

30 January 2018

KAZAKHSTAN: 284 known administrative prosecutions in 2017

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

In 284 known administrative prosecutions in 2017, 263 individuals, religious communities, charities and companies were punished for worship meetings, offering or importing religious literature and pictures (including online), sharing or teaching faith, posting material online, praying in mosques, allowing a parent to bring a child to meetings, inadequate security measures or failing to pay earlier fines.

At least 284 administrative prosecutions are known to have been brought in 2017 to punish individuals, religious communities, charities and companies for their exercise of freedom of religion or belief. Of these, 263 ended up with punishments, which included fines, a short-term jail term, temporary or permanent bans on activity (including bans on meeting for worship), deportations and seizures of religious literature.

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

Fines were mostly the equivalent of between three weeks' and six months' average wages for those in formal work (35 to 300 Monthly Financial Indicators [MFIs], 79,415 Tenge to 680,700 Tenge in 2017).

In nine cases, courts ordered seized religious literature to be destroyed. For the first time known to Forum 18, this included in 2017 a copy of the Koran. The head of the District court bailiff service refused to tell Forum 18 if and how the Koran was destroyed (see below).

At least 88 cases were brought to punish individuals, charities and companies for meeting for worship, hosting such meetings or maintaining places for such meetings.

At least 39 cases were brought to punish individuals and charities for offering religious literature to others for free. At least 58 cases were brought to punish individuals and companies for offering religious literature, icons or other items for sale. At least 4 cases were brought to punish individuals for trying to import religious literature and 1 case for bring religious literature from one Kazakh city to another. At least 1 case was brought to punish a community leader for storing religious literature which the authorities consider "extremist". At least 10 cases were brought to punish individuals for offering religious items for sale online.

At least 12 cases were brought to punish individuals for posting religious materials online. At least 31 cases were brought to punish individuals for sharing faith with others.

At least 2 cases were brought to punish individuals for teaching their faith. At least 9 cases were brought to punish religious leaders for allowing children to be present or conducting religious rites against the wishes of one parent. At least 5 cases were brought to punish religious communities for inadequate security measures for their places of worship.

At least 2 cases were brought to punish individuals for failing to pay earlier fines to punish them for exercising the right to freedom of religion or belief.

In a new development in 2017, at least 22 cases were brought to punish Muslims for praying in mosques not in accordance with the state-backed Muslim Board's regulations.

More than 200 of these cases were heard in court, but more than 50 fines were summarily handed down by police. The number both of court-imposed and summary police fines appears to be growing. In 2013, Forum 18 found 159 administrative punishments imposed between January and early November (see F18News 11 November 2013 http://www.forum18.org/archive.php?article_id=1895).

(For a full list of the known 2017 administrative cases – based on court decisions and other information - see F18News 31 January 2018 http://www.forum18.org/archive.php?article_id=2348).

23 known criminal convictions

In addition to these punishments for exercising freedom of religion or belief imposed under the Administrative Code, 23 individuals are known to have been given criminal convictions in 2017 to punish the exercise of freedom of religion or belief. Of these, 20 were Sunni Muslims, 2 Jehovah's Witnesses and 1 Baptist. Of the 23 (all of them men), 20 received prison terms and 3 received restricted freedom sentences, where they live at home under restrictions (see F18News 17 November 2017 http://www.forum18.org/archive.php?article_id=2333).

Tight restrictions

In violation of its international human rights commitments, Kazakhstan imposes tight restrictions on all aspects of the exercise of freedom of religion or belief. Specific state permission is required to open or maintain a place of worship, sell or distribute religious literature and items (and the location needs state permission also), import religious literature and items, share faith, or teach a faith (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Parliament considers further restrictive amendments

These existing tight restrictions seem set to become even tighter. Parliament has begun consideration of a draft Amending Law proposing many wide-ranging changes to the 2011 Religion Law, Administrative Code and many other laws. The government sent the draft Law to the lower house of Parliament, the Majilis, on 29 December 2017. The draft Law received its formal presentation in the Majilis on 29 January.

