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KAZAKHSTAN: Fines for "extremist" books

By Felix Corley, Forum 18 (<https://www.forum18.org>)

After raids on a Baptist church and a Christian centre in Kazakhstan's capital Astana in October 2012, a court in December 2013 fined two Protestants the equivalent of nearly four weeks' state-calculated average wage each for having "extremist" materials. Only one of seven confiscated items is known to have been banned as "extremist" through the courts. Protestants have repeatedly rejected to Forum 18 News Service accusations by state bodies that works confiscated from them are "extremist" and deserve to be banned. An Astana court is due to rule on 13 January whether a text by Salafi Muslim Mohammed ibn Abdul-Wahhab is "extremist" and should be banned. Because court hearings to rule whether materials are "extremist" take place unannounced and because no published list of banned books appears to exist, people in Kazakhstan remain unaware of what has and has not been banned. "Extremism" bans are part of a harsh system of state-imposed religious censorship.

Two Protestants in Kazakhstan's capital Astana were fined nearly four weeks' average wages in December 2013 for possessing Christian texts which the court found to be "extremist", according to court documents seen by Forum 18 News Service. One of the books had been banned as "extremist" one month after it was seized from one of those fined. However, Forum 18 can find no court decision banning any of the other texts as "extremist".

An Astana court is due to rule on 13 January whether a text by Salafi Muslim Mohammed ibn Abdul-Wahhab is "extremist" and should be banned (see below).

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Unannounced hearings

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The unannounced nature of court hearings also makes it impossible for book publishers, distributors, readers or free speech advocates to challenge court-ordered bans.

The government's Agency of Religious Affairs (ARA) – which is often represented in "extremism" court hearings – does not publish on its website a list of religious books banned by the courts as "extremist". Forum 18 has repeatedly asked the ARA for such a list, most recently on 6 January, but has not received a copy. Saktagan Sadvokasov, the ARA spokesperson, refused to tell Forum 18 that day where people can get a copy of the list. He insisted that such bans were imposed by the courts, not by his Agency.

Bans and "bans"

Kazakhstan has three levels of banned religious literature: items banned by courts as "extremist"; items which the ARA has refused to approve for publication, import and distribution; and items which it has not given a response on or has not considered. Even senior ARA officials appear confused about how the censorship system operates (see F18News 15 November 2013 http://www.forum18.org/archive.php?article_id=1896).

Courts have included some religious publications in the numerous materials they have banned as "extremist". Once a work has been banned, those distributing it risk prosecution under Criminal Code Article 164, Part 1, or Code of Administrative Offences Article 344, Part 4.

However, under Kazakhstan's strict system of state-imposed religious censorship, all religious books are in any case illegal unless the ARA has declared them as legal. Some titles (but not all) which have successfully passed the ARA censorship are then included on the ARA website as having been approved for publication and distribution. However, distribution can only take place in approved venues (registered places of worship and state-licensed shops).

The Astana fines came as Bibles and 12 icons seized by officials from a shop in the city of Oral (Uralsk) in October 2013 have still not been returned three months later. The shop owner is to be brought to court for selling religious materials without the required state licence (see F18News 8 January 2014 http://www.forum18.org/archive.php?article_id=1913).

Raids and literature seizures

Prosecutors raided two Protestant organisations in Astana in October 2012. During the raid on the Bible League of Kazakhstan, they seized the computer belonging to its head, Igor Voronenko. During the raid on one of the city's Baptist churches, they seized copies of five books, according to separate court decisions seen by Forum 18.

Both raids were part of the same criminal case against retired Presbyterian Pastor Bakhytzhan Kashkumbayev. Under arrest since 17 May 2013, the 67-year-old pastor remains in the medical unit of Astana's Investigation Prison (see F18News 15 November 2013 http://www.forum18.org/archive.php?article_id=1896). The criminal case against him appears to have been completed and he is likely to face trial soon. A charge of distributing "extremist" materials appears to be part of the charges (see F18News 22 January 2014 http://www.forum18.org/archive.php?article_id=1918).

