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KAZAKHSTAN: 108 administrative prosecutions in January-June 2019 - list

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Administrative prosecutions to punish exercising freedom of religion or belief appear to be rising. At least 108 cases were brought between January and June to punish unapproved worship, sharing faith, selling religious literature and items in shops or online, or using "Amen" in mosque worship. In three cases, courts ordered seized religious literature to be destroyed.

Kazakhstan's authorities are known to have brought at least 108 administrative prosecutions in the first six months of 2019 to punish 106 individuals, one religious community and one company for their exercise of freedom of religion or belief. Of these, 94 ended with convictions, with 88 individuals and one company being fined.

The 108 administrative cases in the first six months of 2019 represent an increase in the rate of prosecutions. In the whole of 2018, 171 such prosecutions are known to have been brought. (http://www.forum18.org/archive.php?article_id=2448)

Punishments included not only fines but temporary bans on activity, a permanent ban on a meeting place for worship, and seizures and destruction of religious literature, according to a review of the known January to June 2019 cases compiled by Forum 18 (see full list below).

Muslims, Protestants (especially Council of Churches Baptists), Jehovah's Witnesses, and commercial and private sellers were many of the targets of these prosecutions.

Fines were the equivalent of between three weeks' and four months' average wages for those in formal work (35 to 200 Monthly Financial Indicators, MFIs, 88,375 Tenge to 505,000 Tenge in 2019).

Many of the prosecutions were to punish meetings for worship without state permission. Bolat Isabayev was fined for leading a home worship meeting in Kandyagash on the most sacred day annually for Jehovah's Witnesses. A court fined two ethnic Azeri imams in Zhambyl Region for maintaining funeral prayer rooms without state approval. Police fined or tried to fine up to 20 members of Karaganda's Revival Protestant Church after raiding a birthday party. (http://www.forum18.org/archive.php?article_id=2492)

In three cases, courts ordered seized religious literature to be destroyed: 29 Muslim books seized from a commercial seller in Kyzylorda (http://www.forum18.org/archive.php?article_id=2488); 18 Islamic books seized from another commercial seller also in Kyzylorda; and 2 Islamic books a visitor from Kyrgyzstan had in her luggage. (http://www.forum18.org/archive.php?article_id=2442)

In the first known such cases, police in January handed two Jehovah's Witnesses summary fines for sharing their faith under the Administrative Code Article which punishes "Harassment in public places" with small fines. Both fines were overturned on appeal (see below).

Administrative prosecutions are known to have been brought in January to June 2019 (with comparisons to the full 2018 (http://www.forum18.org/archive.php?article_id=2448) and 2017 (http://www.forum18.org/archive.php?article_id=2348) calendar years) to punish:

- 28 (26 individuals, 1 community and 1 company) for meeting for worship, hosting such meetings or maintaining places for such meetings (40 in 2018, 88 in 2017).
- 7 individuals for offering religious literature to others for free (10 in 2018, 39 in 2017).
- 23 individuals for offering religious literature, icons or other items for sale (34 in 2018, 58 in 2017).

- 20 individuals for offering religious items for sale online (18 in 2018, 10 in 2017).
- 17 individuals for posting religious materials online (23 in 2018, 12 in 2017).
- 2 individuals for trying to import religious literature (0 in 2018, 4 in 2017).
- 5 individuals for sharing faith with others (17 in 2018, 31 in 2017).
- 4 Muslims for praying in mosques in ways that the state-controlled Muslim Board has banned, for example by using the word "Amen" (21 in 2018, 22 in 2017, the first year such punishments were imposed).
- 2 individuals for teaching their faith (3 in 2018, 2 in 2017).

No religious leaders are known to have been prosecuted for allowing children to be present or conducting religious rites against the wishes of one parent (1 in 2018, 9 in 2017).

No religious communities are known to have been prosecuted for "inadequate" security or security measures for their places of worship, for example not having enough video cameras (2 in 2018, 5 in 2017).

