

Table of Contents

- ***A cosmetic reform of the Religion Law***
- ***Russia's war in Ukraine the backdrop to Pope's Kazakh visit***
- ***Why is Pope Francis visiting Kazakhstan?***
- ***Seven years' jail for online Muslim posts***

A cosmetic reform of the Religion Law

USCIRF (26.12.2022) - <https://bit.ly/3I40wcX> - After a series of discussions carried out under the auspices of the U.S.-Kazakhstan Religious Freedom Working Group between 2019 and 2021, Kazakh officials stated that they would consider implementing some of the resulting recommendations to improve religious freedom conditions in the country. Despite these engagements and assurances, in December 2021, Kazakhstan passed amendments to the religion law that did not include substantive reforms and in some ways further restricted freedom of religion or belief.

The United States Commission on International Religious Freedom (USCIRF) has just published a report by Mollie Blum titled "[Recent Changes to the 2011 Law On Religious Activities and Religious Associations](#)" dealing with the following issues:

- Overview
- Background on Legislation: Registration – Restrictions on Religious Literature and Missionary Activity – Criminal and Administrative Penalties
- New Amendments on the Religion Law: "Notification" System – Membership Thresholds – Expert Examination
- Conclusions

See hereafter a concrete cosmetic amendment concerning freedom of assembly and worship.

"New amendments on the Religion Law

On December 29, 2021, President Kassym-Jomart Tokayev *approved* a series of amendments to the religion law, which came into effect on January 9, 2022. Generally, those changes did little to reform the government's restrictive approach to religious practice. Although some of the amendments were presented as improvements, in practice they have preserved many of the very functions they ostensibly sought to modify.

'Notification' System

The bulk of recent changes to the religion law concerned Article 7 on "Religious Rites and Ceremonies" and introduced a notification system to replace an earlier requirement that religious associations obtain permission to hold an event outside of their registered place of worship. However, the "notification" process remains essentially an application for permission, as it requires religious groups to provide in-depth details about the circumstances of the event at least 10 working days in advance. Required details include information pertaining to the purpose of the event, the organizing religious association,

the premises, dates and timelines, and the route of movement. After receiving the notification, the state can take up to five days to inform the organizer if the event does not comply with various requirements or regulations. The religious group is then permitted two days to submit any revisions, after which, the state can send a final refusal within just two days of the event. This process makes it difficult for religious associations to plan such events with any degree of confidence given the possibility of such short notice denials.

Although the law has nominally replaced the authorization-based system for these events, it has done so in name only. The amendments preserve the ability of the state to arbitrarily deny and prevent the holding of events outside of registered addresses, a system that can further contribute to the targeting of certain marginalized religious groups. It is unclear how law enforcement will interpret and enforce the "notification" system, but it could jeopardize the religious freedom of groups who rent their places of worship. If facilities are not registered with the state as religious buildings, this amendment has the potential to impact regular meetings held in rented spaces.

The experiences of Jehovah's Witnesses under this new amendment paints a bleak picture for other groups that also rent their religious facilities. Jehovah's Witnesses have cited four incidents where they have already been forced to shift their religious activities in consideration of the amendments.

On April 15, 2022, the enforcement of the religion law amendments impacted the annual commemoration of Jesus Christ's death in three Jehovah's Witnesses communities across Kostanay region. In Karabalyk, local police intimidated the facility administrator by citing the amendments and saying that she would face "serious trouble," fines, and disruptions of the event if she continued to plan to hold the commemoration.

As a result, the community shifted its planned activity to a videoconference. As of May 2022, the Karabalyk community has been able to resume in-person meetings. On the same day in the city of Kostanay, a facility manager reneged on an agreement to rent his venue to Jehovah's Witnesses for their commemoration event after the state required the manager get permission for the event from local authorities, once more citing the newly amended religion law. As a result, the Jehovah's Witness community moved its event to a videoconference. In two other Kostanay houses of worship, Jehovah's Witnesses have been able to hold in-person meetings as usual. In an additional case, police officers interrupted the same annual commemoration event in Kachar, Kostanay, taking six Jehovah's Witnesses to the police station for questioning. Citing the new amendment, officers then demanded that the owner of the building stop renting the facilities to Jehovah's Witnesses. In-person meetings resumed in November 2022.

On June 12, 2022, in Atbasar, Aqmola, police disrupted a meeting of Jehovah's Witnesses before it was scheduled to begin. Police then brought a Jehovah's Witness to the station and issued him a warning for violating the new religion law amendment.

Photo : Pyotr Shelepanov preaches at New Life Church, Talgar - Credit: New Life Church

Russia's war in Ukraine the backdrop to Pope's Kazakh visit

The most noteworthy aspects of Pope Francis' visit to Kazakhstan might be the missed opportunities.

By Nicole Winfield and Kostya Manenkov

The Diplomat (13.09.2022) - <https://bit.ly/3LbbRr6> - Russia's war in Ukraine and the Holy See's strained relations with China are the backdrop to Pope Francis' visit this week to the former Soviet republic of Kazakhstan, where he is ministering to a tiny Catholic community and participating in an interfaith conference aimed at promoting peace and dialogue.

Francis was flying Tuesday to the Kazakh capital of Nur-Sultan to meet with President Kassym-Jomart Tokayev during the state visit portion of the three-day trip. On Wednesday and Thursday, he participates in an interfaith meeting with more than 100 delegations of Muslim, Christian, Jewish, Buddhist, Shinto, and other faith groups from 50 countries.

The most noteworthy aspects of Francis' visit might be missed opportunities: Francis was supposed to have met with the head of the Russian Orthodox Church on the sidelines of the conference. But Patriarch Kirill, who has justified the war in Ukraine, canceled his trip last month.

Francis is also going to be in the Kazakh capital at the same time as Chinese President Xi Jinping, who is making his first foreign visit since the coronavirus pandemic.

Xi is not attending the religious congress. On the pope's flight to Kazakhstan, Francis was asked about a possible meeting with Xi and replied: "I don't have any news about this. But I am always ready to go to China."

Photo credits : Depositphotos

Why is Pope Francis visiting Kazakhstan?

The 85-year-old pope is about to set off an almost 3,000-mile journey, despite limited mobility

By Luke COPPEN

The Pillar (12.09.2022) - <https://bit.ly/3qA7ZXd> - Pope Francis will set off tomorrow on an almost 3,000-mile journey to a country with an estimated 250,000 Catholics. Why is the 85-year-old pope, whose mobility is limited by leg pain, making a [three-day trip](#) to Kazakhstan?

The Pillar takes a look.

Where's Kazakhstan, again?

Kazakhstan, the world's largest landlocked country, is in Central Asia, the meeting point between Europe and Asia. It borders the geographical giants of Russia and China, as well as Kyrgyzstan, Uzbekistan, and Turkmenistan. Despite its considerable size, Kazakhstan has a population of just 19 million people.

Around 70% of the population is Muslim. But the Republic of Kazakhstan, as the country is officially known, is a secular state. Roughly [a quarter](#) of the population is Christian, mainly Russian Orthodox.

Pope Francis seems to have chosen to visit Kazakhstan for two principal reasons. The first is so he can attend an event known as the seventh [Congress of Leaders of World and Traditional Religions](#). The congress, which [aims](#) to strengthen inter-religious ties, has been held in Kazakhstan at three-year intervals since 2003. Francis will be the first pope to attend the gathering, which this year has around 100 participants from 50 countries.

The second reason for the papal trip was a meeting with the Russian Orthodox leader Patriarch Kirill. But in late August, the Moscow Patriarchate signaled that the summit was off. Observers suggested that the cancellation was a [tit-for-tat](#) move after Pope Francis pulled out of a meeting with Patriarch Kirill scheduled for June in Jerusalem.

(China's President Xi Jinping is expected to be in Kazakhstan at the same time as Francis, but the chances of a meeting [appear slim](#).)

There are other, lesser reasons for the trip. This year marks the [30th anniversary](#) of the establishment of diplomatic relations between the Holy See and Kazakhstan — a significant milestone — and [21 years](#) since John Paul II became the first pope to visit the country.

After reciting the Angelus on Sunday, Pope Francis asked for prayers ahead of his journey, which will be his 38th outside Italy since his election in 2013.

"It will be an opportunity to meet many religious representatives and to engage in dialogue as brothers, inspired by the mutual desire for peace, the peace our world thirsts for," he [said](#), adding: "I ask you all to accompany me with prayer on this pilgrimage of dialogue and peace."

The 'eighth sacrament'

The Catholic presence in Kazakhstan [dates back centuries](#), but today's community was forged in the furnace of 20th-century persecution.

As L'Osservatore Romano wrote in 2001, the year of the first papal visit, "it can be said that the history of the Catholic Church in Kazakhstan resumed in the 20th century when Stalin ordered the deportation to Central Asia of whole peoples of the Catholic tradition. Providence turned a diabolical plan into a missionary event beyond the boldest dreams of even Propaganda Fide or any missionary strategist."

A [list](#) of priests, religious, and lay people imprisoned and exiled in Kazakhstan from the 1920s to the 1940s runs to 32 pages.

[Archbishop Tomasz Peta](#), who is based in the capital Nur-Sultan, [told](#) AsiaNews in 2019 that, under Soviet rule, Catholics passed on the faith without priests or churches.

“Catholics created a sort of eighth sacrament: that of the prayer of the rosary,” he said. “The reason is that the only thing they could do during the persecutions was to baptize their children and pray the rosary. In some ways, the rosary has replaced the lack of the shepherds.”

