

# RELIGIOUS FREEDOM CONCERNS

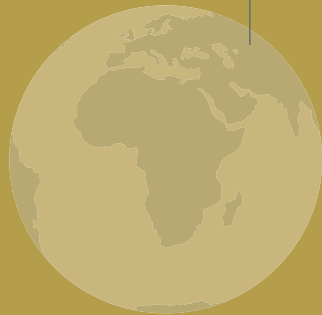
STATEMENT BY THE EUROPEAN  
ASSOCIATION OF JEHOVAH'S  
CHRISTIAN WITNESSES

OFFICE OF GENERAL COUNSEL  
WORLD HEADQUARTERS OF JEHOVAH'S WITNESSES

OSCE Human  
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# Kazakhstan

Kazakhstan is following Russia's pattern in orchestrating a campaign of intolerance against the religious activity of Jehovah's Witnesses.

- ✎ **In July 2017**, banks terminated contracts and froze the accounts of the Christian Centre of Jehovah's Witnesses in Kazakhstan (Centre) and all of the Witnesses local legal entities. All banks are unwilling to provide financial services to Jehovah's Witnesses on the notion that they are potentially financing an "extremist" organisation.
- ✎ **On 29 June 2017**, a court in Almaty suspended all of the Centre's activity for three months and imposed a fine. The court found the Centre guilty of an alleged failure to comply with regulations requiring a full complement of surveillance cameras on its site.  
  
**On 3 August 2017** the court amended the decision of **29 June** to allow the Centre to operate but kept in place the suspension of activity affecting the Kingdom Hall and tent on the Centre's property.
- ✎ **In April and June 2017** the Supreme Court returned two positive decisions recognizing the right to religious freedom. However, lower courts are slow to apply the rulings.
- ✎ **On 2 May 2017**, a court in Astana sentenced Teymur Akhmedov to five years in prison merely for sharing his religious beliefs with others. He is the first Witness in Kazakhstan to be criminally convicted for his religious activity since the nation's independence in 1991. He is 61 years old and in poor health. The judge also imposed a three-year ban on Mr. Akhmedov's freedom to participate in "ideological religious activity"—effectively banning his worship after his release from prison.
- ✎ **In January 2017** authorities searched the apartment of the Local Religious Organisation (LRO) of the city of Astana and seized publications of Jehovah's Witnesses. The search was allegedly related to the then ongoing criminal investigation against Teymur Akhmedov. A court will hear the administrative case against the LRO of Astana on **18 September 2017**. Authorities have previously prosecuted Mr. Bukin, the LRO chairman, for alleged unregistered missionary activity.



## Teymur Akhmedov

Teymur Akhmedov, aged 61, is married and has three sons. He is a talented musician and is known as a kind and well-respected member of the community. He serves as a ministerial servant with his congregation. On 18 January 2017, Kazakhstan's National Security Committee arrested and charged Teymur Akhmedov under Article 174 (2) of the Criminal Code of Kazakhstan. On 2 May 2017, he was unjustly accused of "inciting religious discord" and "advocating [religious] superiority" and has been sentenced to remain in prison until 2022. Despite his poor health and the wrongful conviction, he has kept a positive attitude and is confident that this misunderstanding will be resolved.

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# Abuses and Restrictions of Religious Freedom

## SUSPENSION OF CENTRE'S OPERATIONS

**On 29 June 2017**, the Almaty Administrative Court found the Centre guilty in alleged failure to comply with regulations requiring full coverage of on-site surveillance cameras. It therefore suspended all of the Centre's activity for three months and imposed a fine (680 000 tenge KZT or 2160 USD) 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 Centre needed 3 more security cameras in addition to the 25 already installed in compliance with legislation concerning public venues. State officials had approved a plan (**on 6 February 2017**) for the Centre's property that showed the location of all installed security cameras. By approving that official plan, the State officials had confirmed that the Centre was in full compliance with the relevant legislation.

**On 12 July 2017**, the Witnesses filed an appeal. **On 3 August 2017**, the court amended the decision to allow the Centre to operate once again, although the three-month suspension order remained in effect regarding the use of the Kingdom Hall and a tent on site. The Witnesses have made temporary arrangements for nearby congregations to hold their religious services elsewhere in Almaty until the order expires.

