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**Extract from the IHF report**

***Human Rights in the OSCE Region: Europe, Central Asia and North America,  
Report 2005 (Events of 2004)***

**Kazakhstan**

**IHF FOCUS: good governance; elections; freedom of expression, free media and information; freedom of association; torture and ill-treatment; conditions in prisons and detention facilities; right to life; freedom of religion and religious tolerance; asylum seekers.**

A lack of pluralism continued to characterize the political arena in Kazakhstan. The campaign leading up to the fall parliamentary elections was dominated by pro-government parties and the new parliament did not include a single representative of the opposition. In a further serious blow to the opposition, the Democratic Choice of Kazakhstan (DCK), a major opposition movement established in 2001, was charged with extremism at the end of the year and subsequently liquidated.

Media ownership remained highly concentrated in the hands of companies close to President Nazarbaev, which resulted in biased coverage during the election campaign. The threat of libel and defamation charges also encouraged widespread self-censorship among media outlets and journalists who were critical of the authorities were subjected to violent attacks and other forms of persecution. A newspaper linked to DCK was forced to close down only weeks before the first round of the parliamentary elections.

After a hopeful first half of the year, the situation regarding freedom of religion deteriorated again toward the end of the year. New cases of harassment against unregistered religious communities were reported and the authorities further stepped up efforts to control the practice of Islam. A new draft law on extremism was criticized for introducing a vaguely worded definition of extremism and it was feared that the law, if adopted, may be used to justify arbitrary repression of religious activities.

A publicized case of prison abuse encouraged discussions about the persisting problem of ill-treatment and torture against detainees as well as efforts to reform the prison monitoring system.

Extradition of ethnic Uighurs to China gave rise to concerns about violations of the principle of *non-refoulement*. A moratorium on the death penalty introduced in 2003 remained in force.

Widespread corruption was also a serious problem.

## Good Governance

A corruption ranking put together by the World Audit, an international not-for-profit company, listed Kazakhstan on place 110 out of 133 countries, with the lowest ranked country deemed to be the most corrupt country.<sup>1</sup>

According to Transparency Kazakhstan (TK), a local anti-corruption organization, corruption was widely acknowledged to be systematic in the country and it was rampant in all sectors of society. Corruption was particularly widespread in the growing oil and gas industry. It was estimated that the black economy accounted for up to 80% of the total economy in the country.<sup>2</sup>

TK pointed out that the problem of corruption was compounded by the fact that the executive branch was very strong and that the opportunities of the legislative branch and civil society to control it were restricted. Also, Kazakhstan had not ratified any of the existing international conventions against corruption, while effective domestic anti-corruption legislation was lacking.<sup>3</sup>

## Elections

On 19 September and 3 October, parliamentary elections were held in Kazakhstan. International election observers deployed by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) concluded that the elections did not correspond to the generally accepted standards of free and fair elections, although some improvements in comparison to previous elections were observed.<sup>4</sup>

According to the OSCE/ODIHR, main points of concern included the opacity of the electronic voting procedures and biased mass media coverage. It was also noted as a serious shortcoming that the Central Election Commission (CEC) was composed in a politically unbalanced way, which resulted in decisions favoring the government, and that its actions lacked transparency.<sup>5</sup> The Almaty t its actions were primarily oriented toward furthering the interests of the authorities.<sup>6</sup>

The newly introduced electronic voting devices lacked printing facilities, as a result of which no paper records of votes could be obtained. Hence, no opportunity for recounting votes was available. Three days prior to the elections it was announced that voters would be able to choose between electronic and paper voting, thus creating widespread confusion. The decision came as a surprise for local election commissions and voter lists had not been adjusted for this purpose.<sup>7</sup>

Political opposition parties were able to register for the elections without major problems, including the Democratic Choice of Kazakhstan (DCK), which had not been able to register for the 1999 elections. However, in the course of the election campaign, several opposition candidates were de-registered, among

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<sup>1</sup> Chart of corruption rankings for 2004 compiled by World Audit (based on data from Transparency International) is available at <http://www.worldaudit.org/corruption.htm>.

<sup>2</sup> "Kazakhstan: Corruption Remains a Major Cause of Concern," *Irinnews*, 28 May 2004, at <http://www.irinnews.org>.

<sup>3</sup> Ibid.; "Transparency International Calls on Kazakh Authorities to Ratify the UN Convention against Corruption," *Kazakhstan Revenue Watch*, 9 December 2004, <http://www.kazakhstanrevenuewatch.org/inc/show.php?id=383&page=news>.

<sup>4</sup> *OSCE/ODIHR Mission to Kazakhstan: Final Report*, 15 December 2004, [http://www.osce.org/documents/html/pdftohtml/3990\\_en.pdf.html](http://www.osce.org/documents/html/pdftohtml/3990_en.pdf.html).

<sup>5</sup> Ibid.

<sup>6</sup> Almaty Helsinki Committee, "An Evaluation of the Activity of the Central Election Commission of the Republic of Kazakhstan, Evaluation of a Questionnaire Distributed to Numerous Experts," October 2004.

<sup>7</sup> *OSCE/ODIHR Mission to Kazakhstan: Final Report*.

them the co-chairman of the Ak-Zhol opposition party, Bolat Abilov. Galymzhan Zhakianov, the DCK co-founder, was unable to run in the elections because he remained imprisoned on what was widely believed to be politically motivated charges.<sup>8</sup> In general, due to pressure from authorities and internal political infighting, the opposition remained highly fractured and inactive.

During the election campaign, administrative resources were reportedly widely used to support pro-governmental candidates.<sup>9</sup> Administrative interference ranged from unjust distribution of public advertising space to prevention of opposition rallies. Pressure was exerted on teachers and professors to promote pro-government parties among their students. During the second round, university authorities reportedly put pressure on students to go out and vote.

Only one opposition candidate succeeded in being elected to parliament, but refused to take up his mandate. Therefore, the new parliament consisted of pro-presidential parties only.<sup>10</sup>

Presidential elections have been scheduled for 2006.

### **Freedom of Expression, Free Media and Information**

Kazakhstan had a large number of media outlets. According to official statistics, 2,041 different media outlets operated in the country as of June 2004.<sup>11</sup> A fifth of these outlets were directly owned by public authorities. The rest, though being in private hands, was controlled by a few companies, which were often connected to the president and his family. As a result, there was a serious lack of diversity in reporting.<sup>12</sup>

On 18 March, the lower chamber of the parliament adopted a new media law. This law foresaw prison sentences of up to five years for journalists who “engage in propaganda and agitation,” without further defining these terms. The draft law also increased government control over media by facilitating the closure of media outlets and imposed new harsh requirements regarding registration of media. On 22 April, President Nazarbaev vetoed the media law, referring to legal concerns and opinions expressed by the public and journalists.<sup>13</sup>

While this was a welcome development, it did not signify any major positive change in official media policies. The media law in force was restrictive in many respects, including registration of media, and could be exploited for politically motivated persecution of journalists.

On 21 July, President Nazarbaev stated that authorities would bring legal charges against foreign mass media outlets that “discredited” the country, thereby attempting to tone down criticism exercised by such media.<sup>14</sup>

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<sup>8</sup> See the chapter on Kazakhstan in IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2003 (Events of 2003)*, [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=3860](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3860).

<sup>9</sup> *OSCE/ODIHR Mission to Kazakhstan: Final Report*.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Article 19, “Kazakhstan: Memorandum on the draft Mass Media Law,” February 2004, <http://www.article19.org/ViewArticle.aspx?AreaID=33&SubAreaID=123&PageID=260&ElementID=246&ArticleID=1637&Comment>.

<sup>13</sup> IPI/IFEX, “IPI Welcomes President's Veto of Law on Mass Media, 23 April 2004,” <http://www.ifex.org/en/content/view/full/58457>.

