



THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S CHRISTIAN WITNESSES

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From The European Association of Jehovah's Christian Witnesses

Contribution to the Report of the U.N. High Commissioner for Human Rights  
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established by GA Resolution 60/251  
and by the Human Rights Council in Resolution 5/1 of 18 June 2007  
for the 20<sup>th</sup> session of the UPR (27 October - 7 November 2014).

# KAZAKHSTAN

**Louis De Wit**  
Counsel for Religious Freedom

**Marcel Gillet**  
Chairman of the Religious Freedom Subcommittee

Contact address: Rue d'Argile 60, 1950 Kraainem, Belgium  
Tel.: ++ 32-2-782 00 15 - Fax: ++ 32-2-782 05 92 - E-mail: [jwitnesses.be@jw.org](mailto:jwitnesses.be@jw.org)  
*Contact in New-York : Philip Brumley : ++ 845-306-0700*

## EXECUTIVE SUMMARY

This submission to the Human Rights Council (HRC) on Kazakhstan highlights human rights issues in the past 4½ years and to implement accepted recommendations by Kazakhstan during the previous review.

As described below, serious issues of concern persist, namely Kazakhstan has orchestrated a campaign against Jehovah's Witnesses, for speaking about their religious beliefs to relatives, friends, and neighbors. This has resulted in raids, arrests, fines, banning, deportations and the refusal to import Bible-based publications used for worship.

Jehovah's Witnesses in Kazakhstan and as a worldwide organization respectfully request the government of Kazakhstan to:

- (1) Ensure that peaceful worshipers will not be subjected to illegal raids, arrests, and fines for merely practicing their faith;
- (2) Ensure protection from further illegal police interference with Jehovah's Witnesses' peaceful exercise of their of freedom of assembly to meet together for worship;
- (3) Ensure that Kazakhstan authorities will cease deporting non-Kazakhstan citizens, charging them with engaging in illegal missionary activity for merely attending a religious meeting of Jehovah's Witnesses; and
- (4) Ensure that the Agency of Religious Affairs stops their expert studies of the Bible based publications of Jehovah's Witnesses, and cancel the illegal and unfounded banning decisions on 14 publications of Jehovah's Witnesses;
- (5) Ensure general approval to import the worldwide-circulated religious magazines *The Watchtower* and *Awake!*; and
- (6) Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Kazakhstan and the ICCPR for all citizens, including Jehovah's Witnesses.

## I. INTRODUCTION

1. The European Association of Jehovah's Christian Witnesses is a charity registered in the UK. It provides support to Jehovah's Witnesses facing fundamental human rights violations in various parts of the world.
2. The Christian community of Jehovah's Witnesses have been active in Kazakhstan since at least the early 1940s. They obtained registration in Kazakhstan in 1991 and were re-registered in October 2012 under Kazakhstan's new law on religion. For more than twenty years, Jehovah's Witnesses in Kazakhstan have publicly shared their religious beliefs from door to door and on the streets, as is their religious practice worldwide. Concerning this well-known practice of Jehovah's Witnesses, the European Court of Human Rights held in the leading case of

*Kokkinakis v. Greece* (25 May 1993, § 31, Series A no. 260-A) that the right to freedom of religion includes “the right to try to convince one’s neighbour, for example through ‘teaching’, failing which, moreover, ‘freedom to change [one’s] religion or belief’ . . . would be likely to remain a dead letter.”

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

3. The primary source of the problems stem from the law “On Religious Activity and Religious Associations” (hereinafter “2011 Religion Law”): On 11 October 2011, the Parliament of Kazakhstan adopted the 2011 Religion Law which has been the subject of considerable criticism by the international community.. The 2011 Religion Law, as applied, has had a chilling effect on religious freedom. It has served as a catalyst for government officials to significantly restrict and violate human rights provisions guaranteed by both the Constitution of the Republic of Kazakhstan and the International Covenant on Civil and Political Rights (ICCPR). The Republic of Kazakhstan ratified the ICCPR on 28 November 2005 and its first Optional Protocol on 11 February 2009.
4. To date, complaints on behalf of 21 Jehovah’s Witnesses have been submitted to the Human Rights Committee (CCPR) (e.g. see Communication No’s 2298/2013 and 2319/2013) after having exhausted all domestic legal remedies. On 30 October 2013 and 12 December 2013 the CCPR communicated all 21 cases to Kazakhstan for its response. Twelve additional complaints will be filed on or near 1 April 2014.
5. Additionally, ongoing correspondence has been established with the office of the UN Special Rapporteur on freedom of religion to discuss the systematic, ongoing, and egregious violations of the ICCPR perpetrated against Jehovah’s Witnesses. Following, are four of these gross violations experienced by the more than 17,000 Jehovah’s Witnesses in Kazakhstan and the more than 31,000 persons who attend their religious meetings:

