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Persecution of Jehovah's Witnesses in Kazakhstan, a shock wave from Russia?

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HRWF (22.03.2018) - The total population of Kazakhstan is estimated at about 19 million. The last national census also reported approximately 70 percent of the population was Muslim, most of whom adhere to the Sunni Hanafi school. Other Islamic groups account for less than 1 percent of the population when taken together.

Approximately 26 percent of the population is Christian. The majority of these are Russian Orthodox. The country also has Roman Catholics, Greek Catholics, Lutherans, Presbyterians, Seventh-day Adventists, Methodists, Mennonites, Pentecostals, Baptists, Jews, Buddhists, Mormons, Baha'is and Scientologists.

Jehovah's Witnesses recently numbered about 17-18,000 with a Memorial attendance of about 30-32,000.

The history of Jehovah's Witnesses in Kazakhstan began in the 19th century. The first of the Bible Students (as Jehovah's Witnesses were then called) was a Russian Empire citizen of Polish nationality, Mr. Semion Kozlitskiy. He was banished because of his faith on penal servitude in the settlement of Bukhtarma, nearly Ust Kamenogorsk, East Kazakhstan. He lived there until his death in 1935.

The following page of the history of Jehovah's Witnesses in Kazakhstan begins in the 1940s. Then, many believers from Ukraine and Moldova were banished to corrective-labor camps in Kazakhstan (the notorious camps of the GULAG). At the end of the 1940s, the religion of the Jehovah's Witnesses reached the South of Kazakhstan, in the region of Almaty.

In the 1950s some of released Jehovah's Witnesses decided to go on living in the Soviet Republic of Kazakhstan. The first organized communities appeared in several cities: Zhezkazgan, Karaganda and Satpayev in Central Kazakhstan. According to the official state statistics, the total number of Jehovah's Witnesses in Kazakhstan was about one thousand by the 1970s.

Following the independence of Kazakhstan on 16 December 1991, Jehovah's Witnesses first registered in 1992 and re-registered in January 2013, pursuant to the new Religion Law of 2011. Currently communities of Jehovah's Witnesses are registered in all areas of

2011. Currently, communities of Jehovah's Witnesses are registered in all areas of Kazakhstan. They have 59 local religious associations and one regional religious association, which helps to coordinate their activity in the country.

Since last year however, state repression has particularly targeted them. From the cases and incidents reported hereafter, it is obvious that there is a political strategy aiming at the disappearance of Jehovah's Witnesses and other peaceful religious movements of foreign origin in Kazakhstan.

Abuses and Restrictions of Religious Freedom

On **20 April 2017**, Russia's Supreme Court ruled that the Jehovah's Witnesses Administrative Center was an extremist organization, that it was to be closed and all Jehovah's Witnesses' activities were to be banned. The decision was confirmed on appeal. Nowadays, their 395 congregations can no longer operate legally and their 170,000 members are deprived of all their rights to religious freedom.

Suspension of the Operations of the Administrative Center

Two months later, on **29 June 2017**, the Almaty Administrative Court found the Administrative Center of the Jehovah's Witnesses in Kazakhstan "guilty" of alleged failure to comply with regulations requiring full coverage of on-site surveillance cameras. It therefore suspended all of the Center's activity for three months and imposed a fine of 680,000 tenge or USD 2160) based on the anti-terrorist law under article 149 §2 of the Administrative Code.

The court's decision was the result of an inspection alleging that the Center needed 3 more security cameras in addition to the 25 already installed in compliance with legislation concerning public venues. However, State officials had approved a plan on **6 February 2017** for the Center's property that showed the location of all installed security cameras. By approving that official plan, the State officials had confirmed that the Center was in full compliance with the relevant legislation.

On **12 July 2017**, the Witnesses filed an appeal. On **3 August 2017**, three weeks later, the court amended the decision to allow the Center to operate once again, although the three-month suspension remained in effect regarding the use of the Kingdom Hall and a tent on site.

Bank Accounts of All Legal Entities Frozen

Another important pillar of the Witnesses' activity that was attacked was their bank accounts. On **5 July 2017**, the Halyk Bank, which had managed the Center's financial assets since 1998, suddenly and unilaterally terminated its banking contract without explanation. Local branches of Halyk Bank also cancelled their contracts with the local legal entities of Jehovah's Witnesses throughout the country. After considerable effort, the Witnesses managed to open an account with ATF Bank but after a few weeks, it also unilaterally put an end to their contract.

