

2008 Annual Report of the U.S. Commission on International Religious Freedom

Other Countries under Review: Kazakhstan, Malaysia, and Turkey

Kazakhstan

Kazakhstan is defined in its constitution as a secular state that provides for freedom of religion. Religious communities worship largely without government interference, though foreign religious associations are required by the constitution to conduct their activities, including, according to the State Department, appointing the heads of religious associations, “in coordination with appropriate state institutions.” The government has exempted registered religious organizations from taxes on collections and income from certain religious activities. The government has also donated buildings, land, and provided other assistance for the construction of new mosques, synagogues, and Russian Orthodox churches.

Under the 2005 amendments to the country’s religion law, religious organizations must register both with the national and regional Ministry of Justice offices. Unregistered religious activity is an administrative offense. To register, a religious organization is required to have at least 10 members and to submit an application to the Ministry of Justice; registration may be denied if the organization does not have enough members or if its charter violates the law. If literature has not been vetted during the registration process, it is deemed illegal. Foreigners are permitted to register religious organizations, but Kazakh citizens must comprise the majority of the 10 founders. The 2005 amendments also incorporated aspects of administrative code Article 375, allowing authorities to suspend the activities or to fine the leaders of unregistered groups.

Under the Law on Public Associations, which applies to registered religious groups, a court may suspend all activities of a registered organization for up to six months if it is found to have violated the Constitution, any laws, or its own charter and bylaws. The State Department reports that police, procurators, and citizens may petition a court to suspend a registered organization for failure to correct such violations. If suspended by court order, the organization is banned from holding meetings, gatherings, or services.

Under the religion law, a religious organization whose charter includes religious education may be denied registration if it does not obtain approval from the Ministry of Education. Religious instruction is not permitted in public schools, but parents may enroll children in supplemental religious education classes provided by registered religious organizations. Neither law nor regulation prohibits foreign missionary activity, though under the amended religion law, foreign missionaries are required to register annually with the Justice Ministry and provide data on religious affiliation, geographic area, and duration of stay, as well as on all religious literature.

Muslims

The national Administration of Muslims in Kazakhstan (SAMK), headed by the chief mufti, exerts significant influence over the country’s practice of Islam, including the construction of mosques and the coordination of *haji* travel. In 2002, the Kazakh Constitutional Council ruled against a proposed legal requirement that SAMK must approve the registration of any Muslim

group. Reportedly, however, SAMK occasionally pressures non-aligned imams and congregations to join SAMK. Nevertheless, the State Department reported in 2007 that the Kazakh government continues to register some mosques and Muslim communities not affiliated with SAMK.

In the western city of Atyrau, however, a court ruled in July 2007 that the recently registered Darussalam Muslim community functioned “illegally” and ordered that the mosque, built with community funds, be given to the city Muftiate. Reportedly, shortly after the mosque was registered, the community was pressured by local authorities to accept an SAMK-affiliated mufti. According to the religious freedom news service Forum 18, two members of the Atyrau mosque wrote an open letter in December 2007 complaining that imams are appointed without the community’s consent.

The Law on Extremism, effective since February 2005, gives the government wide latitude to identify and designate religious or other groups as extremist organizations, to ban a designated group’s activities, and to criminalize membership in a banned organization. Government officials have expressed concern about possible political and religious extremism, particularly in southern Kazakhstan, where many Uzbeks reside. The Committee for National Security (KNB) stated in 2006 that the struggle against “religious extremism” is its top domestic priority.

The Kazakh government has penalized some Muslim groups, including some that espouse extremist political agendas. Human rights groups have expressed concern that due process is not being followed in many of these actions and that police, investigatory, and judicial officials have not provided public access either to trials or to information about these cases. According to some leading Kazakh human rights activists, there may be as many as 300 Muslim individuals imprisoned in Kazakhstan on religion-related charges. Due to the lack of information, however, it is impossible to ascertain the veracity of these claims. As of late 2006, members of the *Tabligh Jama’at*, an international Islamic missionary organization, reportedly faced fines in various regions of Kazakhstan for giving sermons in unregistered mosques. According to Forum 18, government officials deny that they regard the group as “extremist,” claiming instead that its members are penalized for unregistered religious activity.

