

RELIGIOUS FREEDOM CONCERNS IN KAZAKHSTAN

STATEMENT BY THE EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

For the OSCE Human Dimension Implementation Meeting, Warsaw, 26 September to 7 October 2011.

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BACKGROUND

The Religious Center of Jehovah's Witnesses in the Republic of Kazakhstan (Religious Center) has been registered as a religious association since January 22, 1997. Overall, Jehovah's Witnesses are able to carry on their worship peacefully without interference. Fifty-nine local religious associations of Jehovah's Witnesses are registered throughout Kazakhstan and all are in close connection with the Religious Center.

RESTRICTIONS ON RELIGIOUS FREEDOM

2009-Present	Nationwide	Biased Expert Studies on Witness Religious Literature
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The Committee of Religious Affairs (CRA), in its letter dated August 5, 2009, labeled *The Watchtower* and *Awake!* (the most widely translated and internationally distributed religious magazines in the world) as dangerous and stated that these journals presented a "potential threat for the security of the state." These statements could have resulted in a ban on the magazines' distribution throughout Kazakhstan.

The CRA cancelled its August 5 letter after meeting with governmental officials and human rights organizations. The Chairman of the Religious Center of Jehovah's Witnesses in the Republic of Kazakhstan gave an official statement about that positive development at the OSCE HDIM meeting in Warsaw in 2009.^(*)

However, in September 2009, (shortly after the OSCE HDIM meeting in Warsaw) the CRA once again requested the religious magazines for a second expert study. They have yet to provide the Religious Center of Jehovah's Witnesses with the results of this study. When representatives of the Religious Center asked the Deputy-Chairman of the CRA if they could get the results of at least the four completed studies, he refused, arguing that the CRA could not disclose the names of their experts. The Deputy-Chairman of the CRA stated that the results of the study would be released in September 2010.

Jehovah's Witness representatives cited the recent positive ECHR judgment *Jehovah's Witnesses of Moscow v. Russia*. They requested that the ECHR's analysis of Witness literature be incorporated when the CRA prepares its final conclusion of the expert study. Jehovah's Witnesses raise their concerns about the ongoing second CRA expert study at the OSCE HDIM meeting this year in Warsaw.

2009-Present	Almaty	Discriminatory Denial of Permits for Construction of Houses of Worship
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The city administration in Almaty persistently delays in providing the final construction approval for the Assembly Hall and Kingdom Hall (buildings of worship) on the property of the Religious Center. Jehovah's Witnesses have also been denied the right to rent facilities in order to assemble for worship. On December 7, 2009, the Almaty Architectural department granted approval in its document entitled APZ (architectural drafting task) and issued a permit to start drafting an architectural project for the Assembly Hall and Kingdom Hall. Based on that document Jehovah's Witnesses had the right to collect the necessary permits from the city. When the detailed project plans were submitted, they applied for final approval from the Almaty Architectural department. However, the Almaty Architectural department requested that Jehovah's Witnesses re-draft the project for various reasons. For example they remarked, "it is too simple" or "not the right style for Almaty design." The engineering company performed the necessary corrections requested and explained that there was no legal basis to substantiate their additional requests. Finally, on June 30, 2010, the Almaty Architectural department replied that according to the city development plans, no additional

^(*) Press release is available at <http://www.jw-media.org/kaz/index.htm>

construction was planned for that property. After another three similar denials, Jehovah’s Witnesses appealed to the Specialized Interdistrict Economical Court of Almaty. On October 29, 2010, the Economical Court declined to satisfy their complaint, as well as the Appeal Collegium of the Almaty City Court on December 22, 2010, and its Cassation Collegium on February 25, 2011. Jehovah’s Witnesses consider that such illegal denials of Almaty Architectural department limit their Constitutional ownership rights, rights for freedom of religion and association as well as their rights under article 18 of the ICCPR. Jehovah’s Witnesses believe that it is still possible to resolve the issue within the country. Consequently, letters have been sent to various governmental bodies including the Presidential Human Rights Commission, the Kazakhstan National Assembly, and the Ombudsman’s office requesting their assistance before pursuing further litigation. Jehovah’s Witnesses followed recommendations of these agencies to file an appeal with the Supreme Court. For that reason on September 17, 2011, Jehovah’s Witnesses appealed to the Supreme Court.

ABUSES OF RELIGIOUS FREEDOM

May 27, 2011	Kyzlorda	Harassment/Land Inspections/Raids
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Land inspectors along with police officers came to the home of Tamara Magomedova in city of Kyzylorda while a religious meeting being held. They came to inspect the “usage of the land” or “the purpose of the land” because from their view religious worship cannot be conducted in private homes or the owned land (with the building on it) would be legally transferred to the city administration. The officials wanted to inspect her house and to video tape. They alleged that her home was not being used for its intended purpose. Almas Zhakupov, who was present, called a lawyer and consulted the house owner about her rights. This angered the inspectors and police officers so they initiated an administrative case against him for alleged “malicious insubordination.” He was detained and subjected to an alcohol/drug medical examination, then jailed. In a closed hearing, without allowing Mr. Zhakupov legal representation, the Administrative Court found him guilty and penalized him with seven days in jail. Although appeals were filed for his release, the Regional Court upheld the Administrative Court’s decision of imprisonment. He has filed an appeal motion to the Regional Prosecutor.

Tamara Magomedova was charged with a fine for “not using the land for its purpose,” and 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 have her friends coming to her house to read the Bible or talk about religion), her private land and the house will be taken away. Appealing the fine to Kyzylorda Administrative Court and appealing the warning to the Kyzylorda City Court went unsuccessful. An appeal motion has been filed with Kyzylorda Regional Prosecutor about her accusation in administrative offence and a civil appeal has been filed with Kyzylorda Regional Court. For the time being she cannot have her relatives or friends coming to her house and talk about God or Bible.

RELIGIOUS FREEDOM OBJECTIVES

- (1) Jehovah’s Witnesses in Kazakhstan and as a worldwide organization call upon the government of Kazakhstan to expeditiously conclude the unlawful second “expert study” of their literature.
- (2) We call on the Almaty city administration to provide the final construction approval permits to construct the Assembly Hall and Kingdom Hall on the property of the Religious Center.
- (3) Jehovah’s Witnesses respectfully request that the police and other authorities protect the rights of the citizens of Kazakhstan to freely practice their religion without fear of harassment or physical assault.