No individuals are known to have been prosecuted for failing to pay earlier fines to punish them for exercising the right to freedom of religion or belief (2 in 2018, 2 in 2017).

No foreign citizens are known to have been ordered deported (1 in 2018, 2 in 2017).

A total of 90 of the 106 January to June 2019 cases were heard in court, but 18 fines are known to have been summarily handed down by police (the total number could be higher). All the known police fines were in Karaganda, Kyzylorda, Shymkent or Taraz.

Of the 106 administrative cases known to have been brought against individuals in 2019, 69 were against men and 37 against women. Women represented more than half of individuals prosecuted to punish offering religious literature and other items for sale in shops and online.

Of the 106 known administrative prosecutions against individuals in 2019, at least 3 began as cases under Criminal Code Article 174 ("Incitement of social, national, clan, racial, or religious discord, insult to the national honour and dignity or religious feelings of citizens, as well as propaganda of exclusivity, superiority or inferiority of citizens on grounds of their religion, class, national, generic or racial identity, committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, clan, racial, or religious discord").

The administrative cases in these 3 cases were launched when prosecutors decided not to pursue the Criminal Code Article 174 cases.

Full list of known January to June 2019 administrative prosecutions

The list of 108 known January to June 2019 administrative prosecutions below is based on court decisions and other information reaching Forum 18. It includes the date of initial decision by lower court/police, name of defendant, affiliation, court/police issuing decision, Administrative Code Article, reason for prosecution, outcome:

- Punishing unapproved meetings, rituals

Known administrative cases: 28

Known convictions: 22

200 MFI fines (4 months' average wage): 1

100 MFI fines (2 months' average wage): 4

70 MFI fines (6 weeks' average wage): 1

50 MFI fines (1 month's average wage): 13

35 MFI fines (3 weeks' average wage): 2

Verbal warning: 1

3-month bans: 2

Permanent bans: 1

Muslims: 5

Protestants: 18 (all Council of Churches Baptists)

Jehovah's Witnesses: 3

Hare Krishna community: 1

Companies: 1

Article 489, Part 9 punishes "Leadership of an unregistered, halted, or banned religious community or social organisation" with a fine of 100 MFIs.

Article 489, Part 10 punishes "Participation in an unregistered, halted, or banned religious community or social organisation" with a fine of 50 MFIs.

Article 490, Part 1, Point 1 punishes "violation of procedures established in law for conducting rites, ceremonies and meetings". Punishment for individuals is a fine of 50 MFIs, and for organisations a fine of 200 MFIs and a three-month ban on activity.

Article 490, Part 1, Point 3 punishes: "Violating the requirements of the Religion Law for .. import, manufacturing, production, publication and/or distribution of religious literature and other religious materials, and items for religious use". The punishment for individuals is a fine of 50 MFIs.

Article 490, Part 1, Point 4 punishes: "Violating the requirements of the Religion Law for .. building places of worship (facilities), or changing the usage (altering the functional designation) of buildings (facilities) into ritual buildings (facilities)". The punishment for individuals is a fine of 50 MFIs.

Article 490, Part 3 punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

1) 5 January 2019, Bakyt Sattarova, Protestant, Karaganda Police, Article 489, Part 10, meeting in home (http://www.forum18.org/archive.php?article_id=2492), 50 MFI fine (reduced to 35 MFI fine on second appeal)

2) 5 January 2019, Aleksandr Shartner, Protestant, Karaganda Police, Article 489, Part 10, meeting in home (http://www.forum18.org/archive.php?article_id=2492), 50 MFI fine

3) 5 January 2019, Sergei Bogovenko, Protestant, Karaganda Police, Article 489, Part 10, meeting in home (http://www.forum18.org/archive.php?article_id=2492), 50 MFI fine

4) 5 January 2019, Aleksei Bykov, Protestant, Karaganda Police, Article 489, Part 10, meeting in home (http://www.forum18.org/archive.php?article_id=2492), 50 MFI fine

5) 5 January 2019, Olga Shartner, Protestant, Karaganda Police, Article 489, Part 10, meeting in home (http://www.forum18.org/archive.php?article_id=2492), 50 MFI fine (overturned on appeal)

6) 5 January 2019, Nadezhda Bogovenko, Protestant, Karaganda Police, Article 489, Part 10, meeting in home (http://www.forum18.org/archive.php?article_id=2492), 50 MFI fine (overturned on appeal)

7) 5 January 2019, Larisa Chachanidze, Protestant, Karaganda Police, Article 489, Part 10, meeting in home (http://www.forum18.org/archive.php?article_id=2492), 50 MFI fine (overturned on appeal)

8) 30 January 2019, Vera Pastukhova, Council of Churches Baptist, Kyzylorda police, Article 489, Part 10, participating in unregistered meeting for worship, 50 MFI fine

9) 30 January 2019, Aleksandr Belyayev, Council of Churches Baptist, Kyzylorda police, Article 489, Part 9, leading unregistered meeting for worship, 100 MFI fine

- 10) 31 January 2019, Aleksei Li, Council of Churches Baptist, Kyzylorda police, Article 489, Part 10, participating in unregistered meeting for worship, 50 MFI fine
- 11) 15 February 2019, Yakov Fot, Council of Churches Baptist, Taraz police, Article 489, Part 9, leading unregistered meeting for worship (http://www.forum18.org/archive.php?article_id=2458), 100 MFI fine
- 12) 15 February 2019, Viktor Fot, Council of Churches Baptist, Taraz police, Article 489, Part 10, participating in unregistered meeting for worship (http://www.forum18.org/archive.php?article_id=2458), 50 MFI fine (changed on appeal to verbal warning)
- 13) 16 February 2019, Valery Skorobogaty, Council of Churches Baptist, Kyzylorda police, Article 489, Part 10, participating in unregistered meeting for worship, 50 MFI fine
- 14) 28 February 2019, Eduard Neifeld, Council of Churches Baptist, Almaty Specialised Inter-District Administrative Court, Article 490, Part 3 (Article 490, Part 1, Point 1 excluded), participating in unregistered meeting for worship (http://www.forum18.org/archive.php?article_id=2458), 100 MFI fine
- 15) 3 March 2019, Vitaly Ryzhkov, Council of Churches Baptist, Taraz police, Article 489, Part 10, participating in unregistered meeting for worship (http://www.forum18.org/archive.php?article_id=2458), 50 MFI fine
- 16) 3 March 2019, Yuliya Ivanova, Council of Churches Baptist, Taraz police, Article 489, Part 10, participating in unregistered meeting for worship (http://www.forum18.org/archive.php?article_id=2464), 50 MFI fine
- 17) 3 March 2019, Petr Skorniyakov, Council of Churches Baptist, Taraz police, Article 489, Part 9, leading unregistered meeting for worship (http://www.forum18.org/archive.php?article_id=2464), 100 MFI fine
- 18) 7 March 2019, Atyrau Hare Krishna Community, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 1, meeting for worship, case sent back
- 19) 18 March 2019, Otabek Khaldarov, Muslim, Turkistan Specialised Administrative Court, Article 490, Part 1, Point 3, opening prayer room in cafeteria, 50 MFI fine
- 20) 15 April 2019, Sanzharbek Abuvakhidov, Muslim, Sairam District Court, Article 490, Part 1, operating an unregistered prayer room, 50 MFI fine plus 3-month ban
- 21) 19 April 2019, Sergei Merkulov, Jehovah's Witness, Glubokoe District Court, Article 490, Part 1, Point 1, hosting unregistered meetings for worship, 50 MFI fine (overturned on appeal)
- 22) 24 April 2019, Svetlana Demina, Protestant, Karaganda Specialised Administrative Court, Article 490, Part 3, praying before husband's birthday meal at home (http://www.forum18.org/archive.php?article_id=2492), case closed because time limit for launching case had expired (fined in November 2018 for same event, but fine annulled on appeal)
- 23) 2 May 2019, Sergei Nurmanov, Jehovah's Witness, Taranovsky District Court, Article 490, Part 1, Point 1, participating in unregistered meeting for worship, 35 MFI fine
- 24) 14 May 2019, Sarvaz Dzhamalov, Muslim, Merke District Court, Article 490, Part 3, operating an unregistered funeral prayer room (http://www.forum18.org/archive.php?article_id=2492), 70 MFI fine
- 25) 16 May 2019, Fakhradin Ismailov, Muslim, Merke District Court, Article 490, Part 1, Point 1, operating an unregistered funeral prayer room (registration application rejected) (http://www.forum18.org/archive.php?article_id=2492), 50 MFI fine
- 26) 16 May 2019, Mak Group Shopping Centre, company, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 1, operating an unregistered prayer room, 200 MFI fine plus ban on prayer room
- 27) 6 June 2019, Bolat Isabayev, Jehovah's Witness, Mugalzhar District Court, Article 490, Part 1, Point 1, participating in unregistered meeting for worship on Memorial of Christ's Death (http://www.forum18.org/archive.php?article_id=2492), 35 MFI fine
- 28) 11 June 2019, Gulammakhambet Taumanuly, Muslim, Zhetysai District Court, Article 490, Part 1, Point 4, opening unapproved prayer room, 50 MFI fine plus 3-month ban

- Punishing offering free religious literature

Known administrative cases: 7

Known convictions: 7

50 MFI fines (1 month's average wage): 5

35 MFI fines (3 weeks' average wage): 2

3-month bans: 2

Protestants: 7 (including 5 Council of Churches Baptists)

Article 490, Part 1, Point 3 punishes: "Violating the requirements of the Religion Law for .. import, manufacturing, production, publication and/or distribution of religious literature and other religious materials, and items for religious use". The punishment for individuals is a fine of 50 MFIs.

Article 490, Part 3 punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

1) 7 February 2019, Feruza Akynbekova, Council of Churches Baptist, Taraz Specialised Administrative Court, Article 490, Part 1, offering New Testament on the street, 50 MFI fine (reduced to 35 MFIs on appeal)

2) 26 March 2019, Pavlo Omelich, Council of Churches Baptist, Baizak District Court, Article 490, Part 3, offering Christian literature, 100 MFI fine, changed on appeal to Article 490, Part 1, Point 3, 50 MFI fine

3) 29 March 2019, Yury Kiryushkin, Council of Churches Baptist, Magzhan Zhumabayev District Court, Article 490, Part 1, Point 3, offering Christian literature, 50 MFI fine plus 3-month ban on distributing religious literature

4) 1 April 2019, Viktor Gizbrecht, Christian, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, offering Bible and other Christian books for free online, 50 MFI fine

5) 15 April 2019, Dmitry Mankov (aged 20), Council of Churches Baptist, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering Christian books for free, 35 MFI fine

6) 17 April 2019, Valentina Rakhmanova, Protestant, Zyryanovsk District Court, Article 490, Part 1, Point 3, offering Bible and other Christian books for free, 50 MFI fine

7) 3 May 2019, Dmitry Isayev, Council of Churches Baptist, Berli District Court, Article 490, Part 1, Point 3, offering Christian books on the street, 50 MFI fine plus 3-month ban on distributing religious literature

- Punishing offering religious literature, items for sale

Known administrative cases: 23

Known convictions: 19

Initial criminal cases (Article 174): 1

50 MFI fines (1 month's average wage): 4

35 MFI fines (3 weeks' average wage): 14

Verbal warnings: 1

3-month bans: 14

Literature destruction orders: 2

Commercial traders: 22

Muslims: 1

Article 490, Part 1, Point 3 punishes: "Violating the requirements of the Religion Law for .. import, manufacturing, production, publication and/or distribution of religious literature and other religious materials, and items for religious use". The punishment for individuals is a fine of 50 MFI.

1) 22 January 2019, Sergei Belov, commercial seller, Aktobe Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious items (including icons, Buddha figures) for sale, 35 MFI fine plus 3-month ban on activity

2) 24 January 2019, Yelena Makhacheva, commercial seller, Aktobe Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious books and items for sale, 50 MFI fine plus 3-month ban on activity

3) 19 February 2019, Kairbek Tolegenuly, commercial seller, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174, Part 1 investigation), offering Sunni and Sufi Islamic books and items for sale in shop, 35 MFI fine plus 3-month ban on activity

4) 20 February 2019, Svetlana Titova, commercial seller, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering Christian prayer books, icons and candles for sale in shop, 35 MFI fine

5) 13 March 2019, Farkhad Zhapparkulov, commercial seller, Turkistan Specialised Administrative Court, Article 490, Part 1, Point 3, offering Muslim books for sale on street, 50 MFI fine plus 3-month ban

6) 15 March 2019, Zhenisbek Baitabynov, Muslim, Munaily District Court, Article 490, Part 1, Point 3, offering religious books for sale, 50 MFI fine

7) 28 March 2019, Murat Zhumagulyev, commercial seller, Beineu District Court, Article 490, Part 1, Point 3, offering religious books for sale at market, 35 MFI fine plus 3-month ban

8) 1 April 2019, Murat Kabdullin, commercial seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale in shop, 35 MFI fine plus 3-month ban on selling religious literature

9) 12 April 2019, Begzod Ismaildzhanov, Muslim, Turkistan Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale at railway station, 50 MFI fine

10) 17 April 2019, Andrei Shelestov, commercial seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale in shop, 35 MFI fine plus 3-month ban on functioning of section of shop

11) 24 April 2019, Sabit Kenzhegulov, Muslim, Zhiloi District Court, Article 490, Part 1, Point 3, offering religious books for sale at railway station, 35 MFI fine

12) 2 May 2019, Nursultan Rakhimgozhin, commercial seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale in shop, 35 MFI fine plus 3-month ban on functioning of shop

13) 3 May 2019, Zauresh Kasymova, commercial seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale in shop, 35 MFI fine plus 3-month ban on selling religious literature

14) 8 May 2019, Aruzhan Omirbai, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale in shop, 35 MFI fine plus 3-month ban plus destruction of 29 Muslim books (http://www.forum18.org/archive.php?article_id=2488)

15) 29 May 2019, Togzhan Boken, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature and discs for sale, case closed because time limit for launching case had expired

16) 29 May 2019, Viktoriya Sizukhina, commercial seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering 1 Bible for sale, 35 MFI fine plus 3-month ban on selling religious literature

17) 31 May 2019, Baurzhan Kudabayev, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious items for sale, acquitted

18) 6 June 2019, Talgatbek Nazarov, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering items with Arabic inscriptions for sale, acquitted

19) 6 June 2019, Saltanat Zhakipova, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature, prayer mats and other items for sale, case closed because time limit for launching case had expired

20) 11 June 2019, Saltanat Koszhanova, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious items for sale, verbal warning

21) 12 June 2019, Gulmira Kulumbetova, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering 18 Islamic books, a prayer mat and other items for sale, 35 MFI fine plus 3-month ban plus destruction of books

22) 12 June 2019, Shin Raisa Du-Se, commercial seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering one cross and one crescent jewellery items for sale in shop, 35 MFI fine plus 3-month ban on functioning of shop

23) 26 June 2019, Marina Shirokova, commercial seller, Aktobe Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale in shop, 35 MFI fine plus 3-month ban

- Punishing offering religious literature, items for sale online

Known administrative cases: 20

Known convictions: 20

50 MFI fines (1 month's average wage): 1

35 MFI fines (3 weeks' average wage): 16

Verbal warnings: 3

3-month bans: 5 or 6

1-month bans: 3 or 4

Literature retention orders: 2

Private sellers: 20

Article 490, Part 1, Point 3 punishes: "Violating the requirements of the Religion Law for .. import, manufacturing, production, publication and/or distribution of religious literature and other religious materials, and items for religious use". The punishment for individuals is a fine of 50 MFIs.

1) 11 January 2019, Dana Rakhimzhanova, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious book for sale online, 35 MFI

2) 25 January 2019, Nurbergen Kunchekeyev, seller, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, offering Muslim book by Elmir Kuliyeu for sale online, 35 MFI fine plus 3-month ban

3) 25 January 2019, Yelena Maslova, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering Bible inherited from grandmother for sale online ("expert" analysis showed Bible did not violate Constitution), 35 MFI fine plus 1-month ban on distributing religious literature and items

4) 13 February 2019, Gennady Vasilyev, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering Bible and Christian booklet for sale online ("expert" analysis showed their content did not violate Constitution), 35 MFI fine

5) 20 February 2019, Yekaterina Kislitsyna, seller, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering icon of Jesus Christ for sale online ("expert" analysis showed icon's content did not violate Constitution), 35 MFI fine

6) 6 March 2019, Oleg Lobanov, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering Christian children's book for sale online ("expert" analysis showed it did not violate Constitution), 35 MFI fine plus 1-month ban on distributing religious literature and items

7) 12 March 2019, Natalya Alekseyeva, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering for sale online 1913 German-language Bible inherited from grandmother, 50 MFI fine plus Bible to be retained by Anti-Extremism Police

8) 18 March 2019, Yelena Glushchenko, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering for

sale online 1905 issue of Russian Orthodox "Church News", 35 MFI fine plus 3-month ban on distributing religious literature

9) 27 March 2019, Dmitry Molozhenko, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering Bible for sale online for 1,000 Tenge ("expert" analysis showed Bible did not violate Constitution), 35 MFI fine plus 1-month ban on distributing religious literature and items

10) 28 March 2019, Yelizaveta Volzhinina, seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, offering embroidered picture of mother and child for sale online, 35 MFI fine

11) 1 April 2019, Oksana Malkova, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, offering Koran for sale online, 35 MFI

12) 19 April 2019, Bayan Tusupova, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, offering children's Bible in Russian and German for sale online, 35 MFI

13) 23 April 2019, Olga Savoskina, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering icon for sale online, verbal warning

14) 25 April 2019, Nadezhda Borovskikh, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering Bible for sale online for 10,000 Tenge (5 days' pension equivalent) to supplement pension (invalid husband), verbal warning

15) 30 April 2019, Galina Smirnykh, seller, Aksu City Court, Article 490, Part 1, Point 3, offering Bible for sale online, 35 MFI fine

16) 13 May 2019, Zarina Kazbekova, seller, Shal Akyn District Court, Article 490, Part 1, Point 3, offering Koran for sale online, 35 MFI fine plus 3-month ban on distributing religious literature

17) 16 May 2019, Madina Koisariyeva, seller, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, offering 4 Korans for sale online, 35 MFI fine plus 3-month ban

18) 21 May 2019, Irina Buravinskaya, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering 2 icons for sale online for 8,000 Tenge (10 days' invalid pension equivalent) ("expert" analysis showed icons' content did not violate Constitution), verbal warning

19) 21 May 2019, Daniyar Murzabayev, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering 1907 Arabic-language Koran inherited from grandmother for sale online for 5 million Tenge ("expert" analysis was unable to review the Koran because they did not know Arabic), 35 MFI fine plus 1- or 3-month ban on distributing religious literature and items

20) 12 June 2019, Rano Tuzelova, seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering 3 Korans in Arabic for sale online, 35 MFI fine plus 3-month ban plus retention of 3 Korans

- Punishing posting religious materials online

Known administrative cases: 17

Known convictions: 16

Initial criminal cases (Article 174): 2

200 MFI fines (4 months' average wage): 1

100 MFI fines (2 months' average wage): 1

70 MFI fines (6 weeks' average wage): 2

50 MFI fines (1 month's average wage): 5

35 MFI fines (3 weeks' average wage): 7

3-month bans: 5

Bans of unspecified duration: 1

Muslims: 17

Article 490, Part 1, Point 3 punishes: "Violating the requirements of the Religion Law for .. import, manufacturing, production, publication and/or distribution of religious literature and other religious materials, and items for religious use". The punishment for individuals is a fine of 50 MFIs.

Article 490, Part 3 punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

Article 490, Part 8 punishes repeat violations of the Religion Law within one year, with fines on individuals of 200 MFIs.

- 1) 9 January 2019, Erlan Mukanov, Muslim, Taiynsha District Court, Article 490, Part 1, Point 3 (initial investigation under Criminal Code Article 174, Part 1), posting religious materials online, 50 MFI fine plus 3-month ban on distributing religious literature
- 2) 15 January 2019, Azamat Orazly, Muslim, Satbayev District Court, Article 490, Part 3, posting religious materials online, 100 MFI fine
- 3) 30 January 2019, Duman Suleimenov, Muslim, Satbayev District Court, Article 490, Part 3, posting religious materials online, 100 MFI fine (reduced to 70 MFIs on appeal)
- 4) 11 February 2019, Zhalgas Nazyrbekov, Muslim, Zhezkazgan City Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 5) 12 February 2019, Ardak Aubakirov, Muslim, Karkaraly District Court, Article 490, Part 1, posting religious materials online, 35 MFI fine
- 6) 12 February 2019, Nurbol Baigenzhinov, Muslim, Karkaraly District Court, Article 490, Part 1 or 3, posting religious materials online, 35 MFI fine
- 7) 18 February 2019, Nurbol Ibraimov, Muslim, Zhezkazgan City Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 8) 4 April 2019, Azat Komutov, Muslim, Abai District Court, Article 490, Part 3, posting religious materials online, 70 MFI fine
- 9) 10 April 2019, Shingis Sabitov, Muslim, Karkaraly District Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine plus 3-month ban
- 10) 2 May 2019, Ernur Toleubekov, Muslim, Temirtau Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 11) 8 May 2019, Sairan Abdugaliyev, Muslim, Karkaraly District Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174 investigation), posting religious materials online, 50 MFI fine plus 3-month ban
- 12) 15 May 2019, Yerken Akanov, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 8 (second "offence" within one year (http://www.forum18.org/archive.php?article_id=2448)), sharing religious materials on WhatsApp, 200 MFI fine and ban on distributing religious literature
- 13) 27 May 2019, Abdurrakhim Termaliyev, Muslim, Mamlyut District Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine plus 3-month ban on distributing religious literature
- 14) 30 May 2019, Kaisar Serik, Muslim, Karkaraly District Court, Article 490, Part 1, posting religious materials online, 35 MFI fine
- 15) 4 June 2019, Akhmet Zhangeldi, Muslim, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 16) 11 June 2019, Adil Mendygaliyev, Muslim, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, sent back for reclassification under different Article
- 17) 21 June 2019, Farkhad Zhauyrbekov, Muslim, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine plus 3-month ban on social media account

- Punishing trying to import religious literature

Known administrative cases: 2

Known convictions: 2

50 MFI fines (1 month's average wage): 2

Literature destruction orders: 1

Muslims: 1

Traders: 1

Article 490, Part 1, Point 3 punishes: "Violating the requirements of the Religion Law for .. import, manufacturing, production, publication and/or distribution of religious literature and other religious materials, and items for religious use". The punishment for individuals is a fine of 50 MFIs.

1) 3 January 2019, Gulsanam Katkeldiyeva, Muslim (Kyrgyz citizen), Zhambyl District Court, Article 490, Part 1, Point 3, having 2 Islamic books in luggage entering Kazakhstan from Kyrgyzstan, 50 MFI fine plus book destruction (http://www.forum18.org/archive.php?article_id=2442)

2) 20 June 2019, Makhmadgafuri Olimzoda, trader (Tajik citizen), Beineu District Court, Article 490, Part 1, Point 3, 36 of 490 books he brought through Kazakh border in transit to Russia for resale were religious, 50 MFI fine plus 3-month ban

- Punishing sharing faith

Known administrative cases: 5

Known convictions: 3

100 MFI fines (2 months' average wage): 3

Protestants: 3 (all Council of Churches Baptist)

Jehovah's Witnesses: 2

Article 449, Part 1 punishes: "Harassment in public places". The punishment is a warning or a fine of 5 MFIs.

Article 490, Part 3 punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

1) 4 January 2019, Alla Oleinikova, Jehovah's Witness, Shymkent Police, Article 449, Part 1, sharing faith, 5 MFI fine (overturned on appeal)

2) 4 January 2019, Galina Tsyplenkova, Jehovah's Witness, Shymkent Police, Article 449, Part 1, sharing faith, 5 MFI fine (overturned on appeal)

3) 12 April 2019, Nikolai Novikov, Council of Churches Baptist (court decision wrongly describes him as Jehovah's Witness), Oral Specialised Administrative Court, Article 490, Part 3, sharing faith, 100 MFI fine

4) 22 April 2019, Dmitry Isayev, Council of Churches Baptist, Oral Specialised Administrative Court, Article 490, Part 3, sharing faith, 100 MFI fine

5) 23 April 2019, Andrei Labinsky, Council of Churches Baptist, Oral Specialised Administrative Court, Article 490, Part 3, sharing faith, 100 MFI fine

- Punishing violating mosques' internal rules

Known administrative cases: 4

Known convictions: 3

50 MFI fines (1 month's average wage): 2

35 MFI fines (3 weeks' average wage): 1

Muslims: 4

Article 490, Part 2 punishes: "Impeding lawful religious activity as well as violation of the civil rights of physical persons on grounds of their religious views or insulting their feelings or profanation of items, buildings and places revered by followers of any religion, unless there are signs of criminally punishable actions". The punishment for individuals is 50 MFIs, and for legal entities 200 MFIs.

1) 12 February 2019, Nariman Bagirov, Muslim, Almaty Specialised Inter-District Administrative Court, Article 490, Part 2, Amen in mosque (http://www.forum18.org/archive.php?article_id=2464), 50 MFI fine

2) 19 March 2019, Erbolat Gazimov, Muslim, Zhiloi District Court, Article 490, Part 2, Amen in mosque, 50 MFI fine

3) 20 March 2019, Dauren Kaiyrov, Muslim (18 years old), Zhiloi District Court, Article 490, Part 2, Amen in mosque, 35 MFI fine

4) 22 April 2019, Abai Ospanov, Muslim, Taraz Specialised Administrative Court, Article 490, Part 2, Amen in mosque, acquitted

- Punishing religious teaching

Known administrative cases: 2

Known convictions: 2

70 MFI fines (6 weeks' average wage): 2

Muslims: 2

Article 490, Part 3 punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

1) 10 April 2019, Mukhtar Gadzhiyev, Muslim, Article 490, Part 3, Kyzylorda Specialised Administrative Court, teaching religion to children in charity, 70 MFI fine

2) 10 April 2019, Darkhan Shilmanbetov, Muslim, Article 490, Part 3, Kyzylorda Specialised Administrative Court, teaching religion to children in charity, 70 MFI fine

(END)

Full reports on freedom of thought, conscience and belief in Kazakhstan
(<http://www.forum18.org/archive.php?query=&religion=all&country=29>)

For more background, see Forum 18's Kazakhstan religious freedom survey (http://www.forum18.org/archive.php?article_id=2409)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
(http://www.forum18.org/archive.php?article_id=1351)

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