If adopted in current form, the Law would impose new restrictions on and punishments for religious education, sharing beliefs, censorship of literature and (for state officials) participating in worship. It would also require almost all registered religious organisations to undergo re-registration (see F18News 29 November 2017 http://www.forum18.org/archive.php?article_id=2335).

Punishing meetings, rituals, held without state permission

In 2017, at least 88 administrative cases were launched to punish individuals, charities or companies for hosting, holding or participating in meetings for worship. Known cases were brought against 67 Protestants (including 55 Council of Churches Baptists), 13 Muslims, 3 companies, 1 businessperson, 1 Jehovah's Witness, 1 Russian Orthodox priest, 1 charity and 1 individual of unknown religious affiliation.

Authorities brought cases to punish holding meetings for worship outside registered places of worship maintained by registered religious communities. Muslim prayer rooms, places of worship maintained by Council of Churches Baptists who see no need to register their communities, and meals in homes have led to such prosecutions.

Many of these cases were brought under Administrative Code Article 490, Part 1, Point 1. This 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 plus a three-month ban on activity.

Others were punished under Administrative Code Article 489, Part 9 ("Leadership of an unregistered, halted, or banned religious community or social organisation"), with a fine of 100 MFIs, or Part 10 ("Participation in an unregistered, halted, or banned religious community or social organisation"), with a fine of 50 MFIs. Such fines are often summarily handed down by police. Such police fines can be challenged through the courts (see F18News 8 June 2017 http://www.forum18.org/archive.php?article_id=2285).

In one known case in 2017 for a repeat "offence", the case was brought under Administrative Code Article 490, Part 8. This punishes repeat violations of the Religion Law within one year, with fines on individuals of 200 MFIs.

Of these 88 known cases in 2017, 81 ended up with fines of between 35 and 200 MFIs (three weeks' to four months' average wages for those in formal work). Among those fined were four foreign citizens who were also ordered deported. Two of these managed to overturn the deportation orders on appeal (see below).

In addition to the fines, courts issued 1 complete ban on further activity. When an Oskemen court fined the company Central Market on 14 March 2017, it permanently banned the Muslim prayer room (namazkhana) on its premises.

Courts also imposed 17 three-month bans on activity to punish meetings for worship held without state permission. Of these, 4 were on an entire religious community: Vefil Pentecostal Church in Belousovka in Glubokoe District was ordered banned on 6 March 2017; Source of Life Protestant Church in Almaty was ordered banned on 14 March 2017; New Life Church in Oskemen was ordered banned on 18 August 2017 (see F18News 6 September 2017 http://www.forum18.org/archive.php?article_id=2313); and when Margarita Zeman was fined in Shu District on 16 November 2017, the court ordered a three-month ban on the unregistered Council of Churches Baptist congregation she hosts in her home. In addition, when an Astana court fined the company Mega Plaza

on 27 November 2017 for hosting a Muslim prayer room (namazkhana), it also banned the prayer room for three months. The Jehovah's Witness regional headquarters in Almaty was banned for three months for having insufficient security measures (see below).

Other defendants told courts that they had halted hosting religious meetings on their premises for which they were being punished. When an Astana court fined Dosan Bekshoinov on 10 August 2017 (a second "offence" within a year after an August 2016 fine), he told the court he would close permanently the Muslim prayer room he rented since 2009 in a building supplies centre. A large gas company, Mangistaumunaigaz, fined on 1 June 2017 and ordered to halt religious activity for three months, told the Mangistau court it had already closed the prayer room for workers in Hostel No. 40 in Kalamkas for which it was being punished. The court decision made no mention of where workers living in the hostel might be able to pray together if they wished to.

In just three of the 88 known cases were the defendants acquitted: Sauran Islamic Cultural Centre, a charity, acquitted in Almaty on 19 June 2017; Nurasyl Espolayev, acquitted in Karakie District on 19 July 2017 after giving a lecture in a mosque; and Russian Orthodox priest, Fr Iakov (Vladimir Vorontsov), acquitted in Merke District on 21 August 2017. Additionally, a case in Satpayev against Council of Churches Baptist Viktor Zigert was closed.