### **Police Raids on Religious Meetings (ICCPR – Articles 18, 19, 21, 22, 26, 27)**

6. Starting in January 2013, police have raided at least nine religious meetings of Jehovah’s Witnesses in the cities of Esil, Karazhal, Karabalyk, Kentau, Makinsk, Sarykol, Aktau, Bobrovka and Kurchatov despite the fact that Jehovah’s Witnesses have legal registration in all the regions of Kazakhstan. The following are three examples:
7. Yesil, Akmola Region. On 20 January 2013, while Jehovah’s Witnesses were holding one of their weekly religious services at the rented hall in the “Mechta” hotel, police arrived and questioned everyone in attendance, including Sergey Chuvashkin.
8. On 4 March 2013, authorities charged Chuvashkin with so-called unregistered “missionary activity” for his participation in the 20 January 2013, religious service. He was charged and later convicted simply because he “read from the Bible about Jehovah [God], that is, he disseminated the religious teachings of Jehovah’s Witnesses among those gathered [on 20 January 2013].”
9. Karabalyk. On 6 April 2013, approximately 40 of Jehovah’s Witnesses gathered together for religious worship at the Malykhins’ private house. Without warrant or permission, 20 law enforcement officials entered and interrupted the religious service. The police questioned and

filmed everyone in attendance. They searched the house and seized the Bibles and religious literature of some in attendance as well as the Malykhins' entire personal religious library. The raid lasted for three hours. The Malykhins and two of their guests were later charged and convicted of missionary activity simply for participating in that religious meeting.

10. Kurchatov. On 13 October 2013, police disrupted a religious meeting in a private home. The police interrogated those in attendance and confiscated their religious literature. The authorities have charged two Jehovah's Witnesses for violating the 2011 Religion Law for organizing a religious meeting in a private home even though this is specifically allowed in the law.

**Arrests, Convictions, and Fines of Jehovah's Witnesses (ICCPR – Articles 18, 19, 21, 22, 26, 27)**

11. Authorities have arrested dozens of Jehovah's Witnesses for so-called unregistered "missionary activity" under Article 375(3) of the Code of Administrative violations and ordered them to pay administrative fines of more than USD 1,100 simply for peacefully practicing their religion. 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 Jehovah's Witnesses that they must "comply" with the total ban on unregistered "missionary activity." ARA claims that it is illegal for the more than 17,000 Jehovah's Witnesses in Kazakhstan to manifest their religious beliefs without first obtaining registration as "missionaries." In particular, ARA claims that without such registration it is illegal for Jehovah's Witnesses to share in their door-to-door evangelizing work, to answer questions about their religion asked by friends, neighbours and relatives, and to participate in religious services at their registered places of worship.
12. ARA's insistence that all Jehovah's Witnesses must register as missionaries as a condition to manifesting their religious beliefs is an obvious violation of the right to freedom of religion and freedom of association guaranteed by the Covenant. It is also totally impractical. Article 8 of the Kazakhstan's 2011 Religion Law states that among the many documents that must be submitted to the local department of religious affairs with each missionary application is the "religious literature, other informational materials of religious content [and] objects of worship" that the person intends to use for "missionary activity." That material is then sent to ARA for a "religious expert study." A decision on the registration application should be processed within "30 calendar days" but can be postponed for an indefinite period pending completion of the "religious expert study." If registration is granted, the registration is valid for a maximum of one year and only for the one particular region of Kazakhstan specified by the DRA. The "missionary" is prohibited from sharing his or her religious beliefs in any other region of Kazakhstan and may not use any religious literature that has not been "approved" by ARA's "expert study." These onerous bureaucratic procedures effectively silence peaceful religious expression.
13. Aktau. On 15 January 2013, Ms. Shefer and Ms. Lashova were convicted of illegal "missionary activity" when they publicly discussed their religious beliefs with interested persons in an apartment building. Although the judge did not hold a trial in her case or even hear from her, he convicted Ms. Lashova. The court ordered both women to pay the maximum fine.
14. Ust-Kamenogorsk. On 20 February 2013, Arman Abdullinov was going from door-to-door speaking about his religious beliefs when police stopped him and seized nine pieces of religious literature, then detained him for questioning. A "psycholinguist expert study" concluded on 23 February 2013, found that there was nothing in the religious literature that violated the Constitution of Kazakhstan.