Through informal inquiries, the Witnesses learned that the National Bank of the Russian Federation had issued a black list of companies and organizations considered undependable or "extremist" and that the National Bank of Kazakhstan relied on this list in checking banks' business arrangements throughout the country.

Manifestation of Belief Characterized as "Extremist Activity"

Criminalizing the freedom of expression of the Witnesses and characterizing the public manifestation of their belief as extremist activity is another way of muting and paralyzing the movement.

On **18 January 2017**, Mr. Teymur Akhmedov , a 60-year old father and husband with an impeccable reputation was arrested while trying to share his faith with others. He was placed in pre-trial detention under Art. 174, § 2 of the Criminal Code of the Republic of Kazakhstan for alleged extremist activity and incitement of social national clan racial or religious

for alleged blasphemy against Islam, and incitement to racial, ethnic, tribal, or religious discord. The Criminal Code provides prison terms of between five and ten years in such a case.

On **24 January 2017**, Mr Akhmedov's attorney submitted an urgent complaint to the UN Working Group on Arbitrary Detention (WGAD) on his behalf.

On **2 May 2017**, he was sentenced to a five-year prison term to be followed by an additional three-year ban on his religious activity.

On **20 June 2017**, the Judicial Chamber for Criminal Cases of the City of Astana ruled to uphold the previous court decision. This was enforced on **29 June 2017**.

On **14 September 2017**, the UN WGAD released an advance version of its Opinion determining that the detention of Teymur Akhmedov is arbitrary and violates his fundamental right of freedom of worship and belief. The Kazakhstan government was urged to "take the steps necessary to remedy the situation... and release Mr Akhmedov immediately."

After the UN decision was officially released on **12 October 2017**, Mr Akhmedov's lawyers filed an appeal to the Supreme Court requesting that it implement the WGAD decision, acquit him of the charges, and order his immediate release but this did not happen.

Mr. Akhmedov had been suffering from poor health even before his imprisonment more than a year ago. On **8 February 2018**, he underwent surgery to remove two tumors, one of which was malignant. His family and his attorneys pleaded again with the Kazakh authorities to release him from detention. They were concerned about his detention conditions in the correctional facility in Pavlodar and about his need for an appropriate treatment for his cancer. Their pleas have been ignored. The US ambassador in Kazakhstan has made many efforts to get Mr. Akhemov's release and transfer to a hospital abroad where he could get an appropriate treatment, in vain. According to the latest news, he was being transferred last week by train to the north of the country to be hospitalized: a trip of 1200 km that would last 7 days.

Manifestation of Belief Construed as "Missionary Activity"

In the last few years, a law prohibiting "missionary activity" was repeatedly instrumentalized to criminalize the individual sharing of their beliefs, the main target being Kazakh Jehovah's Witnesses.

Kazakhstan authorities primarily restrict religious freedom by applying the Law on Religious Activity and Religious Associations adopted on **11 October 2011**. Art. 1, § 5 and 8, § 1 of this law prohibits unregistered "missionary activity".

The Committee of Religious Affairs (CRA) claims that it is illegal for Jehovah's Witnesses to share their Bible-based beliefs with friends, neighbours and other interested persons, and to participate in religious services at their registered places of worship without first obtaining registration as "missionaries." The application of this law to the religious activity of Jehovah's Witnesses has led to many administrative convictions, fines, court actions and harassment by authorities.

On **11 July 2016**, the UN Committee on Human Rights' (CCPR) concluding observations on Kazakhstan (117th session) included recommendations that Kazakhstan:

"Should guarantee the effective exercise of the freedom of religion or belief and freedom to manifest a religion or belief in practice" - par. 48

"Should consider bringing article 22 of its Constitution in line with the Covenant and revise all relevant laws and practices with a view to removing all restrictions that go beyond the narrowly construed restrictions permitted under article 18 of the Covenant." - par. 48

Despite a positive decision on religious activity from Kazakhstan's Supreme Court on **1 June 2017**, lower courts are slow to apply it and Jehovah's Witnesses continue to be harassed and

fined by authorities for manifestation of belief.

Interference of Public Authorities with Religious Services

Authorities have found chairmen of Local Religious Organizations liable for administrative violations for allowing minors to attend religious meetings. Often, local law enforcement officers have approached non-Witness husbands and influenced them to file complaints against congregation elders, even when there was no conflict in the family.