## BANK ACCOUNTS OF ALL LEGAL ENTITIES FROZEN

**On 5 July 2017**, the Halyk Bank, which had managed the Centre'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 opened an account with the ATF Bank, but it also unilaterally terminated the contract, effective **31 August 2017**.

Through informal inquires, the Witnesses learned that the National Bank of the Russian Federation had issued a list of companies and organisations 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"

Astana. **On 18 January 2017** Mr. Teymur Akhmedov, a 61-year-old father and husband with an impeccable reputation, was arrested and placed in pre-trial

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detention under Article 174 (2) of the Criminal Code of the Republic of Kazakhstan for alleged extremist activity.

**On 2 May 2017** the Saryarka District Court found Mr. Akhmedov guilty under Article 174 (2) of the Criminal Code and sentenced him 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. The decision of the court was enforced on **29 June 2017**.

## **MANIFESTATION OF BELIEF CONSTRUED AS “MISSIONARY ACTIVITY”**

Kazakhstan authorities primarily restrict religious freedom by applying the Law on Religious Activity and Religious Associations (2011 Religion Law), adopted on 11 October 2011. The law prohibits unregistered “missionary activity.”—Articles 1(5) and 8(1).

The Committee of Religious Affairs (CRA) claims that it is illegal for Jehovah’s Witnesses, whether Kazakh or foreign, 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 and 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 that decision. Jehovah’s Witnesses continue to be harassed and fined by authorities for manifestation of belief.

1. Shymkent (South Kazakhstan). In five separate cases spanning **September 2016 through June 2017**, the Shymkent Specialized Administrative Court found five Witnesses guilty under Article 490 (3) of the Code of Administrative Violations of Kazakhstan (CAV) for illegal missionary activity, and fined each of them 100 times the monthly minimum wage, which was approximately USD 670 in 2016 and USD 719 in 2017. On **14 July 2017**, however, the South Kazakhstan Regional Court reversed

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the trial court decision and dismissed the administrative case because of the absence of any administrative violation in the accused's actions.

2. **Almaty.** In two separate cases, the Almaty Specialized Interdistrict Administrative Court found a Witness guilty under Article 490 (3) of the CAV for illegal missionary activity and fined each Witness 100 times the monthly minimum wage, which amounts to approximately USD 700.
3. **Satpaev.** In two separate cases, the Satpaev City Court found a Witness guilty under Article 490 (3) of the CAV for illegal missionary activity and fined each Witness 100 times the monthly minimum wage, which amounts to approximately USD 700.
4. **Karabalyk.** In two separate cases, the Karabalyk District Court found a Witness guilty under Article 490 (3) of the CAV for illegal missionary activity and fined each Witness 70 times the monthly minimum wage, which amounts to approximately USD 500.
5. **Semey. On 5 April 2017** the Semey Specialised Administrative Court found a Witness guilty under Article 490 (1/3) of the CAV for illegal missionary activity and fined the Witness 50 times the monthly minimum wage, which amounts to approximately USD 350.
6. **Kostanay. On 2 May 2017** the Kostanay Specialised Administrative Court found a Witness guilty under Article 490 (3) of the Code of Administrative violations of Kazakhstan (CAV) for illegal missionary activity and fined the Witness 70 times the monthly minimum wage, which amounts to approximately USD 500.
7. **Taraz (South Kazakhstan).** On 17 May 2017 the Bayzak District Court found a Witness guilty under Article 490 (3) of the CAV for illegal missionary activity and fined the Witness 100 times the monthly minimum wage, which amounts to approximately USD 700.
8. **Tajynsha (North Kazakhstan).** In two separate cases, the Tajynsha District Court found a Witness guilty under Article 490 (8) of the CAV for illegal missionary activity. In one case the court imposed a fine of 200 times the monthly minimum wage, which amounts to approximately USD 1400; in the second case, the fine was 100 times the monthly minimum wage, which amounts to approximately USD 700.
9. **Atakent, Myrzakent (South Kazakhstan). On 12 June 2017,** the Maktaaral District Court found a Witness guilty under Article 490 (3) of the CAV for illegal missionary activity and fined the Witness 100 times the monthly minimum wage, which amounts to approximately USD 700.