15. On 22 April 2013, authorities charged Mr. Abdullinov with so-called unregistered “missionary activity” and convicted him on 20 May 2013.
16. Karaganda. On 26 April 2013, police detained Lyubov Artamonova, a pensioner, and questioned her about going from door-to-door in an apartment building to speak about her religious beliefs.
17. On 21 June 2013, authorities charged her with so-called unregistered “missionary activity” and convicted her at trial on 17 July 2013, for “disseminating the religious teachings [of Jehovah's Witnesses].” The trial court ordered her to pay the maximum fine of 173,100 tenge (EUR 850).
18. Atyrau. At a trial on 6 June 2013, the court convicted Zarina Burova of “disseminating these religious teachings [of Jehovah's Witnesses] and drawing members of the Kazakhstan Society of the Deaf into this religion.” The court ordered her to pay the maximum fine of 173,100 tenge (EUR 850).

#### **Censorship and Banning of Religious Literature (ICCPR violations – Articles 18, 19, 26, 27)**

19. . According to Articles 6(1) and 9(3) of Kazakhstan's 2011 Religion Law it is illegal to import any literature into Kazakhstan without first obtaining approval of that religious literature by ARA. Instead, the religious organization must submit the religious literature it would like to import to ARA for an “expert study.” The study is conducted by one employee of ARA. Only if that “expert study” is favourable will ARA give permission to import the literature.
20. In 2013, the ARA has banned the import of a total of 14 publications of Jehovah's Witnesses, including 10 monthly issues of *The Watchtower* and *Awake!*, the principal journals of Jehovah's Witnesses and the most widely circulated magazines in the world.
21. The ARA continues to subject, *The Watchtower* and *Awake!* magazines, and all other religious publications of Jehovah's Witnesses, to religious expert studies. Approval by the ARA experts is a prerequisite for importing every religious publication.
22. In three decisions dated 31 January 2013, the ARA refused permission to import 10 religious publications, claiming that the publications contained beliefs of Jehovah's Witnesses that the ARA concluded could offend other church members and because the ARA claimed that the publications discouraged secular education and work. In fact, the publications contained no such statements and it is widely known that Jehovah's Witnesses encourage a balanced view towards education and secular work.
23. Jehovah's Witnesses appealed the decisions. On 3 July 2013, the Astana Economic Court rejected the appeal and upheld the ARA's ban. The Astana City Court rejected a further appeal on 27 August 2013. The banning decision is now final and enforceable.
24. On 12 July 2013, the ARA refused permission to Jehovah's Witnesses to import the July 15, 2013, issue of *The Watchtower* in the Russian and Kazakh language editions. On 31 December 2013 ARA refused permission to import the booklet *Examining the Scriptures Daily—2014*, which Jehovah's Witnesses use each day to consider the practical application of a Bible verse during their personal and family worship. .

**Arrests and Deportations for “Missionary Activity” (ICCPR violations – Articles 12, 13 18, 19, 21, 22, 26, and 27)**

25. On 12 and 13 December 2013 appeal courts in the cities of Astana and Aktobe upheld trial court decisions to deport citizens of Poland and Kyrgyzstan for “illegal missionary activity” under Article 375(3) of Kazakhstan’s Code of Administrative Violations. On 3 March 2014, Mr. Yuriy Toporov, a citizen of Russia and legal representative and human rights defender for Jehovah’s Witnesses with the “Christian Center of Jehovah’s Witnesses” in the Republic of Kazakhstan, was ordered to be deported for delivering a sermon to a group of Jehovah’s Witnesses at their regular place of worship.

**26. Robert Panchukovsky (Pańczukowski), Citizen of Poland**

27. Facing imminent arrest following a final deportation order, Mr. Panchukovsky left Kazakhstan on 3 February 2014. Mr. Panchukovsky had lived in Kazakhstan for 18 years with his wife. For the past 10 years, he organized training for Kazakhstan cardiologists by eminent medical experts from Poland. More than 800 Kazakhstani doctors had received this specialized training, including doctors working at the Nazarbayev Cardiac Center in Astana.

28. Mr. Panchukovsky was convicted of missionary activity on 18 November 2013 for participating in a religious meeting of Jehovah’s Witnesses held in Aktobe on 24 August 2013. The religious meeting took place at the registered place of worship of Jehovah’s Witnesses and was attended by more than 500 persons. More than 140 participated in the meeting, including Mr. Panchukovsky.

29. On 13 December 2013, the Aktobe Regional Court dismissed Mr. Panchukovsky’s appeal, although neither he nor his attorney was in attendance. Two days before the appeal hearing, Mr. Panchukovsky had filed a motion with the court requesting that the proceedings be adjourned by several days due to the fact that he was scheduled to provide translation services to experts from Poland during cardiac surgeries that would take place on 13 December 2013 in Karaganda, Kazakhstan. This was confirmed by letters from the surgeons which were attached to the motion. The Aktobe Regional Court ignored the request for an adjournment and upheld the deportation order. (Copies of decisions attached)

30. On 19 December 2013, Mr. Panchukovsky filed an urgent motion with the Office of the Prosecutor General of Kazakhstan requesting that an appeal be filed on his behalf to the Supreme Court of Kazakhstan protesting his conviction for “missionary activity.” According to Kazakhstan law, only the Office of the Prosecutor General is permitted to file such an appeal. On 27 January 2014 the Office of the Prosecutor General refused to file an appeal to the Supreme Court on Mr. Panchukovsky’s behalf.