A further three had their initial fine overturned on appeal. Habib Akkus – a Turkish citizen married to a Kazakh – was initially fined in Aktobe on 6 January 2017 for hosting Muslim friends for a meal and he was also ordered deported, but both punishments were overturned on appeal (see F18News 17 February 2017 http://www.forum18.org/archive.php?article_id=2258). Similarly, an Indian citizen was fined and ordered deported in Almaty on 15 March 2017 for addressing a church, but both punishments were overturned on appeal (see F18News 8 June 2017 http://www.forum18.org/archive.php?article_id=2285). Council of Churches Baptist Aleksandr Gorbunov, fined by Astrakhanka District Police on 25 May 2017, was acquitted on appeal (see F18News 4 August 2017 http://www.forum18.org/archive.php?article_id=2303).

As well as Akkus and the Indian citizen, two other foreign citizens were fined and ordered deported for exercising the right to freedom of religion or belief. Hae Taik Kim, a Canadian pastor, was among a group of Protestants punished in Uighur District 10 July 2017 for conducting baptisms in hot springs at a resort (see F18News 4 August 2017 http://www.forum18.org/archive.php?article_id=2303). An Azerbaijani imam visiting relatives, Adil Ahmadov, was punished in Almaty on 14 July 2017 for answering questions on Islam in a flat. Neither Kim nor Ahmadov appealed against their fines and deportation orders.

Punishing offering free religious literature

In 2017, at least 39 administrative cases were launched to punish individuals or charities for offering religious literature to others free of charge, usually on the streets. Known cases were brought against 25 Protestants (including 19 Council of Churches Baptists), 9 Muslims, 3 Jehovah's Witnesses, 1 charity and 1 individual of unknown religious affiliation.

Almost all the 39 known cases were brought under Administrative Code Article 490, Part 1, Point 3. This 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.

Of these 39 known cases in 2017, 34 ended up with fines of between 35 and 100 MFIs (three weeks' to two months' average wages for those in formal work). In 15 of these cases, courts also imposed three-month bans, either on distributing religious literature or on unspecified activity.

In 5 of these cases, courts also ordered that religious literature (and discs) seized from defendants be destroyed. On 2 February 2017, an Oskemen court ordered destroyed three Muslim books seized from Aleksei Shchukin (which an "expert analysis" said were "not recommended" for distribution). On 3 February 2017, a Turkestan court ordered destroyed Muslim literature seized from Nursultan Aisayev. In separate hearings on 14 April 2017, a Kyzylorda court ordered destroyed Muslim books seized from Farrukh Ermetov and Edil Karatayev. On 15 August 2017, a court in Kazali District ordered destroyed a Koran and 4 copies of another Muslim book seized from Adilbek Algashbayev, the first time a court is known to have ordered the destruction of the Koran.

Gulzira Sermagambetova, head of the Justice Ministry's bailiff service for Kazali District, refused to say how bailiffs might have destroyed Algashbayev's Koran and other Muslim books. "We have many private bailiffs here," she told Forum 18 on 30 January. She refused to say if she knew of the case or not. She then put the phone down. When Forum 18 immediately called back, the phone line had been switched to a fax machine. Forum 18 also received no response by the end of the working day on 30 January to the same question sent to Sermagambetova in writing the previous day.

Religious literature – including Muslim and Jehovah's Witness – has also been ordered destroyed after being seized from those punished for selling religious literature without state permission or sharing faith (see below).

Five cases ended up with no punishment. A charity, Teen Challenge, was acquitted in Almaty on 22 May 2017 (see F18News 8 June 2017 http://www.forum18.org/archive.php?article_id=2285). Two Council of Churches Baptists – Ruslan Sadvakasov and Valeri

Zhigalov – were deemed guilty in May 2017 but the cases were dismissed because they had been lodged after the deadline had expired (see F18News 3 August 2017 http://www.forum18.org/archive.php?article_id=2302). Two other Council of Churches Baptists were acquitted.