#### INTERFERENCE WITH RELIGIOUS SERVICES

Authorities have found chairmen of Local Religious Organisations liable for administrative violations for allowing minors to attend religious meetings. Often, local law-enforcement officers have approached non-Witness

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6 After Russia's  
April 2017  
Supreme Court  
decision that lead  
to a ban of Jeho-  
vah's Witnesses  
in Russia, at least  
six broadcasts  
by national TV  
stations defamed  
the Witnesses.

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husbands and influenced them to file complaints against the congregation elders, even when there was no conflict in the family.

- 1. Lisakovsk (Kostanay). On 16 November 2016**, the Lisakovsk Court found a Witness elder guilty under Article 490 (7) of the CAV for allowing minors to attend religious meetings together with their mother, and he was fined 35 times the monthly minimum wage, which amounts to approximately USD 230.
- 2. Karabalyk. On 6 April 2017**, the Karabalyk District Court ruled that a Witness elder was guilty under Article 490 (1/1) of the CAV for conducting religious meetings in his private home, and was fined 35 times the monthly minimum wage, which amounts to approximately USD 240. After the decision was upheld on appeal, the Kostanay Regional Prosecutor's Office unexpectedly asked, **on 10 July 2017**, that the General Prosecutor's Office file a protest on this case to the Supreme Court.
- 3. Shahtinsk (Karaganda). On 13 June 2017**, the Shahtinsk Specialised Administrative Court found a Witness elder guilty under Article 490 (7) of the CAV for allowing minors to attend religious meetings along with their mother. He was fined 50 times the monthly minimum wage, which amounts to approximately USD 350.
- 4. Balkhash (Karagandy Region). On 30 July 2017**, an administrative case under Article 490 (7) of the CAV was initiated against a Witness elder. The case is still pending.

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## **DENIAL OF RIGHT TO CONSCIENTIOUS OBJECTION TO MILITARY SERVICE**

Military service is compulsory in Kazakhstan, making conscientious objection to military service an issue there. In recent years, Jehovah's Witnesses have been exempted from military service when the Centre issues a certificate that acknowledges a young man as a religious minister. Generally, this continues to be effective; below are current cases under investigation.

- 1. Vedyakin Dmitriy (Ust-Kamenogorsk).** A criminal case was initiated against Vedyakin Dmitriy for his refusal of military service as a conscientious objector. **On 10 April 2017** he went to the enlistment office and submitted to a medical examination, and he also provided a certificate dated **17 March 2017** stating that he is a religious minister. He was twice interrogated by an investigator. The pre-trial investigation is ongoing.
- 2. Iskakov Adilzhan (Semey).** A criminal case was initiated against Iskakov Adilzhan for his refusal of military service as a conscientious objector. **On 15 February 2017** he went to the enlistment office and was sent for an additional medical examination. That same day, he provided a certificate dated **13 March 2017** stating that he is a religious minister, and was interrogated by an investigator. **On 28 June 2017**

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the investigator went to the Centre and asked for an original copy of the certificate. The pre-trial investigation is ongoing.

3. **Dostaev Kaken (Tekeli, Almaty).** On 5 June 2017, Dostaev Kaken was called to the enlistment office. The captain told him that the certificate he presented stating that he was a religious minister was not valid and threatened to send him to the army. The case is ongoing.
4. **Zhumagazinov Tlek (Ust-Kamenogorsk).** A criminal case was initiated against Zhumagazinov Tlek for his refusal of military service as a conscientious objector. The pre-trial investigation is ongoing.

## Societal Abuses and Discrimination

### COMPULSORY PARTICIPATION IN PATRIOTIC CEREMONIES

1. **Kyzylorda (West Kazakhstan).** In April 2017 a ninth-grade Witness student faced pressure at school from the director of studies and the local police inspector. They demanded that he sing the national anthem and no longer associate with Jehovah's Witnesses. They shouted, swore, and threatened him for about two hours.
2. **Saryozek (Taldykorgan).** An 11-year-old Witness student in the fifth grade was pressured by her teacher because she refused to sing the national anthem. The teacher threatened to expel her from the school.

