

## RELIGIOUS FREEDOM CONCERNS IN KAZAKHSTAN

STATEMENT by the EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

For the OSCE Human Dimension Implementation Meeting, Warsaw, 23 September to 4 October 2013

During the October 2012 OSCE HDIM meeting in Warsaw, government representatives stated that Kazakhstan was fully committed to honouring its obligations under international law to guarantee the right to freedom of religion, freedom of expression, and freedom of association.

That has not proved true. Beginning in December 2012, Kazakhstan authorities commenced a targeted campaign against Jehovah's Witnesses.

- Authorities have **arrested** dozens of Jehovah's Witnesses and ordered the Witnesses to pay fines of more than EUR 850 simply for speaking about their religious beliefs to relatives, friends, and neighbours.
- Police have **raided** many peaceful religious meetings of Jehovah's Witnesses and seized their personal copies of the Bible and other religious literature.
- Kazakhstan's state Agency for Religious Affairs (ARA) has **banned** the import of 11 publications of Jehovah's Witnesses, including 10 monthly issues of *The Watchtower* and *Awake!*, the most widely circulated and read magazines in the world.

### ***Arrests and Administrative Fines Imposed on Jehovah's Witnesses***

According to the ARA, it is an offence under the 2011 Religion Law for anyone to "disseminate religious beliefs" in religious meetings not held at the registered address without first registering as a "missionary" with the ARA.

In letters dated 28 March 2013 and 16 May 2013, the ARA directed the "Christian Center of Jehovah's Witnesses" in Almaty, Kazakhstan, to instruct the more than 17,000 Jehovah's Witnesses that they must "comply" with the total ban on unregistered "missionary activity."

Kazakhstan has now arrested and convicted dozens of Jehovah's Witnesses throughout the country for so-called illegal "missionary activity," which they define as participation in peaceful religious meetings or for discussing their religious beliefs with a neighbour or other interested person. Already, administrative convictions of 21 Jehovah's Witnesses are final. Other cases are pending in the domestic courts or in the investigator's office.

The position of the ARA clearly conflicts with international standards. Having exhausted all domestic remedies, Witnesses filed appeals by 29 August 2013 with the United Nations Human Rights Committee on behalf of the first 21 Jehovah's Witnesses convicted for so-called "missionary activity." Additional cases will be filed in the Human Rights Committee in the coming weeks as those decisions enter into legal force.

### ***Police Raids of Peaceful Religious Meetings***

Since 1 January 2013, police have raided at least six religious meetings of Jehovah's Witnesses in the cities of Esil, Karazhal, Karabalyk, Kentau, Makinsk, and Sarykol, notwithstanding the fact that Jehovah's Witnesses have legal registration in all regions of Kazakhstan.

On 6 April 2013 approximately 40 Jehovah's Witnesses in the city of Karabalyk were peacefully gathered together for religious worship in the home of their fellow Eduard and Irina Malykhin. The religious meeting began at 3:00 p.m. and was scheduled to conclude shortly before 5:00 p.m. However, at 4:00 p.m., approximately 20 law enforcement officials entered the home without permission and interrupted the religious meetings. The officials included representatives of the "Regional Department on Fighting Against Extremism, Separatism, and Terrorism," the "Regional Department of Religious Affairs," and the regional and city police.

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The police questioned and filmed everyone in attendance. They then searched the home and seized the Bibles and religious literature of some of the persons in attendance as well as the Malykhins' entire personal religious library. The police raid lasted for three hours and ended at 7:00 p.m.

Several days after the raid, Jehovah's Witnesses filed a written complaint with the prosecutor's office, protesting the disruption of their religious meeting and the illegal search and seizure of their religious publications. The prosecutor ignored the complaint.

Instead, the prosecutor charged Mr and Mrs Malykhin and two of their guests, Andrey Moiseyenko and Konstantin Vengelevskiy, for "illegal missionary activity" simply for participating in the 6 April 2013 religious meeting. In hearings held in Karabalyk on 2-5 July 2013, the court convicted four Jehovah's Witnesses and ordered them to each pay fines of more than EUR 850. Appeals in all four cases were dismissed in August 2013.

Moreover, news reports indicate that the chief "religious expert" of the Regional Department of Religious Affairs who participated in the 6 April 2013 raid has concluded in her "expert study" that an unspecified number of the books, magazines, and brochures of Jehovah's Witnesses seized during the raid are "extremist."

Police have informed Jehovah's Witnesses that the Regional Prosecutor's office is now determining whether it will start court proceedings to declare the publications seized during the raid as "extremist." This could have profound negative consequences throughout Kazakhstan, possibly including the banning and criminal prosecution of Jehovah's Witnesses.

## ***Banning of Religious Literature***

The 2011 Religion Law prohibits the import of any religious literature without first obtaining prior approval from the ARA. The religious organization must submit to the ARA the literature it would like to import for a "religious expert study" by an employee of ARA.

In September, October, and December 2012, Jehovah's Witnesses applied to ARA for approval to import 10 religious publications, nine of which were monthly issues of *The Watchtower* and *Awake!* magazines. Jehovah's Witnesses use these publications in their weekly religious meetings and at home for personal and family worship.

In three decisions dated 31 January 2013, ARA refused permission to import these publications, claiming that the publications discouraged secular education and work and contained beliefs of Jehovah's Witnesses that some doctrines of traditional Christian religions are not Biblical, which the ARA concluded could offend church members.

The ARA directed Jehovah's Witnesses to "modify" the "content" of the publications. Jehovah's Witnesses appealed, but on 3 July 2013, the Astana Economic Court rejected the appeal and upheld ARA's ban on the publications. The Astana City Court rejected a further appeal on 27 August 2013. The banning decision is now final and enforceable.

***Jehovah's Witnesses respectfully call on the Kazakhstan government to honour its commitments to uphold fundamental human rights, to stop its campaign of arrests of Witnesses and raids of their religious meetings, and to reverse the ban on their religious publications.***

A delegation of Jehovah's Witnesses is ready to meet with representatives of Kazakhstan attending this conference to promote a constructive dialogue.