<sup>14</sup> Human Rights Watch (HRW), “Human Rights Overview: Kazakhstan,” *World Report 2005*, 3 January 2005, <http://hrw.org/english/docs/2005/01/13/kazakh9893.htm>.

### *Media in the Electoral Process*

Dariga Nazarbayeva, President Nazarbaev's daughter, was the chairperson of the managing board of the Khabar media holding. While running in the parliamentary elections, she temporarily stepped down from this position in order to devote herself fully to the election campaign. However, despite this, the Khabar holding showed strong bias towards the party lead by her (the Asar party) and other pro-presidential parties in its coverage of the election campaign. During the pre-election period, Khabar devoted 44% of its political news airtime to the Asar party, and another 31% to President Nazarbayev's Otan party.<sup>15</sup> Several other TV stations were also clearly biased in their coverage of the election campaign.

Unlike in previous election campaigns, no media outlet was shut down and no serious cases of persecution of journalists were reported. Yet, the International Foundation for the Protection of Freedom of Speech, Adil Soz, documented 39 cases where journalists' rights were violated in connection with the parliamentary elections. For example, journalists were denied access to polling stations – sometimes through the use of force – and refused interviews and access to voting protocols.<sup>16</sup>

- On 2 June, a fake issue of the weekly *Assandi Times*, a major opposition newspaper linked to the DCK party, was distributed. This issue, which appeared three days earlier than *Assandi Times* is normally published, featured articles where leading opposition politicians denounced themselves and praised the government. The next day, *Assandi Times*, released a protest statement, voicing suspicion that the presidential administration was responsible for the fake issue. As a result, the presidential administration sued the newspaper for defamation.<sup>17</sup> In a hasty and legally doubtful proceeding, the Medeu District Court ordered the newspaper to pay a sum of 50 million *tenge* (EUR 300,000), which was the highest compensation for moral damages ever imposed in Kazakhstan. The newspaper's property was subsequently confiscated to cover the damages and on 15 July, *Assandi Times* was closed down.<sup>18</sup>
- On 16 September, the whole last pre-election issue of the newspaper *Ural'skaya Nedel'a* was bought by a group of unidentified young persons in the town of Uralsk. The issue contained critical analyses of the election campaign and highlighted the misuse of public administrative resources to promote pro-government candidates.<sup>19</sup>

### *Libel and Defamation*

Libel and defamation charges were actively used to persecute critical journalists. Because journalists feared that they may be prosecuted on these grounds and ordered to pay high damages, they often engaged in self-censorship.

- In March, Dmitriy Melnikov of the *Vremya* newspaper was charged with "hooliganism" after being entangled in a fight with an undercover police officer. It was believed that the police officer had been ordered to provoke a fight with Melnikov, an assumption which the journalist's own

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<sup>15</sup> OSCE/ODIHR Mission to Kazakhstan: Final Report, 15 December 2004.

<sup>16</sup> Adil Soz/IFEX, "Journalists' Rights Violated During Elections," 15 October 2004, at <http://www.ifex.org/en/content/view/full/61929/>.

<sup>17</sup> Ibid.

<sup>18</sup> Adil Soz, "The Court Ruled, the Newspaper 'Assandi Times' Has to Pay 50 million Tenge to the President's Administration," (in Russian), 15 July 2004, [www.adilsoz.kz/old/english/monitoging/2004/07july.htm](http://www.adilsoz.kz/old/english/monitoging/2004/07july.htm); OSCE, "OSCE Media Representative Concerned over Size of Libel Case Fine in Kazakhstan," 22 July 2004, <http://www.osce.org/item/8464.html>.