### NEGATIVE MEDIA COVERAGE

- ✎ In February 2017, after Teymur Akhmedov was arrested for alleged illegal religious activity, the ACSR distributed a statement accusing the organisation of Jehovah's Witnesses of inciting ethnic and religious hatred. Defamatory reports were published by at least ten news agencies, including national networks Khabar and Tengrinews.
- ✎ After Russia's April 2017 Supreme Court decision that led to a ban of Jehovah's Witnesses in Russia, at least six broadcasts by national TV stations defamed the Witnesses.
- ✎ The Departments of Domestic Policy in the Tulkubas district (on 17 February 2017) and Atbasar district (on 2 June 2017) published defamatory articles about Jehovah's Witnesses in local newspapers.
- ✎ The case of Victoria Susayeva became the basis of many negative media reports in Kazakhstan. Doctors pressured Natalya Susayeva, the mother of four-year-old Victoria, because she would not consent to a blood transfusion for her daughter who was suffering from liver cancer (recurrent, chemo-resistant hepatoblastoma). No treatments or surgeries were refused except for the transfusion of blood. Victoria's



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tumour was initially treated by a resection in Kazakhstan, and a complete course of first line chemotherapy that did not prove effective. Victoria was transferred to India for treatment **on 12 May 2017** but succumbed to the cancer and passed away in India **on 11 July 2017**. Victoria had received the highest standard of care. The chief of her medical team stated: “The limitation of blood/blood product use has played only a very small role in the baby’s management. The primary determinant of outcome here has been tumour biology.” The surgeon stated that the “innate nature of the tumour has resulted in very limited meaningful treatment being possible.”

## Positive Developments

- 1. On 6 April 2017**, the Supreme Court of Kazakhstan ruled in favor of Yury Toporov, one of Jehovah’s Witnesses, using Article 18 of the International Covenant on Civil and Political Rights (ICCPR) as the basis for its decision. Lower courts in Kazakhstan 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.
- 2. On 6 April 2017**, the Supreme Court of Kazakhstan also ruled in favour of 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 adduced sufficient evidence that Mr. Rakin was engaged in so-called missionary activity.
- 3. On 6 April 2017**, the Karabalyk district Court ruled that Mrs. Irina Malykhina was not guilty under Article 490 (3) of the CAV for illegal missionary activity because of the absence of any administrative violations on her part.
- 4. On 1 June 2017**, the Supreme Court of Kazakhstan acquitted Andrey Korolev, one of Jehovah’s Witnesses, on the charge of “unregistered missionary activity.” The Court granted a protest (a special form of appeal) filed by the Prosecutor General’s Office on Mr. Korolev’s behalf. The protest was based on Article 18 of the ICCPR and argued that Mr. 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.’”
- 5. On 18 July 2017**, during an informative campaign to acquaint local authorities with the Supreme Court decisions concerning Jehovah’s Witnesses, Witness representatives received positive comments from

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“Jehovah’s Witnesses are continuing to conduct their activity in accordance with the legislation throughout Kazakhstan.”

**Mr. Nurlan Ermekbaev,**  
Minister for Religious Affairs  
and Civil Society

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the regional prosecutor of Kyzylorda and from the head of the Religious Affairs Department of Kyzylorda Regional Prosecution Office, who supported the decision that door-to-door preaching is not to be considered as missionary activity, and adding that they have no objection to preaching activity.

6. **On 19 July 2017**, Mr. Nurlan Ermekbaev, the Minister for Religious Affairs and Civil Society, noted: “Jehovah’s Witnesses are continuing to conduct their activity in accordance with the legislation throughout Kazakhstan.”
7. **On 25 July 2017**, in an interview with the Azattyq LIVE program, Mr. Erkin Ongarbaev, acting chairman of the Committee for Religious Affairs of the Ministry for Affairs of Religions and Civil Society, commented on the above-mentioned Supreme Court decisions as a positive development.