A new chapter

The only previous papal visit to Kazakhstan took place in 2001, just 11 days after the terror attack on the Twin Towers. The intensive four-day visit by a frail, elderly John Paul II left a deep impression on local Catholics.

At a time when 300,000 people lived in the capital city, an estimated 40,000 people gathered in a main square on Sept. 23, 2001, for a [papal Mass](#).

“Without exaggerating, I can say that the papal visit opened a new chapter in the history of our Church,” Archbishop Peta commented in 2019.

The [first](#) Congress of Leaders of World and Traditional Religions was held in 2003 and attended by Vatican officials. According to Vatican Secretary of State Cardinal Pietro Parolin, the event was [modeled on](#) John Paul II’s [day of prayer for peace](#) in Assisi in 2002.

Ch-Ch-Ch-Ch-Changes

The Catholic community has changed significantly since the first papal visit, according to Archbishop Peta.

“In general, the number of Catholics has decreased in the past 20 years since the last visit of the pope,” Peta [told](#) the Astana Times last month. “But the Catholic Church has become more international.”

“Thirty-twenty years ago, many had the idea that Catholics in Kazakhstan were mostly Germans, Poles, Belarusians, Ukrainians, and Lithuanians — nationalities that traditionally belong to the Catholic Church,” explained the archbishop, who was born in Poland. “Today in Kazakhstan there are dozens of different nationalities in the Catholic Church.”

The Kazakh Church has also emerged in recent years as what the New York Times writer Ross Douthat [calls](#) “the strange core of traditionalist Catholicism.”

On Dec. 31, 2017, three local bishops signed a [“Profession of the Immutable Truths about Sacramental Marriage”](#) in response to the “opening” toward Communion for divorced and remarried Catholics in Pope Francis’ [apostolic exhortation](#) *Amoris laetitia*.

One of them was [Bishop Athanasius Schneider](#), a descendant of [Black Sea Germans](#) from Odessa, in present-day Ukraine, who has emerged as a leading figure in the traditionalist movement.

The Catholic writer Dan Hitchens [noted](#) at the time of the letter that “Kazakhstan is not a capital-T Traditionalist country: the Extraordinary Form is not especially widely celebrated. But many practices associated with pre-Vatican II liturgy are common. Reception of the Eucharist on the tongue and kneeling is the norm.”

He quoted a priest in Kazakhstan who described the nation's Catholics as "rather traditional and conservative."

"For us," the priest said, "it means being faithful to Holy Church, to Catholic teaching, to God." He underlined that the community had suffered for the faith within living memory.

Political upheaval

Kazakhstan has also seen notable political changes since 2001. Back then, it was led by Nursultan Nazarbayev, who ruled for three decades before standing down as president in 2019.

The first official act of his successor, Kassym-Jomart Tokayev, was to rename the capital city Nur-Sultan in his predecessor's honor. (It was previously known as Astana.)

Tokayev's reign has been turbulent. He declared a state of emergency in parts of the country at the start of 2022, following protests against a rise in fuel prices. More than 200 people are believed to have died in the unrest and resulting crackdown, dubbed "[Bloody January](#)." At the start of September, Tokayev announced a [snap presidential election](#) in the fall.

The Ukraine war has presented a dilemma for the president, given Kazakhstan's close economic ties to neighboring Russia. Tokayev has declined to recognize separatist republics established in Ukraine with Moscow's backing. But he hailed the "[strategic partnership](#)" between Kazakhstan and Russia during a meeting with Vladimir Putin in August.

The papal visit's motto is "Messengers of Peace and Unity," a sign of Francis' desire that the trip will promote peacemaking and strengthen interfaith ties.

The pope's presence should also offer encouragement to Catholic minorities — not only in Kazakhstan but also in surrounding countries. Thousands of pilgrims from Uzbekistan, Kyrgyzstan, Russia, and even Mongolia are [reportedly](#) planning to attend the [papal Mass](#) in Nur-Sultan on Sept. 14.

Photo: Nur-Sultan, the capital of Kazakhstan. Алексей Тараканов via Wikimedia (CC BY-SA 2.0).

Seven years' jail for online Muslim posts

Forum 18 (19.07.2022) - <https://bit.ly/3yYh8q5> - Muslim Anatoli Zernichenko was jailed for seven years, for posting on social media Muslim texts which prosecutors without evidence claimed promoted terrorism. Zernichenko has appealed, but no hearing date is set. The case started with the secret police

hunting through his social media accounts, and the jailing rests on textual "expert analyses". Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law says this is "exactly what the United Nations (UN) Special Rapporteur for Protecting Human Rights while Countering Terrorism raised concerns about". There are now 10 known prisoners of conscience jailed for exercising freedom of religion or belief.

On 20 June, a court in the town of Arys in Kazakhstan's southern Turkestan Region jailed 27-year-old Muslim Anatoli Zernichenko for seven years in a medium-security labour camp. He was punished for posting on his social media accounts Muslim texts which prosecutors without any evidence claimed promoted terrorism. Zernichenko has appealed and his case reached Turkestan Regional Court on 13 July. No date has yet been set for the appeal to be heard.

Including Zernichenko, there are now (July 2022) 10 known prisoners of conscience (all Sunni Muslim men) who have been jailed for exercising freedom of religion or belief (see below).

The court also ordered Zernichenko to pay 55,560 Tenge in compensation to the "Victims' Fund" (though the court identified no victims of his postings), as well as 870,900 Tenge for the "expert" analyses that led to his conviction. The total Zernichenko now owes represents about six months' average local wages for those in formal work (see below).

The case appeared to start with the National Security Committee (KNB) secret police deciding to go on a "fishing expedition" against Zernichanko's social media accounts (see below).

Zernichenko lived with his wife and young daughter in the town of Arys in the southern Turkestan Region. "Anatoli lived quietly and didn't harm anyone, and suddenly this," his wife Anna Tukova told Forum 18. "We want to achieve justice. They fabricated the case against him for nothing, just so that they would fulfil their plans or gain promotion. Our daughter cries constantly: 'Papa, papa!'" (see below).

Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law – who has seen the verdict – noted that "when there is no evidence that an individual charged with extremism or terrorism planned, prepared or committed any act of violence, or that anybody planned, prepared or committed acts of violence based on his post, the authorities use such expert opinions as the only evidence". Zhovtis told Forum 18 that this is "exactly what the United Nations (UN) Special Rapporteur for Protecting Human Rights while Countering Terrorism raised concerns about" (see below).

Zernichenko's wife Tukova said quotations from the Koran which prosecutors and some of the "experts" claimed incited terrorism were from pages of a book "The Book of Monotheism" by Saudi Islamic scholar Saleh Al-Fawzan which police seized from his home during an October 2021 search. She said her husband had uploaded them to Instagram so that he could study them while he was travelling for work and had posted them on a closed page (see below).

An April 2022 "political studies expert analysis" by Gulnara Mukhatayeva – commissioned while Zernichenko's trial was underway – found that the texts did not contain "signs of terrorism and extremism or propaganda of terrorism and extremism" (see below).

Mukhatayeva said the "violent content" consisted of quotations from the Koran and the hadith (sayings attributed to the Muslim prophet Muhammad), which "characterise the

situation in the epoch of the prophet and describe the polytheists of the past". She added: "This content is not aimed at comparing polytheists of the epoch of the prophet Muhammad with contemporary polytheists, and in this text from the book ["The Book of Monotheism"] there are no propaganda devices and methods justifying violence and terror against contemporary believers" (see below).

Arys District Court ordered all four of the Islamic books seized from Zernichenko in searches in October 2021 – including "The Book of Monotheism" - to be returned to him (see below).

The judge allowed no questioning of the regime's "experts" from a June 2022 analysis, despite defence lawyer Ablai Beiseyev pointing out that there are serious flaws and illegalities in the "analysis" (see below).

Since his arrest in October 2021, Zernichenko has been held in Investigation Prison No. 11 in Shymkent, being brought to his home town of Arys only for trial hearings. He remains in the Investigation Prison as he awaits his appeal. He has no access to the Koran or other Muslim literature, violating the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules), as camp officials do not allow any religious literature in the prison, his wife told Forum 18 (see below).

The investigator in the case, Abai Yeshymkul, refused to discuss why Zernichenko had been prosecuted and jailed, and his role in the prosecution. "I won't give any information by phone. We have our procedures," he told Forum 18 from Arys. "All was done in accordance with the law" (see below).

Both the two prosecutors at the trial, N. Arysbai and Sylbek Arynbekov, refused to discuss the case with Forum 18 (see below).

Zernichenko's address in Investigation Prison: 160000, g. Shymkent Abaysky raion Mkr. Saule 400 Uchr. ICh 167/11

Now 10 known prisoners of conscience jailed for exercising freedom of religion or belief

Including Zernichenko, there are now (July 2022) 10 [known prisoners of conscience \(all Sunni Muslim men\) who have been jailed for exercising freedom of religion or belief](#). When individuals complete prison or restricted freedom sentences for exercising freedom of religion or belief and other rights, [punishment does not stop](#). Many still face often vague bans on specific activity, including exercising freedom of religion or belief. "The Financial Monitoring Agency List says it relates to finance, but it's in fact about everything," one said. "When you want to get a job or open a bank account .. there's a block everywhere!" [Restrictions include bank account blocks, driving bans and being unable to work in many jobs](#). (...)

Photo : Anatoli Zernichenko