<sup>19</sup> Ibid.

investigations substantiated. Prior to the incident, Melnikov had written an article criticizing the head of the Northern Kazakhstan Police Investigation Unit, Berik Bilyalov. Melnikov filed a lawsuit against the police officer, but proceedings were terminated in September. Bilyalov, in turn, charged Melnikov with violating his honor and dignity, as a result of which a fine of 30,000 *tenge* (EUR 180) was imposed on the latter.<sup>20</sup>

### *Violence and Other Harassment*

- On 9 January, unidentified assailants in the Kazakh capital Astana beat up the Radio Free Europe/Radio Liberty Journalist Zhulduz Toluelova.<sup>21</sup>
- On 30 January, the *Assandi Times* journalist Svetlana Rychkova was attacked by a number of police officers in Talgar, near Almaty. The officers dragged her out of her car, arrested her and interrogated her for several hours. They also reportedly beat her.<sup>22</sup>
- Sports journalist Maxim Khartashov, writing for the opposition newspaper *Vremya*, was severely beaten on 11 March and had to be hospitalized for several days. The journalist believed that the attack was linked to some articles he had published in which he revealed drug scandals, match-fixing and embezzlement in the Kazakh sport sector.<sup>23</sup>
- On 16 March, Vladimir Mikhailov, managing editor of the Aktobe-based weekly *Diapazon*, was sentenced to a one-year prison term for failing to obey a 2002 court ruling. This ruling had ordered that a wall of the Arsenal publishing house, which prints *Diapazon*, be removed because it was considered to intrude on neighboring property. Mikhailov was held personally responsible for non-compliance even if at the time of the 2002 ruling he was neither the owner of the building nor of *Diazpron* or the publishing house.<sup>24</sup> Kazakh human rights groups voiced concern that the verdict seemed aimed at silencing the critical newspaper, which has a large circulation in the Aktobe region. On appeal, the prison sentence was commuted into 180 hours of community service and Mikhailov was released after 42 days in detention.<sup>25</sup>
- Sergey Duvanov, who has engaged in critical reporting of the authorities, has suffered a number of forms of harassment. In 2002, he was severely beaten, intimidated and charged with defaming the president. In early 2003, he was sentenced to three and a half years imprisonment on charges of raping a minor in a presumably politically motivated process. After spending more than two years in prison, he was released on probation in January 2004 and was allowed to serve the rest of his prison term in his home in Almaty on condition that he complied with certain requirements, such as weekly reports to the authorities and travel restrictions. In August, these restrictions were

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<sup>20</sup> Adil Soz/IFEX, "Journalist Faces Harassment from Police," 22 October 2004,

<http://www.ifex.org/en/content/view/full/62092>.

<sup>21</sup> International Federation of Journalists (IFJ), "IFJ Condemns Intimidation of Kazak Journalists and Obscure Media Law," 6 February 2004, <http://www.ifj.org/default.asp?Index=2248&Language=EN>.

<sup>22</sup> Ibid.

<sup>23</sup> RSF/IFEX, "Sports Journalist Assaulted," 15 March 2004, <http://www.ifex.org/en/content/view/full/57468>.

<sup>24</sup> CPJ/IFEX, "Journalist's Prison Sentence Commuted," 28 April 2004, <http://www.ifex.org/en/content/view/full/58528>.

<sup>25</sup> Ibid.

lifted and he was unconditionally released. In spite of this, he continued to suffer from the stigma attached to having been convicted of rape.<sup>26</sup>

## **Freedom of Association**

As in previous years, NGOs were subjected to harassment, such as intimidating visits by security and law enforcement agencies, arbitrary investigations by the tax police and surveillance by law enforcement and security agents. In a highly worrisome development, the major opposition party DCK faced severe sanctions in an apparently politically motivated case:

- In December, the DCK issued a statement declaring that the parliamentary elections had “dashed the last hope for the possibility of political reforms.” The statement also described the ruling government as illegitimate and called for civil disobedience. The Almaty City Prosecutor’s Office subsequently brought charges against the party. On 7 January 2005, the Special Economic Court of Almaty found DCK guilty of violating article 5 of the Law of National Security, which prohibits “inciting social tension in the society” and “political extremism,” as well as article 5 of the Law on Political Parties, which bans organizations that aim at “disrupting the security of the state and inciting social tension in the society.” On the sole basis of the December statement, the court ordered the liquidation of DCK. The ruling was widely criticized. Legal experts pointed out that the case should have been heard in an administrative rather than a civil procedure, where more moderate sanctions such as a temporary ban on the activities of the party would have been considered. The court ruling followed a long series of harassment against the DCK, which was repeatedly denied registration and whose founding members had been imprisoned. The disappearance of the DCK from the political scene in Kazakhstan further threatened political pluralism in the country.<sup>27</sup>

## **Torture and Ill-treatment, Conditions in Prisons and Detention Facilities**

A broad debate about torture and ill-treatment in prisons followed after the TV channel KTK in February broadcasted footage of the brutal beating of inmates at a prison in Arkalyk, northern Kazakhstan. A commission set up by the Justice Ministry to look into the events later confirmed the KTK report.<sup>28</sup> The prison guards responsible for the documented abuse were imprisoned, however not for torture or ill-treatment but for “exceeding their authority.”<sup>29</sup>

According to non-governmental organizations, the incident reflected the fact that Kazakhstan lacked an effective and independent prison monitoring system. The Almaty Helsinki Committee and other human rights organizations therefore appealed to the parliament to reform the prison monitoring system, which currently involves one monitoring mechanism, namely public observation commissions.<sup>30</sup> A draft law was subsequently elaborated and was under consideration in parliament in early 2005.

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<sup>26</sup> CPJ/IFEX, “Journalist and Human Rights Activist Sergei Duvanov Released on Probation,” 16 January 2004, <http://www.ifex.org/en/content/view/full/56236>; CPJ/IFEX, “Restrictions Lifted against Journalist,” 19 August 2004, <http://www.ifex.org/en/content/view/full/60784>.

<sup>27</sup> Based on HRW, “Kazakh Opposition Party Shut Down,” 7 January 2005, <http://hrw.org/english/docs/2005/01/07/kazakh9957.htm>.

<sup>28</sup> Radio Free Europe/Radio Liberty (RFE/RL), “Kazakh TV Channel Shows Abuse of Prison Inmates, Sparks Probe,” *Transcaucasia and Central Asia Report*, 11 February 2004.

<sup>29</sup> See <http://www.zakon.kz/our/news/news.asp?id=31560>.

<sup>30</sup> Almaty Helsinki Committee et al, “Appeal to the Commission on Legislation and Legal Reforms of the Senate of the Republic of Kazakhstan,” 14 September 2004, [http://www.humanrights.kz/appeal\\_11.php](http://www.humanrights.kz/appeal_11.php).

Torture and ill-treatment also remained a widespread practice in other detention facilities, including police stations and pre-trial facilities.

- Galymzhan Zhakianov, a DCK leader who was sentenced to seven years' imprisonment for abuse of office in a highly doubtful trial in 2002,<sup>31</sup> was reportedly ill-treated in detention. He was repeatedly pressured into giving up his political opposition activities in exchange for a reduction of his prison term, denied medical treatment he was in need of and accused of violating internal prison rules, which resulted in the denial of certain privileges. In early 2005, he was detained for a day in a solitary punishment cell for allegedly avoiding work he had been ordered to carry out on a cattle farm. Since 2004, Zhakianov has been serving his sentence at the low-security Shiderty settlement colony in the Pavlodar province.<sup>32</sup>

## **Right to Life**

A moratorium on the death penalty was introduced by presidential decree in December 2003 and will remain in force until the issue of the abolition of the death penalty has been finally resolved. All executions were put on hold while the moratorium is in place and life imprisonment was established as an alternative to the death penalty as of January 2004.<sup>33</sup>

In April 2004, the Parliamentary Assembly of the Council of Europe (PACE) and the Kazakh parliament signed a co-operation agreement aimed at promoting parliamentary democracy, the rule of law and respect for human rights in Kazakhstan. Under this agreement, the Kazakh parliament undertook to “act for and encourage the competent authorities to [...] abolish the death penalty.”<sup>34</sup>

## **Freedom of Religion and Religious Tolerance**

The situation regarding religious freedom has improved in Kazakhstan in recent years and remained hopeful during the first part of 2004. However, toward the end of the year, there were indications that the authorities attempted to step up control of religious communities, which gave rise to new concerns about undue interference with religious rights.