**31. Shammurat Toktoraliyev, Citizen of Kyrgyzstan**

32. Mr. Toktoraliyev has lived in Kazakhstan for many years with his wife and their three adult children. On 18 November 2013, Mr. Toktoraliyev was convicted with missionary activity simply for having a discussion with an interested person about the Bible in a private apartment. His appeal was dismissed by the Astana City Court on 12 December 2013.

33. The deportation order is now final. On 23 December 2013, Mr. Toktoraliyev filed an urgent motion with the Office of the Prosecutor General of Kazakhstan requesting that an appeal be

filed on his behalf to the Supreme Court of Kazakhstan. A decision on that motion by the Office of the Prosecutor General is still pending.

#### **34. Yuriy Toporov, Citizen of Russia**

35. Mr. Toporov has lived in Kazakhstan for 11 years and has been married to a Kazakhstan citizen for the past 7 years. He is a legal representative of the "Christian Center of Jehovah's Witnesses," located in Almaty and, as such, is well known by senior Kazakhstan officials.
36. On 23 November 2013, Mr. Toporov was arrested in the city of Almaty while giving a religious discourse to a gathering of Jehovah's Witnesses at their regular place of worship. More than a dozen law enforcement officials participated in the arrest and meeting raid. Mr. Toporov was subsequently charged by the Almaty Department of Religious Affairs for "illegal missionary activity."
37. On 3 March 2014, the Specialized Administrative Interdistrict Court of the City of Almaty convicted Mr. Toporov of "missionary activity" and ordered his deportation from Kazakhstan. An appeal is pending.

### **III. IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS**

38. During Kazakhstan's previous review in 2010, a number of delegations commended Kazakhstan for its comprehensive national report. Several delegations noted with appreciation that Kazakhstan had ratified major international human rights instruments. Kazakhstan accepted specific recommendations made by Member States. However, the information presented above show that serious efforts are still needed to implement the following accepted recommendations.
39. Recommendation n°69 made by Netherlands encouraged Kazakhstan to extend the rights enjoyed by traditionally established religions to believers of non-traditional religions, and to enable them to carry out their peaceful activities free from Government interference. The United Kingdom (Recommendation n°98) urged Kazakhstan in a similar way. It recommends to raise the awareness of its law enforcement officials so that individuals may exercise their right to freedom of religion or belief free from harassment or threat of human rights violations (Recommended by United Kingdom) The events reported in the present submission undoubtedly demonstrate that Kazakhstan has not implanted these recommendations. However, these achievements are crucial and issues concerning Jehovah's Witnesses could be resolved.
40. Freedom of expression violations were another serious concern for several delegations. For example, Mexico recommendation (n°8), asked Kazakhstan to carry out the necessary negotiations, within the framework of the standing invitation to special procedures, to ensure the effectiveness of visits by special procedures, in particular the Special Rapporteur on the promotion and protection of freedom of opinion and expression. The Republic of Korea encouraged Kazakhstan to make further efforts to expand the democratic space for media and civil society in order to ensure that their freedom of expression is in keeping with international standards (Recommendation n°95).
41. Jehovah's Witnesses regret that Kazakhstan has not implemented the above-mentioned recommendations (and other similar ones) despite having internationally accepted them.

#### IV. CONCLUSION

42. Jehovah's Witnesses in Kazakhstan and as a worldwide organization, express serious concern for the ongoing harassment, intimidation, and mistreatment due to their religious activity. They respectfully request the government of Kazakhstan to take the necessary steps to:

- (1) Stop prosecuting Jehovah's Witnesses for so-called "missionary activity," which is a violation of the right to profess and share their religious beliefs individually or jointly with others as guaranteed by the Kazakhstan Constitution and the ICCPR. This includes the right to use their homes as places of religious worship, as well as rent facilities for religious worship;
- (2) Prevent further illegal police interference with Jehovah's Witnesses' peaceful exercise of their freedom of religion and freedom of assembly;
- (3) Cease deporting non-Kazakhstan citizens, charging them with engaging in illegal missionary activity for merely attending religious meeting of Jehovah's Witnesses.
- (4) Ensure general approval to import the worldwide-circulated Bible based magazines The Watchtower and Awake!; and
- (5) Desist from conducting "expert studies" of the Bible based publications of Jehovah's Witnesses and cancel the illegal and unfounded banning decisions on 14 publications of Jehovah's Witnesses.