## Meetings With Officials

There were a several meetings in 2017 with Kazakhstan 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 with the embassies of the United States, the European Union, the Netherlands, Finland, Germany, and Great Britain, and with 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 withdrawal of pending complaints from the CCPR. The Supreme Court ruling of **1 June 2017** completely resolves the issues of the last 28 appeals to the CCPR on behalf of Jehovah’s Witnesses convicted of illegal “missionary activities” for sharing their religious beliefs with others.

As a condition for concluding a settlement agreement, the Prosecutor General’s Office proposed that the Supreme Court’s ruling be forwarded to all regional prosecutors’ offices across Kazakhstan. Along with the ruling, the Prosecutor General’s Office will explain that the door-to-door preaching activity of Jehovah’s Witnesses is a constitutionally protected right, and that it can be subject to administrative prosecution only if there is admissible and reliable evidence of illegal “coercion.” Taking into account the proposed conditions from the Prosecutor General’s Office, the Witnesses accepted this proposal.

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



## Imprisoned For His Faith

On 2 May 2017, Judge Talgat Syrlybayev sentenced Teymur Akhmedov to five years in prison for allegedly “inciting religious discord” and promoting the “superiority of citizens on grounds of their religion.”

The judge also added a further restriction to his imprisonment—a three-year ban on Mr. Akhmedov’s “ideological religious activity.” On 20 June, the Astana City Court rejected his appeal despite strong evidence of his innocence.

### BASELESS CRIMINAL CHARGES

The basis for the false charges against Mr. Akhmedov stems from discussions he had in 2016 with adult “Bible students” feigning interest in Jehovah’s Witnesses. During these peaceful discussions over a period of seven months, he used Bible texts to support his personal views on various religious topics. Unbeknownst to Mr. Akhmedov, the discussions were secretly recorded and used against him to allege violation of Article 174 (2) of Kazakhstan’s Criminal Code. That article bans “incitement of . . . religious hatred” resulting in “insult to the . . . religious feelings of citizens” and prohibits “propaganda of exclusivity, superiority or inferiority of citizens on grounds of their religion.”

However, Mr. Akhmedov maintains that he did not violate the law. Rather, his expressions of religious faith and belief are protected by Articles 18 and 19 of the Inter-

national Covenant on Civil and Political Rights (ICCPR), which guarantee “freedom of thought, conscience and religion” and “the right to freedom of expression.”

Previously, the UN Human Rights Committee (Committee), which monitors violations of the ICCPR, drew attention to Kazakhstan’s “broadly formulated definitions of crimes” in misapplying Article 174 to individuals who exercise their freedom of religion and belief. In a report dated **9 August 2016**, the Committee urged Kazakhstan to “guarantee the effective exercise of freedom of religion and belief and freedom to manifest a religion or belief in practice. It should consider bringing article 22 of its Constitution into 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.”

Regarding the “broadly formulated definitions of crimes,” in a 2014 report, Mr. Heiner Bielefeldt, then UN special rapporteur on freedom of religion or belief, recommended that Kazakhstan replace “overly broad definitions of offences concerning religious discord and extremism” with “clear and narrow definitions.” Otherwise, the law would “negatively impact on freedom of religion or belief.”

# JEHOVAH'S WITNESSES RESPECTFULLY REQUEST THE GOVERNMENT OF KAZAKHSTAN TO:

- Release Teymur Akhmedov from prison
- End the arrest, prosecution, and harassment of Jehovah's Witnesses for so-called unregistered missionary activity
- Lift imposed bans on religious publications of Jehovah's Witnesses and restrictions on distribution
- Fulfill its obligations under international law to guarantee freedom of religion, expression, assembly, and association for all citizens, including Jehovah's Witnesses
- Prosecute vandals and hooligans who attack houses of worship of Jehovah's Witnesses and who harass and harm their adherents
- Enforce media standards prohibiting libel and slander

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Representatives of Jehovah's Witnesses welcome the opportunity to engage in a constructive dialogue with representatives of the Kazakhstan government.

**For more information:** Please contact the Office of General Counsel of Jehovah's Witnesses at [generalcounsel@jw.org](mailto:generalcounsel@jw.org).



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