In 10 of these cases which led to punishments, police had initially opened 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"), but these cases were closed down and the administrative cases opened. Numerous criminal cases under Article 174 were similarly opened against those posting material about religion online before being dropped in favour of administrative cases (see below).

Punishing offering religious literature, items for sale

In 2017, at least 58 administrative cases were launched to punish individuals or companies for offering religious literature, recordings, icons or pictures for sale. Known cases were brought against 54 commercial traders, 2 Muslims and 2 companies.

All the first-time cases were brought under Administrative Code Article 490, Part 1, Point 3. This 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. In the one repeat "offence", the case was brought under Administrative Code Article 490, Part 8. This punishes repeat violations of the Religion Law within one year with fines on individuals of 200 MFIs.

Of these 58 known cases in 2017, all ended up with fines of between 35 and 200 MFIs (three weeks' to four months' average wages for those in formal work). In the case of Sailaukul Kindikbayeva, an Astana court fined and permanently banned her from selling religious literature on 17 October 2017 as this was a repeat "offence" within one year (she had already been fined on 6 June 2017). In 42 of the other cases, courts imposed not only fines but three-month bans on selling religious literature and other items.

In one case, an Oskemen court on 8 June 2017 ordered religious literature seized from Iriskul Allabergenov to be destroyed. In another, on 16 March 2017 an Almaty court ordered religious literature seized from Kaldybek Rakhmanov to be handed to the regional Religious Affairs Department.

In the case of Leila Mazmanova (fined in Karasai on 12 May 2017), police had initially opened a case 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"), but this was closed down and the administrative case opened. Numerous criminal cases under Article 174 were similarly opened against those posting material about religion online before being dropped in favour of administrative cases (see below).

Punishing importing, transporting religious literature

In 2017, at least 4 administrative cases were launched to punish individuals for trying to import religious literature into Kazakhstan.

All 4 known cases were brought under Administrative Code Article 490, Part 1, Point 3. This 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.

All 4 individuals were Muslims and each was fined 35 or 50 MFIs (three weeks' to one month's average wage for those in formal work). Three of the 4 also received a three-month ban on activity. Court decisions do not reveal what happened to the religious literature seized from them at the airport.

A 5th case was to punish an individual Daulet Amanzholov (of unknown religious affiliation) for bringing religious literature from Oskemen to his home district of Zyryan. Police detected the "offence" by monitoring Amanzholov's page on the VKontakte social network. They initially launched an investigation under Criminal Code Article 174. This was then dropped and the administrative case was launched. A Zyryan court fined him 35 MFIs on 25 December 2017.

Punishing storing religious literature

In 2017, one administrative case was launched to punish an individual for storing religious literature which the state regards as "extremist". The case was brought under Administrative Code Article 453, Part 4 ("Production, storage, import, transfer and distribution of literature containing .. social, national, clan, racial, or religious discord").

The case was brought in Astana against Dmitry Bukin in his capacity as head of the Astana Jehovah's Witness community. Police had seized books from the community (as well as from homes) in the criminal cases against Teymur Akhmedov and Asaf Guliyev. "Expert analysis" claimed some of the books were "extremist". Both men were convicted on charges of "inciting religious discord" 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"). Guliyev was given a five-year suspended sentence in February 2017. Akhmedov – a pensioner who is suffering from cancer – was given a two-year prison term in May 2017. Two United Nations bodies have called for Akhmedov to be freed (see F18News 12 January 2018 http://www.forum18.org/archive.php?article_id=2345).

The administrative case against Bukin ended in acquittal on 17 October 2017.

Punishing offering religious literature, items for sale online

In 2017, at least 10 administrative cases were launched to punish individuals (9 of them private sellers, 1 a commercial seller) for offering religious literature, recordings, icons or pictures for sale online. All 10 sellers had offered religious items on the olx.kz website.