Following the October 2012 raids, both Voronenko and Baptist pastor Gennadi Vrublevsky were accused of distributing "extremist" literature. Prosecutors deemed that their actions should not be subject to Criminal Code Article 164, Part 1. This punishes "inciting religious hatred", among other offences, with a fine or a prison term of up to seven years.

Prosecutors instead brought cases against Voronenko and Pastor Vrublevsky under Administrative Code Article 344, Part 4. This punishes "production, storage, import, transport and distribution" of non-media publications containing "propaganda or agitation for a violent change to the constitutional order, violation of Kazakhstan's territorial integrity, subversion of state security, war or the incitement of social, racial, ethnic, religious, class or clan discord, the cult of brutality, violence and pornography" with fines of 50 to 200 Monthly Financial Indicators (MFIs).

At separate hearings on 7 December 2013, Judge Beibit Nurzhan of Astana's Specialised Inter-District Administrative Court found them guilty and fined each 50 MFIs, 86,550 Tenge (3,500 Norwegian Kroner, 400 Euros or 550 US Dollars). This represents nearly four weeks' average wage for each, according to the government's Statistics Agency. Voronenko and Pastor Vrublevsky both admitted that they had the specified literature, according to the court decisions.

Voronenko and Pastor Vrublevsky chose not to appeal against the judgments and reluctantly paid the fines in the hope that they can avoid further pressure from the state, Protestants who asked not to be identified for fear of state reprisals told Forum 18 from Astana.

"Signs of ethnic and religious hatred"?

Voronenko was accused of having in his computer two "extremist" Russian-language works: "Conversation with Muslims about Christ 1, 2, 4, 5, 6, 7, and 8", and "How to Talk to Muslims about the Gospels". Prosecutors insisted that an "expert analysis" No. 756 of 18 March 2013 had found that these works "contain signs of ethnic and religious hatred and enmity and statements on the superiority of the Christian religion and the inferiority of the Islamic religion".

The 12-page "expert analysis" (seen by Forum 18) was prepared by Berik Manakhayev of the Astana Judicial Expert Analysis Centre under the Justice Ministry and university lecturer Tatyana Lipina. Both "experts" have completed religious studies courses.

Voronenko told the court he did not know that these texts had been banned and that having them in his computer was illegal. The court ordered that in addition to his fine, his computer should be reformatted to remove all material on it before it is returned to him.

Pastor Vrublevsky was accused of possessing five "extremist" books, four in Russian and one in Kazakh: "Healing the Broken Family of Abraham" by American Protestant Don McCurry and "Israel and the Kingdom of Islam" by the late German Protestant Ernst Schrupp, as well as "The Call for the Great Commission", "Islam and Occultism" and "Questions which Demand an Answer".

The court decision said "expert analysis" No. 5225 of 27 September 2013 (replicating the comments in the 18 March 2013 analysis) had found that the books "contain signs of ethnic and religious hatred and enmity and statements on the superiority of the Christian religion and the inferiority of the Islamic religion". It does not reveal who wrote the "expert analysis".

The freedom to make claims about the relative merits or demerits of religious or non-religious views is a central part of freedom of religion or belief.

The court decision says that the Baptist congregation's books are to be confiscated, but does not reveal what should then happen to them. In three administrative cases in 2013 known to Forum 18, courts ordered confiscated religious books (including Bibles) to be destroyed, although in one of the cases the destruction order was overturned after widespread public outrage (see F18News 15 November 2013 http://www.forum18.org/archive.php?article_id=1896).

Seized before court-ordered ban

The Russian translation of "Healing the Broken Family of Abraham" is the only religious book known to have been banned as "extremist" in Kazakhstan. On 22 November 2012 Almaty's Almaly District Court No. 2 banned its publication, import and distribution in Kazakhstan. It found that the book contains "elements of incitement to religious hatred and discord" (see F18News 9 October 2013 http://www.forum18.org/archive.php?article_id=1885).