Last year, two Witness elders in Karabalyk and Shahtinsk were sentenced to a heavy fine for allowing children to attend religious services: the equivalent of 35 and 50 times the monthly minimum wage. As of today, a third case in Balkhash is pending.

Some Positive Developments in Courts

Last year, some court decisions were positive in cases of proselytism.

On **6 April 2017**, the Supreme Court of Kazakhstan ruled in favor of Yury Toporov, a Jehovah's Witness, using Article 18 of the ICCPR as the basis for its decision.

Lower courts had wrongly convicted Mr Toporov of "illegal missionary activity," reasoning that he was required to register as a "missionary" to give a talk at a religious service of Jehovah's Witnesses at a rented place of worship. The Supreme Court concluded that this manifestation of belief is a fundamental right for which registration is not required.

On **6 April 2017**, the Supreme Court also ruled in favor of another Witness, Andrey Rakin, in another case of alleged "unregistered missionary activity". However, in this case, the Supreme Court did not address the merits of the alleged violation. Instead, the Supreme Court limited its judgment to concluding that the State authorities had not provided sufficient evidence that Mr Rakin was engaged in so-called missionary activity.

On **6 April 2017**, the Karabalyk District Court ruled that Irina Malykhina, a Jehovah's Witness, was not guilty of illegal missionary activity because of the absence of any administrative violations on her part.

On **1 June 2017**, the Supreme Court of Kazakhstan acquitted Andrey Korolev on the charge of "unregistered missionary activity." The Court granted a protest (a special form of appeal) filed by the Prosecutor's General Office on Korolev's case behalf. The protest was based on Article 18 of the ICCPR and argued that Korolev should be acquitted because publicly sharing his faith with others was a peaceful manifestation of his faith and "could not be considered as unlawful 'coercion'."

In the aftermath of these court decisions, on **18 July 2017**, Jehovah's Witnesses organized an informative campaign to acquaint local authorities with the latest Supreme Court decisions. On that occasion, the Prosecutor and the head of the Religious Affairs Department of Kyzylorda Regional Prosecution Office publicly supported the decision that door-to-door preaching is not to be considered as missionary activity, and added that they have no objection to the preaching activity.

Meetings with Officials

What is interesting to note with Jehovah's Witnesses is their sense for strategy. Apart from defending their rights in courts to the highest level, they give the preference to dialogue with the authorities rather than "naming and shaming."

In 2017, they had several meetings with various Kazakh authorities: Ministry of Justice, Ombudsman Office, Committee of Religious Affairs, Ministry of Religious Affairs and Civil Society and the General Prosecutor's Office.

Meetings were also arranged at the OSCE, the UN and the Office of the Commissioner General for Human Rights.

On **15 June 2017**, representatives of Jehovah's Witnesses met with representatives of the Prosecutor General's Office in Astana to discuss the possible withdrawal of 28 pending complaints at the UN Committee on Civil and Political Rights (CCPR) as the aforementioned Supreme Court rulings completely resolved the issues of their so-called illegal missionary activity.

On **30 June 2017**, the complainants' lawyer sent a letter to the CCPR with a request to recall and stop consideration of the 28 complaints if Kazakhstan complied with its agreement. Otherwise, the applicants would ask the CCPR to resume consideration of their complaints on the merits and issue a decision in respect of Kazakhstan.

Religious Freedom Objectives

Considering the attempt to suspend the operations of their Administrative Center,
Considering the illegal detention of Teymur Akhmetov,
Considering the characterization of the public manifestation of religious beliefs as "extremist activity",
Considering the repeated practice of construing the individual sharing of one's religious beliefs as "missionary activity" deemed illegal if the person is not registered as a missionary,
Considering the interference of the public authorities in religious services,

Jehovah's Witnesses in Kazakhstan request the government of Kazakhstan,

- fulfill its obligations under international law to guarantee freedom of religion, expression, assembly and association for all citizens, including Jehovah's Witnesses,
- release Teymur Akhmetov from prison as a matter of urgency,
- stop considering the peaceful movement of Jehovah's Witnesses an "extremist religion",
- put an end to the arrest, prosecution and harassment of Jehovah's Witnesses for so-called illegal missionary activity,
- stop prosecuting congregation elders for allowing children to attend religious services, even with one of their parents.

(*) Paper presented on 19 March 2018 in Bishkek (Kyrgyzstan) at the conference "Religion and civil society in the post-Soviet era: Central Asia and beyond" sponsored by the American University of Central Asia and Cesnur.