One of the individuals - Anna Zinovieva, fined by an Oskemen court on 20 July 2017 for offering for sale a classical picture of a Madonna and Child - was 74 years old. Another - Yelizaveta Mordan, fined by a Petropavl court on 26 December 2017 for offering for sale one Koran – was 18.

All 10 known cases were brought under Administrative Code Article 490, Part 1, Point 3. This 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.

All 10 were found guilty and fined 35 or 50 MFIs (three weeks' or one month's average wages for those in formal work).

Courts in 6 of the 10 cases handed down three-month bans on selling religious items online. In the 7th case, the court handed down a one-day ban. In 4 of the 10 cases, courts ordered religious books seized from sellers to be handed to the Regional Religious Affairs Department.

The police Department for the Struggle Against Extremism discovered on 8 September 2017 that Yekaterina Astapova had offered for sale online a Bible published in 1910 by the Russian Orthodox Synod in St Petersburg. Officers seized the book the following day and ordered a "religious studies expert analysis". This ruled on 4 October that the content of the Bible "does not contradict the Constitution, laws or other legal acts of the Republic of Kazakhstan" and that nothing in it gave cause to obstruct its circulation in the country. On 8 November a Petropavl court fined Astapova and banned her from selling religious books for three months. It ordered that the Bible be handed to the Regional Religious Affairs Department.

In two cases on 14 June 2017, a Pavlodar court ordered Hare Krishna and other books (including the "Bhagavad-Gita As It Is") to be handed to the Regional Religious Affairs Department.

Punishing posting religious materials online

In 2017, at least 12 administrative cases were launched to punish individuals for posting religious materials or hosting religious groups on websites, social media or message exchanging apps. Of the 12 individuals, 11 were Muslims while the 12th was of unknown religious affiliation. Of the 12 cases, 4 had used WhatsApp, 3 had used Telegram, 1 had used YouTube, 1 the Russian social network VKontakte, and 1 the website shyn.kz.

Cases were brought under one of two Administrative Code Articles. 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 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.

All 12 individuals were found guilty and fined 35 to 100 MFIs (three weeks' to two months' average wages for those in formal work). In 4 of the 12 cases, courts also banned individuals from posting religious materials online for three months.

Kanat Zhumanov – fined by an Ekibastuz court on 8 June 2017 – told investigators he had deleted the WhatsApp group he had set up to share materials on Islam.

In 4 of the 12 cases, police initially opened 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"). But these cases were closed down and administrative cases opened.

Punishing sharing faith

In 2017, at least 31 administrative cases were launched to punish individuals for sharing their faith with others in public. Of these 31, 19 were Jehovah's Witnesses, 9 were Muslims, and 3 (including 1 Council of Churches Baptist) were Protestants.

Cases were almost always brought under Administrative Code Article 490, Part 3. This 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.

Of these 31 known cases, 28 ended up with fines of 35 to 200 MFIs (three weeks' to four months' average wages for those in formal work).

In 2 cases where Jehovah's Witnesses in Satpayev were punished - Karlygash Zholomanova on 27 February and Fariza Iskakova on 9 March – religious materials seized from them were not returned but ordered held in the case files. Religious literature seized from Jehovah's Witness Lyudmila Brodnikova (fined in Semei on 5 April 2017) was ordered destroyed.

The highest fine – of 200 MFIs – was handed to Jehovah's Witness Sergei Yastremsky on 11 May 2017 in Taiynsha, as his sharing of faith was a second "offence" within one year. He had been fined 100 MFIs by the same court in July 2016.

Another Jehovah's Witness, Eduard Malykhin – fined 70 MFIs in Karabalyk on 4 April 2017 – was also given a fine and a three-month ban for a meeting for worship by the same court two days later. His wife Irina Malykhina was acquitted of sharing faith on 5 April 2017.

Tatyana Sribnyak, a member of Source of Life Protestant Church in Kostanai, was fined 35 MFIs in Arkalyk on 6 June 2017 for sharing faith when visiting residents of a hostel on Sundays. At the same time she was acquitted of offering charitable help "with the aim of attracting residents of the hostel to the faith of her religious organisation".