It remains unclear why Pastor Vrublevsky was punished for having McCurry's book, as it was not banned by a court until a month after the book was seized from him in the raid. The "expert analyses" have not been published and, to Forum 18's knowledge, none of the other texts have been banned as "extremist" by a court.

The cases against Voronenko and Pastor Vrublevsky were prepared by Astana's Almaty District Prosecutor's Office official Gaukhar Saparbayeva. Despite repeated calls, Forum 18 was unable to reach her on 6 January. One of her colleagues said she has temporarily been assigned to the city Prosecutor's Office. Messages sent to her went unanswered.

Judge Nurzhan refused to respond to any questions on the cases. "I have no right to answer any questions by telephone," he told Forum 18 from Astana on 6 January and put the phone down.

Investigations

Other religious writings are being investigated for possible banning as "extremist". On 28 December 2013, Judge Maiya Galiyeva of Astana's Saryarka District Court set 13 January 2014 for the hearing to determine whether a Russian translation of the work "Explanation of the Three Fundamental Principles of Islam" is "extremist", according to court documents seen by Forum 18. The book – at least part of which was written by the Salafi Muslim Mohammed ibn Abdul-Wahhab, who helped found a precursor to the present-day kingdom of Saudi Arabia – is 543 pages and was published in Cairo in 2008.

Invited to the hearing of the suit – brought by Akmola Transport Prosecutor's Office – are the National Security Committee secret police, the Interior Ministry, the Justice Ministry, the Transport Ministry and the Agency of Religious Affairs. Also invited is Aidos Akhmetov, a resident of Astana. Forum 18 has been unable to find out whether he is the owner of a copy seized by prosecutors or has some other involvement in the case.

The telephones of the Transport Prosecutor's Office went unanswered each time Forum 18 called on 6 January.

Websites banned

Courts have also banned many websites and webpages as "extremist". Two webpages by Christians making often trenchant criticisms of Islam, as well as an article by a Muslim criticising democracy, have also been banned as "extremist" (see F18News 15 November 2013 http://www.forum18.org/archive.php?article_id=1896).

Other websites and webpages banned relate to bomb-making or violent jihad.

Ban fails

However, not all attempts to ban religious publications succeed, Forum 18 notes. Astana's Prosecutor tried to ban as "extremist" a Kazakh translation of the Turkish book "The Religion of Islam" by Osman Karabiyik. Two "expert analyses" it ordered – of 11 July 2011 and 20 March 2012 – found "signs of extremism" in this and another work. A 21 December 2012 "expert analysis", by contrast, failed to find any "extremism".

On 25 December 2012, Judge Miras Satybaldin of Astana's Saryarka District Court rejected the Prosecutor's Suit. The Prosecutor appealed against the decision. At a 13 June 2013 hearing at Astana Appeal Court, the original rejection of the suit was upheld, according to the decision seen by Forum 18. Unusually for such banning hearings, the publisher – Turkestan Cultural Fund – was represented (their representative was also the book's translator).

At both hearings, "specialists" from the Agency of Religious Affairs insisted that the books did not contain incitement to hatred on grounds of religion, social origin or ethnicity. Ainur Abdirasilkzy, head of the Agency's Religious "Expert" Analysis Department, told the appeal hearing that the Agency had commissioned its own "expert analysis" of "The Religion of Islam" to check that it did not incite "inter-religious enmity".

Abdirasilkzy explained to the court that it is the role of her Department to check religious literature. "When signs of extremism are discovered, materials are sent to the National Security Committee and Interior Ministry for the adoption of appropriate measures to ban the given materials," she told the court. (END)

Reports on freedom of thought, conscience and belief in Kazakhstan can be found at

<http://www.forum18.org/Archive.php?query=&religion=all&country=29>.

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1352.

For a personal commentary from 2005 on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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