### *Minority Religious Communities*

The law on religion does not require that religious communities register with the authorities. However, article 375 of the Code of Administrative Offences stipulates that refusal by religious communities to register is punishable with fines or banning of their activities. While this provision had previously been frequently used by authorities to initiate legal cases against unregistered minority religious communities, the situation of such groups improved markedly after a 2002 decision by the Constitutional Court, which declared unconstitutional a new law on religion that explicitly prohibited unregistered religious activities.<sup>35</sup>

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<sup>31</sup> See the chapter on Kazakhstan in IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2003 (Events of 2002)*, [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=3860](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3860).

<sup>32</sup> HRW, “Opposition Leader Mistreated in Custody,” 25 January 2005, <http://hrw.org/english/docs/2005/01/25/kazakh10070.htm>.

<sup>33</sup> OSCE/ODIHR, *The Death Penalty in the OSCE Area – Background Paper*, October 2004, p. 22-23, [http://www.osce.org/documents/odihr/2004/09/3656\\_en.pdf](http://www.osce.org/documents/odihr/2004/09/3656_en.pdf).

<sup>34</sup> Amnesty International, *Belarus and Uzbekistan: The Last Executioners – The Trend toward Abolition in the Former Soviet Space*, October 2004, <http://news.amnesty.org/index/ENGEUR040072004>.

<sup>35</sup> Forum 18, “Religious Freedom Survey,” 10 February 2004, <http://www.forum18.org>.

However, toward the end of 2004, new worrisome cases of harassment against unregistered religious communities were reported.

- Two Baptists in the Karaganda region, Andrei Lerner and Aleksei Bokov, were fined for leading unregistered religious communities and as they did not pay these fines they were threatened with further sanctions. As of the end of the year, Lerner had been charged under a Criminal Code article that punishes failure to comply with court orders, and authorities were due to confiscate property from Bokov's home. Both men are members of a Baptist branch that refuses to register with the authorities on principle. An orphanage belonging to this branch was also closed down on what appeared to be arbitrary grounds in November 2004. Authorities claimed that conditions in the orphanage were "atrocious," although it had a good reputation.<sup>36</sup>

Also, in late 2004, there were reports indicating that some foreign missionaries were having difficulties in renewing their visas. For example, the visa of a South Korean missionary was cancelled by officials who claimed that the country already "had enough missionaries."<sup>37</sup>

### *Muslim Communities*

Two thirds of Kazakhstan's population belongs to the Sunni branch of Islam. However, the percentage of Muslims is lower than that in other Central Asian states and the population is generally regarded as less devout than citizens in Uzbekistan and other neighboring countries.

The government reportedly tried to control the practice of Islam in the country by informally urging mosques to join the Spiritual Administration of Muslims in Kazakhstan, a government-supported umbrella organization. A number of Uzbek Muslim communities in southern Kazakhstan were unwilling to do so because they feared that it would result in a "Kazakhification" of their faith.<sup>38</sup>

Investigation into a series of terrorist attacks that took place in Uzbekistan in March-April (see the chapter on Uzbekistan) indicated that some of the perpetrators were citizens of Kazakhstan and had been trained in camps in the country's southern province. After these results became known, the Spiritual Administration of Muslims in Kazakhstan launched a campaign of compulsory re-attestation of *imams* in the southern part of the country and tried to force all mosques in this region to join the organization and to obtain official registration. While state authorities denied any involvement in the affair, it appeared likely that the campaign was at least backed by them.<sup>39</sup>

### *Efforts to Combat Religious Extremism*

After the wave of terrorist attacks in Uzbekistan, authorities intensified efforts to combat religious extremism, which was described by the president as a growing danger to the country.<sup>40</sup>

Unlike in other Central Asian republics, Hizb-ut-Tahrir, a movement that advocates the establishment of an Islamic state, was not banned in Kazakhstan. However, an increasing number of members of this movement were prosecuted for allegedly calling for an overthrow of the constitutional order of the

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<sup>36</sup> Forum 18, "Signs of Worsening Religious Freedom," 24 January 2005; Forum 18. "No Hope for Hope Orphanage?" 7 January 2005.

<sup>37</sup> Forum 18, "Quite Enough Missionaries in the South?" 10 January 2005.

<sup>38</sup> Forum 18, "Mosques Resist Pressure to Join State-recognised Central Organisation," 11 February 2004.

<sup>39</sup> Forum 18, "Who Ordered Imam Attestations?" 8 December 2004.

<sup>40</sup> RFE/RL, "Kazakh President Warns of Extremist Threat," February 9, 2004.



country. According to official information, the number of legal cases initiated against Hizb-ut-Tahrir members was three times higher in 2004 than in 2003.<sup>41</sup>

Moreover, a new draft law on extremism was introduced. This draft law, which was actively promoted by the KNB secret service, provoked strong criticism from international and national human rights organizations. The Almaty Helsinki Committee deplored that the draft law did not provide an adequate legal definition of “extremism” and that it closely associated “extremism” with religion. As a result, the organization feared that the law, if adopted, could be used by authorities to justify arbitrary crack-downs on religious communities.

The draft law provides for stricter state control of religious communities by granting a special state agency powers to monitor the activities of religious communities and to determine whether they abide by the law on religion and the new law on extremism.<sup>42</sup>

The draft law stipulates that, on extremism charges, law enforcement agencies could stop religious activities even before a court’s verdict. Furthermore, evidence from other countries’ secret services could be used in order to charge religious communities with extremism, including secret services of countries operating under more oppressive regimes.<sup>43</sup>

The new law was passed by the upper chamber of the parliament in December 2004 and as of early 2005 it was being discussed in the lower chamber of parliament.

## **Asylum Seekers**

### *Uighurs from China*<sup>44</sup>

Members of the Muslim Uighur minority fleeing persecution in China often first sought protection in Kazakhstan, although the country did not offer a safe refuge.

The Chinese government has been criticized by international human rights organizations for persecuting members of Uighur organizations who are involved in peaceful opposition activities by accusing them of “separatism” and “extremism.” The Kazak government appears to have endorsed this restrictive approach and has showed readiness to cooperate with China in its repression of Uighur opposition activities that are deemed a threat to national security. For example, during a visit to China in May 2004, President Nazarbaev stated that “Kazakhstan will always adhere to the one-China policy and is willing to strengthen cooperation with China in the fight against terrorism, separatism and extremism for regional peace and stability.”

In recent years, NGOs have reported an increasing number of cases in which Uighurs are believed to have been forcibly returned to China, despite the risk to their life and security they face there.

- In March 2004, Rahmutulla Islayil and Arken Yakuf, two Uighurs who were extradited from Kazakhstan to China in 2002, were executed on murder charges.

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<sup>41</sup> RFE/RL, Gulnoza Saidazimova, “Government Moves to Add Hizb-ut-Tahrir to List of Terror Groups,” 18 March 2005.

<sup>42</sup> Forum 18, New “Extremism Law ‘Serious Danger’ to Religious Believers,” 25 February 2005.

<sup>43</sup> Forum 18, “Is Religion Extremism?” 27 July 2004.

<sup>44</sup> This section is based on Amnesty International, *Concerns in Europe and Central Asia January-June 2004*, <http://web.amnesty.org/library/Index/ENGEUR010052004?open&of=ENG-KAZ>.