The court decisions in the cases of two Jehovah's Witnesses fined 100 MFIs each in Petropavl on 4 September 2017 - Marina Kolova and Svetlana Iskakova – claim that they had been sharing the faith of a "non-traditional religion".

Punishing violating mosques' internal rules

Existing punishments in the Administrative Code began to be used in early 2017 to target Muslims who pray in mosques in ways that the state-backed Muslim Board regards as unacceptable. The punishments began to be used after the Muslim Board imposed behaviour regulations in all mosques in November 2016 (see F18News 28 March 2017 http://www.forum18.org/archive.php?article_id=2267).

The state has given the Hanafi Sunni Muslim Board a monopoly on Islam in Kazakhstan, even though this monopoly is not enshrined in any law. This makes Muslim exercise of freedom of religion and belief even more restricted than the freedom of religion and belief of those who follow other beliefs (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

In 2017, at least 22 administrative cases were launched to punish such Muslims for praying in mosques not in accordance with the Muslim Board rules. Of these 21 were for saying the word "Amen" aloud during prayers.

Of these 22 known cases, 19 ended with fines of 35 or 50 MFIs (three weeks' or one month's average wages for those in formal work). The 20th case – Murat Zhumakulov, punished on 19 June 2017 in Zhiloi District - ended with a fine of 200 MFIs, as he had already been fined 50 MFIs by the same court for the same "offence" on 8 February 2017. The June 2017 court decision also banned Zhumakulov from "activity in service of religion" for one month.

In the other 2 cases, the Muslims ended up without being fined. Adil Dzhetmekov was fined 50 MFIs in Zhanaozen on 2 February

2017, but was acquitted on appeal. The case against Nurlan Dauletov was dismissed in Makat District on 4 May 2017 because the case had not been lodged within the deadline (see F18News 8 June 2017 http://www.forum18.org/archive.php?article_id=2285).

Punishing religious teaching

In 2017, at least 2 administrative cases were launched to punish individuals for conducting religious teaching. Both the known cases were of Muslims. Bazarkhan Alimkhanuly and Shirazidin Temirkululy were each fined 100 MFIs in late February in Atyrau for teaching Islam in the offices of a local charity.

Cases were brought under Administrative Code Article 490, Part 3. This 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.

Punishing involvement of children

In 2017, at least 9 administrative cases were launched to punish religious leaders for allowing children or grandchildren of community members to be present or to undergo religious rituals without first ensuring that another parent does not object.

In 2017, cases are known to have been brought against 4 Jehovah's Witnesses, 4 Protestants (including 1 Seventh-day Adventist pastor) and 1 Russian Orthodox priest.

Cases were brought under Administrative Code Article 490, Part 7. This punishes leaders of registered religious organisations who fail to abide by the 2011 Religion Law's requirement "to take measures not to allow the involvement and/or participation of under age children in the activity of the religious association when one of the parents or their other legal representatives objects". Punishment is a fine of 50 MFIs plus deportation from the country.

Of the 9 known cases, 6 ended up with fines. One Protestant from Lisakovsk, Yuri Agutin, was fined 175 MFIs on 6 February 2017 along with other "offences". The other 5 were each fined 35 to 50 MFIs (three weeks' to one month's average wage for those in formal work).

Two individuals were acquitted. Russian Orthodox priest Aleksandr Zyryanov was acquitted of wrongdoing in Almaty on 27 July 2017 for baptising a child brought by its father and grandfather, but in the absence of the mother, who only expressed her objection afterwards. Seventh-day Adventist pastor Oleg Bondarenko was acquitted in Astana on 18 October 2017 after being accused of allowing a child to attend meetings for worship with his father. The court accepted Bondarenko's and other church members' assertions that they had seen the boy and the father at a service only once, before they knew of the mother's objections.