In 2007, there were two trials in northern Kazakhstan of a reported 40 members of two banned Islamic groups. The first trial, in the city of Karaganda against 30 members of the Islamic group *Hizb ut-Tahrir*, began in August. The defendants were charged with forming a criminal group, fomenting religious hatred, and carrying out extremist activities. In the city of Stepnogorsk, 10 people, officially described as inspired by Wahhabist teachings, went on trial in July for organizing and operating a terrorist group, the sale and possession of weapons and explosives, and igniting inter-ethnic hatred in society. In both instances, human rights groups raised concerns about the apparent lack of due process, including the fact that the trials were closed. In the southern city of Shymkent, 15 Muslims were arrested in April 2007; 14 were convicted on charges of terrorism and given sentences of up to 15 years at a closed trial in February 2008. Human rights activists told Forum 18 that at least 14 are believed to be innocent of the charges and that the police planted narcotics and extremist literature on them at the time of arrest. Relatives of those imprisoned claimed that the secret police had punished the men for their independent views.

Non-Muslim Groups

In practice, most minority religious communities registered with the government without difficulties, although some Protestant groups and other groups viewed by officials as non-traditional have experienced long delays. For example, the Grace Presbyterian Church and a Pentecostal church in Atyrau reported in late 2007 that no reasons were given for the repeated denials—since 2002—of their registration applications to the Justice Department. Two leading Kazakh civil society groups, the Almaty Helsinki Foundation and the Kazakhstan International Bureau for Human Rights and Rule of Law, have provided legal assistance to religious groups in the registration process. Although local officials may attempt to limit the practice of religion by some “non-traditional” groups, higher-level officials or courts, at least until recently, have usually overturned such attempts.

Last year, there were signs that the government’s position toward religious freedom was becoming more restrictive. Two official documents issued in April 2007 gave rise to concern: the “State Program of Patriotic Education,” approved by presidential decree, and a Justice Ministry booklet, “How Not to Fall Under the Influence of Religious Sects.” The Justice Ministry document includes the claim that “transferring to other religious faiths represents treason to one’s country and faith.” Furthermore, in January 2008, President Nazarbayev reportedly told a meeting of the only political party represented in parliament that illegal religious movements in Kazakhstan should be suppressed, that the “unchecked activity” of tens of thousands of missionaries should not be allowed in Kazakhstan, and that Kazakhstan should not become “the dumping ground for religious movements.”

In other actions described by police as “part of the fight against terrorism and religious groups without registration,” raids and other harassment of various minority religious communities increased in 2007. Unregistered religious groups have reported more court actions and greater fines for non-registration in the past year. The 100 congregations of the Council of Churches, which reject registration as a matter of principle, continue to refuse to pay court-ordered fines for unregistered religious activity. The Grace Presbyterian Church in the city of Karaganda—which had been subjected to a 15-hour police raid in August 2007—also faced treason investigations from the National Security Committee (KNB), or secret police; in September 2007, its members faced questioning by the tax police, including questions about why they attend a church and not a mosque. Reportedly, local police have also disrupted meetings of unregistered groups in private homes.

Kazakhstan’s human rights record has come under increasing international scrutiny, particularly because it will serve as Chair of the Organization for Security and Cooperation in Europe (OSCE) in 2010. In March 2008, the Baptist pastor of an unregistered church in Temirtau was threatened with arrest; according to Forum 18, the head of the Justice Department’s Religious Affairs Unit warned him that he should not appeal to the OSCE.

Although the Hare Krishna movement is registered at the national and local levels, its leaders reported continuing local harassment in 2007 over a lengthy land dispute. In April 2006, an appeals court upheld a lower court decision that the land in question should revert to the county government, allegedly due to a faulty land title dating from 1999. In November 2006, a police

action demolished the homes of 26 members of the Hare Krishna farm. Members of the Hare Krishna community near Almaty were subjected to a raid by migration police during a religious festival in September 2007. In January 2008, Forum 18 reported that the directors of the Society for Krishna Consciousness met with the regional governor about the official order to demolish their temple in the agricultural community, but the order reportedly still stands.

The national Jehovah's Witnesses Religious Center alleges that local officials have harassed local communities. For example, an unregistered Jehovah's Witness community in the western city of Atyrau was subject to a police raid in August 2007. For seven years, the Justice Ministry in Atyrau has reportedly used minor technical infractions to deny repeated registration applications of this Jehovah's Witness community.

There were no reported incidents of official anti-Semitism. In April 2004, the Ministry of Internal Affairs invited the country's Chief Rabbi to hold seminars for police officers on respect for religious minorities. Non-governmental organizations (NGOs) provided human rights training to law enforcement officers, including on religious freedom.