Education Ministry to undertake a series of measures to "increase the quality of scholarly/research work in the religious sphere and the preparation of national cadres for the structures of the Muslim Board", and to report on these measures to the Presidential Administration by 15 January 2012.

The Education and Science Ministry, together with the ARA and the Foreign Ministry, is to "resolve the question of creating a national Islamic higher educational institution", based on the existing Egyptian-founded Nur Mubarak University in Almaty. The Ministry is to study how other former Soviet republics train imams and prepare "a mechanism of accepting graduates of medreses into this university for the specialist subject of Islamic Studies at state expense".

Saudabaev also reinforced this decision in his closing address, adding: "The question must also be examined of the transfer of the Muslim Board's Institute for Raising Qualifications of Imams to the administration of the university."

During the meeting, Foreign Minister Yerzhan Kazykhanov was asked how discussions are going with the Egyptian authorities over turning the Nur Mubarak University into an Islamic studies university. The documents seen by Forum 18 do not reveal Kazykhanov's answer.

Education Minister Bakytzhan Zhumagulov was asked during the meeting about whether the question of preparing students of Islamic Studies with state funding had been resolved. The documents seen by Forum 18 do not reveal his answer.

State control on foreign Islamic education

In his address to the meeting, ARA Chief Lama Sharif was concerned to ensure state control over study by Kazakh citizens abroad, with all his comments apparently directed at Muslims. He said work by local Akimats [administrations] to bring back students studying abroad (presumably in Islamic colleges) was "inadequate" and that "additional measures" were needed. He called on the Education Ministry to hand out grants for such returning students to study in Kazakh higher educational institutions.

He described it as "necessary" to take measures on an "inter-state level" too. He called on the Education and Foreign Ministries, and his Agency, to conclude agreements with similar agencies in Saudi Arabia, Pakistan and Egypt over the education of Kazakh citizens in those countries. He said such agreements must include a maximum quota of students of their theological institutions "agreed with the Kazakh side". "It is also necessary to envisage the establishment of a special procedure for the acceptance for study of Kazakh citizens by foreign theological education establishments only with the agreement of our diplomatic representations."

Lama Sharif added that these countries must draw up procedures for deporting Kazakh citizens studying there "illegally and without education visas". He also proposed working closely with "embassies of Muslim countries in Kazakhstan" over how they issue visas for Kazakh citizens wishing to study religion abroad.

During the meeting, Foreign Minister Yerzhan Kazykhanov was asked how well the process of bringing back to Kazakhstan students studying in foreign Islamic educational establishments was going. The documents seen by Forum 18 do not reveal Kazykhanov's answer.

Restrictions on who can found mosques?

In his address to the closed meeting, ARA Chief Lama Sharif described it as "important" to pay attention to the "quality" of the group of fifty founders "expressing a desire to re-register a religious association and give it the local status as village [aul] mosque. It would be more preferable if this fifty people included people enjoying authority and respect among the local population and with the active participation of village and district Akims [administration heads]. These could be public figures and veterans of labour who have made a significant contribution to the development of the village."

Forum 18 notes that while the authorities appear to be planning to take a close look at the founders of any would-be religious organisation, the document only specifically discusses mosques. Under the new Religion Law, all unregistered religious activity is banned and subject to punishment.

Restrictions on mosque names?

Lama Sharif also described the names given to mosques as "no less important". He said Akims, members of Naming Commissions and deputies of Maslikhats [local elected assemblies] "must devote attention" to this.

The ARA chief has long spoken out against founders of mosques naming them after relatives. "For example, many businessmen build mosques with their money and in return name these buildings after their fathers and ancestors," he told the Majilis, the lower house of parliament, on 21 September when presenting the draft new Religion Law. "We consider this to be wrong. We must move away from this."

Ban on "ethnic" mosques?

In his address, Lama Sharif also stressed that places of worship – "in our case the mosque" – must be open to everyone "as in Islam there is no division by ethnicity". He noted that "unfortunately", recently mosques "built for example by representatives of the Uyghur diaspora are not attended by representatives of other ethnic groups apart from Uyghurs. In our view, there should be neither Chechen nor Tatar mosques. The mosque is the house of Allah and all those who consider themselves Muslims should go to this prayer house."

Members of some "ethnic" mosques expressed concern to Forum 18 over possible future developments, but noted that it remains unclear whether action will be taken against them.

However, a member of one ethnic mosque in Almaty told Forum 18 that on 26 November an unknown man "quietly entered the mosque, went around all the rooms, looked at the religious books, materials and pictures and, taking one pamphlet, left without speaking to us". The Muslim believes the man to have been from the KNB secret police.

The authorities have long sought to prevent mosques which serve Muslims mainly of one ethnicity.

Only Muslim Board can own mosques?

Lama Sharif also noted what he claimed were "issues" over mosques' "form of ownership". "It is necessary to create all the conditions for all mosques to transfer into the ownership of Kazakhstan's Muslim Board," he told the meeting. "This is necessary above all to remove places of worship from private ownership and at the same time to reduce the influence of personal preferences of the owners [of such mosques] on the religious situation in the regions."

Officials also seem keen to protect a Muslim Board monopoly on all Muslim activity. In his closing address to the meeting, Saudabaev also ordered the ARA and the Culture Ministry by the end of 2011 to organise "the creation and support of pro-state Muslim NGOs [non-governmental organisations]. Their main task must be the promotion of traditional spiritual/moral and religious values and countering the ideology of radical religious movements and others, as well as the public defence of the Muslim Board from attacks from opposing organisations."

In at least one Region, pressure has begun once again on mosques which function outside the framework of the Muslim Board. Serik Tlekbayev, Head of Karaganda Regional Administration's Religious Affairs Department, gathered all the region's imams on 24 November, telling them that all the mosques should have re-registered by May 2012. "He specifically spoke to the Imams of independent mosques, and threatened them with refusal to re-register unless they joined the Muslim Board," one imam who attended the meeting – who asked not to be identified for fear of state reprisals – told Forum 18 on 29 November.

Tlekbayev also told the Imams that "not only the mosques shall be under the Muslim Board, but also all their property shall be registered to the name of the Board. "When one independent Imam asked Tlekbayev publicly whether he would give away any of his own property for free, Tlekbayev was silent, the Imam told Forum 18. However, Tlekbayev went on to warn that any Imam not re-registering under the Muslim Board "will have a hard time with the authorities".

Tlekbayev's phones went unanswered on 29 November. Karlygash Ahmetova, the Leading specialist of the Department, refused to explain to Forum 18 why her Department was pressuring the mosques to re-register under the Muslim Board. "You need to talk to Tlekbayev about this, and he is not available at the moment," she told Forum 18 the same day.

The government has been highly wary of independent mosques and organisations which appear to be rivals of the Muslim Board. Independent imams and mosques have been repeatedly pressured to join the Muslim Board, with the threat that if they fail to do so they will be closed down.

Muslim Board to be "rebranded"?

In his closing address to the meeting, State Secretary Saudabaev ordered the ARA "with the agreement of the Presidential Administration" to "realise measures for the systematic reorganisation" of the Muslim Board. "In the period of the procedure of re-registration of the Muslim Board, carry out its rebranding by means of renaming into the Muftiate of Muslims of Kazakhstan. The given action will have an effect on its image, making the Muftiate a symbol as the spiritual centre of an independent state."

By the end of 2011, Saudabaev ordered the ARA to draw up and sign a cooperation agreement with the Muslim Board "envisaging the principles of cooperation and key directions of holding joint measures in the social and spiritual/cultural spheres".

Control over Muslim activity

Officials at the meeting repeatedly singled out the Muslim community when discussing what they regard as the "need" to keep religious activity under state control. State Secretary Saudabaev said in his closing address that the KNB secret police, the Interior Ministry and local Akimats must prevent the activity of local people who act as "missionaries" for Salafi Islam and the Tabligh Jamaat Islamic missionary movement. "Do not allow them to conduct such illegal propaganda in mosques and other prayer houses, or to conduct religious lessons in underground houses etc."

Among the questions posed to Nurtai Abykaev, head of the KNB secret police, he was asked what "underground prayer houses, courses (so-called darysy) for the propaganda of non-traditional Islamic movements" exist. The documents of the meeting seen by Forum 18 do not reveal the answer Abykaev gave to this question.

Similarly, Interior Minister Kalmukhanbet Kasymov was asked what measures his Ministry had taken against Salafi Muslim and Tabligh Jamaat missionaries active in Kazakhstan. He was also asked how many foreigners involved in such activity had been deported. The documents of the meeting seen by Forum 18 do not reveal the answer Kasymov gave to this question.

Muslims singled out over state controls on income

In stepping up proposed controls on money received by religious communities of all faiths, Lama Sharif also singled out the Muslim community. He said contributions to the Muslim Board particularly needed to be recorded electronically and that everyone should have access to such information (see forthcoming F18News article).

Muslim Board participation in state propaganda?

Amid proposals for propaganda both at home and abroad to portray the controversial new Religion Law as "progressive", representatives of the Muslim Board were the only members of religious communities specifically identified as participants in this activity (see forthcoming F18News article).

Earlier state meddling?

Critics of the Muslim Board have long complained of its attempt to monopolise Muslim life in Kazakhstan and its alleged subservience to the state.

The Board has been headed since June 2000 by Chief Mufti Absattar Derbisali, an academic and former diplomat who appears to have had no formal religious education. Derbisali was re-elected to his post at congresses in June 2005 and again, "unanimously", in December 2010.

A month after the 2005 election, a former head of the Presidential Administration Alikhan Baimenov (and a current state official) reportedly lamented to the United States ambassador John Ordway what he claimed was "official manipulation" over the congress. "Baimenov said that 'the authorities set them up', adding that Kazakhstan did not need 'weak muftis'," according to a US diplomatic cable leaked to Wikileaks.

"Inform on a daily basis between 2 pm and 4 pm"

By Felix Corley

Forum 18 News Service (24.11.11) / HRWF (29.11.2011) <http://www.hrwf.net> - State officials in Kazakhstan are continuing to make wide-ranging and intrusive demands for information from religious communities. In mid-November, the Internal Policy Department of the local Akimat (administration) in the commercial capital Almaty's Turksib District met at least some religious leaders. At meetings and in letters they have demanded that local communities to report "on a daily basis" what steps they are taking to counter "extremism". Also, unregistered and registered religious communities have

both told Forum 18 News Service that they are facing raids, threats, and bans on meeting

The demands come following the adoption in October of two new laws seriously restricting freedom of religion or belief. Even before the laws came into force, officials had begun to close mosques, churches and prayer rooms in prisons and Muslim and Russian Orthodox prayer rooms in social care institutions. Among other violations, Kazakhstan has also begun banning the entry of foreign visitors speaking at religious events.

"Inform on a daily basis between 2 pm and 4 pm"

In a move which several local religious communities described to Forum 18 as "strange", the Internal Policy Department wrote in mid-November to all local communities asking them to observe the new Religion Law "and inform on a daily basis between 2 pm and 4 pm about measures undertaken by your religious association in the struggle with religious extremism to the telephone number 2351401. In association with this, in case of incidents of incitement of religious enmity and discord or calls for illegal acts by suspicious people, to report immediately on the given telephone number." The letter – seen by Forum 18 – was signed merely by "The Akimat of Turksib District".

"Extremism"

"Extremism" and "non-traditional" are terms used by officials in Kazakhstan in relation to people exercising their right to freedom of religion or belief in ways officials dislike. In September the District's Military Affairs Directorate wrote to local religious communities, ordering them to "provide information on citizens on record as followers of non-traditional religions and radical religious views". However, officials were unable to define what these religions and views are when asked by Forum 18.

Such terms have also been used to encourage intolerance in society of people exercising their human rights. The adoption in October of two laws seriously restricting the exercise of freedom of religion or belief was preceded by officials and state-funded NGOs holding public meetings and media campaigns praising so-called "traditional religions" and attacking so-called "non-traditional religions". As an Ahmadi Muslim, who wished to remain unnamed for fear of state reprisals, put it, the campaign was to "prepare the public for a discriminatory new law".

Intrusive information demands

The practice of demanding detailed and intrusive information is a return to past practices, when demands were made that religious communities and leaders complete highly intrusive questionnaires covering an extremely wide range of personal, political, religious and other matters, including who the close friends of leaders are.

In September, Agency of Religious Affairs (ARA) regional departments in Almaty, South Kazakhstan (Shymkent), Aktobe [Aqtobe] and Karaganda Regions re-started the practice of demanding that religious communities complete intrusive questionnaires on all aspects of their weekly activities. In some cases, demands have been made for reports and information on a weekly basis.

Some religious communities elsewhere in Kazakhstan have told Forum 18 that they have not received such information demands recently.

"Where did you get this from?"

The official who answered the telephone number given in the letter signed by the Akimat of Turksib District totally refused to discuss the letter. "Where did you get this from?" he repeatedly asked Forum 18 on 21 November. Asked why the Internal Policy Department was expecting religious communities to do something that was not required in the Religion Law, the official – who refused to give his name – eventually said: "We can't give any commentary by phone." He would not discuss though why he wanted information by telephone from religious communities.

The Internal Policy Department also distributed to all local religious communities a form – also seen by Forum 18 – seeking information on the name of each organisation, the name, address and telephone numbers of the leader, a list of buildings (both owned and rented), educational institutions, "stationary places for distributing literature and objects", as well as "places for conducting religious rites away from the place of worship" (including how many people such places can accommodate). The compulsory state censorship introduced by the new Religion Law imposes such requirements (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617). Regulations to implement this have been drawn up by the ARA.

Mosques and churches in the District confirmed to Forum 18 that they had received these documents. "Our priest also met the akim [administration chief] last Friday [18 November] at the akim's request, also in connection with the new Law," a member of one of the Orthodox parishes told Forum 18 on 22 November.

Raids, threats, bans on meeting

Congregations of the Baptist Council of Churches – which refuse to register with the state authorities on principle – face increasing pressure from officials. "They come to our services and to our prayer houses, summon us and threaten us," one church member who asked not to be named for fear of state reprisals told Forum 18 on 22 November. "Such disturbances are rising."

Meetings for worship without state permission of registered churches have also been raided. In Atyrau, police and National Security Committee (KNB) secret police officers raided a meeting of an officially registered Protestant church, as under the new Religion Law it cannot meet outside its legal address – even though the secret police had stopped the church meeting there. 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 church members told Forum 18 that a Public Prosecutor's Office official was a witness.

Among recent incidents unregistered Baptists point to was a further 15 November raid by officials on the congregation in Temirtau, near the capital Astana. "They told us they will close the congregation for conducting illegal activity," one church member told Forum 18. Legal records were drawn up against two church members, who were questioned that day and summoned again the following day for further questioning. "It seems a legal case against them will follow."

Another church member complained to Forum 18 that church members' children are coming home from school complaining that other children have told them that, since the new Law has been adopted, their churches will be closed down and their parents will go to prison. "They are hearing this from the television and from some teachers it seems. Some children even say to the other children the Baptists will now be killed."

On 18 November, several members of their congregation in Astrakhanka in Akmola Region were summoned by the Deputy Akim Miram Kozhakhmet, church members complained to Forum 18. Officials from a range of state agencies complained that Baptist parents were refusing to allow their children to attend the compulsory once-weekly Self-

Recognition lessons in schools, a subject promoted by President Nursultan Nazarbaev's wife Sara (see forthcoming F18News article).

Sources in Almaty who asked not to be identified told Forum 18 that in a district near the city the local Akimat summoned the leaders of small local religious communities even before the new Law had been finally adopted, let alone come into force. At the meeting Akimat officials told leaders they were no longer allowed to meet under the new Religion Law.

Council of Europe invites Kazakhstan to join Venice Commission

Meanwhile, the Council of Europe's Committee of Ministers has invited Kazakhstan to become a full member of the Commission for Democracy through Law, or Venice Commission, its website noted on 9 November. Kazakhstan handed over its application to join the Venice Commission on 11 October, the very day that President Nazarbaev signed the two new laws restricting freedom of religion or belief.

Both laws have attracted strong criticism from civil society organisations, human rights defenders and many religious communities in Kazakhstan, as well as from the Organisation for Security and Co-operation in Europe (OSCE) which works closely with the Venice Commission on legal reviews.

Vyacheslav Abramov of Freedom House in Almaty described the application as "nothing more than a desire to get another image victory, another tick on the list of respected international organisations". Nazgul Yergalieva of the independent Legal Policy Research Centre in Almaty called on the government to submit the two new laws to the Venice Commission for a legal review in accordance with the OSCE / Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief.

"Kazakhstan now has an excellent opportunity.."

Yergalieva of the Legal Policy Research Centre noted that "membership of the Venice Commission offers senior legal officials, such as members of the Constitutional Council, an opportunity to participate in discussions on the Venice Commission's approach to human rights and the rule of law, and to become familiar with their application within countries. So", she told Forum 18 on 22 November, "when civil society in Kazakhstan raises human rights and the rule of law with such officials, they will already be familiar with the international standards and discussions. This offers civil society an opportunity to request changes, to for example bring existing and draft laws into line with international human rights standards."

She also commented that "Kazakhstan, as a new member of the Venice Commission, now has an excellent opportunity to demonstrate its commitment to the Commission's standards by submitting both the new Religion Law and the associated law amending nine other laws, as well as the draft National Security Law, for review by the Venice Commission.

Proposed National Security Law "should go to Venice Commission"

Abramov of Freedom House also called for laws to be sent for Venice Commission review. "I can only hope that as a member of the Venice Commission, Kazakhstan will send for a legal review not only its laws connected with the activity of religious organisations, but also the proposed National Security Law, which will have a serious impact on civil society, which includes religious organisations," Abramov told Forum 18 on 23 November.

Article 19, Part 2 of the current National Security Law, dating from 1998, bans interference by religious communities in the affairs of the state - and interference by the

state in religious communities. The draft Law has the same provision. But this has not stopped state officials from interfering in religious communities. An example of this has been Agency of Religious Affairs (ARA), Muslim Board, and regional government officials demanding that independent mosques join the Muslim Board. One ARA official told Forum 18 that the imams of independent mosques "are not real imams".

The proposed National Security Law was approved by the government on 19 October. It reached the lower house of parliament, the Majilis, on 24 October and was assigned to the Majilis International Affairs, Defence and Security Committee, the Majilis website notes. However, with the early dissolution of the Majilis by President Nazarbaev on 16 November, all laws in parliamentary process have been handed to the upper house, the Senate.

The Senate website notes that the proposed National Security Law arrived in the Senate on 19 November and was assigned to the International Relations, Defence and Security Committee. Abramov of Freedom House thinks that the Senate will approve the Law in late December 2011 or early January 2012.

Not banned, merely "recommends refraining from inviting"

By Felix Corley

F18News (23.11.2011) / HRWF (29.11.2011) <http://www.hrwf.net> - The organisers of a conference in Kazakhstan have been told that five foreign Protestant guest speakers could not come. Ershat Ongarov of the Agency of Religious Affairs (ARA) wrote stating that the ARA "recommends refraining from inviting" them. This follows an ARA ban on a well-known Russian Muslim author visiting to present his books in bookshops and universities. Ongarov insisted to Forum 18 News Service that religious organisations can invite foreign visitors to religious events under the new Religion Law. "We did not issue a ban on these pastors visiting", but he refused to say how else his letter could be interpreted. Asked whether this was not unwarranted state interference in the freedoms of assembly and of speech, Ongarov laughed but refused to answer. ARA Chair Kairat Lama Sharif has stated that regulations to cover both foreigners and citizens engaged in undefined "missionary activity" and "spreading a faith" would "form a system of measures for prevention and countering of the destructive influence of several non-traditional religious organisations on the process of the spiritual/moral development of Kazakh society".

Four days before the start of a large Protestant conference in Kazakhstan's commercial capital Almaty, officials told the New Life Church that five foreign Protestant pastors already advertised as guest speakers could not come. Officials have insisted to Forum 18 News Service that the five pastors were not banned from visiting Kazakhstan, but the Agency of Religious Affairs (ARA) merely "recommends refraining from inviting" them. This follows an ARA ban on a well-known Russian Muslim author visiting to present his books in bookshops and universities.

Meanwhile, mosques and churches in the Almaty's Turksib District have been given questionnaires to fill in and have been instructed to report "on a daily basis" what measures they are taking to counter extremism, Forum 18 has learned.

These moves follow the adoption in October of two laws seriously restricting freedom of religion or belief. Even before the new laws had come into force, officials had begun to close mosques, churches and prayer rooms in prisons. Muslim and Russian Orthodox

prayer rooms in social care institutions are also being closed, the first known closures being in a care home in Almaty.

"Recommends refraining from inviting"

The New Life Protestant Church held a conference from 11 to 13 November at its centre in Almaty, attended by about 1,500 people. However, five foreign pastors due to address the conference – two from Russia and one each from Ukraine, Uzbekistan and Latvia – were unable to come. The Church had advertised the five as speaking at the conference since October. Four of the five did not need visas to visit Kazakhstan, but all chose not to come at the last minute after the ban.

The Church had written on 14 October to the Almaty Department of the Agency of Religious Affairs (ARA) seeking permission to invite the five foreign pastors to speak at their conference. However, on 7 November, in a letter seen by Forum 18, the acting head of the Department, Ershat Ongarov, wrote back to say that it "recommends refraining from inviting" the five named pastors. The letter gave no reason for the ARA's decision.

On 7 November, the Church then wrote to the ARA in the capital Astana. However, in its response signed by the "responsible secretary" Malik Murzalin – also seen by Forum 18 – the Agency made no direct reference to the "recommendation" not to invite the foreigners. He told the Church that after the new Religion Law, regulations to enact it were still being drawn up, including "regulations on the registration of foreign missionaries, which will be confirmed in the near future". He added that this will govern the registration of all "foreign missionaries".

Imam's visit "inappropriate"

On 6 September, just two weeks before a prospective visit to Kazakhstan by Imam Shamil Alyautdinov of Moscow's Memorial Mosque, Marat Azilkhanov, Deputy Chair of the ARA, had written to the state-favoured Muslim Board saying the visit was "inappropriate". The ARA quoted the new Religion law as justifying the ban on the visit and book presentations in universities and bookshops. Following much criticism of the ban in the Kazakh and Russian media, the ARA later claimed in mid-October to have revoked the ban, but insisted the imam could only speak in places of worship and all the books he was intending to present needed to be approved by the ARA.

Imam Alyautdinov's assistant, Zenur Yusipov, told Forum 18 from Moscow on 22 November that the imam is not currently planning a visit to Kazakhstan as "he has lots of work here in Moscow". However, he said he does intend to visit in future.

"We did not issue a ban"?

Ongarov of the ARA in Almaty insisted to Forum 18 that religious organisations can invite foreign visitors to religious events under the new Religion Law. "We did not issue a ban on these pastors visiting," he told Forum 18 from Almaty on 21 November. However, he refused to say how else the letter could be interpreted. Asked whether this was not unwarranted state interference in the freedom of assembly and freedom of speech of those attending the conference, Ongarov laughed, but refused to answer.

Ongarov refused to say what would have happened to the five pastors had they arrived in Kazakhstan and spoken at the conference. However, church members told Radio Free Europe's Kazakh Service on 18 November that one official had told them that "speakers conducting religious activity without registration as a missionary would have to be detained, fined and deported from the country".

The telephone of Murzalin of the ARA in Astana went unanswered each time Forum 18 called on 21 and 22 November.

How many foreign religious workers will be allowed?

Once the new regulations governing foreign religious workers are approved, registration of them will be the responsibility not of local administrations but of local Departments of the ARA. It remains unclear how many the ARA will allow to remain.

ARA Chair Kairat Lama Sharif told the Liter newspaper of 15 November that as of 1 October, a total of 310 foreign citizens had registration for religious work in Kazakhstan. Of them, 124 were Catholic, 90 of various Protestant churches, 48 Muslim, 42 Russian Orthodox, five Jews and one Buddhist.

Unlike the previous system, the new Religion Law requires compulsory state registration as "missionaries" of both foreign citizens conducting religious work in Kazakhstan, and citizens of Kazakhstan engaged in "spreading a faith" or "missionary activity". Both terms are undefined, and anyone carrying out these activities without state permission will be liable to punishment.

"A system of measures for prevention"

Lama Sharif insisted that the new regulations for "missionary activity" and "spreading a faith" being prepared by the ARA and the Interior Ministry would "form a system of measures for prevention and countering of the destructive influence of several non-traditional religious organisations on the process of the spiritual/moral development of Kazakh society". He did not identify which "non-traditional" religious organisations are or why, if such groups are "destructive", prosecutions have not been brought against them.

Archbishop Tomasz Peta, the Polish-born head of the Catholic Diocese of Astana, told Forum 18 that while he is Kazakh citizen, many of the country's Catholic bishops, priests and nuns are foreign citizens. "I hope that under the new system, they will be able to get full one year visas, rather than six-month visas as at present," he told Forum 18 from Astana on 22 November.

Russian Orthodox Metropolitan Aleksandr (Mogilev) of Astana and Almaty and his assistant, Bishop Gennady (Gogolev) of Kaskelen, are both Russian citizens and will need to gain registration. "No one has raised the question that they will have to leave," Fr Aleksandr Suvorov of the Astana and Almaty Diocese told Forum 18 on 7 November.

"Those who initiated and adopted such laws will answer before Allah"

By Felix Corley and Mushfig Bayram

Forum 18 News Service (15.11.11) / HRWF (21.11.2011) <http://www.hrwf.net> - The leadership of a Care Home for people with physical disabilities or mental health problems in Kazakhstan's commercial capital Almaty has closed down two prayer room used by Muslim and Russian Orthodox residents, Forum 18 News Service has learnt. The prayer rooms were closed in April when the home underwent refurbishment. But after the new Religion Law and an amending law were adopted in October, the home told Muslims and Orthodox that the rooms' closure was permanent, a member of the home's staff told Forum 18.

"We're all in shock," Fr Vladimir Zavadich, the deputy head of the Social Service Commission of the Orthodox Church in Kazakhstan, told Forum 18 from Almaty on 7 November. "We didn't expect this from our government. Now we fear this will happen everywhere."

"Those who initiated and adopted such laws will answer before Allah"

A number of hospitals and health care institutions across Kazakhstan have prayer rooms – generally for Muslims or Russian Orthodox. It remains unclear whether all will now be closed down after the adoption of a new Religion Law and a law amending nine laws seriously restricting people's ability to exercise the right to freedom of religion or belief. Both laws came into force on 26 October. After the laws were signed by President Nursultan Nazarbaev on 11 October – and before they had come into force – mosques, Orthodox churches and prayer rooms in prisons began to be closed.

Ongar Omirbek, Press Spokesperson of the Muslim Board, told Forum 18 that the Board had also protested at the closures. "Those who initiated and adopted such laws will answer before Allah," he told Forum 18 on 15 November. Asked whether the Muslim Board will ask the Agency of Religious Affairs (ARA) or Parliament to change the laws, Omirbek said; "There is no point, as they will not pay any attention to us". He added that "it depends on the conscience of people in the Agency and Parliament".

Closure decisions "at the level of the government"

Fr Vladimir of the Orthodox Church's Social Care Commission pointed out that the Almaty Care Home's then Director, Deputy Director and Chief Doctor had all promised in April that, after the rooms were closed for repair, they would reopen afterwards. "But as soon as the new Religion Law came along, we were told immediately that they were gone." The Orthodox prayer room has functioned for fifteen years. The letter Fr Vladimir wrote to the Director of the home was published on 6 November on the church website pritvor.kz.

Fr Vladimir's colleague, Fr Aleksandr Suvorov, noted the widespread closure of places of worship in facilities such as educational establishments, prisons, hospitals and care homes. "The government argues that having such prayer rooms allows them to be exploited by extremists," he told Forum 18 from Almaty on 10 November. "But there are no extremists in hospitals and homes for the disabled. Such extremists are out on the streets, not in homes for the dying, where people need the hope that faith brings."

The decision not to reopen the Muslim and Russian Orthodox prayer rooms was taken "at the level of the government", a care home staff member – who did not give her name – told Forum 18 on 9 November. They said had not seen any written order to close the prayer rooms permanently.

"The question has been looked at many times," they added. "Such prayer rooms have to close. We're not against such prayer rooms, but we are a state agency." The staff member stated that some of the home's 630 residents were helped by the opportunities to meet for worship offered by the prayer rooms. "Faith is often a help for people in difficult times. There was no harm in what the imam and the Orthodox priest did."

Prayer rooms "were not closed"

Forum 18 was unable to reach Gulyash Nazirova, who has been Director of the Care Home since October. Between 9 and 11 November she was either out of the home or in a meeting each time Forum 18 called. Nazirova's Secretary told Forum 18 on 14 November she would be available on 15 November in the morning. Calls on 15 November were not answered.

Zhumanali Sakenov, Deputy Head of the Department of Employment and Social Services in Almaty City Administration, which oversees the Care Home, told Forum 18 on 14 November that the prayer rooms "were not closed". He said that "because of the renovation patients have been moved into these rooms." He added that as soon as the renovation ends the prayer rooms will continue functioning. He did not want to comment on the arguments for the closure of the rooms given to Forum 18 by the Almaty Care Home's officials. He further did not want to talk to Forum 18 and put the phone down.

Svetlana Penkova, interim Press Spokesperson of the ARA, on 14 November told Forum 18 that the new Law allows in-patient religious believers or their relatives on an individual basis invite religious ministers to administer certain religious rites in hospitals but prayer rooms are not allowed. She declined to answer further questions asking Forum 18 to send questions to her in writing.

"Everyone in the Diocese is outraged"

Bishop Gennady (Gogolev) of Kaskelen told the Interfax-Kazakhstan news agency on 7 November that "it is no exaggeration to say that literally everyone in the Diocese is outraged by this development". He said it was "impossible to understand the logic and the state of the souls of the bureaucrats" who can interpret the new Religion Law "in such a way as to take away the last consolation from those people who, for health reasons, find themselves in a desperate, helpless situation". He described calls to bar priests from such homes, hospices and old people's homes as "inhumane".

Bishop Gennady said that the Synod of the Kazakh Metropolitan Region had discussed the issue on 24 October, and the bishops had subsequently written to President Nazarbaev calling for places of worship in social institutions to be retained.

One response to the letter had been from the head of the Committee in charge of prisons, which had claimed that prayer rooms could continue to function. But they avoided answering a question on whether dedicated churches and mosques would be allowed to continue functioning. However, the Committee official who drafted the response told Forum 18 that such churches and mosques built in prisons were "illegal".

Access to hospitals difficult

While some Muslim imams and Russian Orthodox priests have been able to have reasonable access to health facilities in recent years, access by religious leaders of other faiths or denominations has at times been difficult. For example in 2009 Catholic priest Fr Iosif Shmidtlein of Pavlodar was not allowed into a psychiatric care home where a resident had asked the priest to hear his confession.

Similar incidents have been experienced by various leaders. For example in summer 2010 Fr Shmidtlein was called to Pavlodar Regional Maternity Hospital to baptise a baby who was seriously ill. "They let me in, but the doctors insulted me and told me not to get in their way", he told Forum 18 on 9 November.

Ayman Ospanova, Head Doctor of Pavlodar Regional Maternity Hospital, told Forum 18 on 15 November that she does not remember the case, as she would need to go into archives and see who the responsible doctors were. "Generally we have an open door for Imams, Russian Orthodox priests, and Catholic priests to come and pray."

She added that the hospital has a prayer room for Muslims as well, which has not been used in the recent past. "We will allow people to pray in the room," she said when asked whether the prayer room will be closed.

More prosecutions for meeting for worship without state permission

Meanwhile, another fine has been imposed on a leader of a Baptist Council of Churches congregation, whose congregation on principle refuse to seek state registration. Fines for meeting for worshipping without state permission are often large in relation to the income of the person fined. If the person refuses to pay the fine – as is often the case – the authorities have at times confiscated family property such as washing machines, or deducted fines directly from salaries. This happened for example to Viktor Gutyar, a coalminer in the town of Satpaev in the central Karaganda Region who was given a large fine in September.

Most recently, on 17 October Judge Nurlan Kurmangaliev of Burabai District Specialised Administrative Court found Pyotr Zimens guilty of leading a congregation meeting without state permission in Shchuchinsk in the northern Akmola Region, Baptists told Forum 18 on 26 October. He was fined 30,240 Tenge (1,800 Norwegian Kroner, 150 Euros, or 200 US Dollars).

Zimens was prosecuted under Article 375, Part 1 of the Code of Administrative Offences ("Refusal by leaders of religious associations to register them with state bodies, carrying out of activity by religious associations not in accordance with their statute, participating in the activity of or financing political parties, violating the rules governing holding of religious events outside the location of a religious association, organising of special children's or youth meetings not related to worship, and forcing individuals to carry out religious rituals"). The case was brought after Prosecutor's Office official Argyna Aytukzhina, a local police captain, and officials of the local administration's Internal Policy Department raided the church's meeting for worship on 23 September. When the worship service was over, the officials handed three church leaders summonses to the Prosecutor's Office. After the three leaders refused to give statements, the Prosecutor's Office then prosecuted Pastor Zimens, accusing him of "wilfully violating the demands of current law. He undertakes no steps to correct this".

Burabai Court's telephones were not answered on 14 and 15 November.

Pastor Zimens told the court that he rejects the assertion that he and his congregation were doing anything wrong. He pointed out that "Kazakhstan's international human rights commitments specify that the possibility for state registration of religious communities to gain legal personality is a right – but it is not an obligation", local Baptists told Forum 18.

Pastor Zimens told Forum 18 on 14 November that an appeal he made against the fine to the Akmola Regional Civil Court was heard on 2 November in his absence, and the fine was upheld. "I only received the copy of the decision on 7 November", which was signed by Judge Abai Makitov, he said. "Tomorrow I am submitting a cassation appeal to the Regional Court."

The secretary (who did not give her name) to the Chair of the Appeal Board of the Regional Civil Court on 15 November said that Judge Makitov was not available to talk. When Forum 18 asked for the Chair of the Court, she refused to give his name but said that she could take a question for him. She took down Forum 18's questions on why the Court heard the appeal in Zimens' absence and why he was being fined for not registering his religious activity, and asked Forum 18 to wait on the line. A minute or so later she hung up, and subsequent calls went unanswered.

Zimens has been fined several times for his religious activity, for example in November 2006 and May 2008.

Did police really visit meeting?

A similar case has been opened against Aleksey Buka, a member of the unregistered Baptist congregation in Kievka in the central Karaganda [Qaraghandy] Region. Buka told Forum 18 on 14 November that Nuryin District Police had brought a case under Article 374-1 Part 2 of the Administrative Code ("Participation in the activity of a banned religious organisation"). The Nuryin District Administrative Court began hearing the case on 11 November, the next hearing being scheduled for 18 November. "The police claimed to the Court that they visited our meeting and established that this was unregistered religious activity", Buka told Forum 18. But Buka stated that the police had never visited their meetings for worship. "in fact the police visited our members' homes to gather information on us."

Why must community be registered?

Zhmagul Shuzhenov, Chair of Nuryin District Court, told Forum 18 on 15 November that the Baptists need to register their community. But, he said, "we do not know yet whether Buka is guilty of a violation or not".

Asked why the Baptists must register their community, Shuzhenov told Forum 18 that "the law demands it". When told that this contradicts Kazakhstan's Constitution, which provides for freedom of religion or belief, as well as the international human rights standards Kazakhstan is party to, he replied: "Let Buka and his lawyer prepare their arguments based on those points, and the Court will consider them".

Prison mosques, churches, and prayer rooms closed down

By Felix Corley

Forum 18 News Service (11.11.11) / HRWF (14.11.2011) <http://www.hrwf.net> - After two harsh laws restricting people's right to freedom of religion or belief were passed – and apparently before they came into force – Kazakhstan had begun closing mosques, churches and prayer rooms in prisons, Forum 18 News Service has learnt. "Mosques and Russian Orthodox churches were built in prisons in violation of building regulations and the law," Aliya Kadenova, an aide to Eskali Salamatov, deputy head of the Interior Ministry's Criminal Administration System Committee which oversees prisons, told Forum 18 from the capital Astana on 10 November. "They are illegal – that's why they are being closed down."

Kadenova made clear she was speaking about dedicated mosques and churches, not prayer rooms in other buildings. She refused to say why, if such mosques and churches had been built illegally, why no prison governors had been prosecuted. She then refused to answer any more questions and put the phone down.

How can they have been built "illegally"?

"How can these Orthodox churches have been built illegally?" asks Fr Aleksandr Suvorov of the Astana and Almaty Orthodox Diocese. "Prisons are zones under the strictest of controls." He told Forum 18 from Almaty on 10 November that if anyone is to blame for "illegal" construction of such churches it must be the administrators of the prisons, as they had authorised their construction.

Muslims have more than 100 mosques or prayer rooms in prisons, while the Russian Orthodox have 63 churches or prayer rooms. Forum 18 is not aware of other faiths which

have either dedicated prison places of worship or prayer rooms. However, in a few places Forum 18 knows of Protestants who have been able to visit for regular services.

Ambiguous Religion Law

The new Religion Law is ambiguous over what rights prisoners and other residents of state institutions have to exercise their religious freedom. Both harsh laws were adopted with unprecedented speed, and have been strongly criticised by human rights defenders, international bodies and religious communities within Kazakhstan.

Article 7, Part 2 of the Religion Law reads: "Services, religious rites, ceremonies and/or meetings are held (conducted) without obstruction in places of worship (premises) and on land attached to them, in places of veneration, in institutions and premises of religious associations, in cemeteries and in crematoria, homes and places of public catering in cases of necessity and on condition of observing the rights and interests of nearby residents. In other cases, religious events are conducted according to the procedure established by the laws of Kazakhstan."

Article 7, Part 4 reads: "For those held in special institutions ensuring temporary isolation from society or being in institutions serving punishment, being patients in health institutions providing stationary care, or who are undergoing social care in residential homes for the elderly or disabled people, at their request or the request of their relatives in cases of ritual necessity, priests of religious associations registered according to the procedure of the laws of Kazakhstan are invited. In this, the carrying out of religious rites, ceremonies and/or meetings must not obstruct the activity of the given organisations or violate the rights and legal interests of other individuals."

But Criminal Administration System Committee spokesperson Galymzhan Khasenov told Tengrinews on 22 October that prisons are state institutions and that the Religion Law bans prayer rooms in state institutions. (This is stated in Article 7, Part 3.)

International law clearly defends the right of prisoners to freedom of religion or belief. The International Covenant on Civil and Political Rights has been ratified by Kazakhstan and came into force in the country in 2006. This states that, "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person" (Article 10, Paragraph 1). This specifically includes those held in prisons, detention camps or correctional institutions (General Comment 21 on the same article).

Amongst the other relevant United Nations standards is the 1955 Standard Minimum Rules for the Treatment of Prisoners, which state: "Access to a qualified representative of any religion shall not be refused to any prisoner" (Rule 41, Part 3). The regulations also stipulate that, "So far as practicable, every prisoner shall be allowed to satisfy the needs of his/her religious life by attending the services provided in the institution and having in his/her possession the books of religious observance and instruction of his/her denomination" (Rule 42).

Officials of the government's Agency of Religious Affairs (ARA) refused to discuss the new restrictions on places of worship in prisons. Baurzhan Amirbekov, chief specialist at ARA, confirmed to Forum 18 on 10 November that the new regulations to enact the controversial new Religion Law have still not been drafted. He and other ARA officials referred Forum 18 to ARA spokesperson Svetlana Penkova. However, she claimed not to be able to hear Forum 18's questions. Subsequent calls to her number on 10 November went unanswered.

Not only have places of worship in prisons been affected. A prayer room used by the Russian Orthodox in a home for disabled people in Almaty has been closed down (see forthcoming F18News article).

First known closures

In the first case in a prison known to Forum 18, the leadership of the strict regime labour camp (LA 155/8) in Almaty Region's village of Zarechny, closed the camp's mosque and Russian Orthodox church. "These were closed down about two weeks ago," an official of the camp's Regulations Department told Forum 18 on 10 November. Asked why, the official – who would not give his name – responded: "I can't explain why." He refused to answer any other questions.

The telephone of prison chief Abylgazy Idilov went unanswered each time Forum 18 called on 10 November. The camp's Special Department refused to comment.

However, the camp's duty officer told Forum 18 that the mosque and church were in separate buildings within the camp perimeter. The camp holds about 1,300 prisoners.

Work began on the prison Orthodox church in June 2008 at the initiative of the then head of the Orthodox Church in Kazakhstan, Metropolitan Mefody (Nemtsov). The Kazakh Orthodox website notes that the Justice Ministry (which was then in charge of prisons) agreed the construction, which was welcomed by the then camp commander Colonel Balabek Zhunosov and his successor Lt-Col. Kuanish Baigazinov. Twelve volunteer prisoners built the church, five of whom received baptism in the months it took to build.

Denied access

Information that the two places of worship had been closed came as news to Fr Pimen Tkachenko, an Orthodox priest in the nearby town of Kapchagai who is one of the priests who serves the camp parish. "There is no ban on our church and I hope there won't be," he told Forum 18 from Kapchagai on 10 November.

Fr Pimen said he had discussed the continuing operation of the church with the camp's deputy governor, who told him that from mid-October, new regulations governing the work of religious officials in prisons have been introduced. "He told me he is still waiting for instructions from above." Fr Pimen told Forum 18 that he has not yet seen the proposed memorandum which is supposed to be drawn up and signed which will govern the priests' access to the camp.

Fr Pimen noted that the new regulations meant that one of his colleagues – Fr Georgy Kharlov – was denied entry when he arrived as scheduled on 3 November to conduct services for prisoners (the Orthodox priests have visited the camp on Thursdays).

ARA order?

On 21 October one of the ARA's deputy chairs, Marat Azilkhanov, told a television programme of RIA Novosti news agency that the Criminal Administration System Committee would begin removing places of worship from prisons at the end of October. He linked the removal – which he said included both separate places of worship and prayer rooms within other buildings – to the new Religion Law signed by President Nazarbaev on 11 October.

Forum 18 notes that Azilkhanov made the remarks on 21 October, five days before the controversial new Religion Law entered into force.

"The law sets out a clear position: all places of worship, including prayer rooms, in corrective institutions and in places of deprivation of freedom of citizens must stop functioning," he told the broadcast.

Azilkhanov complained that "hundreds of prayer rooms and about 60 Orthodox parishes function in corrective institutions". He said that they "would not be closed down in one day, but definitely would be closed".

Not closure – just not used for worship

The day after the broadcast, Criminal Administration System Committee spokesperson Khasenov told Tengrinews on 22 October categorically that places of worship would not be closed. Yet he insisted that "order would be brought to the functioning" of these places of worship. He added that religious leaders would have to undergo a new licensing system to be able to visit prisons.

Khasenov explained to Forum 18 that "bringing order" meant ending the use of separate mosques and Orthodox churches built in prison and turning them instead into libraries. "There is no order to close them – this is merely reformulating their use," he claimed to Forum 18 from Astana on 8 November. "The new Law requires this." He said the process would be gradual, but declined to discuss when this will happen.

Asked why the closure of these places of worship was necessary and whether it will help prisoners, Khasenov insisted that prisoners will still be able to invite imams and priests.

Khasenov added that permission to build new mosques and Orthodox churches in prisons – begun twenty years ago – was stopped "in 2009 or 2010". He refused to explain why it was stopped or who ordered its halt. He claimed that many of these mosques and churches did not function.

However, Khasenov insisted that prayer rooms will still be able to function, claiming that they are large enough to meet prisoners' needs.

"Question being discussed"

Other prison officials told Forum 18 that they know the issue of whether to keep open religious premises is being discussed, but they say they have not received any instructions yet.

Serizhan Dikhanbaev, governor of the strict regime camp in Tolebi District of South Kazakhstan Region (ICh 167/9), said that so far the mosque and the prayer room for Christians (used by the Russian Orthodox and the Full Gospel Protestant Church) continue to function. "All we have so far is what we have read about the new Religion Law in the papers," he told Forum 18 on 9 November. He said the imam, Orthodox priest and Full Gospel pastor visit weekly.

An official of the Education Department at the pre-trial Investigation Prison in Taldykorgan [Taldyqorgha], Zhanna Bimendinova, said that the two prayer rooms – one Muslim, one Russian Orthodox – continue to function. "This question has been discussed, and we don't know if they will remain open," she told Forum 18 from the prison on 8 November.

Muslim, Orthodox complaints

Muslim Board officials have complained about moves to close their places of worship in prisons. "All were closed on 1 November in state institutions because of the new law," Ongar Omirbek, spokesperson for the Board told Forum 18 on 9 November. "We

complained to the state about this – verbally and in writing. But they didn't listen. Prisoners have now been left without prayer rooms. We can't do anything about it now."

Russian Orthodox leaders also complained about the moves. On 24 October, Metropolitan Aleksandr (Mogilev) of Astana and Almaty wrote to President Nazarbaev calling for places of worship in prisons – both churches and prayer rooms – to be preserved.

The response came in a letter dated 27 October from Salamatov, deputy head of the Interior Ministry's Criminal Administration System Committee, although the Orthodox did not receive it until 8 November. The letter, drawn up by Salamatov's aide Kadenova and seen by Forum 18, carefully avoids responding on the issue of churches.

Salamatov quoted provisions of Article 7 of the new Religion Law without any comment. However, he noted that "the [new Religion] Law does not envisage the halting of the functioning of prayer rooms in institutions carrying out criminal punishment". And he added that performing religious rituals must be voluntary. "This must not violate internal procedures, or harm the rights of other individuals serving their punishment."

When Kadenova of the Interior Ministry was challenged by Forum 18 about why the letter only responded to concerns about prayer rooms, she immediately insisted that mosques and churches were illegal and refused to say if the Committee had written a similar letter to the Muslim Board.

Varied picture

"Mosques and churches located in separate buildings have now been closed," the office of the Kazakhstan International Bureau for Human Rights and Rule of Law in Astana told Forum 18 on 9 November. "But prayer rooms located in buildings, blocks where prisoners are held and live continue to function. This has not been forbidden."

In South Kazakhstan Region, mosques and prayer rooms are still functioning, but their hours when they are open has been cut back recently, Tatyana Kiselyova of the local branch of the Kazakhstan International Bureau for Human Rights and Rule of Law told Forum 18 from Shymkent on 9 November. The head of the Committee for the Region, as well as senior officials of a women's prison and a prison for tuberculosis sufferers, told her that previously they were open from morning to evening. Now they are only open at prayer times.

By contrast, Fr Pavel Pridatchenko, a prison chaplain in Pavlodar, said all the prison parishes the Orthodox Church has in the region are functioning normally. "I don't think they'll be particular problems," he told Forum 18 from Pavlodar on 10 November. "Mosques and churches in prison won't be closed. Spiritual care is necessary for prisoners." At least four prisons in the Region have dedicated churches.

Literature confiscated

On 21 October, the administration of the special regime camp in Zhetikara in Kostanai [Qostanay] Region (UK 161/3) "illegally" confiscated religious literature - including Bibles and New Testaments - and discs with films and sermons from prisoners, the Association of Religions of Kazakhstan (AROK) told Forum 18 on 11 November, citing an appeal it had received. The camp administration claimed the law banned prisoners from having such material. "However, according to the law, having such literature and other materials for personal use is allowed," AROK declared.

Earlier restrictions

Although the new Law and requirement for religious personnel to gain new licences to be allowed to visit prisons have made access more difficult, several religious leaders complained to Forum 18 of earlier restrictions or denial of access.

Officials of the prison in Arkalyk in Kostanai Region (UK 161/12) closed the Orthodox prayer room in early 2010, claiming that it was being repaired, Anastasia Miller of the Kazakhstan International Bureau for Human Rights and Rule of Law in Kostanai told Forum 18 on 9 November. "It was formally under repair when we visited the prison in July 2010 and still when we returned in October 2011." She believes this could have been an excuse to close it. She said the Muslim prayer room was not closed.

Miller said that during an 18 and 19 October inspection of the prison by the regional Public Observation Commission, of which she is a part, Orthodox prisoner Aleksandr Gaponov complained that he had been told he could not visit the Orthodox prayer room because the prison's deputy governor for operational work did not want it. The deputy governor claimed to outsiders that the prayer room for Orthodox is available and no complaints had come in, but "de facto the room was under constant repair".

Regional Public Observation Commissions were established by a government decree of September 2005, and include some independent members. Commissions conduct monitoring missions to penal institutions to check whether laws, international norms and the "rights and legal interests" of prisoners are being observed.

The duty officer at Arkalyk prison refused to discuss anything with Forum 18 on 10 November, or to put Forum 18 through to any other prison official. The telephone of the prison governor Arman Kulzhanov went unanswered on 11 November.

Most vocal was Fr Maksim Boikov, head of the Social Services Department of Kostanai Diocese. He complained that neither he nor other Orthodox priests have access to Orthodox prisoners in a number of local prisons and institutions, including the strict regime camp in Kostanai (UK 161/2), the investigation prison and a centre for drug dependent people.

"Why don't Orthodox prisoners have the right to invite a priest for confession and to receive communion? This is not acceptable and a violation of their rights," he told Forum 18 from Kostanai on 10 November.

Fr Maksim complains that although access has become more difficult since the adoption of the new Religion Law, restrictions began earlier in 2011. This was supported by Catholic priest Fr Iosif Shmidtlein of Pavlodar. "If they didn't allow freedom of religion before for those in institutions, now it is even more difficult," he told Forum 18 on 9 November. "Theoretically we could go into prisons, but practically it was impossible. It took too many hours waiting for permission." He also recounted cases of difficult or impossible access to hospitals (see forthcoming F18News article).

Fr Shmidtlein said he was never allowed access again to a resident of a psychiatric care home, who had requested that he return to hear his confession.

Protestants of various churches told Forum 18 that sometimes individual visits to prisons have been possible in recent years, but all depends on the attitude of the local prison governor.

Jehovah's Witnesses told Forum 18 that in recent years visits to prisoners who are studying the Bible and request such visits have become more difficult. "Sometimes our people weren't allowed in, at other times they were allowed in, but the length of the visits was very short," one Jehovah's Witness told Forum 18 on 11 November. "Prisons would earlier make available a room for a private meeting, but that stopped in 2010."

Although a few people write from prison requesting religious literature and contact, Jehovah's Witnesses say they do not know what impact the new Law will have on how they will be able to respond to such requests.

In 2007, Jehovah's Witnesses were barred from several prisons to which they had earlier had access. In one case in East Kazakhstan Region they, successfully challenged a Justice Ministry ruling that it "did not recommend" visits by Jehovah's Witnesses to prisons. However, visits to the prison could not resume until June 2009 and visits to other prisons were blocked.

Punishments for praying?

During a 12 October visit to a strict regime camp in Astana (ETs 166/10), members of the city's Public Observation Commission met two prisoners in solitary confinement in the isolation cells who claimed to have been punished for their religious affiliation, according to two members of the Commission from the Astana branch of the Kazakhstan International Bureau for Human Rights and Rule of Law.

One of the prisoners, N. Zharkeev, had been accused of refusing to go to work, but he insisted that he was willing to work and that the accusation had been fabricated to punish him for praying the namaz regularly.

Another prisoner, Zh. Bimurzaev, had been held in an isolation cell for a year since his transfer from the prison in Arkalyk. He told the visitors he is a Muslim "and does not hide it", and that he was placed in isolation on orders from the National Security Committee (KNB) secret police. Officials told the visitors that Bimurzaev too had been punished for refusing to work, an accusation he denied.

The camp governor, Akylbek Abdrakhmanov, refused to say why the two prisoners had been punished, or to say whether the camp has any open mosque, church or prayer room. "I don't know who you are," he told Forum 18 on 11 November. "I won't answer any questions by phone."

Laws enforced although not yet in force

By Mushfig Bayram,

Central Asia Correspondent, Forum 18 (19.10.2011) / HRWF (26.10.2011) <http://www.hrwf.net> - Kazakhstan is enforcing laws before they have come into force, Forum 18 News Service has found. In the south-western city of Atyrau, officials including police and National Security Committee (KNB) secret police officers raided a worship meeting of an officially registered Protestant church, claiming that under the new Religion Law the church cannot meet outside its legal address. During the raid, a 17-year old woman was hit by a police officer, leaving her unconscious. In the commercial capital Almaty, Jehovah's Witnesses sharing their beliefs were briefly detained by police, who stated that they were doing this as the new Religion Law bans missionary activity on the street. However, the new Religion Law does not come into force until 26 October.

The new Religion Law, which breaks the country's human rights commitments, imposes a complex tiered registration system, bans unregistered religious activity, imposes compulsory religious censorship and requires both central and local government approval to build or open new places of worship. All religious communities will be required to re-register or face liquidation through the courts.

The second law restricting freedom of religion or belief amends nine other laws and legal provisions. It also enters into force on 26 October. Most of the changes are minor, but changes to Article 375 of the Code of Administrative Offences and to the Law on the Rights of the Child could have a more far-reaching impact.

Both the new Laws were signed on 11 October by President Nursultan Nazarbaev, though this was not publicly announced until 13 October. Both laws were officially published on 15 October in the Kazakh-language paper Egemen Kazakhstan and the Russian-language paper Kazakhstanskaya Pravda. They both come into force on 26 October, ten days after their official publication.

The same day the laws were signed, Kazakhstan applied for full membership of the Council of Europe's Commission for Democracy through Law, or Venice Commission.

Before parliament had even passed the laws, state officials were based on them threatening registered independent mosques that they will not be re-registered under the new Religion Law - and so will be banned - if they do not join the state-favoured Muslim Board.

In early September, the government's Agency of Religious Affairs (ARA) wrote to the Muslim Board warning it not to invite a Moscow-based imam Shamil Alyautdinov or other foreign Muslim preachers. He was forced to cancel his proposed speaking tour of Kazakhstan at short notice. The ARA's head Kairat Lama Sharif appears to have now overturned the ban on Alyautdinov's visit after widespread protests.

Hare Krishna devotees, Ahmadi Muslims and Catholics all expressed concern to Forum 18 on 18 October that they will face difficulties and possible punishments by the authorities for carrying out their normal religious activity. All those Forum 18 spoke to did not wish to make any public comments on the new laws and their impact.

"There is a new law.."

Jehovah's Witnesses were stopped by police in Almaty on 18 October while they were sharing their beliefs with others on the street, and taken to be detained at Auezov District Police Station. The police said that this was because "there is a new law banning missionary activity on the street", the Jehovah's Witnesses told Forum 18 on 18 October. But, "when we took our registration documents to the police station and explained that the law has not entered into force, the police released our believers without opening a case".

Duman Aukhadiyev, Deputy Chief of Auezov Police, told Forum 18 on 19 October that "we need to see what kind of literature people are passing out on the streets". Asked why police are enforcing a law which is not in force, he said: "I cannot comment on that over the phone".

KNB secret police targets church

New Life Church in Atyrau has long faced harassment from the KNB secret police. As one official put it to Forum 18, not directly referring to New

Life: "Often we are asked to limit religious communities by prosecuting them and by other means. Because the law can be easily manipulated, religious communities fall prey to that".

In the most recent targeting of New Life, the KNB secret police placed a hostile article in a local newspaper, and along with other officials raided its worship in a local hotel beating up a member and forced the Church to halt the meeting, after the authorities

earlier forced the end of a rental agreement to hire a local meeting hall. The Church has not been able to meet together as one group for worship since 25 September.

"Robbing members of his congregation.."

The most recent problems for the Church began when on 10 September an article with serious allegations against the Church was published in the Russian-language Prikaspiyskaya Kommuna (Caspian Commune) local newspaper.

The article accused Pastor Galymzhan Nagmadinov of "brainwashing" church members so that they would give the Church their money and all they have.

In the article neither Pastor Nagmadinov nor anyone else from his Church was asked to answer the allegations. The article was also reprinted on 12 September by Caspienews and several other news agencies in Kazakhstan.

"Robbing members of his congregation, the pastor, his relatives and close friends ensured for themselves a comfortable life," Aynura Zhubanova, the author of the article, alleged. "The pastor bought parcels of land from his church members very cheaply," she claimed, later selling them for ten times the price. "The saddest thing is that it is very difficult to prove such facts, and it is virtually impossible to return to the victims their property."

The article also says that "statistics are silent about how many people in the country have fallen under the influence of such religious organisations. And the outcome for many of them as a rule is the same."

Zhubanova identifies these as "destruction of families, taking control [of church members]" and "brainwashing".

Officials have been running a campaign against alleged "extremist" and "non-traditional" movements to coincide along with both the new laws' adoption, and the KNB has in the past placed articles in newspapers attacking people exercising freedom of religion or belief.

"Atyrau regional KNB gave us materials.."

Aleksey Burenkov, Assistant Editor-in-Chief of Prikaspiyskaya Kommuna, told Forum 18 on 17 October that "Atyrau regional KNB gave us materials about the Church with evidence, and we published it". Asked why they did not ask Pastor Nagmadinov or the Church for their opinion, he responded: "I don't see anything strange in it. We have evidence, we can show it to anyone."

Asked whether they would publish a refutation or the Church's answer to the article, he said: "If they write anything interesting we can". Pastor Nagmadinov told Forum 18 that the Church is preparing their answer to the newspaper article with the hope that it will publish it.

Zhubanova said she did not want to discuss her article with Forum 18. "I already have a headache from this article," she told Forum 18 on 17 October. "I received so many calls from Church members and officials that my managers gave me a few days' leave from work. I am at home at the moment." Asked whether the KNB pressured her to publish the article, she said: "Please, talk to my editors."

The duty officer (who would not give his name) at Atyrau regional KNB asked Forum 18 to call back five minutes later, when Forum 18 asked to talk to Nurzhan Jigitekov, head of the regional KNB. When called again, the KNB officer said that Jigitekov was away on

an assignment. When Forum 18 asked why the KNB had asked Prikaspiyskaya Kommuna to print the article, and has also raided the Church, he said he could not answer those questions and no-one who could answer them was available to talk.

"She was afraid.."

New Life, a state-registered church, had been meeting in a hall in Atyrau since 2007. The hall is owned by a church member, and is the Church's legally registered address. But on 16 September the KNB secret police told the owner not to rent space to the Church, Pastor Nagmadinov told Forum 18 on 13 October. Reluctantly, the owner eventually complied. "She said that she was afraid, and out of fear she also stopped meeting with us."

Not wanting to cause problems for the owner of the hall, and trying to avoid conflict with the authorities, the church rented a hall in Atyrau's Ak-Zhayik Hotel for a meeting on 2 October. Present at that meeting were "church members, a few newcomers, as well as few visitors from New Life Church outside Atyrau", Nagmadinov said. He said that they had a guest speaker from Almaty New Life Church.

As soon as the guest speaker started speaking, seven ordinary police and KNB secret police officers in plain clothes "broke into the meeting and without identifying themselves" began to film the attendees, Nagmadinov stated. "When we insisted that they show their IDs and tell us who they are, one official identified himself as Lieutenant Colonel Rustem Istleuov of the Atyrau Regional Police."

The police demanded that all the attendees write their names and a statement. "Only one or two newcomers out of fear wrote statements,"

Nagmadinov said. "The police told the people that they should not attend the Church because it is a dangerous sect. And it is illegal under the new Religion Law for the Church to meet outside its legal address."

Istleuov refused to tell Forum 18 why police based their actions on a law which is not yet in force. "I do not have time or desire to discuss these questions with you over the phone. Please, come to our office, and I will talk to you," he told Forum 18 on 17 October.

Attack

While the raid was going on, 17-year old Aina Nurmanova began to film the process on her mobile phone. "Seeing this, one officer hit her face with his elbow, and she fell down." When the officer saw that she was lying unconscious on the floor, he "ran away through the back door". He said church members called an ambulance, and when it arrived all the officials quickly left. Meeting place staff, who did wish to be named, confirmed this to Forum 18.

As they left, officials warned one first-time visitor who wrote a statement that they will soon summon him for questioning. "All the Church members and the visitors also left because they were scared. And so the police disrupted our meeting," Nagmadinov said.

Pastor Nagmadinov told Forum 18 that "so far police have not summoned anyone from the meeting". Meeting place staff told Forum 18 that they were not contacted or summoned by police later. Lt. Col. Istleuov stated to Forum 18 on 13 October that "we have referred the case to the Prosecutor's office".

Will attacker be punished?

When Forum 18 asked whether the police included in their records the attack on Nurmanova, Istleuov said: "She was outside the meeting hall, we do not know what happened to her, I only know the ambulance was called". He claimed that: "We did not mention the beating incident in our records because we did not see it."

"Church members told me that they will complain about it to the Prosecutor's Office," he added. Istleuov then claimed he could not talk further and asked Forum 18 to call back in 30 minutes. When Forum 18 did, his telephone went unanswered.

Pastor Nagmadinov and Nurmanova's mother, both of whom were present at the meeting, disputed Istleuov's account. They told Forum 18 that everything happened in the same room and the officials saw this. Pastor Nagmadinov himself asked a Prosecutor's Office official why they were not doing anything when this attack was happening in front of them. "He gave me a surprised look but did not say anything," Nagmadinov said.

"Not in my competence"

Judge Adylkhan Talas of Karaganda Regional Court on 18 October upheld a fine of nearly ten months' minimum wage for leading an unregistered religious community imposed on Viktor Gutyar. The fine had been handed down on Gutyar after an 11 September raid on his Baptist congregation in Satpaev just before Sunday worship was due to begin at which he was not even present.

Raushen Sergazina, Press-Secretary of the Karaganda Court told Forum 18 on 18 October that the Baptists carry out unregistered religious activity, which is not allowed by the Law. Asked why Kazakhstan's authorities punish peaceful religious activity, she said that it is "not in my competence" to answer the question.

New rules on religious freedom put at risk Kazakhstan's Catholic Church

AsiaNews.it (18.10.2011) / HRWF (20.10.2011) – <http://www.hrwf.net> – "The new laws on registering and controlling religious communities put at risk the Catholic Church of Kazakhstan. There will be restrictions on visas for foreign religious. About half of all Catholic priests and bishops come from other countries," Fr Edoardo Canetta told AsiaNews. The Italian missionary and university professor, who has lived in Kazakhstan for 11 years, is in Italy for family reasons. "The new rules," he explained, "concern mainly Muslim and Protestant groups deemed aggressive, but they damage all non traditional religious groups."

Enacted on 13 October by will of President Nursultan Nazarbayev, the new rules want to indigenise religious communities in accordance with a control system used by the Chinese government. Only the Russian Orthodox Church and Kazakh Muslims are considered traditional and thus do not fall under the new restrictions. In order to survive at the national level and avoid penalties, non-indigenous groups must prove that they have 5,000 members.

According to Fr Canetta, the new rules are very similar to those already in place. They include tight state control over religious groups. However, the "worse novelty for the Kazakh Church is the tightening of visas for foreigners and the criteria for confessional group registration, which slow down the birth of new communities, including Catholic ones."

In order to keep a lid on the expansion of Islamic terrorism, the Kazakh president has banned foreign imams from the country, and denied would-be local religious from studying abroad. The country's Muslim population is made up primarily of ethnic Kazakhs. It is the same case for Lutherans, who are ethnic Germans deported to Kazakhstan during the Soviet era, and Jews.

Given its universal vocation, the Catholic Church is something atypical even if it has always had good relations with the authorities. Most priests and bishops are not Kazakh. Only, Mgr Thomas Peta, of Polish origin, has changed citizenship. Local priests and prelates, about 20, are mostly religious who have gone abroad for reasons associated with the mission. The few Kazakhstan-born priests do not play any major pastoral role. They are not highly regarded and are kept on the sidelines by the Bishops' Conference, which is made up mostly of Polish-born prelates.

We got to the current situation because relations between the Holy See and the Kazakh government were mishandled. "In 2000, the Vatican and local authorities signed a concordat to guarantee freedom of movement for priests, but no one tried to have turned into law. Thus, even though the agreement provides Catholics with greater freedom, it remains a statement of principle without legal force."

To overcome such difficulties, the authorities must be made aware of the idea of universality that is contained in the word "Catholic", the clergyman said. Some bishops oppose this, preferring instead to downplay the scope of the Church in lieu of expressing its true nature.

"Recently, in the Credo the word 'vselenskaja', which means universal, was replaced by 'katoliceskaja', the adjective that distinguish Catholics from Orthodox. Kazakh public opinion is thus prevented from understanding the supranational aspect of the mission, which is why so many foreign ministers have come to Kazakhstan." (S.C.)

President signs two laws restricting freedom of religion or belief

By Felix Corley

Forum 18 News (13.10.2011) / HRWF (17.10.2011) - <http://www.hrwf.net> - Kazakhstan's President Nursultan Nazarbaev has signed two new laws imposing severe restrictions on freedom of religion or belief, the presidential website noted today (13 October). The two laws - which have been adopted with what one observer called "unprecedented" speed - have attracted strong criticism from civil society organisations, human rights defenders and many religious communities in Kazakhstan, as well as from the Organisation for Security and Co-operation in Europe (OSCE), Forum 18 News Service notes. Both new laws are expected to be officially published in Kazakh and Russian tomorrow (14 October). They come into force ten days after their official publication. All registered religious organisations will now have to begin the burdensome task of holding meetings and gathering documentation to apply for compulsory re-registration - if they still meet the new, stricter criteria - for which no clear mechanisms have been established.

Nazgul Yergalieva, head of the Almaty-based Legal Policy Research Centre, regretted that President Nazarbaev signed what she calls the two "repressive" laws. She told Forum 18 from Almaty on 13 October that the aim of the laws is to control freedom of religion or belief "rather than guarantee its freedom". She observed that "strict regulation and

limitation of fundamental rights, such as freedom of religion, by governments has already proved to be a dangerous path, leading to social tension and resentment".

"Continued relevance" of 2009 OSCE Legal Opinion

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) expressed its "disappointment" that President Nazarbaev signed the two laws. ODIHR Director Ambassador Janez Lenarcic on 29 September had earlier publicly criticised the laws (see below). Kazakhstan was OSCE Chair-in-Office in 2010.

"We already conveyed to the Kazakh authorities our opinion that the legislation appears to unnecessarily restrict the freedom of religion or belief and is poised to limit the exercise of this freedom in Kazakhstan," ODIHR spokesperson Jens Eschenbaecher told Forum 18 from Warsaw on 13 October. "We reiterate the continued relevance of our 2009 Opinion on the previous draft legislation. ODIHR continues to stand ready to provide advice and assistance on bringing Kazakhstan's freedom of religion legislation fully in line with international standards and OSCE commitments."

The 2009 OSCE Opinion found that "many serious issues remain with respect to the Proposed Religion Law's compliance with international human rights standards, including in particular OSCE commitments". The current repressive laws appear to have been in preparation since at least 2009.

Restrictions, bans, punishments

The first law - a new Religion Law formally entitled "The Law on Religious Activity and Religious Associations" - among other restrictions imposes a complex tiered registration system, bans unregistered religious activity, imposes compulsory religious censorship and requires both central and local government approval to build or open new places of worship. All religious communities will be required to re-register or face liquidation through the courts.

The second law - formally titled "The Law on introducing Amendments and Additions to several legal acts questions of Religious Activity and Religious Associations" - amends nine other laws and legal provisions. Most of the changes proposed in this amending law are minor and technical. However, changes to Article 375 of the Code of Administrative Offences and to the Law on the Rights of the Child could have a more far-reaching impact on freedom of religion or belief.

The two laws were approved by the Lower House, the Majilis, on 21 September and by the Upper House, the Senate, on 29 September. They were sent to President Nazarbaev for signature on 30 September, the parliamentary website noted.

The Majilis Press Service declined to tell Forum 18 whether any previous draft laws had passed through parliament's lower house - in which only the President's Nur Otan Party is represented - so quickly. Ninel Fokina of the Almaty Helsinki Committee told Forum 18 that: "They pretend there was public discussion, but everything is being done not to allow anyone time to react".

Parliamentary opposition, but fundamental violations unaddressed

Both before and after their adoption in September, both laws faced strong criticism. Some opposition came from those who objected to the new Religion Law's ban on religious activity in state buildings, and failure to specify that Muslim women can wear the hijab [headscarf] in state institutions. It was the ban on praying in state institutions which drew almost the only opposition during the parliamentary process, particularly from lower house deputy Bekbolat Tleukhan, who called in vain in the Majilis on 21

September for that provision to be removed. Ninel Fokina of the Almaty Helsinki Committee told Forum 18 that she thought the issue of prayer rooms in state-owned buildings was deliberately included to distract attention from the fundamental violations of religious freedom in the new laws.

After the laws' passage through the Senate, the upper house's press service claimed approval was unanimous – but Forum 18 was told by sources in Astana that two deputies voted against.

Other opposition came from those who opposed the new laws on fundamental grounds, because of the incompatibility of restricting everyone's freedom of religion or belief with Kazakhstan's international human rights commitments. Forum 18 notes that many have been reluctant to express their opposition to the laws in public.

"A dangerous path, leading to social tension and resentment"

However, various local human rights defender organisations have publicly expressed strong criticism of both laws. On 28 September, ahead of the Senate vote, the Association of Religious Organisations of Kazakhstan, a body mainly representing Protestant Churches, distributed its critique of the new laws to all Senators.

Yergaliev of the Legal Policy Research Centre told Forum 18 that the aim of the law was to control freedom of religion or belief "rather than guarantee its freedom". She observed that "strict regulation and limitation of fundamental rights, such as freedom of religion, by governments has already proved to be a dangerous path, leading to social tension and resentment". She regretted that the laws "were decided behind closed doors".

A similar understanding of security lies behind the OSCE commitments which Kazakhstan has formally promised to implement.

At a 5 October press conference in Almaty, the Almaty Helsinki Committee, the Norwegian Helsinki Committee, and experts from the region outlined their concerns to local journalists. Fokina of the Almaty Helsinki Committee noted that at least the authorities were now honest in outlining in law the restrictions they had long sought to impose. "The state acknowledges that it now legally establishes the norms for holding religious services," she noted ironically.

"Expert analyses"

Fokina added that re-registration of religious communities within a year will be impossible because the state does not have enough officials to conduct the "expert analyses" that the law now requires.

Professor Artur Artemyev, long a critic of the government's policy on freedom of religion or belief, told the press conference that the laws will do nothing to protect society from extremism, and are targeted less at extremism and terrorism than at registered religious organisations. He questioned whether the state officials due to conduct "expert analyses" will be objective. Professor Artemyev made similar points about the lack of expertise of some state officials in relation to a controversial 2010 school textbook.

Galina Golous of the Hare Krishna community feared that many of their local communities would face enforced closure as they do not have the required 50 adult founders. She also particularly criticised Article 6 of the new Religion Law and its requirement for an "expert analysis" of religious literature. She told the press conference that such analyses could drift on for years and be "an extra ban on freedom of speech and publishing of religious information".

"Not in line with Kazakhstan's international human rights commitments"

Zauresh Battalova, an opposition politician who was a member of the Senate from 1999-2005, is vigorous in her complaints. "The laws include norms not in line with Kazakhstan's international human rights commitments and violate the rights of the country's residents to freedom of religion," she told Forum 18 from Astana on 7 October.

Battalova pointed out that harsh laws on other aspects of civil society – such as political parties or public meetings – already exist, and the authorities wanted to impose similar controls on religious communities. "All legal changes make life harder for civil society," she told Forum 18. She fears that these new laws will force many religious communities underground.

She complained that opposition to these two laws had "not had the desired result". "The authorities ignored the protests." She said parliament was weak and simply "approves measures from the government and president". She felt that only international pressure would have an impact on the authorities.

"They frighten the people"

Battalova criticised the government's linkage of the laws with the fight against terrorism. "They frighten the people that too much freedom for religious organisations leads to terrorist attacks."

Officials have been running a campaign against alleged "extremist" and "non-traditional" movements along with the laws' adoption. The Military Affairs Directorate of Almaty's Turksib District wrote to local religious communities, ordering them to "provide information on citizens on record as followers of non-traditional religions and radical religious views". When a similar package of laws was being put forward in 2008-9, a similar media campaign against people exercising freedom of religion or belief was conducted by the authorities.

Although welcoming the Constitutional Council's rejection of similar harsh laws in 2002 and 2009, Battalova feared that it too might approve these laws if they are referred to it, as it "is not free to take its own decisions".

The Constitutional Council told Forum 18 on 7 October that "we don't exclude" that the President would send the new laws to it for review, but "unfortunately they have not arrived here". In February 2009 the Constitutional Council ruled that the previous proposed package of laws restricting freedom of religion or belief were unconstitutional. However, in the event President Nazarbaev chose not to send these two laws to the Constitutional Council. The telephone at the Constitutional Council went unanswered on 13 October.

They "destroy freedom of conscience, a universal human right"

Bolatbek Bilyalov of the Astana-based Institute of Democracy and Human Rights said he was "very negative" towards these "harsh" laws. "Their attempts to regulate religious organisations destroy freedom of conscience, a universal human right," he told Forum 18 from Astana on 7 October.

He lamented that society had not understood what is in the new laws because of their speedy adoption, the lack of wide consultation and what he called the "PR campaign on the fight against extremism". He called on President Nazarbaev not to sign them. "Many religious organisations – not just Muslims – will suffer from these new laws."

Bilyalov complained that the laws provide for state interference in and obstruction of religious organisations' activity. He objected to compulsory state registration, as well as the required "state expert analyses" of publications, doctrines and objects. "In practice, only Hanafi Sunni Islam will be allowed," he told Forum 18. He particularly opposed the ban on praying in state institutions, warning that many prayer rooms will be closed down.

"Obvious problems"

Roman Podoprigora, a law professor at the Caspian Public University in Almaty who has long studied the legal position of religious communities, complained about both the speed of the laws' adoption in Parliament and the restrictions they will impose in a closely-argued article on 3 October.

He stressed that the speed of adoption "was not surprising": he thinks officials were "given the task of adopting it quickly without being drawn into long discussions, attracting the attention of local and foreign experts, provide an opportunity to express dissent with the law".

He lamented the failure to consider the laws "soberly" and that legal experts had not been involved to avoid what he described as the new Religion Law's "obvious problems over its future implementation".

Podoprigora identified numerous problems with the laws, including that they will do nothing to help fight extremism and terrorism. He also insisted they will do nothing towards their professed goal of "bringing order" to the activity of religious organisations. "Depriving many religious associations of legal status as a result of the new demands can hardly be described as bringing order – it looks more like liquidation." He pointed out that officials are now boasting that the number of religious communities will reduce, while only recently they were touting the growth in their number as an achievement. "If those who believe that bans and restrictions can seriously influence people's desire to profess their religion, they are sincerely or insincerely mistaken."

"Legal nonsense"

Professor Podoprigora dismissed arguments that Kazakhstan faces a rise on "dubious" or "pseudo-religious" organisations, and added that the growth in the number of religious communities seen in the 1990s appears to have stopped. He rejected suggestions that just because the current Religion Law dates from 1992 it needs amendment, pointing out that it has several times been significantly amended. He particularly dismissed government attempts to cite foreign examples to justify new restrictions, insisting that officials were "highly selective" and often distorted the facts.

There are many substantial legal problems with the laws, including that there is no mechanism outlined for the re-registration the law demands. The differential registration status offered to religious communities was questioned by Podoprigora, who questioned how some bodies might be able to retain legal status. He described comments by Agency of Religious Affairs (ARA) chief Kairat Lama Sharif that unregistered religious organisations will be "liquidated" as "legal nonsense", pointing out that "you cannot 'close' something that does not legally exist."

Podoprigora complained of the "powerful bureaucratic apparatus" that religious communities now face, of which they already have "very painful" experience. He fears that the tight restrictions could lead to corruption, given the vagueness of many of the terms.

'Why?' is a reoccurring question when looking at the law's demands, Podoprigora notes, for example the requirement for organisations and missionaries to provide printed materials about their doctrines and ideas. As a result "the registering bodies will have to prepare hundreds of cupboards to stores thousands of Korans and Bibles", he suggests.

Podoprigora also questions the role of the new ARA, which he notes conducts "often unnecessary" work, such as preparing these new laws, as well as overburdening itself with tasks contained within these laws. He also notes that it should not be said that his criticism is negative, as in early 2011 he had prepared - at the request of ARA predecessor the Religious Affairs Committee - a constructive alternative proposal for a new Religion Law.

OSCE concern ignored

Ambassador Lenarcic, Director of the OSCE's ODIHR, commented that: "The new law appears to unnecessarily restrict the freedom of religion or belief and is poised to limit the exercise of this freedom in Kazakhstan," Lenarcic said in a statement on 29 September, the day the two laws passed through the Senate.

Referring to the 2009 ODIHR Legal Opinion on an earlier version of the law with similar provisions, Ambassador Lenarcic commented that: "It is disappointing to see that the law does not take into account the earlier comments by ODIHR and that it was passed without significant public consultation".

He noted that in its current form the new legislation would constitute a step back in Kazakhstan's compliance with OSCE commitments.

Ambassador Lenarcic expressed the hope that the law would be thoroughly reviewed in light of the country's international obligations before it is signed into force, and said ODIHR's Advisory Panel on Freedom of Religion or Belief stands ready to provide comments if requested. In the event, the Kazakh authorities ignored ODIHR's call.

Non-Muslim Board mosques "will be closed down"

The state-backed Muslim Board has welcomed many restrictive aspects of the new laws. Absattar Derbisali, head of the Muslim Board, welcomed restrictions, complaining that the 1992 Law "gave a spur to the sharp growth in the country of sects which are alien to us, with their unimpeded missionary activity". He recalled that he had spoken up in 2001 at a joint session of parliament to express the hope that the new Religion Law then being considered "would bring under control all the false religious associations and sects taking advantage and prospering". He had spoken out similarly in 2008 over the then proposed legal changes. He lamented that again measures approved in parliament were rejected by the Constitutional Council.

Ongar Omirbek, spokesperson for the Muslim Board, told Forum 18 on 7 October that the Board has no objection to the compulsory state censorship of religious literature or the requirement that all religious communities must register with the state. "Let the state do this."

He also welcomed what he called the government's commitment to the Muslim Board. "The state recognises that there must be only one centralised organisation which all Muslims should be under," he claimed. "This is to ensure control over the level of knowledge of imams. We have one nation, one religion and one mashab [Islamic school]. Only Hanafi Islam should exist in Kazakhstan."

Asked what will happen to mosques that do not want to come under the authority of the Muslim Board, such as Shia or Ahmadi Muslims, Omirbek responded: "They will be closed

down." Asked why he believes several Muslim jurisdictions cannot coexist in Kazakhstan, as happens in neighbouring Russia, he responded: "Russia is a Christian country. It is not a model for us."

The Muslim Board has pushed for the Hanafi school of Islam to be given a monopoly over Islam. State officials have already threatened registered independent mosques that they will not be re-registered – and so will be banned – if they do not join the Muslim Board.

But, Derbisali of the Muslim Board strongly criticised Article 7 of the new Religion Law – which bans praying in state institutions. He made the remarks in a 30 September statement posted to the Board's website in Kazakh and Russian.

Derbisali of the Muslim Board stated categorically that "so as not to create artificial obstacles to the work and study of those professing Islam, we consider it necessary not to ban the functioning of prayer rooms". "Today, the majority of people in state bodies and higher and middle specialist educational establishments pray the namaz and abide by Muslim canons," he maintained. He insisted that praying five times a day is the "sacred duty of every Muslim" and such a ban would give devout Muslims an unacceptable dilemma of "religion or work".

"We presented to parliament our comments and proposals on this Article. To our great disappointment, they were not taken into account. The Spiritual Board of Muslims of Kazakhstan will continue to insist that this provision must be changed." He warned that failure to do so could provoke anti-government sentiment from angry Muslims.

Omirbek of the Muslim Board echoed Derbisali's comments. "We are only negative towards Article 7, Part 3," he insisted to Forum 18. "It doesn't suit Muslims." He maintained that when the Muslim Board made its views known, "officials accepted this with understanding". He claimed that for this reason President Nazarbaev would not sign the new Religion Law in its current form. However, he admitted that officials had given the Board no indication of whether the President would heed their call.

Tighter literature controls already

Officials in Aktobe Region began checking that no "banned" religious books were on sale in the region, Tengrinews reported on 14 September. It said officials visited book kiosks at local mosques, as well as bookshops and market stalls. Regional Justice Department officials refused to tell the news agency why such a wide campaign to check up on religious literature on sale had been launched. Officials indicated that this was a regular annual event.

Widely reported in the local media was the confiscation by border guards in Kostanai Region of what they said was "banned" religious literature. More than 200 Russian-language items were seized on 3 October from a conductor on the train from the Russian city of Orenburg to the Kazakh city of Astana. She was then detained.

Officials refused to tell the media what the confiscated religious literature was. An official of the Kostanai Regional Border Control Directorate – who refused to give his name – told Forum 18 on 4 October that the confiscated items had been sent for an "expert analysis" by unnamed state agencies. He said that "in the interests of our service" he too could not reveal what the literature was, or what had happened to the conductor.

Two repressive new laws sent to President for signature

By Felix Corley

Forum 18 News (29.09.2011) / HRWF (04.10.2011) – <http://www.hrwf.net> - Kazakh officials have refused to say if President Nursultan Nazarbaev will send two repressive new laws restricting religious freedom – which completed parliamentary passage in the Senate today (29 September) – for review by the Constitutional Council. Nazarbaev sent similar restrictive laws to the Constitutional Council in 2002 and again in 2009. On both occasions the Constitutional Council rejected them as violating Kazakhstan's Constitution. The State Legal Department of the Presidential Administration told Forum 18 News Service from the capital Astana that its head, Inna Akhmetova, was "too busy" to discuss the issue and no other official could comment. An official of the Constitutional Council told Forum 18 from Astana that it exercises only "passive constitutional control" over laws and has to wait until the President, the Prime Minister, the chairs of the Houses of Parliament, one fifth of the parliamentary deputies or a Judge asks for a review. "Unfortunately individual citizens cannot apply to us for a review of a law."

The two new laws severely restrict freedom of religion and belief.

The two laws were approved by the Senate today (29 September) in one session, the Senate website notes. Present to answer deputies' questions was Kairat Lama Sharif, the head of the government's Agency of Religious Affairs (ARA), which prepared the laws. He told the Senate that importing more than one copy of any religious book will require "expert analysis" by his agency.

"In view of the importance of these laws, deputies called for the holding of wide explanatory work among the population and the placing of information on this theme in nationwide and the regional media," the Senate website added.

"The vote was unanimous – all deputies voted in favour," the Senate press office told Forum 18. However, sources in Astana told Forum 18 that two Senate deputies abstained. Several deputies had called for consideration of the two Laws to be halted, given their concerns over the Laws' wide scope, but this was not accepted.

Zhanna Onlasheva, a specialist at the ARA who drafted these laws, told Forum 18 that the Senate made no changes to the texts approved by the lower house, the Majilis, on 21 September.

Long preparation in secrecy

Parliament has adopted these two new laws at what one observer told Forum 18 was "unprecedented speed". They were signed off on behalf of the government by Prime Minister Karim Masimov on 1 September, and by 21 September had completed their passage through Parliament's lower house, the Majilis. That same day they began their passage through the Senate, Parliament's upper house. They now go to President Nazarbaev for signature.

However, despite the speed of parliamentary adoption, it seems they have been in preparation in secret since the Constitutional Council ruled the previous proposed Law unconstitutional in February 2009. After that decision, Human rights defenders in Kazakhstan expected that a package of restrictive laws, along the lines of the 2008-9 package, would be re-introduced after the country stopped being 2010 Chair-in-Office of the OSCE.

In September 2009 the government's National Human Rights Action Plan revealed plans to develop in the first quarter of 2011 amendments to the Religion Law and other legislation on freedom of religion or belief, for introduction in the fourth quarter of 2011, as has indeed happened.

The draft legislation proposed in 2008-9 was, Forum 18 understands, postponed because of the bad publicity they would generate while Kazakhstan was OSCE Chair-in-Office in 2010. A member of the Senate, Garifolla Esim, told Forum 18 in June 2010 that a draft Law was being worked on.

One of Onlasheva's colleagues in the then Religious Affairs Committee (which was renamed the ARA in May 2011) told Forum 18 in September 2010 that she had been "furiously working" on a new law over the previous month.

Onlasheva told Forum 18 that she had read carefully the detailed January 2009 review of the 2008-9 version of the Religion Law by the Organisation for Security and Co-operation in Europe (OSCE). "We set out our position to the OSCE that we didn't agree with their view," she said. "We stuck to our position." She said she was "not authorised" to discuss any further aspects of the new laws.

What is in the new laws?

The first law, a new Religion Law, replaces entirely the current Law, which was first adopted in 1992 and which has been amended a further eight times, most recently in July 2011. The current 1992 Law is officially titled "The Law on Freedom of Religious Confession and Religious Associations", but the new Law is officially titled "The Law on Religious Activity and Religious Associations".

The draft Religion Law, among other restrictions, imposes a complex four-tier registration system, bans unregistered religious activity, imposes compulsory religious censorship and requires both central and local government approval to build or open new places of worship. All religious communities will be required to re-register or face liquidation through the courts.

The second proposed law - formally titled "The Law on introducing Amendments and Additions to several legal acts questions of Religious Activity and Religious Associations" - amends nine other laws and legal provisions: the Code of Administrative Offences; the Code on the Health of the Population and Health Care; the Law on State Registration of Legal Persons; the Law on Non-Commercial Organisations; the Law on the Rights of the Child; the Extremism Law; the Law on Military Obligations and Military Service; the Law on Licensing; and the Law on State Property.

Most of the changes proposed in this amending law are minor and technical. However, changes to Article 375 of the Code of Administrative Offences and to the Law on the Rights of the Child could have a more far-reaching impact on freedom of religion or belief.

Both new laws would come into force ten days after their official publication.

Restrictive laws defended at OSCE meeting

As they had in 2002 and again in 2008, the OSCE this year again offered Kazakhstan its legal assistance to ensure the new laws' compliance with the country's international human rights obligations. However, the Kazakh authorities have failed to seek such help. The OSCE review of the 2008-9 draft package of restrictive laws found that they did not comply "with international human rights standards, including in particular OSCE commitments".

Usen Suleimenov, "Deputy Head responsible for human dimension issues" at the Kazakh Delegation to the OSCE, told Forum 18 on 28 September from Vienna that he has had no response to his request for information from the Foreign Ministry in Astana as to whether

- and if so when - Kazakhstan might seek a legal review from the OSCE. "I have no information."

The laws' passage through the Senate coincides with the 2011 OSCE Human Dimension Implementation Meeting in Warsaw, attended by ARA deputy head Ardak Doszhan. He claimed on 27 September that since 2010 "the situation has changed", with the state facing a terrorist threat, including from some groups "governed by religious slogans", and unrest in prisons. He failed to explain why this required severely restricting everyone's freedom of religion or belief, or why laws which deal with terrorism were not already adequate. Doszhan also did not explain how passage of the laws implemented OSCE commitments, for example the Astana Commemorative Declaration statement relating "the maintenance of peace to the respect for human rights and fundamental freedoms".

Heightened government pressure on religious communities

Religious communities of a variety of faiths have complained to Forum 18 of heightened pressure in recent months. The pressure has been accompanied by frequent media coverage of the activity of alleged "dangerous sects" and officially-sponsored meetings warning of such groups.

The authorities in Karaganda [Qaraghandy] Region have pressured legally registered independent mosques to join the government-supported Muslim Board. All the mosques have refused to do this.

Agency of Religious Affairs (ARA) regional departments in Almaty, South Kazakhstan (Shymkent), Aktobe [Aqtobe] and Karaganda Regions have re-started the practice of demanding that religious communities complete intrusive questionnaires. In some cases, demands have been made for reports and information on a weekly basis.

A wave of raids has taken place in Karaganda Region in September on worship services of Baptist Council of Churches congregations, who choose to meet without state registration. One leader was fined nearly ten months' official minimum wage and further administrative punishments are expected.

Jehovah's Witnesses have failed to overturn a seven-day prison sentence and a fine handed down to punish a religious meeting in a private home in Kyzylorda in May. The home owner was threatened with the seizure of her home if she did not stop hosting religious meetings. She has lived in the home – which she owns – since 1969. Similarly, the Ahmadi Muslim community in Shymkent has failed to overturn the court-ordered closure of its mosque.

What are "non-traditional religions"?

Religious communities and human rights defenders have expressed concern to Forum 18 over the growing use of the term "non-traditional religions", even though it is nowhere defined in law.

On 5 September, the Military Affairs Directorate of Almaty's Turksib District wrote to local religious communities. In a letter signed by its head Lieutenant-Colonel Rashid Isaev, and seen by Forum 18, it ordered them to "provide information on citizens on record as followers of non-traditional religions and radical religious views". It said this was needed because of the forthcoming call-up to military service.

The letter said the order came from the Coordinating Council of Military Organs of Administration and Criminal Prosecution, a body that brings together officials from security bodies, including the Military Prosecutor's Office, Defence Ministry, Interior Ministry and KNB secret police.

Lt. Col. Isaev was not present when Forum 18 called on 23 September. However, Zhambulat Bauliev, who drafted the letter, insisted to Forum 18 the same day that it had been sent "to all religious communities in our district on orders from above". Asked to explain the letter, he maintained that "young people on record among the Catholics and Muslims as radicals" needed to be reported.

Asked what constituted "non-traditional religions", Bauliev appeared unable to answer immediately. After audibly consulting his colleagues, he insisted these were unregistered communities "functioning without a licence, that is sects". Asked to identify some, he and his colleagues eventually named Jehovah's Witnesses and the Protestant New Life Church. When Forum 18 pointed out that many communities of both are listed on government websites as having state registration, he said he did not know.

Bakhjan Syzdykov, an aide to Kazakhstan's General Prosecutor, was unable to explain what the Coordinating Council of Military Organs of Administration and Criminal Prosecution meant by "non-traditional religions". "I understand that there are sects in Islam, for example, which are considered non-traditional," he told Forum 18 from Astana on 28 September. However, he was unable to identify any law where such a term is defined. He suggested Forum 18 should speak to the Military Prosecutor's Office and put the phone down.

Fined for praying for man's health

Pastor Yerzhan Ushanov of the New Life Protestant Church in Taraz in Jambyl [Zhambyl] Region of southern Kazakhstan is challenging a heavy fine imposed on 5 September for allegedly harming the health of a man who he prayed for in May, charges he denies. New Life church members described the accusation to Forum 18 as "absurd". They pointed out that the National Security Committee (KNB) secret police had initiated a similar case under the same Criminal Code Article against another local Protestant pastor which led to a fine in April 2010, though this was later overturned by the Supreme Court.

Judge Nurlan Dauylbaev of Taraz Court No. 2 found Ushanov guilty of violating Criminal Code Article 111, Part 1 ("causing severe damage to health due to negligence"), according to the verdict seen by Forum 18. He fined the pastor 196,560 Tenge and ordered him to pay court fees of 5,000 Tenge, a total of 201,560 Tenge (7,836 Norwegian Kroner, 1,000 Euros or 1,364 US Dollars). The maximum penalty under Article 111, Part 1 is two years' imprisonment.

The court found that in praying for healing for Aleksandr Kireev, Pastor Ushanov used "methods of psycho-therapeutic and medico-psychological influence on people with non-medical goals, which could lead to harm to the psychological health of individuals who have taken part in the given seances".

The accusation against Pastor Ushanov claimed that Kireev had suffered headaches and memory lapses, had become "unsure of himself", and had lost eight kilogrammes in weight.

Testifying for the prosecution was Lyazzat Bazarbaeva, a psychiatrist from the Republican Scientific Practical Centre of Psychiatry, Psychotherapy and Narcology in Almaty. She told the court her centre had begun examining the case in response to a 1 June request from Galymzhan Zhumashev of the Jambyl regional KNB secret police. She claimed that after her colleagues examined Kireev, they diagnosed that he was suffering from "obsessive-compulsive disorder". Bazarbaeva claimed this was a direct result of attending Pastor Ushanov's church.

Testimony from Zhumashev of the KNB in court revealed that he had initiated the criminal case on 21 June after an alleged complaint about the pastor's treatment of Kireev lodged by his wife.

Pastor Ushanov insisted to Forum 18 on 29 September that Kireev "did not suffer at all" from his prayers. He pointed out the KNB secret police's close scrutiny of him and his church since at least 2009.

Pastor Ushanov said he regards the sentence as unjustified and lodged his appeal to Jambyl Regional Court on 16 September. Court officials told him to expect the appeal hearing in mid-October. "I'm optimistic about the outcome, but if necessary I am prepared to take my case to the Supreme Court."

Zhumashev of the KNB secret police was reluctant to explain the KNB's involvement in the case. "I don't know you," he told Forum 18 from Taraz on 29 September. Asked how Kireev's health suffered in the wake of Pastor Ushanov's prayers, he responded: "I don't know." Asked whether Kireev had been or is being treated by psychiatrists, he responded: "I don't know his health situation." Zhumashev denied suggestions that the KNB was targeting a religious community it does not like. "Why should we persecute believers?" He then put the phone down.

Forum 18 was unable to reach Bazarbaeva of the Republican Scientific Practical Centre of Psychiatry, Psychotherapy and Narcology. The Centre in Almaty told Forum 18 on 28 September that she was abroad on holiday.

OSCE human rights chief expresses concern over restrictions in Kazakhstan's new religion law

OSCE (29.09.2011) / HRWF (30.09.2011) – <http://www.hrwf.net> - The Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), Ambassador Janez Lenarčič, expressed concern about the passage of restrictive religion legislation by Kazakhstan's senate earlier today and called for a review of the law before it is signed into force.

"The new law appears to unnecessarily restrict the freedom of religion or belief and is poised to limit the exercise of this freedom in Kazakhstan," Lenarčič said.

The law, which still needs to be signed by the President to enter into force, requires re-registration of all religious communities, bans unregistered religious activities and introduces high penalties for violations of the ban.

Other concerns include the requirement for religious organizations to submit to a "religious study examination" by a government body; restrictions on the distribution of religious literature outside of religious buildings, religious educational institutions and other facilities identified by local executive bodies; and the requirement for anyone engaged in "missionary activity" to re-register.

ODIHR, in 2009, provided a legal opinion on an earlier version of the law that included similar provisions, concluding that the rights of religious groups would be negatively affected. The draft was subsequently rejected by Kazakhstan's Constitutional Council.

"It is disappointing to see that the law does not take into account the earlier comments by ODIHR and that it was passed without significant public consultation," Lenarčič said.

He noted that in its current form the new legislation would constitute a step back in Kazakhstan's compliance with OSCE commitments.

Lenarčič expressed the hope that the law would be thoroughly reviewed in light of the country's international obligations before it is signed into force, and said ODIHR's Advisory Panel on Freedom of Religion or Belief stands ready to provide comments if requested.

Kazakhstan passes restrictive religion law expected to shut out minority groups

The Associated Press (29.09.2011) / HRWF (30.09.2011) - <http://www.hrwf.net> - Kazakhstan's upper house of parliament approved a bill Thursday that backers say will help combat religious extremism, but that critics call a blow to freedom of belief in the ex-Soviet nation.

The bill approved by the Senate will require existing religious organizations in the mainly Muslim nation to dissolve and register again through a procedure that is virtually guaranteed to exclude smaller groups, including minority Christian communities.

Passage of the bill marks a reversal of authoritarian President Nursultan Nazarbayev's earlier attempts to cast Kazakhstan as a land of religious tolerance. One activist estimates that two-thirds of existing religious groups could be abolished as a result of the new law.

Backers of the revised law argue that the legislation is necessary to fight extremism. Authorities have been unsettled by an uncharacteristic outburst of Islamist-inspired violence in the oil-rich western regions over the summer.

"The bill prohibits religious associations that are bent on the destruction of families, force the abandonment of property in favor of religious communities ... and that are harmful to the morals and health of citizens," the Senate said this week in a statement.

Most Muslims in Kazakhstan adhere to a largely liberal strand of the faith, although more extreme devotees are reportedly growing in number. Overall mosque attendance is on the rise and the government is seemingly intent on carefully vetting the creeping rise of religious fervor.

Many are skeptical, however, that regulating faith groups will have any success in stemming the tide of extremist underground Islamist movements.

The bill needs approval from Nazarbayev before it can become law - a mere formality since he urged parliament earlier this month to introduce tighter controls over religious groups.

Critics are angered by the speed with which the bill has been rushed through Parliament and say there has been a lack of public debate over the legislation.

The law will require groups to reach membership number thresholds before they can register at various levels.

To register locally, a group must have 50 members. To register at a regional level, they require 500 members. The most complicated procedure will be registering nationwide, which requires a group to have 5,000 members across all the country's regions.

"Several minority religious groups do not have the required number of members and would be prohibited from continuing their activities and subject to fines if they disobey," the Washington-based democracy watchdog Freedom House said in a statement prior to the Senate vote.

Other provisions envision strict oversight of missionary activity, government reviews on religious literature and texts, and rules on where people are permitted to pray.

Kazakhstan has repeatedly gone through the motions of introducing restrictions on religion during the two decades since it gained independence. Those efforts have been routinely quashed in the final stages amid vocal international criticism.

Although Kazakhstan has attempted to portray itself as a haven for diverse faith organizations, activists say that minority groups consistently face harassment.

"This new law has simply legalized the current practice ... of persecuting unregistered minority religious groups and limiting missionary activity," said rights activist Ninel Fokina, head of the Almaty Helsinki Committee.

Fokina said authorities have been openly speaking about the need for a purge in the religious sphere.

"I believe that out of the 4,500 religious groups currently in existence, barely 1,500 will remain," she said.

Fokina said the new rules would also greatly complicate the life of even relatively large Christian Protestant communities, such as Lutherans, Baptists, Seventh-day Adventists and Jehovah's Witnesses.

"A new wave of persecution has begun once more"

By Felix Corley

Forum 18 News (27.09.2011) / HRWF (04.10.2011) - <http://www.hrwf.net> - Communities of at least three different religious affiliations in Kazakhstan have been punished for holding religious meetings in private homes, Forum 18 News Service notes. Five congregations of the Baptist Council of Churches were raided in Karaganda [Qaraghandy] Region in September, including a police and riot police raid on a Harvest Festival service in Zhezkazgan on Sunday 25 September. One church leader was fined nearly ten months' official minimum wage and further administrative cases are expected. "A new wave of persecution has begun once more," one Baptist told Forum 18 on 26 September, adding that a fellow Baptist had seen a government instruction ordering a regional crackdown.

Two Jehovah's Witnesses from the southern town of Kyzylorda [Qyzylorda] - one of whom was jailed for seven days and another fined after a May raid on a religious meeting - have failed to overturn their punishments on appeal. The home owner was warned her home would be confiscated if she continued to hold religious meetings there. And

Shymkent's Ahmadi Muslim community has failed to overturn the court-imposed ban on continuing to use their mosque.

In the past, Kazakhstan's authorities have often used property cases as a means of targeting religious communities.

The punishments for religious activity came as Kazakhstan prepares to adopt two draconian new Laws which violate the country's international human rights obligations. The two new Laws were approved at "unprecedented" speed in Parliament's Lower House, the Majilis, on 21 September and immediately transferred to the Upper House, the Senate.

The Senate website confirmed on 26 September that the two new Laws will be considered at the plenary session on 29 September, where observers expect them to be adopted in one session. They were considered by the Senate Working Group on 26 September and by the Senate's Social and Cultural Development Committee, which is overseeing their passage through the upper house, this morning (27 September).

Once adopted by the Senate, they would need to be signed by President Nursultan Nazarbaev to become law. He indicated his firm backing for these Laws in his address to the opening session of Parliament on 1 September, insisting they are needed "to bring order to our house".

Ironically, the Laws' passage through the Senate coincides with the Organisation for Security and Co-operation in Europe (OSCE) human dimension conference in Warsaw, with religious freedom discussed today (27 September).

Kazakhstan's Ambassador-at-Large Madina Jarbussynova defended the controversial new Laws in remarks prepared for the conference's 26 September opening and posted on the OSCE website. "It should be emphasized that the draft law under discussion is in no way intended to limit the right to freedom of belief, which is one of the fundamental rights guaranteed by our Constitution," she claimed.

Also defending the new restrictive Laws today (27 September) at the OSCE human dimension conference in Warsaw was Ardak Doszhan, a deputy head of the government's Agency of Religious Affairs. He argued that the new Laws are "necessary".

Amid other current official moves against religious communities, Pastor Yerzhan Ushanov of the New Life Protestant Church in Taraz is challenging a heavy fine imposed on 5 September for allegedly harming the health of a man who he prayed for, charges he denies. And a military-related government agency has refused to explain what "non-traditional religions" are after demanding information from religious communities.

Massive fine

A Baptist who was not even present when police raided a worship service in a private home has appealed against a massive fine handed down in mid-September. Viktor Gutyar, a resident of the town of Satpaev in the central Karaganda Region, told Forum 18 on 26 September that being fined for leading an unregistered religious community violates his rights to religious freedom set out in the Universal Declaration of Human Rights and Kazakhstan's Constitution.

Trouble began for Gutyar on 11 September, when police arrived at the private home the Satpaev congregation of the Baptist Council of Churches uses for worship. Police Captain Bolat Bazhibayev, the local police officer and two unidentified people arrived just before the Sunday service was due to begin. They demanded that the 60 or so church members

present write statements and took photographs without the permission of church members.

On the basis of the raid, an administrative case was brought against Gutyar – who had not been present - under Article 374-1, Part 1 of the Code of Administrative Offences ("leading, participating in or financing an unregistered, halted or banned religious community or social organisation"). On the morning of 12 September, the local police officer summoned him to Satpaev Court that afternoon. However, when he and about ten church members arrived at the court, only Gutyar was allowed in, he complained to Forum 18. Officials told the others that the trial was "closed".

After a 20-minute hearing, Gutyar was found guilty and fined the maximum 100 financial units (nearly ten months' official minimum wage), 151,200 Tenge (5,900 Norwegian Kroner, 757 Euros or 1,023 US Dollars). He appealed against the fine to Karaganda Regional Court and is waiting for a hearing date.

The police officer who answered Captain Bazhibaev's phone on 28 September said he was on leave. The officer said he knew nothing about the raid and put the phone down.

Gutyar told Forum 18 that this is the third time he has been tried for his faith. He was given an official warning for his religious activity in April 2008. Then in December 2008, he was fined 20 financial units under Article 375 of the Code of Administrative Offences. The court ordered the money to be deducted at source from his wages. "I work in the coalmines, so they could take it from me," he told Forum 18. "Other church members who don't have a job have their furniture or other property seized."

Riot police

Gutyar was also present during a mass police raid on the Baptist congregation in the nearby town of Zhezkazgan during its Harvest Festival service on Sunday 25 September. "At least during the Satpaev raid the police were fairly polite. Here they were not," he told Forum 18. He said about eight police officers arrived first, demanding that they stop the service and filming those present. Accompanying them were several people church members believe were from the National Security Committee KNB secret police. When the approximately 150 church members refused to stop the service and continued singing hymns, a unit of about 10 riot police were called.

Despite police insistence, church members refused to write statements. "We refused because if we did so we would be tried," Gutyar told Forum 18. Despite this, police summoned one of the church's leaders on 26 September, telling him that cases against the church's leaders would be brought.

The duty officer at Zhezkazgan police told Forum 18 on 27 September he knew nothing about the raid. He referred Forum 18 to the police's press officer, Nurgul Dakulova. Asked the same day why police raided a religious meeting, she responded: "What do you mean, why? Who are you?" She then put the phone down. Subsequent calls went unanswered.

Mereke Myrzabekova, head of the Internal Policy Department at the Zhezkazgan Administration, defended the raid. "They refuse to register in accordance with our Religion Law, so it's their problem," she told Forum 18 on 27 September. "They must obey our laws. There were children there, and adults." Asked whether they would have been raided had they been watching football or drinking vodka together, she responded: "No, because that's not religion." Although she insisted the Baptists were not doing anything bad, she said the courts would decide what punishment is appropriate.

Regional crackdown ordered?

Also raided in Karaganda Region in September were three other Council of Churches Baptist congregations: in Temirtau on Sunday 18 September, and in the following week in the villages of Shakhtinsk and Kievka. "Documents were prepared against individuals to be sent to court, so we expect further cases," one Baptist told Forum 18 on 26 September.

The Baptist told Forum 18 that one church leader was shown a document – though not allowed to read it thoroughly or have a copy – ordering officials to collect material on all Council of Church leaders in the region, who were listed by name, with the intention of fining them. The order – which appeared to apply in Karaganda Region only – instructed that court verdicts should be sent in. "It was after this order that the recent raids started, beginning in Satpaev," the Baptist told Forum 18.

Another Baptist leader, Yuri Rudenko, was given an official warning by Taldykurgan [Taldyqorghhan] Court in Almaty Region in late August under Article 375, he told Forum 18 on 26 September.

Seven day detention and fine

Two Jehovah's Witnesses appealed to the Kyzylorda Regional Prosecutor's Office - Almas Zhakupov on 23 September and Tamara Magomedova on 20 July - after both were separately punished in the wake of a 27 May evening raid on a religious meeting in Magomedova's Kyzylorda home. Zhakupov was sentenced to seven days' imprisonment, while Magomedova was fined and ordered not to hold religious meetings in her home, Jehovah's Witnesses told Forum 18.

Police and land inspectors claim that their May raid was to inspect Magomedova's "usage of the land". The officials wanted to inspect her house and film it. They alleged that her home was not being used for its intended purpose, arguing that religious worship cannot be conducted in private homes. They warned that doing so would result in the land (with the building on it) being legally transferred to the city administration.

Zhakupov, the head of the registered Kyzylorda Jehovah's Witness community who was present, called a lawyer and gave Magomedova advice about her rights. This angered the inspectors and police officers so they initiated an administrative case against him under Article 355, Part 2 of the Code of Administrative Offences, which punishes "malicious refusal of the lawful demand" of an official, including a police officer, with a maximum punishment of 15 days' imprisonment.

Zhakupov was detained and subjected to an alcohol/drug medical examination. In a closed hearing on 28 May, without allowing him legal representation, Judge Narmagambet Abdikalykov of Kyzylorda Specialised Administrative Court found him guilty and sentenced him to seven days' imprisonment. Kyzylorda Regional Court upheld the Administrative Court decision on 2 June. He then filed the appeal motion to the Regional Prosecutor's Office.

Magomedova meanwhile was fined on 3 June ten financial units 15,120 Tenge (590 Norwegian Kroner, 76 Euros or 102 US Dollars) for "not using the land for its purpose" under Article 253 of the Code of Administrative Offences. She was issued a one-month warning that unless she uses the land for its intended purpose (meaning that except for living with her family she was not allowed to invite friends for religious meetings), her private land and the house would be taken away. She has lived in the house (which she owns) since 1969, Jehovah's Witnesses told Forum 18.

Rejecting her appeal on 28 June against the fine to Kyzylorda Specialised Administrative Court was the same Judge Abdikalykov. Appealing the warning to the Kyzylorda City

Court was equally unsuccessful. An appeal motion was then filed with Kyzylorda Regional Prosecutor about her fine and a civil appeal was filed with Kyzylorda Regional Court.

"She paid the fine when the court decision entered into force and has had to stop inviting her friends to meetings to pray and read the Bible," Jehovah's Witnesses lamented to Forum 18.

Forum 18 was unable to question Judge Abdikalykov, because he died two days after rejecting Magomedova's appeal.

Ahmadi Muslims' appeal fails

The Ahmadi Muslim community in the southern city of Shymkent has failed in its attempt to overturn a ban on using the property it owns for worship. On 26 September the South Kazakhstan Appeal Court rejected their second appeal against an earlier court decision to fine the Community 756 Tenge (28 Norwegian Kroner, 4 Euros or 5 US Dollars) and suspend its right to use its mosque and land.

"Now the earlier decision enters into force," one Ahmadi who asked not to be identified told Forum 18 on 27 September. "So we now have to stop using our mosque for worship. All we want is for our mosque to be allowed to reopen." The Ahmadi added that the community intends to take its case to the Supreme Court as soon as it receives the court decision in writing. The Ahmadi said the community had paid the fine "even though we didn't agree with the decision".

Following a September 2010 visit, the joint Zhambyl-Kyzylorda-South Kazakhstan inter-regional Land Inspection Agency claimed the Ahmadi community was using its building illegally. In May 2011, South Kazakhstan Regional Economic Court fined the community and suspended its right to use its mosque and land. In July, South Kazakhstan Regional Court rejected the community's first appeal.

Land Inspector Nariman Kasymbekov – who initiated the case after the September 2010 visit - defended the prosecution of the community to Forum 18 in June, claiming that a dwelling house cannot be used for religious purposes. He refused to explain what part of the Land Code contained this ban.

Parliamentary adoption of restrictive laws imminent?

By Felix Corley

Forum 18 News (23.09.2011) / HRWF (26.09.2011) – <http://www.hrwf.net> - Two laws imposing severe restrictions on freedom of religion or belief could be adopted by Kazakhstan's Senate, the upper house of Parliament, as early as next Thursday (29 September), the date of its next plenary session, Forum 18 News Service has learned. The two laws, which reached Parliament on 5 September, passed through the Majilis, the lower house, in one day and reached a Senate committee the same day. One observer described the speed of passage to Forum 18 as "unprecedented", and a Majilis press spokesperson was unable to say whether any laws had ever had a quicker passage. Once adopted by the Senate, they would only require the signature of President Nursultan Nazarbaev to become law. Human rights defenders and some religious communities have already told Forum 18 of their deep concern at many of the provisions, which violate Kazakhstan's international human rights commitments.

The Senate's plan of work for the week of 26-30 September, published on the Senate website on 23 September, notes that the Working Group established to prepare the draft laws for submission to the full Senate will consider them on 26 September. On 27 September the Senate's Social and Cultural Development Committee, which is overseeing their passage, will consider them. A full Senate plenary hearing is scheduled for 29 September, but the plan of work does not indicate if the two laws will be adopted then. However, one observer told Forum 18 that, given the speed of the process, it is possible they will be adopted then.

An official of the government's Agency of Religious Affairs (ARA) confirmed to Forum 18 from the capital Astana on 23 September that the two laws would be considered at the 29 September Senate plenary session. But the official would not say if they would complete their passage within one session.

The current package of restrictive legislation appears to have been planned from at least September 2009 if not before. But the two laws were first mentioned by President Nazarbaev on 1 September 2011 in his address to the opening session of Parliament. They were approved by the full Majilis on the morning of 21 September, with some minor changes, and that afternoon received their official presentation to the Senate, where they were assigned to the Social and Cultural Development Committee.

The Organisation for Security and Co-operation in Europe (OSCE) has offered its assistance to the Kazakh authorities to ensure the new Laws' compliance with the country's OSCE commitments. However, the government has not taken up this offer. A previous OSCE review of a 2008-9 draft package of restrictive laws – which appear to have provided a basis for the current drafts – found they did not comply with legal review of the 2008 draft legislation found that they did not comply "with international human rights standards, including in particular OSCE commitments".

Human rights defenders in Kazakhstan expected that a package of restrictive laws, along the lines of the 2008-9 package, would be re-introduced after the country stopped being 2010 Chair-in-Office of the OSCE.

What is the current package?

The first proposed law, a new Religion Law, would replace entirely the current Law, which was first adopted in 1992 and which has been amended a further eight times, most recently in July 2011. The current 1992 Law is officially titled "The Law on Freedom of Religious Confession and Religious Associations", but the new Law is officially titled "The Law on Religious Activity and Religious Associations".

The draft Religion Law would, if adopted, among other restrictions impose a complex four-tier registration system, ban unregistered religious activity, impose compulsory religious censorship and require both central and local government approval to build or open new places of worship.

The second proposed law - formally titled "The Law on introducing Amendments and Additions to several legal acts questions of Religious Activity and Religious Associations" – amends nine other Laws and legal provisions: the Code of Administrative Offences; the Code on the Health of the Population and Health Care; the Law on State Registration of Legal Persons; the Law on Non-Commercial Organisations; the Law on the Rights of the Child; the Extremism Law; the Law on Military Obligations and Military Service; the Law on Licensing; and the Law on State Property.

Most of the changes proposed in this amending law are minor and technical. However, changes to Article 375 of the Code of Administrative Offences and to the Law on the

Rights of the Child could have a more far-reaching impact on freedom of religion or belief.

Both new laws would come into force ten days after their official publication.

"Historical role" of Hanafi Islam and Orthodox Christianity

The proposed new Religion Law defines the state as secular, bans the adoption of any faith as the state religion and declares all religious communities equal before the law. But the preamble states that the country "recognises the historical role of Islam of the Hanafi school and Orthodox Christianity in the development of the culture and spiritual life of the nation". It also notes that the country "respects other religions which have combined with the spiritual heritage of the nation".

Government officials have long spoken of a duopoly of Islam for ethnic Kazakhs and Orthodoxy for the country's Slavic population (mainly Russians), speaking of them – without any basis in law – as the country's "traditional faiths". The state-backed Muslim Board has repeatedly pushed for the Hanafi school to be given a monopoly over Islam in Kazakhstan.

Although the rest of the proposed new Religion Law makes no mention of any specific faiths, the four-tier registration system could in practice ensure that only the Muslim Board and the Russian Orthodox Church would be able to gain top-level, national registration (see below).

Compulsory re-registration

All religious communities are required to apply for re-registration under Article 24 of the draft Religion Law. Article 24 requires all registered religious organisations to revise their statutes to bring them into line with provisions of the new Law, provide confirmatory documentation that they meet the new criteria and re-register with the Justice Ministry or (for local religious organisations) its local branch. Failure to re-register within one year will lead to liquidation through the courts.

State officials have already threatened registered independent mosques that they will not be re-registered – and so will be banned - if they do not join the state-backed Muslim Board.

Complex registration system in new Religion Law

Article 12 of the proposed Religion Law specifies four-levels of registration: national, regional, local and unregistered. All activity by those categorised as unregistered is banned. Local and regional organisations are only allowed to conduct activity in the geographic area they are registered in.

The three categories of registered religious organisations are allowed to teach their faith to their own members. However, only regional and national registered religious organisations will be allowed to, under Article 13, Part 3, train clergy in institutions established – with state approval – by religious organisations. Under Article 13, Part 3, they are allowed to establish "professional educational programmes to prepare priests". It remains unclear whether religious education not involving training of "priests" will be allowed.

These two differences – geographic area and training of clergy – appear to be the main differences between the three permitted types of religious organisations. Regional and national organisations must register with the Justice Ministry in the capital Astana.

- Unregistered activity banned

Article 3, Part 11 states that unregistered religious activity is banned. Communities which would be too small to register, which are unable to register, or which – like congregations of the Baptist Council of Churches – do not wish to seek state registration would then face punishment for any religious activity they undertook.

- Local organisations

Under Article 12, Part 2, local religious organisations need 50 adult citizen members within one region of the country or main town, and register with the local Justice Department.

- Regional organisations

Under Article 12, Part 3, regional religious organisations need 500 adult citizens who belong to at least two different registered local religious organisations (each with at least 250 adult citizens) located in two different regions or main towns. In other words, a regional religious organisation cannot be registered as such if its local registered organisations are only within one region. The regional organisation is only allowed to function in the areas where its local member organisations are based.

- National organisations

Under Article 12, Part 4, national religious organisations need at least 5,000 adult citizens from all regions of the country, the capital and all major towns (with at least 300 members in each of those territories). It also needs branches all over the country.

Article 15, Parts 5 and 6 require a national religious organisation to gain local registration of all its branches and provide the Justice Ministry with proof of this within one year if it wishes to retain its registered status.

The Majilis added a new Article 14, Part 4 requiring applications to register a regional religious organisation to present a full list of the founders of the local religious organisations whose members are founding the regional organisation.

What would be needed for registration?

Registering a religious organisation requires a statute that needs to be adopted at a meeting attended in person by all the adult citizen founders, according to Article 13, Part 1. The Majilis added the stipulation that would-be founders can attend only "at their own request". It remains unclear who will determine whether would-be founders have arrived at their own request. A religious organisation must have "a united faith; the carrying out of religious rites, ceremonies and preaching; religious education of its followers; and spiritual orientation of its activity".

Many of the terms used in both the draft laws – such as "a united faith" - are unclear and undefined. This leaves open the possibility of arbitrary official definitions and actions against groups which the state or officials dislike.

Article 14 requires religious organisations to include the religious faith in the name and bans the name from using terms already used by another registered community. It remains unclear if this would prevent the registration of more than one separate community of Muslims, Orthodox or Baptists, for example.

Under Article 15, all the founders of a religious community need to present their full details to the registering body, which is empowered to subject them to a thorough check

(apparently to ensure that they are authentic). It remains unclear whether this might intimidate potential founders of religious communities the government does not like.

Article 16, Part 3 requires each organisation's statute to explain "the fundamental religious ideas, forms of activity of the religious association, particularities of its attitude to marriage and the family, education and health of the participants (members) of the given religious association and other people, and attitude to the realisation of the constitutional rights and obligations of its participants (members) and officials". It remains unclear how extensive this information would have to be and how state officials will determine whether any of these explanations are adequate or not.

Also to be presented with registration applications, under Article 15, Part 3, are copies of publications "revealing the emergence of and bases of the faith and containing information on the religious activity linked to it". The requirement to reveal the "emergence of the faith" also was added by the Majilis.

Article 16 requires each organisation's statute to specify the territory in which it operates (presumably in line with the restrictions imposed depending on the level of registration).

Censorship

The proposed new Religion Law claims that everyone has the right to acquire and use religious literature. However, distribution of such literature would only be permitted, according to Article 9, Part 2, in registered places of worship, approved religious education institutions and "special stationary premises determined by local executive authorities".

Article 9, Part 3 would require that all religious literature imports – apart from small quantities for personal use – be done only by registered religious organisations with prior approval from the ARA, which has to conduct an "expert analysis" of each title.

It does not appear that the production of religious literature within Kazakhstan is restricted, though Article 9, Part 4 requires each work to have the "full name" of the religious organisation which produced it.

This appears to exclude the possibility of private individuals or commercial companies producing religious literature. Even were they to have that right, they would be unable to distribute such literature except through the approved venues specified in Article 9, Part 2.

"Expert analyses" – conducted by the ARA – are required not only for all religious literature imported for distribution in Kazakhstan, but also for any religious literature acquired by libraries in any institution or organisation. The exact terms of this requirement remain unclear. "Objects of religious significance" – presumably including crosses, crucifixes, Koran stands and vestments – and "spiritual (religious) educational programmes" would also, under Article 6, Part 3, be subject to an "expert analysis".

"Religious studies experts", as well as "when necessary" state officials, conduct such "expert analyses" on behalf of the ARA.

Restrictions on new places of worship

Existing places of worship do not appear to face difficulties remaining in operation (provided their communities manage to gain or regain legal status).

However, any new place of worship anywhere in Kazakhstan would, under Article 5, Part 5, require the approval both of the ARA in Astana and the local administration. This

would cover not only whether a religious community can build, but exactly where, as well as whether a religious community could gain official change of usage for a building it wants to turn into a place of worship.

Restrictions on children's freedom of religion or belief

Several articles of the proposed Religion Law attack the freedom of religion or belief of children. Article 3, Part 16 requires leaders of religious organisations "to take steps to prevent the attraction and/or participation by underage children in the activity of a religious association if one of the child's parents or other of its legal guardians objects".

It remains unclear how religious leaders will know if parents disagree over whether their child can accompany one of them to a religious community. It also remains unclear whether, for example, the country's Chief Mufti or one of the Orthodox bishops might become liable if a community under their jurisdiction does not take measures to ensure that every child who attends has the approval of both parents.

A separate amendment in the associated Law would amend the Law on the Rights of the Child. A proposed addition to Article 19 reads: "The carrying out of services, religious rituals, ceremonies and/or meetings, as well as actions directed at spreading a faith, in children's holiday, sport, creative or other leisure organisations, camps or sanatoria is not allowed."

It remains unclear whether this would ban religious organisations from running children's summer camps.

Restrictions on sharing beliefs

Article 1, Part 5 defines "spreading a faith" as "missionary activity" and indicates that it is done "in the name of a religious organisation registered in the Republic of Kazakhstan", whether by a local citizen or a foreigner. Article 8, Part 1 states that all individuals engaged in spreading their faith must have registration, whether local or foreign. Such missionary permission needs to be renewed annually.

Only registered religious organisations can appoint "missionaries", who must act in the name of the organisation. All the religious literature they use to promote their faith needs to be presented when applying for their registration as missionaries.

What constitutes "spreading a faith" or "missionary activity" is undefined. This could – to take one example - potentially make any conversation about religious matters by unregistered people an offence.

Restrictions on foreigners

Under the proposed new Religion Law, all founders of religious communities must be Kazakh citizens. Foreign citizens, even with the right of legal residence in the country, appear not to have the right to be official founders.

Many long-term residents of Kazakhstan after the break up of the Soviet Union are technically foreign citizens. After legal residence in Kazakhstan for 15 years, marriage to a Kazakh citizen and with a two-year-old daughter, Russian citizen Leonid Pan was in mid-August denied his application to renew his residence permit because he volunteers to preach in his local Protestant church.

Leaders of all religious organisations named by foreign religious organisations (such as Russian Orthodox or Catholic bishops) need the approval of the government's Agency of Religious Affairs, regardless of whether the appointed leader is a Kazakh citizen or not.

Article 19, Part 1 specifically bans such foreign-named leaders from acting without ARA approval.

For foreign citizens to work as "missionaries" in Kazakhstan, they need (like local citizens) to have an invitation from a registered religious community in the country and need personal registration as a missionary. They also need a certificate proving that the religious organisation they represent is registered in their country of origin. It remains unclear what happens if a "missionary" is from a country where religious organisations are not subject to state registration.

Religious care in institutions

The proposed Religion Law allows religious care for those in institutions – including hospitals, prisons, or old people's homes – provided such care is not thought to obstruct the running of the institutions or violate the rights of other residents.

However, under Article 7, Part 4, only priests of registered religious communities can be invited to provide such care and conduct religious rituals.

Hidden slander?

While the proposed Religion Law appears to guarantee rights for registered religious organisations, many of the stipulations centre on possible violations of the Law such organisations should not commit. This can imply that all religious communities are potentially dangerous, and need extra legal controls which do not apply to other citizens – including criminals with no connection to any registered or unregistered religious community.

Article 3, Part 12 specifically bans the activity of religious organisations which use violence, harm people's health, break up families or encourage citizens not to carry out their legal obligations. It remains unclear whether for example the Russian Orthodox Church would be banned if it accepts young people into monasteries who then cut off ties with their families. It also remains unclear if this might also be used against religious communities, such as Jehovah's Witnesses, which reject military service.

Article 3, Part 13 bans religious organisations which force people to join or who ban members from leaving. Article 3, Part 14 bans religious organisations which force their adherents to hand over their property to the organisation or its leaders. Article 10, Part 2 specifically bans religious organisations conducting charitable activity from trying to use an individual's "material dependency" to pressure them to join.

Those seeking to conduct "missionary work" in Kazakhstan – whether local citizens or foreigners – would be denied permission under Article 8, Part 5 if such work "constitutes a threat to the constitutional order, social order, the rights and freedoms of the individual, or the health and morals of the population".

The amending law

The second law, an amending law, changes nine legal provisions including the Code of Administrative Offences. Five articles of the Administrative Code are changed.

A new Article 375 – to replace the current Article which already punishes "violating the Law on Religion" – makes much wider the violations of the Religion Law which would be subject to administrative punishment. However, many of the violations are undefined, including for breaking the Religion Law, violating provisions for holding services, violating the procedure for importing, publishing or distributing religious literature, building places of worship or changing a building's usage, or conducting missionary activity.

Other punishments are for leading a religious organisation at the nomination of a foreign religious organisation without state approval, as well as failing to prevent someone bringing a child to a religious meeting against the wishes of one of its parents.

Violations of this Article mostly lead to fines, but could lead to bans of up to three months or even a permanent ban on a religious community. Foreigners who conduct violations would be subject to "administrative deportation" (as at present). Such deportation is also confirmed in the proposed amended Article 730.

An addition to Article 636 would give the ARA the right to prepare cases to be sent to court for violations of Article 374-1 and Article 375.

The proposed amending law would thus leave untouched the current Article 374-1 which punishes leading, participating in or financing an unregistered, halted or banned religious community or social organisation. Like the current Article 375, Article 374-1 has been heavily used to punish individuals and communities for exercising their right to freedom of religion or belief.

New licence required

While most of the other proposed amendments are more technical, a proposed amendment to the Licensing Law would add a requirement in Article 27, Part 15 that religious organisations which send people abroad for study in religious educational institutions would also require a state licence.

Religious communities' concerns

Almost all religious communities of a wide variety of faiths that Forum 18 spoke to declined to give any on-the-record comments about the two draft Laws. Privately, members of religious communities have expressed deep concern.

Frants Tissen, head of Kazakhstan's Baptist Union, wrote to all its member churches on 20 September, the day before the Majilis approved the Laws. He expressed concern about new restrictions on children's participation in religious activity, registration, religious literature and missionary activity. He called for all member churches to hold "prayer and fasting" on 30 September.

Another Baptist grouping, the Kazakhstan branch of the Baptist Council of Churches – a 50-year-old grouping of Baptists across the former Soviet Union – also issued a statement of concern about the new Laws. "Many provisions of the Law severely restrict the life and service of believers," it warned in a 22 September letter to all its member congregations, seen by Forum 18. It expressed concern about restrictions on services in private homes and holding children's camps, and the increased administrative punishments for religious activity. And especially important for a community that chooses not to apply for state registration, it expressed alarm at the "complete ban on unregistered churches".

The Council of Churches called all its members to conduct "prayer and fasting" on 27 September and to appeal to President Nazarbaev and to the Chair of the Senate, Kairat Mami, not to adopt the Laws. It lamented that the speed of the Laws' adoption did not allow the churches time to organise a collective letter.

Two repressive laws heading through Parliament at "unprecedented" speed

By Felix Corley

Forum 18 News (21.09.2011) / HRWF (26.09.2011) – <http://www.hrwf.net> - Within hours today (21 September) two controversial new laws which – if adopted by the Senate and signed into law by Kazakhstan's President Nursultan Nazarbaev – will impose severe restrictions on people exercising their freedom of religion moved decisively towards adoption. The Lower House of Kazakhstan's Parliament, the Majilis, approved them in the morning. The same afternoon the two laws were today given their initial presentation to the Social and Cultural Development Committee of the Senate, the Upper House.

Although Forum 18 News Service has learned that privately many Majilis deputies were angry at provisions of the laws and the speed which the government is pushing the laws through Parliament, no-one voted against either law. Several Majilis stated privately that Muslims too will suffer under these laws.

Forum 18 understands that of 107 Majilis deputies, 98 voted in favour, one or two abstained and the rest were absent.

The man who answered the telephone of Senate Social and Cultural Development Committee chair Akhan Bizhanov – who did not identify himself - told Forum 18 on 21 September that after the presentation that afternoon, consideration of the two laws will continue in his Committee before they are sent to the full Senate. He said the timetable is "open". However, Ninel Fokina of the Almaty Helsinki Committee told Forum 18 the same day that she fears they will be adopted by the full Senate "without any changes this week or next".

The proposed new Religion Law would impose a complex four-tier registration system, ban unregistered religious activity, impose compulsory religious censorship and require both central and local government approval to build or open new places of worship.

A separate proposed Law, also seen by Forum 18, would amend nine other laws affecting freedom of religion or belief, with a sweeping revision to Article 375 of the Code of Administrative Offences to punish a range of "violations" of the new Religion Law.

Majlis deputies made minor changes to both laws today, but there do not appear to have been any significant changes.

Fundamental issues not debated

Forum 18 notes that the most controversial provisions in debate by deputies have been over whether government offices can be used even for private prayers and whether the Law should restrict women from wearing the headscarf. Wider issues – including the fundamental incompatibility of both laws and current state actions with Kazakhstan's international human rights commitments - do not appear to have been publicly discussed.

Fokina of the Almaty Helsinki Committee told Forum 18 she thinks the issue of prayer rooms in state-owned buildings was deliberately included to distract attention from the fundamental violations of religious freedom in the new laws. "All the main arguments were around this issue [of prayer rooms]."

Criticisms of both laws by members of many local religious communities – such as Muslims, Christians and members of other faiths – also do not appear to have been publicly discussed by deputies.

"Unprecedented" speed

"This has all been abnormally quick," one observer told Forum 18 on 21 September. "Indeed, this is unprecedented." Saule Doszhanova of the Majilis Press Service declined to tell Forum 18 on 21 September whether any previous draft laws had passed through the Majilis so quickly.

Fokina of the Almaty Helsinki Committee criticised the haste in adopting these Laws. "They pretend there was public discussion, but everything is being done not to allow anyone time to react."

"The presidential team has given an order that these Laws should be in force by mid-October," one source told Forum 18. However, Askar Beisenbaev, President Nazarbaev's representative to Parliament, denied this to Forum 18 on 21 September. "Who told you that? There has been no such order." He declined to discuss anything else and put the phone down.

The timetable

In September 2009 the National Human Rights Action Plan - published that month – indicated that a draft Law would be introduced in the latter part of 2011 (see F18News 8 October 2009 http://www.forum18.org/Archive.php?article_id=1360). Draft legislation proposed in 2008-9 was, Forum 18 understands, postponed because of the bad publicity they would generate while Kazakhstan was (OSCE) Chair-in-Office in 2010. A member of the Senate, Garifolla Esim, told Forum 18 in June 2010 that a draft Law was being worked on.

In July 2010 internal document from the ruling Nur Otan Party attacking "non-traditional" faiths and calling for laws on religion to be harshened aroused concern among human rights defenders and some religious communities.

On 5 September 2011 the two new proposed laws – signed off by the Prime Minister on behalf of the government on 1 September - were registered in Parliament. They were then assigned to the Majilis' Legislative and Judicial-Legal Reform Committee, which established a Working Group led by a member of the Committee, Ramazan Sarpekov. The Committee held the formal presentation of the laws on 8 September, led by Kairat Lama Sharif, Chair of the government's Agency of Religious Affairs (ARA) which prepared the drafts. The Working Group held eight meetings to discuss the drafts, meeting almost daily between its first meeting on 12 September and completion of its work on 19 September.

The parliamentary website notes that the Working Group included not only parliamentary deputies but officials of the ARA, the Supreme Court, the General Prosecutor's Office, the National Security Committee (KNB) secret police, the Interior Ministry, Justice Ministry, Defence Ministry, Culture Ministry, Education and Science Ministry, Foreign Ministry, and Communication and Information Ministry. The website added that representatives of higher education establishments and religious and social organisations also participated.

The Majilis' Public Chamber – a consultative body made up of persons who are not deputies (some close to the government and some independent) - held public discussion of the draft laws on 14 September. Lama Sharif of the ARA, Deputy Sarpekov and several other deputies of both houses of parliament addressed the meeting, which was also attended by an Orthodox, a Catholic and a Lutheran bishop, as well as the Chabad

Lubavitch Chief Rabbi. Amongst the members is imprisoned human rights defender Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and Rule of Law, who could not attend the meeting.

Majilis deputy Kamal Burkhanov, as reported on the parliamentary website, stressed at the Public Chamber meeting what he called the "urgent need" to adopt the Laws, though he did not explain why. He pointed to claimed restrictions in five European countries and Japan to justify the proposed new restrictions. Burkhanov, who led the Working Group which drew up 2008 restrictive draft laws, has previously defended restrictions on sharing beliefs in public with the comment "Do people go to the toilet on a bus?".

After approving the drafts on 19 September, the Working Group sent them to the Legislative and Judicial-Legal Reform Committee, which rubberstamped them on 20 September, sent its conclusions to all the relevant Majilis Committees and set the first reading in the full Majilis for the following day.

The Working Group collected 95 amendments to the government's original Religion Law draft, as well as 11 to the Law amending other Laws, according to parliamentary documents seen by Forum 18. ARA Chair Lama Sharif told the Legislative and Judicial-Legal Reform Committee on 20 September that the most controversial provision turned out to be Article 7 of the proposed new Religion Law, which aims to ban prayers in government offices.

Maksut Narikbaev, a parliamentary deputy and member of the Public Chamber, had insisted at the 14 September Public Chamber meeting that such a ban was wrong. "I too pray the namaz in my office. What will happen tomorrow? Informers will be found, definitely. We're very capable people for that. You will discuss and condemn the fact that Narikbaev prays the namaz in his office? What's the harm in prayer rooms?" He pledged to oppose this provision.

Consultation with religious communities?

Regional officials of the ARA and Internal Policy Departments outlined the draft Laws in mid-September in at least some regional Religious Councils, which consist of the Regional religious affairs officials and representatives of the Muslim Board and Russian Orthodox Church.

Asked why religious minorities in Aktobe were not invited or why they are not part the Religious Council, ARA official Baurzhan Yesmekhan told Forum 18 he did not know. "I have only been appointed a few days ago." One former regional official who asked not to be identified complained to Forum 18 that "The very fact that only representatives of the Muslim Board and Orthodox Church were invited for the discussions of the Law is discrimination."

Talgat Nygmetov, Director of West Kazakhstan's DRA told Forum 18 on 14 September that the Regional Internal Policy Department's Religious Council on 13 September discussed the draft Religion Law. Nygmetov said that the representatives of Catholics, Protestants, Jehovah's Witnesses, independent Muslims and other minority religions were not invited, since "they do not represent the country's majority".

No OSCE review?

Forum 18 has been unable to find out if Kazakhstan's authorities intend to take up the offer from the Organisation for Security and Co-operation in Europe (OSCE) for assistance in preparing the new Law and the associated legal amendments to ensure their compliance with OSCE human rights commitments.

On 8 September Forum 18 asked Zuhra Bektepeva of Kazakhstan's Embassy to Austria – which handles the country's relations with the OSCE - in writing if such assistance would be sought and, if so, when. On 15 September she responded, telling Forum 18 that Usen Suleimenov is "in charge of requested issues". Forum 18 sent him the same written questions the same day. He replied on 20 September to say he is "waiting for the answers" from the Foreign Ministry in Astana.

An OSCE legal review of the 2008 draft legislation found that "many serious issues remain with respect to the Proposed Religion Law's compliance with international human rights standards, including in particular OSCE commitments".

Why the new laws?

Forum 18 has repeatedly tried to find out from the ARA why it considers the two new laws to be necessary. However, officials have declined to discuss the drafts.

ARA Chair Lama Sharif's presentation of the new laws to the Majilis on 8 September – according to the parliamentary website - gave no substantive reasons for the proposed changes. He claimed that the last decades had seen "cardinal changes in the role of religion and religious organisations in the life of society", though failed to explain why this necessitated these proposed changes. He insisted they were governed by three principles: neutrality of the government, tolerance, and parity of religious organisations before the law.

In describing proposed restrictions on religious activity, Lama Sharif was careful to find other countries where what he portrayed as similar restrictions were in force. Thus in defending religious censorship, he pointed out that in Malaysia, Bibles and other Christian literature in Malay cannot be freely distributed. As for restrictions on foreign missionaries, he claimed that China bans all foreign missionaries, while non-Muslim "emissaries" over 40 years of age cannot enter Malaysia. In Greece, he added, other faiths are banned from conducting missionary activity among Orthodox Christians.

Official justification for "necessary" laws

In an interview with the Russian-language paper *Kazakhstanskaya Pravda*, published on 14 September, Lama Sharif of the ARA said that in the current Law, as first adopted in 1992 and amended seven times since, there has never been a fundamental revision which is now "necessary". He complained that the current Law "does not adequately lay down the legal regulation of missionary activity. This also applies to distribution of religious products, the licensing of the activity of religious educational institutions and the absence of clear-cut criteria for legal entities which enjoy the right to engage in religious practice."

Lama Sharif claims the Law will allow "bringing order" to the activity of religious communities, as well as to end conflicts between competing laws. This phrase echoes comments of President Nazarbaev.

While outlining many provisions of the proposed new Laws, Lama Sharif did not explain why – for example compulsory registration – they were necessary.

Like other state officials, Lama Sharif claimed that the ARA had studied similar Laws in a range of countries, including Russia, Belarus, Georgia (which does not have a Religion Law), Denmark, Spain, Italy, Belgium, Latvia, Portugal and Slovakia. He points out that many offer differentiated status to different communities, based on their historical presence in the country.

He insisted that mentioning "the historical role of Islam of the Hanafi school and Orthodoxy" does not turn them into state religions and that the secularity of the state is guaranteed by the Constitution. He stressed the ban on religious activity in state offices.

Lama Sharif insisted that the state "does not interfere in the activity of religious associations, but only in cases where their activity does not contradict Kazakhstan's laws". He said it also does not interfere in parents' rights to determine the religion of their children or give them religious education "if this education does not represent a threat to the life and health of the child or harms its rights". He pointed out the new provision of the Law that a child cannot attend a religious organisation if one of the parents objects.

"Foreign practice", Lama Sharif claimed, shows that a priority for governments in religious policy is "legislative securing of the status of traditional religious organisations for the given country". As evidence of what he claimed was the necessity of new laws was the "many conflicts and tragedies in Europe provoked by the appearance of new religious movements" which led to states and "European international organisations" – he identified a 1996 European Parliament resolution - taking "serious measures".

He also claimed that the new requirements for his Agency's permission for every new place of worship "will allow a barrier to be put on the uncontrolled construction of such buildings and resolve the problem of derelict places of worship".

Local commentators told Forum 18 that derelict places of worship do not appear to be common in Kazakhstan.

Lama Sharif made no reference to the OSCE's December 2010 Astana Declaration, in which President Nazarbaev and other OSCE Heads of State declared that "we reiterate that human rights and fundamental freedoms are inalienable, and that their protection and promotion is our first responsibility".

State officials and government-backed bodies, such as the Muslim Board and "anti-sect centres", have been publicly praising so-called "traditional religions" and warning of the alleged dangers of so-called "non-traditional religions". When in 2008-9 a similarly harsh package of measures restricting freedom of religion or belief were being considered, similar attempts were made to encourage intolerance of people exercising their human rights. This campaign continued throughout the time that Law was being considered.

In a similar return to past practices, state officials have also re-started demanding detailed and intrusive information from non-Muslim communities. Officials have also re-started demands that independent mosques join the Muslim Board.

"We don't know exactly what they are all doing"

Deputy Sarpekov, head of the Majilis Working Group on the new laws, gave an interview to the government-owned Kazinform agency, published on 14 September. Like ARA Chair Lama Sharif, he claimed that the 1992 Religion Law needs to be rewritten as "it does not reflect today's demands". Amendments adopted since then were only "editorial" and did not touch "such important issues" as registration. He complained that a "large number" of Kazakhstan's 4,000 religious communities have not gained state registration "and we don't know exactly what they are all doing".

In talking of the proposed new ban on worship in state-run institutions, Sarpekov noted – in an apparent complaint – that "now even in prisons there are mosques and churches".

Sarpekov spoke out for more employees for the ARA. He complained that it now has only about 80 employees at a national and regional level. He insisted that ARA officials should

be "in every district". "The majority of religious people live in villages. How will the Agency control the situation in individual places?"

The 1 August Decree establishing the ARA's duties set a ceiling of 146 on its national and regional staff and made no provision for staff at a district level.

Deputy Sarpekov noted that among amendments to the drafts proposed by deputies, some wished to increase the minimum number of adult citizens required to found a religious community. "Deputies believe that now when there is the internet and telephone contact, it will not be difficult for religious communities to collect the required number of people wanting to join these associations," he told Kazinform.

He added that deputies had also demanded that the ARA be given the duty of approving the sending abroad of young people for religious education, something he said was "important". "You see many go abroad, study something, and then behave as though only they have everything correct and other people are wrong". "So the Agency must control these questions too."

On missionary activity, he said that several countries – he identified Singapore, Malaysia and China – which ban foreigners from conducting missionary activity.

Sarpekov maintained that once the Law is adopted, the "traditional" faiths will only need to bring their statutes into line with it, though he admitted that re-registration will now require "four or five documents", compared to two currently.

New criminal penalties planned?

While claiming that the "new Law will give a guarantee of freedom of religious confession", Deputy Sarpekov pointed out that penalties for violating the Law will increase. He detailed the wider range of "offences" under Article 375 of the Code of Administrative Offences.

Asked whether these increased punishments would be enough to prevent such "violations", Sarpekov responded: "If administrative measures do not turn out to be effective and activity causing harm to the interests of society and state security continues and a threat to our independence is created, then we could additionally introduce criminal punishment measures."

One local observer who asked not to be identified told Forum 18 that officials might already be planning criminal punishments for religious activity, but plan to wait until any "noise" over these restrictive amendments dies down.

Previous Laws unconstitutional merely because of "mistakes"?

Kazakhstan's Constitutional Council in 2002 and again in 2009 ruled that harsh proposed new Religion Laws already approved by Parliament were unconstitutional.

Sarpekov claimed in his Kazinform interview that the previous restrictive Religion Law amendments had been ruled unconstitutional in 2009 because "there were terms not correctly used and linguistic mistakes". He claimed that "the procedure for relations between state organs and religious associations had not been exactly formulated". "In the new draft Law, all these mistakes have been taken into account and the document has as a whole been drafted to a very high quality."

"To prepare the public for a discriminatory new law"

By Mushfig Bayram,

Forum 18 News (20.09.2011) / HRWF (26.09.2011) – <http://www.hrwf.net> - Officials of Kazakhstan's state Agency of Religious Affairs (ARA), the state-backed Muslim Board, and local administrations held public meetings in August and September in West Kazakhstan, Karaganda [Qaraghandy] and Aktobe [Aqtöbe] regions, praising the advantages of so-called "traditional religions" and warning of the alleged dangers of so-called "non-traditional religions". The ruling Nur Otan political party has also held similar meetings in West Kazakhstan. ARA regional departments and local administrations across Kazakhstan have distributed written questionnaires or verbally demanded that members of religious minorities provide detailed information on their activity – sometimes on a weekly basis.

Tomorrow (21 September), Forum 18 has been told that the first reading of two laws restricting freedom of religion or belief is due to take place in the country's Lower House of Parliament (Majilis). Previously it was expected that this reading would take place in January 2012, and the process is taking place with "unprecedented speed".

The Preamble of one of the draft laws, a new Religion Law, singles out the Hanafi Muslim religious school of thought followed by the Muslim Board and Russian Orthodoxy as the country's two so-called "traditional religions".

When a previous similarly harsh package of measures restricting freedom of religion or belief were being considered in 2008-9, similar attempts were made to encourage intolerance of people exercising their right to freedom of religion or belief.

The practice of demanding detailed and intrusive information is also a return to past practices.

ARA, Muslim Board, and regional government officials have re-started demands that independent mosques join the Muslim Board – despite the current National Security Law banning interference by the state in religious communities. One ARA official told Forum 18 that the imams of independent mosques "are not real imams".

Intrusive information demands re-start

At least two religious communities in Karaganda have received intrusive demands for information. Grace Presbyterian Church of Karaganda received an official inquiry demanding that the Church provide the regional ARA branch with detailed information on its activities between 13 and 19 August.

"In connection with the weekly monitoring of religious communities in Karaganda Region, you need to notify the Karaganda Department of the ARA of your activities," read the demand signed by branch head Serik Tlekbayev on 16 August and seen by Forum 18. The information demanded included all weekly events – "meetings, services and the places of meetings, topics of speeches and sermons, their purpose, as well the audio-video materials and printed materials used". The demand specified that this information must be provided every week.

Franciscan Sister Alma Džamova, Secretary of the Catholic Church's Karaganda Diocese, told Forum 18 on 20 September said that they also received the questionnaire from the regional ARA. However, she said that "we do not have time to write reports every week on our activities". She pointed out that there are "routine and similar activities" each week, and that the ARA knows the details of the Community. She said that she had told

the ARA this, but did not want to discuss with Forum 18 what the reaction of ARA regional Director Serik Tlekbayev was.

Ahmadi Muslims, New Life Church, and another Protestant church that wished to remain anonymous for fear of state reprisals told Forum 18 on 13 September that their branches in Almaty, South Kazakhstan, and Aktobe regions also received similar detailed demands starting in August. The demand came from either ARA branches or verbally at meetings regional administrations summoned them to.

Members of these communities complained to Forum 18 that this is a severe violation of the rights of the religious organisations and discrimination against them.

"We need to know exactly what these religious organisations are doing"

Tlekbayev of the Karaganda regional ARA insisted to Forum 18 on 14 September that the demand is "not a violation". He claimed that "we need to collect such information because we need to know exactly what these religious organisations are doing". He refused to say what will happen if religious communities refuse to give such information. "Why is Forum 18 from Norway so interested in the matters of Kazakhstan?" he asked.

Kazybek Omarov, Director of the Almaty regional ARA, denied that the Almaty regional authorities are collecting such information. "These organisations have registered with us", he told Forum 18 on 14 September. "We know all we need to know about them."

The authorities in South Kazakhstan and Aktobe regions between 14 and 15 September refused to comment to Forum 18 on why they had made similar inquiries.

"There are good people and bad people everywhere"

Former state religious affairs officials in Almaty and Aktobe regions, who wished to remain unnamed, told Forum 18 that religious communities should not be divided into categories such as "traditional" and "non-traditional". "The word 'non-traditional' gives the public a negative image," one commented to Forum 18 on 14 September. "There are good people and bad people everywhere, even in the so-called 'traditional' religions." An official also commented to Forum 18 that day that "I know good people in the so-called 'non-traditional' organisations who help others". The official said that the government should make reforms "not to discriminate against religious minorities but to improve the Religion Law".

Commenting on the campaign and the categorisation of religious confessions as traditional and non-traditional, Father Gennadi Subbotin of a Russian Orthodox parish in Kostanai region outside the framework of the Moscow Patriarchate told Forum 18 on 20 September that "you cannot force people to believe or not believe in a religion."

Fr Subbotin said that, a few years ago, Kostanai Regional Administration asked him to take part in a meeting where they would discuss the "non-traditional" religions and their activity. "The meeting was fruitless and not interesting for me," he said. "Some officials tried to convince me to stay but I left, and they have not asked me to further meetings."

Public attacks on "non-traditional"

However, ARA, Muslim Board, and local authorities held a series of public meetings in August and September in Karaganda, West Kazakhstan and Aktobe regions, where they "praised the advantages of the traditional religions and the dangers of the dangers of the non-traditional religious organisations," Kazakhstan's State-owned TV channels Khabar and Caspionet reported between mid-August and early September. For example, four groups of "religious experts" in West Kazakhstan region were tasked to visit all 12

Districts of the region to tell the local population of the "tragedy of people who became victims of the non-traditional religions".

Zhayik "anti-sect" Centre and its Chair Lazzat Shaghatay were also given a role in this campaign, which involved the use of video films and written materials, it was reported. Zhayik, it was claimed, "received 100 complaints from such victims, out of which it was able to help 23 persons".

Talking of their visits to districts in the Region, Talgat Nygmetov, Director of West Kazakhstan region's ARA branch, said in his interview that "we are doing everything to raise the prestige of the traditional religions". The regional ARA's Senior Specialist Bayangul Zhakiyeva said that "we encourage young people to turn to teachers and Imams of traditional Islam with their questions on religion rather than the Internet, missionaries or preachers. Before accepting a faith, you need to collect more information about it and only then take a step towards faith".

The Oral City branch of President Nursultan Nazarbaev's ruling Nur Otan party in West Kazakhstan Region also held a meeting with representatives of religion, law enforcement bodies, leaders of youth organisations and university students, where they discussed the differences between "traditional" religions and "destructive" movements, Caspionet TV reported on 2 September. Participants were stated to have suggested that Nur Otan should initiate amendments to Kazakhstan's Religion Law, and adopted an appeal to young people in the West Kazakhstan region "to abide by the canons of traditional religions". The appeal will be distributed among all the higher educational institutions and colleges in the city, the TV channel reported.

Nur Otan is the only party with deputies in the Majilis (lower house) of the country's two chamber parliament. It has since at least September 2009 been preparing to introduce measures attacking people's freedom of religion or belief.

"To prevent extremism"?

Similar campaigns have taken place elsewhere. To "prevent extremism", traditional Islam must be popularised among the youth, and for this purpose a group of ARA officials and "religious scholars" visited Karaganda's Districts during Ramadan, Caspionet TV reported. ARA officials were quoted as saying that since Kazakhstan's independence in 1991, more than 50 types of confessions appeared, and the number of religious associations reached 4,000. "Each year the number of non-traditional religions is increasing steadily. We need to struggle against various sects with the united efforts of all Kazakhstan citizens," the officials were quoted as saying.

Regional ARA officials on 14 and 15 September refused to comment on the campaigns to Forum 18.

Why the campaign?

Asked why the authorities carried out campaign against religious minorities, Nygmetov of the West Kazakhstan ARA told Forum 18 on 14 September: "We need to warn people against the extremist religious groups." He refused to say which organisations the authorities consider "extremist". Asked why the authorities describe the country's religious minorities as "non-traditional", he replied: "Because they do not represent the country's majority, they only represent 0.01 per cent of the population."

Shaghatay of the Zhayik "anti-sect" Centre told Forum 18 on 15 September that "Hanafi Islam and the Russian Orthodox Church are the traditional religions of Kazakhstan and the rest of the religious organisations are non-traditional". She also told Forum that the New Life, Grace Presbyterian and Baptist Churches as well as Jehovah's Witnesses are

"non-traditional dangerous sects". She claimed that members of the New Life Church and some Baptists asked her Centre for help. "I cannot give you the figures," was her response when asked exactly how many people from these Churches contacted her Centre. "I don't know you. Maybe you are a spy."

Explaining the alleged "dangers of non-traditional" religious communities, Shaghatay claimed – without giving any details or evidence – that "one lady who was Muslim and had good relations with her family left her family after she became a member of a Protestant Church". Asked for more details, Shaghatay replied, "Look I cannot answer you over the phone".

Shaghatay also refused to say why and who organised the campaign, referring Forum 18 to the Region's ARA branch.

"To prepare the public for a discriminatory new law"

An Ahmadi Muslim, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 20 September that they thought that the reason for the campaign is to "prepare the public for a discriminatory new law". Hanafi Islam and the Russian Orthodox faiths are singled out in the Preamble of the draft Religion Law, they pointed out. "I think that this is done to gradually liquidate independent Muslim Communities after the Law is adopted," they said. "The authorities' excuse will be that we threaten state security."

Sergei Zaikin of New Life Church echoed the Ahmadi Muslim, saying that this is done to "stop our church and other religious organisations". The authorities are "smearing our names, and are preparing the public for future repressions against us", he told Forum 18 on 20 September. Zaikin said that the campaign is "anti-constitutional." He said that "any person has right to believe in any religion or not believe in any religion at all."

Commenting on the remarks of Shaghatay of the Zhayik "anti-sect" Centre, Dmitri Kan of the Grace Presbyterian Church told Forum 18 on 20 September said that "I know that these so-called anti-sect centres are sponsored by the State, and are against not only Grace and New Life Churches but also against all Protestant Churches. They smear our names because we are the largest and most active Protestant churches."

Sister Džamova of the Catholic Church's Karaganda Diocese told Forum 18 that Shaghatay is "wrong." She said that the Catholic Church had existed in Kazakhstan since the 12th century, and is a "traditional" Community.

"Anti-sect" centres are strongly supported by the state, and their activities appear to have greatly increased in recent months.

ARA officials refuse to comment

Kairat Lama Sharif, Chair of the ARA and his Deputy Ardak Doszhan on 15 September refused to discuss with Forum 18 the reasons for the campaign and questionnaires. Lama Sharif's Assistant said that he was busy in a meeting.

"I personally have not called or summoned or talked to anyone in the religious communities for the last three months," Doszhan maintained. When Forum18 insisted asking what the purpose of the campaign against the religious minorities is, his response was: "What do you want from me?" He then put the phone down.

Legislation contravenes OSCE, UN standards, clearly discriminates against minority religious groups

THE INSTITUTE on Religion and Public Policy (IRPP) (21.09.2011) / HRWF (22.09.2011) – <http://www.hrwf.net> - THE INSTITUTE on Religion and Public Policy today released an analysis of a new and restrictive religion law that this very morning was rushed with lightening speed through the lower house of parliament.

The analysis, drafted by THE INSTITUTE's Expert Committee on Legislation and Implementation, points out that the right to freedom of religion and religious equality in Kazakhstan will be stripped away from currently registered religious organizations that are refused "re-registration". These organizations will be prohibited from conducting any religious activities. And if they attempt to do so, they will be subject to sanctions, including fines and banning for repeated violations. These provisions operate as a "death sentence" on religious communities that are refused "re-registration" or choose not to register based on their religious beliefs.

The draft Religion Law also constitutes an ex post facto law by retroactively stripping minority faiths of their religious entity status and subjecting them to burdensome and arbitrary "re-registration" procedures even though they have been registered in Kazakhstan as religious entities for many years. This violates the Rule of Law.

The INSTITUTE'S analysis notes that the draft Religion Law, if adopted, would:

- Require compulsory registration as a religious organization;
- "De-register" all religious organizations currently registered and force these organizations to "re-register";
- Require all religious organizations to submit to a "religious study examination" where religious Scriptures and other documents are reviewed and impermissibly evaluated by the State;
- Ban all religious activity by unregistered religious organizations;
- Prohibit an unregistered religious organization to obtain any other legal entity status;
- Impose compulsory government censorship of religious literature by requiring evaluation and approval of religious literature before it could be shipped into the country for non-personal use or placed in a library;
- Restrict distribution of religious literature to religious buildings, religious educational institutions and "specifically identified stationary facilities identified by local executive bodies";
- Require government approval to build or open new places of worship;
- Require registration of persons carrying out missionary activity -- no person may carry out missionary activity until so registered and no person will be registered unless they have been invited to perform missionary work by a registered religious organization;
- Require a minority religious community to meet onerous membership levels in order to register (minimum of 50 adult citizens) in complete contravention of United Nations and OSCE standards; and

- Impose restrictions and sanctions on religious leaders if children participate in activities of the religious organization when one parent or legal guardian objects.

The analysis notes that, "Passage of this repressive legislation would represent a serious setback for religious freedom in Kazakhstan. The Religion Law contravenes OSCE and United Nations standards that Kazakhstan is bound to follow because it flagrantly discriminates against minority religious groups. In the INSTITUTE'S opinion, the draft Religion Law is completely inconsistent with fundamental human rights as it contravenes the principles of equality and non-discrimination."

As reported by Forum 18, "Within hours today the controversial new laws...moved decisively towards adoption. The Lower House of Parliament, the Majilis, approved them this morning. In the afternoon the two laws were given their initial presentation to the Social and Cultural Development Committee of the Senate, the Upper House."

The INSTITUTE urges Kazakhstan to request the assistance of the OSCE Panel of Religious Experts to review the draft Religion Law so that the panel may advise the government of Kazakhstan regarding the compatibility of the provisions of the proposed legislation with OSCE standards and international human rights law.

The full analysis of the law can be found at

http://religionandpolicy.org/cms/index.php?option=com_content&task=view&id=7113&Itemid=342

"They are not real Imams"

By Mushfig Bayram

Forum 18 News (16.09.2011) / HRWF (21.09.2011) – <http://www.hrwf.net> - Kazakhstan is increasing its attempts to control and limit people exercising their right to freedom of religion or belief, with the authorities in Karaganda [Qaraghandy] Region demanding that legally registered independent mosques join the government-supported Muslim Board. All the mosques have refused to do this, they told Forum 18 News Service.

Also, representatives of the state Agency for Religious Affairs (ARA), the Muslim Board and local authorities in West Kazakhstan, Karaganda and Aktobe Regions have held public meetings warning of the claimed dangers of allegedly "non-traditional" or "destructive" groups. Simultaneously, the advantages of allegedly "traditional" religions have been praised. The ruling Nur-Otan political party was also involved in this campaign.

Meanwhile, ARA regional departments in Almaty, South Kazakhstan (Shymkent), Aktobe [Aqtobe] and Karaganda Regions have re-started the practice of demanding that religious communities complete intrusive questionnaires. In some cases, demands have been made for reports and information on a weekly basis.

The latest pressure comes as the government has sent a package of laws restricting freedom of religion or belief, violating the country's human rights commitments, to Parliament.

The parliament website gives 19 January 2012 as the deadline for a "conclusion" (presumably from the Majilis' Legislative and Judicial-Legal Reform Committee to which the two draft Laws have been assigned), before the package goes to the full Majilis. But

the package could be passed into law more quickly than this. Other repressive laws - such as draft laws on broadcasting and on national security - are also being considered.

Article 19, Part 2 of the current National Security Law, dating from 1998, bans interference by religious communities in the affairs of the state - and interference by the state in religious communities.

Despite this commitment, Kazakhstan has previously pressured independent Muslim communities to join the Muslim Board. The state campaign has also seen pressure on mosques which have traditionally catered to worshippers of one ethnic background.

Anti-independent mosque campaign re-starts

Independent mosques in Karaganda Region are being pressured to join the Muslim Board, their imams have told Forum 18. The mosques were also warned that if they did not join the Muslim Board now, they will not be re-registered after - not if - the new Religion Law is adopted. A leading member of one of the mosques being pressured decided not to speak publicly about the situation, for fear of state reprisals.

Forum 18 was told that Kairat Nurkenov (Assistant to the Deputy Head of the Regional Administration), Serik Tlekbayev (Director of the ARA's regional Department), Rashid Alpysbayev (Muslim Board Chief Imam of Karaganda Region), Asem Zhunuzbekova (Deputy Head of the region's Abai District), and Toleutay Yestekbayev (Chief of Abai District Administration's Internal Policy Department) on 16 August summoned Imam Nurmuhamed Ahmedyanov and Imam Meyram Ibrayev to a meeting. The meeting fell in the middle of the Muslim holy month of Ramadan. The Imams, who both lead independent mosques, were presented with demands that they obtain licences from the Muslim Board in Almaty by 1 September.

These demands were claimed to be based on a written note - which the Imams were not shown - from national ARA Chair Kairat Lama Sharif.

Imam Ahmedyanov, of Abai town Mosque, told Forum 18 on 14 September that Imam Alpysbayev and Tlekbayev of the ARA "promised that I would have no problems in future if I signed an agreement to join the Muslim Board, and that all the needs of the mosque would be taken care of." Imam Ibrayev also received such promises. However, Imam Ahmedyanov "understood that we would lose all our independence as soon as we signed the agreement".

"If they were good Muslims.."

The Imam noted that the Muslim Board, ARA and local government officials were "very rude all the time, would not wait until the end of the holy month of Ramadan, and wanted to force us to break our fast by sending us to Almaty in the middle of August". Imam Ahmedyanov complained that "if they were genuinely interested in us, and if they were good Muslims, they would not rush us or try to make us break our fast, or be so rude". At a further meeting on 18 August the Imams refused to sign an agreement to join the Muslim Board.

Imam Ibrayev, of Topar mosque in Abai District, told Forum 18 on 15 September that the "only reason I went to the Muslim Board was to receive a new licence, if it was possible". He explained that when he was asked to sign an agreement to join the Muslim Board, "I immediately refused". He stressed that such pressure "is illegal". The Imam stated that "if in future they refuse to re-register us, I will sue them in court".

Pressure continues

Regional ARA Director Tlekbayev denied that he pressured the Imams to join the Muslim Board. "Let them be independent, for God's sake," he told Forum 18 on 14 September. Asked what measures the ARA would take if they did not join the Board, he replied: "Why do you think we will take measures against them?"

Imam Ahmedyanov complained that Tlekbayev, Muslim Board Imam Alpysbayev and Abai District officials keep pressuring him. "I have no peace. They keep calling my phones almost every day several times," he said. "They forced me to break my fast before it is time to do so, and even now when I am again fasting trying to make up for the lost time of the fast during Ramadan, they give me no peace."

Tlekbayev of the ARA denied to Forum 18 that the authorities are pressuring Imam Ahmedyanov. "What kind of Imam is this?" Tlekbayev objected. "He is lying to you. He cannot even talk normally with anyone." Referring to independent imams, Tlekbayev exclaimed, "How can you believe these Imams? They are not real Imams."

National ARA officials refuse to comment

ARA officials in the capital Astana refused to talk to Forum 18 on 15 September about the pressure on the imams. The assistant (who refused to give her name) of ARA Chair Lama Sharif said that he was busy in a meeting, and that she could not answer questions. She then referred Forum 18 to Deputy Chair Ardak Doszhan.

Doszhan brushed off Forum 18's questions, insisting that he personally has "not called or summoned or talked to anyone in the religious communities for the last three months".

Doszhan has long been involved in repressing freedom of religion or belief, and was Chair of the ARA's predecessor the Religious Affairs Committee when it was successively under the Justice Ministry and then the Culture Ministry.

The ARA

The ARA itself was established in May to replace the Culture Ministry's Committee of Religious Affairs.

The ARA's functions were set out in a government Decree, signed on 1 August by Prime Minister Karim Masimov. These functions include: proposing government policy on religion as well as freedom of religion or belief; and also conducting "comprehensive and objective study, systematisation and analysis of processes underway in the country in the sphere of realisation of the rights of citizens to freedom of confession and the activity of religious associations, small religious groups and missionaries".

Among the ARA's specific tasks are: drafting proposed new laws and regulations in the area of freedom of religion or belief and also religion (as it has already done); carrying out "religious study expert analyses with the participation of representatives of religious organisations, social associations, state organs, religious studies scholars, lawyers and other specialists"; examining "questions touching on" violations of the Religion Law; and proposing to the security agencies "banning the activity of physical and juridical persons, including religious associations, violating Kazakhstan's laws".

As well as the central body in Astana, the Decree states that the ARA has local branches (departments) in all Kazakhstan's 14 Regions, as well as in the cities of Astana and Almaty. The total establishment of its central and regional staff is set at 146 officials. Also under ARA's jurisdiction are two bodies, the International Centre of Cultures and Religions (with a decreed establishment of 30, down from the current 50), and the Scientific-Research and Analytical Centre on Religious Issues (also with a staff of 30).

New Religion Law to "bring order to our house"

By Felix Corley and Mushfig Bayram

Forum 18 News (02.09.2011) / HRWF (06.09.2011) – <http://www.hrwf.net> - Following unequivocal rulings by Kazakhstan's Constitutional Council in 2002 and again in 2009 that harsh proposed new Religion Laws already approved by Parliament were unconstitutional, Parliament is again due to consider major revisions to the 1992 Religion Law to introduce new restrictions, Forum 18 News Service notes. President Nursultan Nazarbaev made the announcement to a joint session of the two houses of Parliament in the capital Astana yesterday (1 September). He demanded that deputies consider the amendments "in the current session", which lasts from 1 September until 30 June 2012. His newly-appointed head of the government's Agency of Religious Affairs, Kairat Lama Sharif, told the media the same day that, once adopted, the Law will require all registered religious organisations to re-register with the state.

Forum 18 has been unable to get a copy of the text due to be presented to Parliament. Officials have also refused to explain why the Religion Law needs to be amended.

Merekegul Karabayeva, press spokesperson of the Agency of Religious Affairs (ARA), declined to discuss anything with Forum 18 on 2 September. Telephones of other ARA officials, including both its deputy chairs Marat Azilkanov and Ardak Doszhan, went unanswered each time Forum 18 called.

Serik Temirbulatov, the deputy who was a member of the Majilis (lower house of Parliament) working group which prepared the previous draft in 2008, said he had not seen the text of the latest proposed amendments. He told Forum 18 from Astana on 2 September he could only comment when the Agency of Religious Affairs – which has prepared the text – passes it to Parliament. He said he did not know when that would happen.

"We are not expecting anything good"

Human rights defenders and members of religious communities the government does not like have already expressed concern about the planned amendments. Ninel Fokina of the Almaty Helsinki Committee – who was active in opposing the previous attempted amendments – fears the new amendments will be "essentially the same text". She pointed out that neither she nor society at large has had the possibility to see and contribute comments on the text.

Fokina expressed particular concern at the promised re-registration requirement. "I see re-registration as an effective tool the government is using to get rid of religious groups it dislikes and regards as undesirable," she told Forum 18 from Almaty on 2 September. "It has been a familiar scheme ever since the 1990s, when the Religion Law was amended for the first time."

A member of the Grace Presbyterian Church in Karaganda [Qaraghandy] is equally concerned. "We are not expecting anything good from these new developments," the church member told Forum 18 on 2 September. "When we had a more or less normal Religion Law, we still experienced problems from the authorities. Now they want to make it stricter we can expect really unpleasant things."

The church member said that in recent months, state officials from various agencies, "even the fire department officials", told the church "we belong to the so-called risk-group organisations".

Among other religious communities Forum 18 has spoken to who are worried by the proposed amendments is a member of the Ahmadi Muslim community, who also expressed concern over re-registration. "If we have registration, why should we need to be re-registered?" the representative told Forum 18 on 2 September. "We have been registered in Kazakhstan for 17 years."

Text already prepared

Lama Sharif told journalists on 1 September that his Agency of Religious Affairs has already prepared the new draft Religion Law, which contains "many innovations". He said it would be presented to Parliament "in the near future".

In his remarks to Parliament, President Nazarbaev claimed that it is necessary to make the Religion Law harsher. "We are not talking about banning freedom of conscience," he insisted. "Talk is rather of defending the state from religious extremism, which all states do, especially those which have adopted Islam as the state religion."

Forum 18 notes that Kazakhstan has no state religion and is described in its Constitution as a secular state. The current Religion Law declares that all religions and religious communities are equal before the state.

Nazarbaev expressed his anger over what he claims some religious communities and individuals are doing. "What they want to do, they do, whoever wants to come here comes," he told parliamentarians. "They name mosques after their fathers! What these mosques are up to, no one knows. No one confirms them, no one registers them! This is a state! We must bring order to our house. I believe you will approach this question seriously and we will all do what needs to be done."

While parliamentarians have some input into the content of Laws, Forum 18 notes that the Religion Law amendments are unlikely to face opposition in Parliament. The Nur Otan (Light of the Fatherland) party, led by Nazarbaev, is the only party to have representation in the two-chamber Parliament.

After the Constitutional Council rejected the latest proposed amendments in 2009, officials have repeatedly promised that they would try again. A 2010 document of the ruling presidential Nur Otan Party, a member of the Senate who was in 2010 working on legal changes, and the country's 2009 "National Human Rights Action Plan" have all indicated that proposed restrictions – rejected to avoid bad publicity while the country was Organisation for Security and Co-operation in Europe (OSCE) Chair-in-Office in 2010 – would return.

No help sought from OSCE

Although the proposed amendments to the Religion Law have already been prepared, the Kazakh government has not asked for any assistance in reviewing them either from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) or from the OSCE Centre in Astana, ODIHR and the Centre separately confirmed to Forum 18 on 2 September.

"The OSCE Office for Democratic Institutions and Human Rights stands ready to provide any assistance to the government of Kazakhstan, upon request, to help it ensure that the proposed amendments to the Religion Law fall in line with Kazakhstan's OSCE commitments," Thomas Rymer, ODIHR deputy spokesperson, told Forum 18 from Warsaw.

Both the proposed Religion Law amendments rejected by the Constitutional Council 2002 and 2009 had been the subject of heavy criticism by the OSCE. When the OSCE Legal

Opinion requested by the Kazakh government in 2008 – prepared by the OSCE/ODIHR Advisory Council on Freedom of Religion or Belief – turned out to be highly critical, the Kazakh government tried to prevent its publication. It was finally made public in February 2009, when the Constitutional Council had already begun its review.

Just the Religion Law to be amended?

Although President Nazarbaev and Lama Sharif of the Agency of Religious Affairs both spoke only of amendments to the Religion Law, and as long as no texts have been made public, it remains unclear whether amendments are being prepared to other Laws relating to religion.

The "Law on Amendments and Additions to Several Legislative Acts on Questions of Freedom of Conscience and Religious Associations" – rejected by the Constitutional Council in 2009 – would have amended not only numerous articles of the current Religion Law, but the Code of Administrative Offences and several other laws.

Growing power of Agency of Religious Affairs

The new Agency of Religious Affairs (ARA) which has prepared the new amendments was established by Presidential Decree in May and reports directly to Prime Minister Karim Masimov. On 7 June Masimov appointed Lama Sharif, a career diplomat, to head the new Agency.

Lama Sharif insisted in his 1 September comments to journalists that his Agency had been created "to increase the religious literacy of the population. To explain what the threat of religious extremism and what the development of normal religion represent."

Concern has already been expressed over his comments at a press conference in June that the country had chosen "one nation – one religion" and that the ARA will "prepare a concept on the 'Development of moderate Islam in Kazakhstan'".

Lama Sharif revealed that during the Muslim holy month of Ramadan, which coincided this year with August, his Agency had travelled to every Region of Kazakhstan and conducted "informational analytical work" on the religious situation. "The reports of the analytical groups note that the religious situation in Kazakhstan is stable," he declared.

However, Lama Sharif expressed concern about unnamed "destructive movements which propagate extremism," he was quoted by the Tengrinews agency as declaring. "Of course in this connection the Agency of Religious Affairs conducts work in the area of warning against these extremist-minded people, especially among youth." He insisted that politicisation of religion was "unacceptable".

Will only Hanafi Islam be permitted?

It remains unclear if the proposed amendments will include the demand of the state-backed Muslim Board that only Islam of the Hanafi school will be permitted. Its spokesperson Ongar Omirbek declared in July that it had long pushed for a more restrictive Religion Law and hoped that it would include a monopoly among Muslims for Hanafi Islam.

Forum 18 notes that Lama Sharif focused in his 1 September statements mainly on mosques rather than communities of other faiths, while his June comments about preparing concept of moderate Islam have worried some Muslims set to be excluded by any Muslim Board monopoly.

Re-registration – only for those that "benefit society"

Although he spoke mainly about mosques, insisting that none would be closed as a result of re-registration, Lama Sharif insisted the Law will require compulsory state re-registration for all communities.

Lama Sharif claimed that re-registration is needed because many religious communities were created before Kazakhstan gained independence in 1991. "This is why after the adoption of the Law re-registration of religious associations will be carried out, and we will in addition carry out thorough religious expert analyses of all religious associations on the subject of their accordance with basic legislative acts of Kazakhstan and over what benefit or harm they cause to society," he was quoted by Interfax-Kazakhstan on 1 September as declaring.

Repeated amendments to laws on religion

Despite the failures in 2002 and 2009 in proposed comprehensive reviews of the Religion Law, the 1992 Law has been amended by various Decrees and Laws eight times since its original adoption (twice in 1995, in 1997, in 2004, twice in 2005, in 2007 and in 2011). None of the amendments made life easier for religious communities and many restricted individuals' and communities' rights to freedom of religion or belief.

In particular, "national security" amendments to a variety of Laws in 2005 introduced harsh new restrictions in the Religion Law, including a ban on unregistered religious organisations. Criticism of these amendments from human rights defenders, religious communities and the OSCE was ignored.

The 2011 Religion Law amendment – approved on 5 July and which comes into force on 13 October – adds "other responsibilities" (unspecified) to existing responsibilities the ARA and local authorities have to control religious activity.

Also amended in the 2005 "national security" amendments was the Code of Administrative Offences, introducing penalties for leading or participating in unregistered religious activity and for religious activity by foreigners without permission. These penalties have been widely used, most recently in August, with a fine of nearly five months' official minimum wage for a religious service in a private home without state registration.

Constitutional amendments in 2007 introduced new state controls on religious leaders appointed from abroad (such as the Russian Orthodox and Catholic Churches).

Legal amendments this year removed possible protection for religious communities attacked by state officials. Amid amendments to the Criminal and Administrative Codes approved by Parliament on 18 January, Criminal Code Article 149 supposedly defending parts of the internationally recognised right to freedom of religion or belief was abolished. Although it had never been used to Forum 18's knowledge to defend communities attacked by officials, observers viewed its removal as symbolic.

The government is still proposing a full revision of the Code of Administrative Offences. The Government presented its proposed new version to Parliament in November 2009. The retention in the proposed new Code of the two Articles which punish religious activity was widely criticised by human rights defenders and religious communities which have suffered from these provisions. However, the Government withdrew the proposed new Code for technical reasons in August 2010, though work on it could be renewed.

Expelled for preaching in own church

By Mushfig Bayram

Forum 18 News (01.09.2011) / HRWF (05.09.2011) – <http://www.hrwf.net> - Authorities in Arkalyk [Arqalyq] in the northern Kostanai [Qostanay] Region have effectively forced Leonid Pan – a Russian citizen long legally resident in Kazakhstan with his Kazakh wife and young daughter - to leave the country to punish him for volunteering in his officially registered Protestant Church. "The Migration Department, realising that Leonid preached in the Church, decided not to extend his residence permit, which is unlawful," church members complained to Forum 18 News Service. "How can the Migration Police, without having a Court order, demand that Leonid leave the country?" The authorities had already rejected the Church's desire to appoint him its leader. Pan is the latest victim of tight state restrictions on what religious activity foreign citizens legally resident in Kazakhstan are allowed to engage in. Such restrictions might be tightened even further in the new draft Religion Law due to be discussed in the new session of Parliament which opened today (1 September).

Pan, a Russian citizen who has lived in Kazakhstan for the past 15 years, has been married to a Kazakh citizen since 2005 and has a two-year-old daughter from this marriage. The official notification rejecting his application to extend his residence permit noted that he did not indicate in the application that he is "leader of the religious association Grace-Light of Love Church," and thus gave "false information". Church members, who wished to remain unnamed for fear of state reprisals, adamantly denied to Forum 18 that Pan gave any false information. They said that he only preaches in the Church, and does so in an unpaid capacity.

Similarly Viktor Leven, a member of an unregistered Church in the northern Akmola Region belonging to the Baptist Council of Churches, was ordered deported in 2009 to punish him for his religious activity. Born in Kazakhstan, Leven had gained German citizenship when he lived in Germany between 1992 and 2000. Although the deportation order has still not been enforced, Leven - who has no identification documents except his Kazakhstan-issued driver's licence - faces serious difficulties in Kazakhstan.

Meanwhile in Aktobe [Aqtobe] Region in western Kazakhstan, a Court gave a large fine to a Baptist for unregistered religious activity. The Judge who handed down the fine told Forum 18 that he "cannot do anything" with the Law, which prescribes punishment for leaders and members of unregistered religious communities.

Kazakhstan has long sought to make its Religion Law more restrictive. President Nursultan Nazarbaev announced in an address to a joint session of the country's Parliament in the capital Astana on 1 September that Parliament in its current session will consider the draft of the revised new Religion Law to make it more restrictive.

Tight restrictions on foreigners in religion

Kazakhstan already imposes tight restrictions on what foreigners who are legally resident can do – even on a voluntary basis – in religious communities. Under visa procedures which came into force on 1 March 2010, those involved in religious activity require "missionary visas". These are issued "on the basis of an invitation extended by a religious association registered in the territory of Kazakhstan and approved by the local state organ responsible for religious affairs," the order notes.

Approval of the National Security Committee (KNB) secret police is required before visas can be approved. Among the reasons allowed for a refusal is "national security". The

maximum a missionary visa can be issued for is 180 days. Such a visa cannot be extended and is not renewable.

Also Article 375, Part 3 of the Code of Administrative Offences punishes foreigners or stateless persons for "missionary activity" without personal registration as missionaries with fines and deportation.

Both the foreign imams working with the Ahmadi Muslim community were forced to leave Kazakhstan after the new procedures came into force.

The Ahmadi community investigated all the documents they would need to provide to get missionary visas "and understood that there was no point in even lodging applications," one Ahmadi Muslim told Forum 18 on 1 September. "It was not even worth trying to apply."

Expelled for leading religious community

Members of the Grace – Light of Love Protestant Church told Forum 18 from Arkalyk on 31 August that Pan left Kazakhstan for Russia, where his father lives, received registration there, and re-entered Kazakhstan on 27 August. "Although we think the authorities took unlawful actions against Leonid, he left Kazakhstan and came back, as a law-abiding person not to violate the Law or the Police orders," they said.

Pan has been given a three-month tourist visa, church members told Forum 18. "The authorities gave him some time to prepare his wife's and daughter's documents to leave for good for Russia." Asked why he will not apply for the residence permit again, one Protestant complained: "We know the Migration Police will not renew his permit any longer."

Pan asked the Arkalyk City Police's Migration Department in January for renewal of his residence permit, but received no answer from the Police for eight months, Church members told Forum 18. On 16 August Arkalyk Police's Migration Department summoned him and showed him - without providing him a copy - an order "signed by the KNB secret Police" that he should leave Kazakhstan within ten days from the day of notification

On 19 August, Arkalyk City Police Chief Lt-Col. Yerali Smagulov summoned Pan and handed him the official rejection of his application, which gave the same reasons as in the letter he had been shown three days earlier. The letter – signed by Smagulov and seen by Forum 18 – noted that the Kostanai Regional Migration Department had rejected his residence permit application because of "the false information given by the applicant in the application for the residential permit; it has been verified that you carry out the leadership of the religious association Grace-Light of Love Church." The letter instructed him to leave the country by 29 August.

Church members explained to Forum 18 that Pan indicated in his application that he preached in the Church as a volunteer, that he did not say that he was the leader of the Church, and that he is not the leader of it.

"Everything is in order"

Arkalyk Police on 30 August told Forum 18 that Chief Smagulov was on vacation, and referred Forum 18 to his Deputy, Mukash Dyusembayev. He promised Forum 18 that he would look into the matter, and asked to call back later. Called the following day, he said, "Everything is in order, our colleagues are working on giving him the permit." Told that the Police already gave him a tourist visa, and that Pan is preparing with his family to leave Kazakhstan, Dyusembayev responded: "Let Pan come to us, and we will resolve his visa problem."

Church members said that they would convey this message to Pan but that they believed that Dyusembayev's promise is "only words; the Police will not do it; he [Pan] tried this before."

Both Dyusembayev on 31 August and Kostanai regional KNB's Officer Marat (he did not give his last name) on 1 September categorically denied that there was any KNB order to deport Pan. Officer Marat told Forum 18 that he examined all the files and talked to his colleagues in both the regional and Arkalyk city KNB offices. "No one from the KNB ever gave such an order to deport Pan," he said, "and we are not responsible for the actions of the Migration Police."

Why are you preaching?

In July, the Internal Policy Department of Arkalyk City Administration summoned Pan and demanded that he explain to them on what basis he was preaching in the Church, Church members told Forum 18. The Church members said that they believe the KNB may have informed the City Administration, since Pan indicated in his permit application that he did so.

Anatoly Yutkin, the leader of the Church and the Church Council, thinking that it was an opportunity to receive official recognition for Pan, decided to ask the Administration to authorise Pan as new leader of the Church, Church members pointed out. "However, this was in July, and Leonid had applied to the Migration Police six months prior to this decision of the Church." The Administration did not approve Pan's leadership.

"This is unlawful interference by the authorities in the internal matters of the Church. The Church should have the right to choose members to preach in services," Church members complained to Forum 18.

Mansiya Aytmagambetova, Head of the Internal Policy Department, on 31 August said that she could not immediately comment on the case, as she needed to study it. When Forum 18 insisted, and asked why her department should put pressure on the Church and its members, she asked Forum 18 to call back the following day. Called on 1 September, Aytmagambetova's Secretary (she did not give her name) told Forum 18 that she was not available to talk to Forum 18.

No documents, no official work

Leven, the Kazakh-born Baptist from Esil in Aktobe Region, is still stateless, the order to deport him has not been cancelled, and he cannot leave Kazakhstan, his fellow Baptists told Forum 18 on 31 August. Without official documents, he cannot travel by rail or plane, even within Kazakhstan. He cannot be employed officially, and survives on the support given by his relatives and a small farm he has.

Leven was found guilty under Article 375, Part 3 of the Code of Administrative Offences in October 2009. He was ordered deported and also fined 6,480 Tenge (238 Norwegian Kroner, 29 Euros or 43 US Dollars). This decision was annulled by Akmola Regional Court in November 2009, but was reinstated after prosecutors complained. The Supreme Court refused to hear Leven's case, and the General Prosecutor's office also refused to re-examine a complaint he made about the way his case was treated.

Leven's application for Kazakh citizenship was rejected in 2010 and he has been stateless since renouncing his German citizenship.

Fined for home worship service

A member of a small unregistered Baptist Church in the town of Martuk in Aktobe Region close to Kazakhstan's border with Russia has been fined, two months after his church was raided.

On 18 August, Judge Medetbek Sarsenov of Martuk District Court found Gennady Tsyba guilty of violating Administrative Code Article 374-1, Part 2 (participation in unregistered religious activity), Baptists who wished to remain unnamed for fear of state reprisals told Forum 18 on 29 August. The Judge fined him the maximum penalty under this provision of 75,600 Tenge (2,772 Norwegian Kroner, 361 Euros or 515 US Dollars). This represents nearly five months' official minimum monthly wage.

Trouble began for Tsyba on 26 June, when two officers of Martuk District Police without warning visited the Church's Sunday worship service. Two days later, on 28 June, Captain Yu. Postov of the Martuk Police summoned Tsyba for questioning. He then opened an administrative case, telling Tsyba that he had violated the Law by participating in the activity of an unregistered religious organisation.

"During our worship service we did not threaten state security"

Tsyba has appealed against the fine to Aktobe Regional Court, the Baptists told Forum 18. "I deem that the charges against me are unlawful," Tsyba says in the complaint, the text of which Forum 18 has seen. He pointed out that Article 1 point 1 of the Religion Law says that religious organizations are formed on the initiative of no fewer than ten adult citizens. "However, we are only four believers in Martuk village. Based on the Law, we are not a religious association which must be registered officially."

Tsyba added that the Church had gathered on 26 June "for peaceful worship based on Kazakhstan Constitution's Article 32, wherein it says Kazakhstan's citizens have the right peacefully and without weapons to assemble, conduct gatherings, meetings". He pointed out that this right can be limited by law only in the interest of state security, public order, protection of health, protection of rights and freedoms of other persons. He also pointed to Religion Law Article 12 point 2: "Worship services, religious rites and ceremonies may be conducted without interference in private homes and flats of citizens."

"During our worship service we did not threaten state security, did not disturb public order, did not infringe on the rights and freedoms of others, and did not threaten the public health. So any limitation put on our worship is unlawful."

Judge Sarsenov said that the Court fined Tsyba because his Church, like other congregations of the Baptist Council of Churches, refuses on principle to register with the State. "They were involved in unauthorised religious activity," he insisted to Forum 18 from Martuk on 31 August.

Asked why the Baptists are being punished for holding peaceful worship without registering officially, the Judge said the State wants to register all communities "to protect itself from religious extremism". Asked why the State does not distinguish between peaceful worshippers – such as the Baptists – and extremists, Sarsenov responded: "I need to obey the Law. I cannot change it."

Christians may face more restrictions

World Evangelical Alliance (18.08.2011) / HRWF (18.08.2011) – <http://www.hrwf.net> - The government of the former Soviet nation of Kazakhstan seems to be fostering the fear of Islamist extremism to further restrict civil rights, including religious freedom, WEA-RLC has learnt. It appears that the Kazakh parliament, a rubber stamp for President

Nursultan Abishuly Nazarbayev, is preparing to strengthen the government's grip over religious groups and activities.

In Kazakhstan, the world's largest landlocked country, all religious groups are required to register with the government. Under Administrative Code Articles 374-1 and 375, local authorities can penalize activities of unregistered organizations with fines or detention. And the Ministry of Justice can deny registration on the basis of an insufficient number of members or if its charter violates the law. In addition, the Law on Extremism empowers the government to designate a group as an extremist organization, ban its activities and penalize its members.

As if this was not sufficient, the Kazakh parliament in 2008 passed the "Law on Amendments and Additions to Several Legislative Acts on Questions of Freedom of Conscience and Religious Associations," increasing the harshness of penalties for unregistered religious activities. However, the constitutional court annulled the amendment.

It is this amendment that may be re-introduced, albeit with a change in the terminology perhaps, as the issue is found in the 2011 schedule of the parliament. And to apparently make the country's environment conducive for further repression, Islamist extremism is being projected as a major threat.

Of the 16.4 million people in Kazakhstan, roughly 70 percent are Muslim, the vast majority of which are Sunni Muslim from the Hanafi school of Islam. Around 26 percent of the population is Christian, mostly from the Russian Orthodox denomination. Many Protestant churches also exist and are registered with the government. But some have chosen not to. The latter include some Pentecostal and Baptist groups and they are seen with suspicion by the authorities as well sections of the population. For example, a Baptist pastor was fined 100 times the minimum monthly wage for holding religious worship in the Taraz city in March. Ahmadiyyas, Shi'as, Jehovah's Witnesses and some Hindu groups also face oppression.

On August 16, Central Asia Online quoted a domestic policy official, Gulzhiyan Suleimenova, as saying that activities of untraditional religious movements were responsible for extremism and terrorism. The statement came following conviction of 12 people for terror activities by a court. While Muslim minority groups are the main target of the government, untraditional and unregistered groups in general will also get affected.

On August 12, an influential organization, the Union of Muslims of Kazakhstan, locally known as SMK, called for the creation of Muslim public order forces to counter extremism in the country. "Senior SMK members believe that the spread of Islamic extremism must be countered primarily by representatives of the Muslim community," the Union said in a statement.

On June 17, Gazeta.kz quoted the chairman of Kazakh Agency for Religious Affairs, Kairat Lama Sharif, as saying that he would work on development of moderate Islam in Kazakhstan based on the principle of "one nation, one religion." According to Forum 18, President Nazarbayev has also called for increased surveillance of religious communities.

Islamist extremism is believed to have grown in Central Asia, including in the countries neighboring Kazakhstan. One explanation why the Kazakh government is particularly concerned is that the country has large oil, gas, and mineral reserves and therefore more foreign investors. To alleviate concerns of the investors in the oil and natural gas industry, the government will need to deal with it harshly.

However, another reason could be that the 71-year-old president wants to exploit the issue, as there is no substantial evidence of large presence of a terror group. There seems to be some presence of the Hizb ut-Tahrir outfit, but its strength remains in question. Eric McGlinchey, a political science professor at George Mason University who studies Islamic movements in Central Asia, recently told The Diplomat that there were far fewer such movements in Kazakhstan than in Uzbekistan, Kyrgyzstan and Tajikistan, and circumstantial evidence in a handful of incidents shouldn't lead observers to believe there's an Islamist terror threat emerging in Kazakhstan now.

There is also a reason to suspect that President Nazarbayev could be using the fear of extremism, even if it is real, as an excuse to turn down calls for reforms. He has been in office since the country's independence from the Soviet Union in 1991. Like any other authoritarian country, Kazakhstan has grossly violated freedom of the press, the independence of judiciary, the right to form associations and the right of the people to protest as well as prevented a culture of democracy from taking birth – all apparently to maintain the president's hold on power. President Nazarbayev in 2007 oversaw passing of a law virtually granting his office an indefinite term, immunity from criminal prosecution, and say in domestic as well as foreign policy.

While curbing or preempting terrorism is a noble cause, the means are equally important. There are alternatives to deal with or block attempts, if any, of extremists to gain ground in Kazakhstan. For example, the United States and the West in general would be more than willing to help the country with its intelligence capabilities.

Kazakhstan needs to be reminded, yet again, that the Organisation for Security and Co-operation in Europe (OSCE), whose chairmanship this country had in 2010, involves a commitment to ensure full respect for human rights and fundamental freedoms; to abide by the rule of law; to promote the principles of democracy by building, strengthening and protecting democratic institutions; and to promote tolerance throughout the OSCE region. On the contrary, Kazakhstan, though a secular state as per its constitution, is on the list of countries "closely monitored" by the United States Commission on International Religious Freedom, along with Bangladesh and Morocco.

The OSCE, the European Union, which has been a trade partner of Kazakhstan since 2002, and the United States, which has been a strategic partner since the 9/11 attacks, have at least some leverage over President Nazarbayev. They should prevent him from flouting international commitments any further.

Kazakhstan needs reforms and freedom, not more restrictions. This is what the international community needs to say, louder.

"One nation – one religion"?

By Mushfig Bayram

Forum 18 News (28.07.2011) / HRWF (22.08.2011) – <http://www.hrwf.org> - Kazakhstan's President Nursultan Nazarbaev has called for increased surveillance of religious communities and for unspecified "extremist religious ideology" to be "strictly suppressed". Yesterday (27 July), South Kazakhstan Regional Court upheld an earlier ban on the Ahmadi Muslim Community's mosque and suspension of its rights to use its land for religious purposes, Forum 18 News Service has learned. Officials have refused to discuss these matters, along with calls by the Chair of the newly formed Agency for Religious Affairs (ARA) for "one nation – one religion".

Changes have also been made to the Criminal and Administrative Codes. Their overall impact is to "give more freedom to state agencies to interfere with freedom of religion or belief and go unpunished", an independent legal expert told Forum 18.

"It is necessary to strictly suppress.."

President Nazarbaev has followed his April speech, calling for greater controls on unspecified religious communities, with a further call for action against unspecified "extremist religious ideology". The April speech – and a subsequent speech by the Mayor of Almaty – was followed by smaller religious communities experiencing greater pressure including police and National Security Committee (KNB) secret police raids, as well as hostile media campaigns led by state-funded so-called anti-sect centres.

On 22 July President Nazarbaev, according to his Press Service, stated that: "It is necessary to strictly suppress the spread of elements of extremist religious ideology in the country, especially, open actions which are aimed at undermining the constitutional system and which pose a threat to citizens' lives and health".

After praying for sick person, one Protestant pastor is currently facing criminal prosecution for allegedly endangering their health.

President Nazarbaev was addressing a meeting of the country's Security Council, which was discussing what were described as discussed "further measures to strengthen stability in the religious sphere". The Presidential Press Service quoted Nazarbaev as saying that: "The mayors of Astana and Almaty as well as regional governors should step up educational and preventive measures, as well as keep a close watch on religious associations' strict compliance with the existing legal norms. The Agency for Religious Affairs is entrusted with a huge number of practical tasks".

"We are not authorised to comment on the President's statements"

Marat Raimkhanov of the Presidential Press Service refused on 27 July to comment on President Nazarbaev's statements. "We are not authorised to comment on the President's statements, I recommend that you talk to the Agency for Religious Affairs," he said.

Merekegul Karabayeva of the ARA, who handles media relations, claimed that the ARA was still in the process of reorganisation, and that its officials could not make comments. When asked whether or not the law-enforcement and other state agencies would target peaceful religious communities when suppressing "extremist religious ideology", she replied: "the question needs to be asked to the law-enforcement agencies not to us," she told Forum 18 on 28 July. She then refused to talk further.

Ban on Ahmadi Muslim mosque upheld

Yesterday (27 July), South Kazakhstan Regional Court upheld a 12 May Economic Court decision to fine the southern city of Shymkent's Ahmadi Muslim community, and suspend its rights to use its mosque and land. Judge Sabit Zhaksylykov ruled that the suspension applies until the alleged violations of land usage claimed by the joint Zhambyl-Kyzylorda-South Kazakhstan inter-regional Land Inspection Agency are "eliminated", according to the verdict seen by Forum 18.

Aygul Tilhodjayeva, Secretary of the Court's Panel, on 27 July told Forum 18 that the Court will not make any comment on the decision. However, she said that "the Ahmadiyya Community may within a year file a cassation appeal". She also stated that the Appeal Court's decision will not enter into force until after the case is heard by the

Cassation Court. This means that the community can for the moment continue to use the building.

Ahmadi Muslims from Shymkent, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 28 July that "as soon we receive a copy of the Court decision, we will prepare our appeal and file it". Tilhodjayeva of the Court's Panel told Forum 18 that the Ahmadis will soon receive a copy of the decision.

"The authorities are not just going against us"

Asked why the authorities are trying to stop the Ahmadis using their mosque, community members said that: "Perhaps they want to stop our activities. The authorities are not just going against us. They are also nationwide going against Jehovah's Witnesses, many Protestant churches, and other minority religions".

Karabayeva of the ARA did not want to comment on the case. When Forum 18 asked how long the ARA's re-organisation will continue, and who is going to defend the right to freedom of religion or belief in the meantime, she put the phone down.

Church forced to move

Shymkent authorities in 2010 also banned the local New Life Protestant Church from using its registered building. As with the Ahmadis, the authorities claimed that the building could not be used for religious purposes.

Church members told Forum 18 on 28 July that the Church had to move to a new location in Shymkent and receive a new registration. But they received this "only a few days ago". "So far we have not had any problems meeting in the new place", they told Forum 18.

New state Agency of Religious Affairs

Following President Nazarbaev's April speech calling for greater controls on unspecified religious communities, statement that the Minister of Education and Science should take charge of this, and pressure on smaller religious communities, an Agency of Religious Affairs (ARA) was established by Presidential Decree on 18 May. The new Agency reports direct to the Prime Minister, Karim Masimov, and replaced the Committee for Religious Affairs. The Committee itself, in what some saw as a downgrading of its importance, was moved to the Culture Ministry from the Justice Ministry in March 2010.

Kairat Lama Sharif, a career diplomat and previously Kazakh Ambassador to Saudi Arabia, Bahrain, Kuwait, Oman, Qatar, and the United Emirates, was on 7 June appointed Chair of the ARA by the Prime Minister.

Forum 18 repeatedly tried to find out whether the ARA intends to act against violations of freedom of religion or belief, but has received no answer despite submitting written questions on 8 July. On that day Karabayeva of the ARA told Forum 18 that "the Agency is only being formed, and it would not be appropriate to answer questions over the phone".

Local people have told Forum 18 that ARA officials say that the new body will prepare a policy document on relations between Islam and the state, then work on long-threatened legal changes to restrict even further the exercise of freedom of religion or belief.

A 2010 document of the ruling presidential Nur Otan Party, a member of the Senate who was in 2010 working on legal changes, and the country's 2009 "National Human Rights Action Plan" have all indicated that proposed restrictions – rejected to avoid bad publicity

while the country was Organisation for Security and Co-operation in Europe (OSCE) Chair-in-Office – will return.

"One nation - one religion"

ARA Chair Lama Sharif himself on 17 June claimed in a press conference that: "each citizen of Kazakhstan has a right to freedom of conscience and choice, and we have made our own choice. Our choice is objective and based on the principle of 'one nation – one religion', and it is exactly this principle that makes us one nation. In this context, we will prepare a concept on the 'Development of moderate Islam in Kazakhstan'."

The newly-formed ARA will also, Lama Sharif stated, "develop proposals to improve legislation on religious associations" and "organise and conduct activities to promote the stability and spiritual enlightenment of Kazakhstan's society". He went on to state that "particular emphasis will be placed on preventing religious extremism".

Prime Minister Masimov was reported in the Kazakh media as introducing Lama Sharif to ARA personnel on 8 June with the comment that "we have to have a responsible policy so that all religion-related issues are well-coordinated". He also claimed in relation to Islam that "we have to dot all the 'i's, so that there are no misinterpretations. Islam is a clear and correct religion. It just needs to be interpreted correctly."

Lama Sharif defended his "one nation – one religion" comment by stating that "many secular states give preference to one religion, if the majority of its population confess that religion. Majority confessions in Kazakhstan are Islam and [Russian] Orthodox". He also claimed that "we acknowledge the beneficial role of Catholicism, Protestantism and Judaism. These confessions were given opportunities to realise their activity more freely in Kazakhstan after the country's independence".

He also stated that society needs to support the secularity of the State, "the foundation of stability and prosperity of Kazakhstan".

Ninel Fokina of the Almaty Helsinki Committee told Forum 18 on 11 July that the establishment of the ARA indicates that the state will increase control over religious activity in the country. Lama Sharif "is the protégé of Absattar Derbisali [Head of the Muslim Board and Chief Mufti], and his successor as the ambassador to Saudi Arabia and the Gulf Countries".

She described his first statements as showing that "he does not have any understanding of freedom of conscience and religion. I do not see anything, which would give hope for future in this appointment." But, she continued, "we will have to wait and see what happens."

"Careless statements"

Lama Sharif's comments stirred some controversy. On 29 June a deputy of the ruling presidential Nur Otan Party – the only party in the Majilis (Lower House of Parliament) – criticised Lama Sharif's comments. "Careless statements of responsible state officials, who are not only scholars of Arabic studies, may disturb public stability and inter-religious accord in Kazakhstan," Serik Temirbulatov told the Majilis on 29 June. "Why do persons representing the state and government in relations with religious communities publicly express preference for one religion, and give state support to one religion to the detriment of all others?"

He was also reported as asking: "Why does the [religious affairs] Agency of a multi-confessional country, against its mandate, want to prepare a concept of developing one concrete religion?"

Temirbulatov also reportedly claimed that Lama Sharif's statement "contradicts the Constitution of Kazakhstan, and violate the principle of non-interference of the state in the affairs of religious communities". He went on to claim that: "It is necessary to take measures that in the future leaders of state agencies, whose competence is to implement state policies in the sphere of ensuring rights of citizens to the freedom of religion, do not allow statements or actions, which undermine inter-religious accord in the country."

Temirbulatov has previously stated that if the Majilis votes to retain articles in the Code of Administrative Offences which violate Kazakhstan's international human rights commitments, this vote will prevail. Government plans to revise the entire Administrative Code were postponed when the draft was withdrawn in August 2010. It remains unclear when – or if - the entire Code will be revised.

Muslim Board pressure for restrictions

The state-backed Muslim Board has long been pushing for a more restrictive Religion Law, its spokesperson Ongar Omirbek told the Russian news agency Interfax on 13 July. Its particular desire is for a Law that would restrict permitted Islam to the Hanafi school, the school mostly represented in Kazakhstan. "We hope that it will be adopted this year."

Muhammadhuseyn Asylbekov, Deputy Chief Mufti of Kazakhstan, on 27 July refused to comment on Omirbek's statement, and referred Forum 18 to Omirbek whose phones went unanswered on the same day.

Forum 18 was unable to find out whether the threatened legal changes will aim to ban versions of Islam other than the Hanafi school. ARA officials and officials of the Justice Ministry declined to discuss the content of the promised amendments with Forum 18.

Pressure has been exerted on independent Muslim communities to join the Muslim Board, and both Sunni and Shia Muslims from Kazakhstan's ethnic minorities have told Forum 18 of great difficulties they face from the state and the Muslim Board in opening mosques.

Changes to the Criminal and Administrative Codes

However, parts of the Criminal and Administrative Codes were changed by Parliament on 18 January. As part of a large package of changes, the Criminal Code article supposedly defending parts of the internationally recognised right to freedom of religion or belief was abolished. Article 149 ("Obstructing the realisation of the right to freedom of conscience and religious confession") read:

"Obstructing the legal activity of religious organisations or the performance of religious rituals is punishable with a fine of 50 to 200 times the minimum monthly salary, or of the level of pay or of other income of the sentenced person for a period of one to three months, or of corrective labour for a period of up to one year, or arrest for a period of up to three months."

State officials were "never" convicted

Article 149 is not known to have been ever used during its existence. Talgar Akhmetov, Deputy Chair of the Justice Ministry's Penal System Committee, did not want to discuss the question with Forum 18 on 11 July. He would only comment that state officials were "never" convicted of such a crime. When asked why, he quickly put the phone down. Subsequent calls to him went unanswered.

Asan Sagadiyev and other officials of the Justice Ministry's Press Service, who did not give their names, also refused to discuss with Forum 18 on 11 July whether anyone had ever been prosecuted under this Article.

Marat Ahmedjanov, Head of the Prosecutor General's Department of Legal Statistics, told Forum 18 on 11 July that he could not answer the question immediately. He asked Forum 18 to call another number to receive the answer. The number Ahmedjanov gave was a private telephone number, and subsequent calls to his office went unanswered.

Jandos Umiraliyev and another official who would not give his name, both from the Chancellery of the Prosecutor General, also said they could not answer the question and referred Forum 18 to Ahmedjanov.

Unused Administrative Code article?

The only remaining article in the Criminal or Administrative Codes which specifically supposedly defends freedom of religion or belief is paragraph 2 of Article 375 ("Violating the Religion Law"). Paragraph 2 of this Article reads:

"Obstructing the performance of religious rites, other religious activity carried out in accordance with the law, the violation of the rights of physical persons based on their attitude to religion, desecrating objects, buildings and places venerated by followers of one or another religion, and offending the religious feelings of a physical person carries a fine on physical persons of up to eight times, and on officials up to 15 times, the minimum monthly salary."

Just as with Criminal Code Article 149, no official is known to have been prosecuted, convicted, and punished under Administrative Code Article 375 Paragraph 2, and no official was willing to discuss this with Forum 18. But other parts of Article 375 have been used by officials to prosecute people exercising their right to freedom of religion or belief.

Administrative Code change

Also on 18 January, parliament added an extra clause to Article 375 of the Administrative Code. A new Paragraph 2-1 reads:

"Obstructing the legal activity of religious organisations carries a fine on physical persons of 200 to 500 times the minimum monthly financial salary, or administrative arrest of up to 45 days."

It remains to be seen whether any officials will ever be prosecuted or convicted under Paragraph 2-1.

"More freedom to state agencies to interfere"

An independent legal expert in Kazakhstan, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 8 July that the removal of Criminal Code Article 149 is "a serious deficiency" in the law. "Public officials must be made more responsible in law for any violations they commit." The expert was unaware of any occasion when an official had been prosecuted, convicted, and punished for violating the right to freedom of religion or belief.

The expert commented that Administrative Code Article 375 does not "technically" provide for serious punishments to be imposed on state officials who violate the right to freedom of religion or belief. The overall impact of the Criminal and Administrative Code changes is to "give more freedom to state agencies to interfere with freedom of religion or belief and go unpunished".

There have been increasing violations by state officials of the right to freedom of religion or belief. "Who will now protect us from 'law-enforcement' agencies breaking the law?" a Kazakh religious believer, who wished to remain unnamed, asked Forum 18 on 4 July.

"Absurd" criminal charge for praying for the sick

By Mushfig Bayram

Forum 18 News (05.07.2011) / HRWF (13.07.2011) www.hrwf.org - In the second case known to Forum 18 News Service, a criminal case is being brought in Jambyl [Zhambyl] Region of southern Kazakhstan by the National Security Committee (KNB) secret police against a Protestant pastor for allegedly harming an individual's health by praying for them. The KNB regional branch opened the criminal case on 8 June against Pastor Yerzhan Ushanov of the New Life Protestant Church in the city of Taraz, local Church members who asked not to be identified for fear of state reprisals told Forum 18 on 30 June. Jambyl's ordinary police Department for the Fight against Extremism, Separatism and Terrorism raided the Church's Sunday worship on 19 June after an alleged complaint of food poisoning, and the following Saturday, 25 June, the KNB searched Pastor Ushanov's home.

"Why should such serious and important state bodies as the KNB secret police and ordinary police Department for the Fight against Extremism, Separatism and Terrorism be involved with churches and pastors?" one Church member exclaimed to Forum 18. "Is this how tax-payers' money should be spent?"

Religious communities Kazakhstan's government does not like often face raids, harassment and legal cases. An Ahmadi Muslim community in the southern city of Shymkent was fined in May and denied the use of its land and place of worship. One official claimed to Forum 18 in relation to the Ahmadis that "using a dwelling house for religious purposes violates the Land Code", but was unable to say where this was stated. In the southern region of Kyzylorda [Qyzylorda], three members of the Protestant Grace Church were prosecuted for unregistered religious activity, two of them being fined 100 times the minimum monthly wage each on 12 April and 6 May respectively.

In Taraz in March, Baptist Pastor Andrei Panafidin was fined 100 times the minimum monthly wage for leading unregistered religious worship.

Prosecution

Pastor Ushanov is facing prosecution under Criminal Code Article 111 ("causing severe damage to health due to negligence") for allegedly inflicting serious harm on the health of Aleksandr Kereyev by praying for him, Church members told Forum 18. Article 111 carries punishment of a fine of between 100 and 200 times the minimum monthly wage or community service of between 180 and 200 hours, or up to two years' imprisonment for inflicting serious harm to the health of one person. Punishments are higher if the health of more than one person is harmed.

At the Jambyl regional branch of the KNB secret police, the duty officer who answered the phone (who did not give his name) on 30 June, told Forum 18 he could not comment on the case, and that Kayrat Baybarakov, the KNB branch chief, was not available to talk. "Call us back in three or four days," the official asked. Called back on 4 July, the same officer refused to put Forum 18 through to Baybarakov or anyone else, and put the phone down.

"Not the first time"

"This is not the first time the authorities in southern regions of Kazakhstan bring such absurd accusations against pastors for allegedly using hypnosis, while in reality all they do is pray for the sick," New Life Church members complained to Forum 18.

"In some cases the authorities have even demanded some of our pastors to obtain a special licence from the Health Ministry for praying to heal the sick," they complained.

In another case in Jambyl Region, the KNB secret police started a case against another local Protestant pastor, Vissa Kim, Pastor of Grace Light of Love Protestant Church. He was punished under the same Criminal Code Article 111 Part 1 for allegedly harming a woman's health by praying for her. In April 2010 Taraz City Court No. 2 fined him 100 times the minimum monthly wage, 141,300 Tenge (5,723 Norwegian Kroner, 711 Euros or 961 US Dollars), plus 5,000 Tenge (202 Norwegian Kroner, 25 Euros or 34 US Dollars) court costs. "Now it looks like pastors will get fines for praying for the sick in churches," one church member complained to Forum 18 when the verdict was handed down.

Pastor Kim's appeal to Jambyl Regional Court failed and he paid the fine. However, the Church complained to Kazakhstan's Supreme Court, which heard the appeal on 14 December 2010, the court website noted. The Supreme Court overturned his conviction and cancelled the fine, Church members told Forum 18 on 5 July, but only because prosecutors brought the case when the deadline for bringing a case after the alleged offence had passed. However, so far Pastor Kim has not received back the money.

KNB search to "plant evidence"?

At 7 am on 25 June, less than three weeks after the criminal case against Pastor Ushanov was opened, five regional KNB secret police officers, including Captain Aleksandr Bychko and Captain Galymzhan Jumashov, broke into Ushanov's home and searched it, church members told Forum 18. The officers showed the Pastor the indictment with the criminal charges and complaint of a woman named Nauryzbayeva that her husband Aleksandr Kereyev "felt sick after the hypnosis" allegedly conducted by Ushanov in the Church.

Church members did not remember Nauryzbayeva's first name, as the KNB officers did not give Pastor Ushanov copies of the indictment and complaint. "Kereyev visited our Church only 3-4 times within a period of 6 months, the last time being sometime in March," one Church member told Forum 18.

The case is fabricated, Church members complained, insisting that the KNB secret police searched Ushanov's home "with the purpose to plant evidence" against him. "The officers asked the Pastor at one point during the search to go out and tell the people from the Church who came to see him not to disturb him," they told Forum 18. "When he came back into the room he saw on the shelf the book entitled 'Modern Hypnosis' in Russian, which does not belong to him."

KNB secret police officers confiscated two laptop computers, an external computer hard drive, about 150 DVDs with Christian films and materials, and about 20 Christian books along with the book "Modern Hypnosis". They also confiscated cards of 85 Church members containing personal data such as names, history of their Church attendance, phone numbers and addresses.

Threat to Pastor

During the raid, Captain Jumashov and his colleagues warned Pastor Ushanov to "change his profession, and leave Taraz for good, if he does not want to get into trouble," church

members told Forum 18.

Reached on 4 July about the raid and threats to Pastor Ushanov, Captain Jumashev asked Forum 18 to call back later: "I cannot talk at the moment as I am driving." Subsequent calls went unanswered.

Church members told Forum 18 that Captain Jumashev regularly visited the New Life Church and "kept tabs on believers".

Police raid

On 19 June, six days before the KNB secret police raid on Pastor Ushanov's home, Jambyl police's police Department for the Fight against Extremism, Separatism and Terrorism raided New Life Church's Sunday worship service. The officer leading the raid, Lieutenant Colonel Serik Khalykov, told the Church that the "reason of their visit was that Olesya Kotlyarova complained that she was poisoned when she ate at the Church cafeteria recently". The Police made Pastor Ushanov write a statement, explaining whether or not he knew Kotlyarova and how she could have been poisoned.

"These are outrageous and biased allegations against our Church," one member complained to Forum 18. "We are only renting those premises, and do not serve food to people there."

Lt Col Khalykov declined to comment on the case, saying it had been initiated by the regional KNB secret police. "Please talk to the KNB," he told Forum 18 on 30 June. Asked why a body dealing with such serious issues as the police Department for the Fight against Extremism, Separatism and Terrorism should target a Church and its pastor, for alleged food poisoning, he responded: "I can only talk to you in my office."

As the KNB secret police has refused to discuss the case, Forum 18 has been unable to enquire about Khalykov's claim that the KNB initiated the police action.

Will authorities consider complaints?

On 28 and 29 June, Pastor Ushanov personally delivered complaints to regional KNB head Baybarakov and Regional Prosecutor Bagban Taimbetov, New Life Church members told Forum 18.

Yernat Sybankulov, Deputy Prosecutor of Jambyl Region, told Forum 18 on 4 July that he "will look up the complaint, and inform you tomorrow what action we will take." Called back on 5 July, his secretary - who did not give her name - told Forum 18 that Sybankulov is not in the office and will be back in two days.

Earlier raids on New Life

In late April and early May, KNB secret police and the ordinary police Department for the Fight against Extremism, Separatism and Terrorism raided or intervened in the activity of four New Life congregations in different parts of Kazakhstan. The interventions appeared designed to obstruct planned meetings of local New Life Churches with Maksim Maksimov, Senior Pastor of New Life Church in Almaty (Kazakhstan's commercial capital), Church members told Forum 18.

On 29 April the KNB and the police Department for the Fight against Extremism, Separatism and Terrorism raided the New Life Church in Aktobe [Aqtobe]. Police broke in, filmed the Church meeting and told the attendees that New Life is a "dangerous sect". The Pastor, his wife and their three young children were put in a police car, and taken to the police station for questioning which lasted several hours.

In response to the Church's subsequent complaint, Aktobe city Police responded in an official letter that the actions of their officers were "not appropriate and they were reprimanded", the New Life Church told Forum 18 on 5 July. The Police also told the Church that no measures against the Church or its Pastor will be taken.

In south-eastern Kazakhstan, Aktau [Aqtau] city police Department for the Fight against Extremism, Separatism and Terrorism on 28 April raided the Church's meeting after it had finished. Officers asked the local Pastor and Ivan Kryukov, visiting from Almaty, to go with them to a police station to write statements, but the two refused to go.

In northern Kazakhstan, the Kokshetau city branch of the KNB secret police on 3 May pressured the Director of a Culture House to cancel its agreement with the local New Life Church to hold a meeting in their premises. After this local New Life church members tried to hold their meeting at another church's building. However, the Pastor of that Church was summoned by the Regional Administration's Religious Affairs officials and pressured not to allow the meeting in their premises. And so the meeting did not take place.

Also in northern Kazakhstan, the Petropavl [Petropavlovsk] city branch of the KNB secret police on 4 May pressured the Director of a private art school to cancel its agreement with the local New Life Church to hold a meeting in their premises. The Church then arranged an agreement to rent a local cafe. However, about one hour before the meeting was due to start its Manager received a phone call with threats from the KNB. However, unlike in Kokshetau, the New Life Church members in Petropavl were able to hold their meeting at another venue.

Ahmadi Muslim mosque closed, Protestants fined 100 times minimum monthly wage

By Mushfig Bayram, Central Asia Correspondent

Forum 18 (07.06.2011) - Kazakhstan has fined an Ahmadi Muslim community - also denying it the use of its land and place of worship - as well as imposed large fines on Protestants for religious activity without state permission, Forum 18 News Service has found. One official claimed to Forum 18 in relation to the Ahmadis that "using a dwelling house for religious purposes violates the Land Code", but was unable to say where this was stated. Officials were similarly evasive in relation to the Protestants, when asked which of Kazakhstan's laws banned religious believers from praying and reading scriptures together with their fellow believers in their private homes.

Kazakhstan's mass media also continues to be used for "anti-sect" propaganda, one of the aims of which appears to be to encourage support for legislation imposing more restrictions on people exercising their right to freedom of religion or belief.

Ahmadi Muslims fined and banned from using mosque and land

The Ahmadi Muslim community in the southern city of Shymkent was targeted by the Regional Property Inspection authorities in May, who claimed that they do not have the right to use their land and the building on it for religious purposes.

On 12 May Judge Yerlan Seraliyev of South Kazakhstan Regional Economic Court fined the Community 756 Tenge (28 Norwegian Kroner, 4 Euros, or 5 US Dollars), and suspended the right of the Community to use its mosque and land. The suspension applies until the alleged violations of land usage claimed by the joint Zhambyl-Kyzylorda-

South Kazakhstan inter-regional Land Inspection Agency are "eliminated", according to the verdict seen by Forum 18.

"We cannot now use our building for prayers and Friday sermons," a Muslim who did not wish to be named for fear of state reprisals lamented to Forum 18 on 2 June. On 31 May the community filed an appeal against the decision.

Prosecution brought on unspecific ground

The prosecution was brought under Article 253 of the Code of Administrative Violations, which punishes not using land according to its designated purpose. Possible punishments range from a warning up to 10 times the minimum monthly wage for individuals, between 10 and 30 times the minimum monthly wage for officials and small business owners, and up to 120 times the minimum monthly wage for large business owners.

Inspector Nariman Kasymbekov of the inter-regional Land Inspectorate visited the Ahmadi community's property on 3 September 2010. In an official report, seen by Forum 18, he claimed that the community violated the demands of the Land Code's Article 65 by using the land for religious activity. The report states that the land was purchased for building a dwelling house on it, but does not produce evidence of the "violation" it claims.

Part 1 of paragraph 1 of Land Code Article 65 states that landowners shall use the land for its designated purpose. Article 65 goes on to state that landowners must follow sanitary and environmental regulations, and not cause harm to the health of the population or the environment as a result of their commercial or other activity. The Article also states that landowners must protect flora and fauna, natural resources, the historical-cultural legacy, and other objects of state importance. Nowhere in the Article is the use of land for religious purposes banned.

"You have no right to call this court"

Judge Seraliyev refused to explain his decision. "I have made my decision, and they can complain if they do not like it," he told Forum 18 on 2 June. Asked why the Ahmadi Muslims cannot use their lawfully purchased building for prayers, he angrily replied that "you have no right to call this court". He then put the phone down.

Land Inspector Kasymbekov was equally unforthcoming on 6 June. "I know that the Law allows religious organisations to use their property for religious purposes, but using a dwelling house for religious purposes violates the Land Code," he claimed. Asked concretely what points in the Land Code the community violated, Kasymbekov repeated his previous claim that a dwelling house cannot be used for religious purposes. He refused to explain what part of the Land Code contained this ban.

"I am not an environmental expert," he told Forum 18, when asked whose rights the community had violated, or whether any harm to the environment or people's health had been caused by the community's prayers and sermons. "I have consulted with the Prosecutor's Office and other officials, and they told me that my report and our Inspectorate's claim in the court are correct", he added.

Inspector Kasymbekov refused to answer when asked if any other state agencies were involved in the decision to target the Ahmadi community.

"They need to re-register the building as a Mosque"

Asked what exactly the authorities want the Ahmadi community to do to use

their own property again, Kasymbekov stated that: "They need to re-register the building as a Mosque."

Kazakhstan exerts pressures on independent Muslim communities to join the state-favoured Muslim Board, which bans Ahmadi Muslims from preaching in mosques under its control.

A member of the Ahmadi community, who wished to remain anonymous for fear of state reprisals, stated on 6 June in response to Kasymbekov's statement that if the Community registers its building as a mosque, the authorities will not allow visitors or local members to live in it. Kasymbekov confirmed this, stating that "they need to decide whether they want a private home or a Mosque."

In the past the authorities have often used property cases as a means of targeting religious communities.

Raids and large fines for unregistered religious activity

In the southern region of Kyzylorda [Qyzylorda], three members of the Protestant Grace Church in the same region have been prosecuted for unregistered religious activity, two of them being fined 100 times the minimum monthly wage each on 12 April and 6 May respectively.

Trouble began for Mereken Moldaziyatov on 27 March, when police found him "preaching from the book to 7-8 visitors, and leading prayers in his private home", the 19 May court verdict seen by Forum 18 states. Grace Church members told Forum 18 on 2 June that "the police and other authorities broke in to Moldaziyatov's home without having any authorisation to do so". A Grace Church member who wished to remain unnamed, for fear of state reprisals, observed that "no authority has any rights to interfere with the private life of people who are not disturbing public order."

Church members also explained that only four people were present in the house during the raid, including the hosts Moldaziyatov and his wife Bakhyt Tokobekova.

For Bazyl Zhashibekov, trouble began when Kyzylorda Police secretly filmed him in his home with his friends reading the Bible, and praying. Church members insist that for a court to accept this as "evidence" is to break the rules of judicial procedure.

Organised crime?

Sanzharkhan Kaulenov, Chief of the Kyzylorda Regional Directorate for the Struggle with Organised Crime, told Forum 18 on 6 June that his officers did "not need permission" to enter Zhashibekov's private home as "regional Prosecutors and Justice officials also participated in the action." Kaulenov refused to say who gave the orders to raid and film Zhashibekov's home. He also insisted that there is "nothing wrong" in providing a court with film as evidence. "Otherwise the court would punish the police too," he claimed.

Forum 18 is not aware of any instance where Kazakh police or other officials have been punished for any actions they have taken when raiding people peacefully exercising the internationally-recognised right to freedom of religion or belief.

Asked on 6 June whether the Prosecutor's officials gave orders to raid Zhashibekov's home, Kayrat Abdykhanov, Deputy Prosecutor of Kyzylorda Region, referred Forum 18 to Karmakshi District Prosecutor's office, saying "you need to talk to them."

Murat Dosmagambetov, Prosecutor of Karmakshi District, told Forum 18 on 6

June that he did "not give any authority" to the police to enter Zhashibekov's home or film it. "This was totally at the initiative of the Regional Police," he claimed. He declined to comment on why the authorities raided a private home of a peaceful believer. "We only participated in the hearing of the [Karmakshi] District Court."

Prosecutor Dosmagambetov also would not comment on why the authorities targeted Zhashibekov. "I am not sure about that", he replied.

Two fines of 100 times the minimum monthly wage

Moldaziyatov was fined 151,200 Tenge (5,550 Norwegian Kroner, 700 Euros, or 1,040 US Dollars), 100 times the minimum monthly wage, on 19 May by Judge Saken Audekov of Zhanakorgan District Court. The fine was imposed under the Administrative Code's Article 374-1 ("Leadership or participation in the activity of an unregistered social or religious organisation"). His wife Tokobekova was given a warning.

Judge Audekov explains in his verdict, seen by Forum 18, that he issued the warning to Tokobekova under Article 68 of the Administrative Code "taking into account her personality, social status and the fact that her breaking of the law did not harm anyone, and that the violation is insignificant."

Article 68 "in cases of insignificant harm" allows a verbal warning to be given in place of any other punishment.

The Judge's verdict states that they both were part of the "[Kyzylorda]Grace religious Community, the activity of which was halted by the Republic of Kazakhstan's law." Church members, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 6 June that the Church was closed down on 19 June 2009 by the Kyzylorda Regional Specialised Economic Court. This was after "some founding members retracted their signatures from the founding documents under pressure from officials of the Prosecutor's Office," they told Forum 18.

Zhashibekov was on 12 April also fined 151,200 Tenge under Administrative Code Article 374-1. His fine was imposed in Karmakshi District Court, where he was found to be "secretly holding meetings in his private home, where he explained the Bible to people visiting him, and shared his religious views".

Grace Church members complained to Forum 18 on 6 June that the District Court "is biased, and instead of describing Zhashibekov's actions as exercising his Constitutional rights, it accused him of leading a liquidated religious organisation".

Church members lamented that neither Moldaziyatov nor Zhashibekov "is able to pay such a huge fine."

Both judges refuse to comment

Judge Audekov on 2 June would not comment on why Moldaziyatov and other people cannot pray and read Bible privately in their homes. "They have appealed against my decision," he responded. Church members confirmed that an appeal was lodged on 28 May.

The Judge also refused to comment on why he did not warn Moldaziyatov instead of fining him 100 times the minimum monthly salary. "Let the Appeal Court decide whether my decision was right or wrong", he said.

Aybek Dauranbekov, Chair of the Karmakshi Court on 3 June defended the huge fine given to Zhashibekov, saying that "we gave our decision based on Kazakhstan's Laws". He added that if Zhashibekov is "not happy with the decision, he can file an appeal".

An appeal hearing without the appellant

Zhashibekov had indeed lodged an appeal - but he was only notified of the hearing six days after it took place. Judge Moldabek Ahmetov of the Kyzylorda Regional Appeal Court in a notification signed by him on 4 May and seen by Forum 18, asked Zhashibekov to appear before the Court on 6 May at 11.00 in the morning. Zhashibekov received the notification on 12 May, six days after the appeal hearing took place. "Consequently Zhashibekov was deprived of the possibility of defending himself against the unjust decision", church members complained to Forum 18.

Despite this, Judge Ahmetov upheld the original court judgment and fine. Forum 18 could not reach Judge Ahmetov for comments, as officials of the Regional Court on 2 and 3 June kept asking Forum 18 to call back later. When Forum 18 did, Judge Ahmetov was each time said to be busy.

Church members told Forum 18 that they are going to complain against the Appeal Court's decision.

When Forum 18 told Judge Dauranbekov, Chair of Karmakshi Court, of Zhashibekov being thus denied the chance to participate in the appeal hearing to defend himself, he said that it is "not necessary" for the appellant to participate in the appeal hearing.

Asked whether people, who are not part of a registered organisation, can privately pray or read religious books together with their friends in their homes, Judge Dauranbekov repeated his previous statement that the court decision was based on Kazakhstan's laws. "I am not authorised to evaluate the decision to you over the phone," he stated.

"Anti-sect" propaganda continues

Kazakhstan's mass media also continues to be used for "anti-sect" propaganda, one of the aims of which appears to be to encourage support for legislation imposing more restrictions on people exercising their right to freedom of religion or belief.

On 2 June state-run Khabar TV broadcast a report of a meeting that day in the capital Astana of state-funded "anti-sect" associations, which stated that "changes should be made to the law [on religion] in order to put a barrier to non-traditional religious sects". The meeting followed a speech making a similar statement by President Nursultan Nazarbaev.

In the last attempt to change the Religion Law, restrictive revisions to it and a number of other laws were rejected shortly before Kazakhstan became 2010 Chair-in-Office of the Organisation for Security and Co-operation in Europe (OSCE). However, human rights defenders have long predicted the proposals' return. The National Human Rights Action Plan - published in September 2009 - indicated that a draft Law would be introduced in 2011. A member of the Senate, the upper house of Parliament, Garifolla Esim told Forum 18 in June 2010 that the draft Law is being worked on.

On 4 June the state-owned news agency Kazinform announced the results of a 10-day campaign entitled "The place of religion in society and countering destructive religious trends", conducted at all the educational establishments of Oral (Uralsk) in West Kazakhstan. At the G.Kurmangaliyev West Kazakhstan Regional philharmonic society,

regional Deputy Governor Serik Suleymen was reported as emphasising "the special importance of the issue". Contests of drawings and poems among schoolchildren on the subject were held as part of the campaign, with the winners being given prizes.

Kazinform stated - without giving evidence - that "it is known that society is concerned that religious sects are luring people, especially young people. There have been many instances of people becoming members of such sects and committing suicide, and therefore it is necessary to counter such religious trends together, participants in the campaign said."

Protestants attract Orthodox believers

Number of Protestant churches double that of Orthodox

Interfax-Religiia (14.01.2011) / HRWF (15.01.2011) - The number of protestant houses of worship in Kazakhstan is almost twice the number of Orthodox churches.

"At the present time, there are 270 Orthodox churches open in Kazakhstan and more than 500 houses of worship of protestant denominations, while those who become protestants, as a rule, are people who by their birth and even baptism belong to the Orthodox church," a vicar bishop of the Astana and Almaty diocese, Bishop of Kaskelen Gennadii recently said in an interview with "Interfax-Religiia."

The bishop stressed that accent should be clearly placed on Orthodox evangelistic activity and priorities should be set. He indicated that Russian people in Kazakhstan are engaged in a more intense spiritual quest than in Russia and this is why many of them have been drawn into protestant communities and sects.

"One of the older officials of the Council for Religious Affairs told me that in the nineties he knew personally all of the Jehovah's Witnesses in the city of Alma-Ata and there were thirty of them. Today their community numbers 4,500," the bishop said.

At the same time, he continued, precisely because of the strong spiritual quest there are very strong Sunday schools in Orthodox churches. "Russians here are trying to unite around the churches, and for a Russian person a church is not merely a house of worship but a place where it is possible to gather and to socialize as families," Bishop Gennadii said.

At the same time churches lack facilities where people could gather after services, and in small towns they use for these purposes not only equipped premises but also various lodges, chapels, cellars, basements, and attics.

"Unfortunately, sometimes protestant congregations offer Russians more opportunities for unity and for joint cultural activity than the Orthodox," the bishop regrets, adding that Patriarch Kirill set before Kazakhstanis the spiritual challenge to create in every church, however small, a spiritual and cultural center.

Bishop Gennadii also provided official information according to which the people who called themselves atheists in the census in Kazakhstan constitute only 3.8%. (tr. by PDS, posted 14 January 2011).