When the police Department for the Struggle against Extremism told Pastor Bondarenko that the child's mother had objected to the child's possible presence at meetings for worship, the church ruled to ban the child from any possible future attendance (see F18News 23 November 2017 http://www.forum18.org/archive.php?article_id=2334).

A court in Aktobe Region closed the case against Baptist Union Pastor Vyacheslav Poptsov because it had not been completed in the required two months.

Punishing "inadequate" security measures

In 2017, at least 5 administrative cases were launched to punish religious communities for not having enough security measures in their places of worship.

Cases were brought under Administrative Code Article 149. This punishes: "Non-fulfilment and (or) inadequate fulfilment of duties on providing antiterrorist protection and observing the proper level of security of an object vulnerable to terrorism". Punishments for first "offences" under Part 1 are a fine for non-commercial organisations (including religious organisations) of 200 MFIs. Punishments for second "offences" under Part 2 for such organisations are a fine of 300 MFIs with a possible ban of up to three months.

Of these, 3 cases are known to have been brought against Protestant Churches - Christ the Saviour Presbyterian Church in Almaty (fined on 12 June 2017; Grace Presbyterian Church in Karaganda (fined on 27 June 2017); and Grace Presbyterian Church in Astana (fined on 18 October 2017). Each was fined 200 MFIs (four months' average wages for those in formal work).

The other two cases were brought against the Jehovah's Witness Administrative Centre in Almaty. On 24 January 2017 an Almaty court handed down the first fine of 200 MFIs.

The second investigation followed a police and National Security Committee (NSC) secret police raid on 17 May 2017. Prosecutors claimed the 25 surveillance cameras the centre had installed to comply with the law left three small areas without camera coverage. On 29 June 2017, an Almaty court fined the centre 300 MFIs and banned all its activity for three months. On appeal on 3 August 2017, the appeal court narrowed the ban to the worship areas at the centre, claiming that these areas were "vulnerable to terrorism" (see F18News 6 September 2017 http://www.forum18.org/archive.php?article_id=2313).

Punishing failing to pay earlier fines

In 2017, at least 2 administrative cases were launched to punish individuals for failing to pay earlier fines imposed to punish them for exercising freedom of religion or belief. Both cases were launched against Council of Churches Baptists, who have adopted a policy of civil disobedience, refusing to pay fines imposed to punish them for exercising their human rights.

Both cases were brought under Administrative Code Article 669. This punishes "Failure to fulfil a court decision" with a fine for individuals of 5 MFIs (10 MFIs until early 2018) or up to five days' jail.

In one case in Terekty District on 31 January 2017, Serkali Kumargaliyev was punished for failing to pay three fines from 2013 and 2014 with a total of three days in jail. After his release he recounted to his fellow Baptists that he had been held in a relatively clean cell of nearly 8 square metres with three other men. Soon after arrival he was taken to a police officer. "He asked me what I had been locked up for," Kumargaliyev recounted. "Then he recorded my voice, took prints from each finger and each palm, and recorded on video how I walk."

Because of his unpaid fines, Kumargaliyev is (as of 30 January 2018) on the Justice Ministry's list of those banned from leaving the country. Many Council of Churches Baptists have been added to the list over many years (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

In the second case in Sandyktau District on 1 March 2017, Nikolai Levin was fined 10 MFIs for refusing to pay a fine handed down in April 2016 for refusing to pay a 2014 fine. He told the court in 2016 that he had refused to pay the original fine not because of lack of money but because he was not guilty of any wrongdoing (see F18News 13 May 2016 http://www.forum18.org/archive.php?article_id=2177). (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=1939.

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.

Follow us on Twitter @Forum_18 (http://twitter.com/forum_18)

Follow us on Facebook @Forum18NewsService (<http://www.facebook.com/Forum18NewsService>)

All Forum 18 text may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

All photographs that are not Forum 18's copyright are attributed to the copyright owner. If you reuse any photographs from Forum 18's website, you must seek permission for any reuse from the copyright owner or abide by the copyright terms the copyright owner has chosen.

© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY