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KAZAKHSTAN: 79 known administrative prosecutions in six months

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

Of 79 known administrative prosecutions in the first half of 2018 for exercising freedom of religion or belief, 61 ended with fines of up to four months' average wages. A quarter of those punished also received three-month bans on activity. Meeting for worship, offering religious literature and sharing faith without state permission triggered such punishments.

At least 79 administrative prosecutions are known to have been brought across Kazakhstan in the first six months of 2018 to punish individuals, religious communities and companies for their exercise of freedom of religion or belief.

Of these, 61 ended up with punishments – fines of up to four months' average wages and, in a quarter of cases, bans on activity for three months, according to a review of the known 2018 cases compiled by Forum 18 (see full list below).

The rate of prosecution is currently much lower than in 2017. The 79 known prosecutions over the first six months of 2018 compare with 284 such known prosecutions in the whole of 2017, of which 263 ended up with punishments (see F18News 31 January 2018 http://www.forum18.org/archive.php?article_id=2348).

What exercise of freedom of religion or belief is punished?

Administrative prosecutions are known to have been brought in the first six months of 2018 to punish:

- 19 individuals for meeting for worship, hosting such meetings or maintaining places for such meetings.
- 7 individuals for offering religious literature to others for free.
- 12 individuals and 2 companies for offering religious literature, icons or other items for sale.
- 6 individuals for offering religious items for sale online.
- 11 individuals for posting religious materials online.
- 15 individuals for sharing faith with others.
- 3 Muslims for praying in mosques not in accordance with the state-backed Muslim Board's regulations (the second year such punishments have been imposed).
- 1 individual for teaching their faith.
- 1 religious leader for allowing children to be present or conducting religious rites against the wishes of one parent.
- 2 religious communities for failing to fulfil official demands for safety/security measures.

Forced to stop praying in home

Among the cases brought to court was one to punish a 55-year-old Muslim for using his home for worship and religious teaching in the village of Firdausi in Maktaaral District of South Kazakhstan Region (now Turkestan Region), Kazakhstan's southernmost point.

Abdizhalil Bakhiyev regularly held the namaz, taught villagers prayers and allowed local people to read his religious books. Police arrived at his home on 10 February, detaining those present and seizing his religious books, according to the subsequent court decision. A state "expert analysis" of his books from 12 March concluded that they were not extremist or terrorist and did not incite

religious discord.

On 10 April, Judge Gulzhazira Kaldybekova of Maktaaral District Court No. 2 found Bakhiyev guilty of hosting prayers and holding lectures on religion without permission and fined him 35 Monthly Financial Indicators (MFIs), about three weeks' average wages for those in formal work. She also banned his activity for three months and ordered 20 Arabic books and a DVD with religious content seized from him to be confiscated and held in the case file (see below).

Bakhiyev told the court he did not know that hosting worship and holding religious talks required state permission. He said he had already begun to apply for state registration for a community. The court decision notes several times that Bakhiyev did not have formal religious education.

The Kazakh authorities allow only one Muslim organisation to gain state registration in the whole country, the state-backed Muslim Board. The state allows mosques to exist only if they are part of the Board. The Board itself requires all mosques and individuals to adhere to the Hanafi Sunni school of Islam (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=2409).

On 3 May, bailiffs from the local Justice Department began action to recover the money for the fine from Bakhiyev, according to their records. Bakhiyev had told the court that he was the only breadwinner for his entire family.

Punishments

Of the 79 cases, 73 were heard in court. The remaining 6 were summary police fines, handed down to church members after police raided the Sunday morning meeting for worship of a Council of Churches Baptist congregation in Oral (Uralsk) on 21 January. The church chooses to meet without seeking state permission. After numerous complaints from Baptists, Oral Police cancelled all six fines on 17 May.

All 61 of those punished were fined between 35 and 200 Monthly Financial Indicators (MFIs), 84,175 Tenge to 481,000 Tenge. This represents between three weeks' and four months' average wages for those in formal work (though a much greater burden for unemployed individuals and pensioners).

In addition, 19 of the court decisions ordered three-month bans on various activity, such as distributing religious literature or meeting for worship. A 20th court decision banned a church from meeting for one month, though this and the fine were overturned on appeal.

Courts generally ordered the return to individuals of seized religious literature, phones and computers, but in one case a court (Bakhiyev, see above) ordered 20 books and a DVD containing religious texts to be seized. Unlike in 2017, no seized religious literature is known to have been ordered destroyed in the first six months of 2018.

Unlike in 2017, no individuals were ordered deported to punish them for exercising freedom of religion or belief in the first six months of 2018.

78-year-old among those fined

Of the 75 administrative cases known to have been brought against individuals in the first six months of 2018, 56 were against men and 19 against women.

In addition to the 18 known individuals (both commercial sellers and private individuals) brought to court for offering religious literature and items for sale, 32 of those brought to court were Muslims, 10 were Jehovah's Witnesses, 14 were Baptists (12 of them Council of Churches Baptists) and 1 was a Pentecostal.

The oldest individual known to have been punished was Jehovah's Witness Taisiya Yezhova. She was 78 and a half years old when a court in Kostanai Region fined her in February for hosting religious meetings in her home (see below).

Yezhova is not the oldest known victim of such punishments for exercising the right to freedom of religion or belief. In May 2016, at the age of 89 and a half, former Soviet-era Baptist prisoner of conscience Yegor Prokopenko was again fined for leading a meeting for worship in Zyryanovsk in East Kazakhstan Region. A police officer fined him 100 MFIs (see F18News 14 June 2016 http://www.forum18.org/archive.php?article_id=2188). Pensioners in their late seventies are also frequently fined (see F18News 31 August 2016 http://www.forum18.org/archive.php?article_id=2212).

Criminal convictions also

In addition to these punishments for exercising freedom of religion or belief imposed under the Administrative Code, individuals are also punished under the Criminal Code for exercising freedom of religion or belief. On 6 April a Karaganda court jailed three Sunni

Muslims - Kazbek Laubayev, Marat Konyrbayev and Taskali Naurzgaliyev – for three years each for meeting to drink tea, pray and discuss their faith together. They were accused of membership of the banned Muslim missionary movement Tabligh Jamaat (see F18News 22 May 2018 http://www.forum18.org/archive.php?article_id=2379).

Naurzgaliyev, as well as three other Muslims – Eldar Kenzhetayev, Akilbek Kasen and Zhasulan Karabayev - investigated as part of the same criminal case but against whom the criminal charges were dropped in early 2018, were among those punished under the Administrative Code (see below).

This compares with the 24 individuals known to have been given criminal convictions in 2017 to punish the exercise of freedom of religion or belief. Of these, 21 were Sunni Muslims, 2 Jehovah's Witnesses and 1 Baptist. Of the 24 (all of them men), 21 received prison terms and 3 received restricted freedom sentences, where they live at home under restrictions (see F18News 5 March 2018 http://www.forum18.org/archive.php?article_id=2359).

Legal amendments deferred

Proposals to amend Administrative Code Article 490 ("Violation of the Religion Law") were contained in a draft Amending Law, which proposed many wide-ranging changes to other laws also, including the 2011 Religion Law. The lower house of parliament, the Majilis, approved the Amending Law on 23 May and it was then sent to the upper house, the Senate (see F18News 5 June 2018 http://www.forum18.org/archive.php?article_id=2384).

A Working Group of the Senate's Social and Cultural Development and Science Committee held hearings on the draft Amending Law on 8 and 13 June. However, further consideration was halted and proposed further hearings were cancelled.

"The [Senate] leadership decided to postpone consideration," an official from the Senate Committee told Forum 18 on 22 June. The official gave no reason for the decision. "The draft will be considered again after the holidays." The Senate resumes its work after the summer break at the beginning of September.

"A very large packet of laws were considered," Senator Bakytzhan Zhumagulov, a member of the Social and Cultural Development and Science Committee, told Svetlana Glushkova of CurrentTime.tv on 29 June. "I think this is the only reason it was postponed."

The Chair of the Social and Cultural Development and Science Committee, Byrganym Aitimova, told CurrentTime.tv that "we felt the need and know that it would be better to discuss this [draft Amending Law] with civil society and religious organisations, and we deputies and members of the Senate have questions that should be discussed".

Full list of known administrative prosecutions in first half of 2018

The list below of known administrative prosecutions in the first half of 2018 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

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

1) 21 January 2018, Sergei Krasnov, Council of Churches Baptist, Oral police, Article 489, Part 9, worship meetings in unregistered venue, 100 MFI fine (Oral police annulled fine on 17 May)

2) 21 January 2018, Kenzhetai Baytinov, Council of Churches Baptist, Oral police, Article 489, Part 10, worship meetings in unregistered venue, 50 MFI fine (Oral police annulled fine on 17 May)

3) 21 January 2018, Serkali Kumargaliyev, Council of Churches Baptist, Oral police, Article 489, Part 10, worship meetings in unregistered venue, 50 MFI fine (Oral police annulled fine on 17 May)

4) 21 January 2018, Dmitry Isayev, Council of Churches Baptist, Oral police, Article 489, Part 10, worship meetings in unregistered

venue, 50 MFI fine (Oral police annulled fine on 17 May)

5) 21 January 2018, Ivan Isayev, Council of Churches Baptist, Oral police, Article 489, Part 10, worship meetings in unregistered venue, 50 MFI fine (Oral police annulled fine on 17 May)

6) 21 January 2018, I Novikov, Council of Churches Baptist, Oral police, Article 489, Part 10, worship meetings in unregistered venue, 50 MFI fine (Oral police annulled fine on 17 May)

7) 13 February 2018, Taisiya Yezhova, JW, Sarykol District Court, Article 490, Part 1, Point 1, worship meetings in unregistered venue, 35 MFI fine

8) 5 March 2018, Pavel Leonov, Council of Churches Baptist, Almaty Specialised Administrative Court, Article 490, Part 1, Point 1, worship meetings in unregistered venue, 50 MFI fine and 3-month ban

9) 27 March 2018, Nuriddin Basharov, Muslim, Almaty Specialised Administrative Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 50 MFI fine

10) 3 April 2018, Tursinali Kambarov, Muslim, Aktau Specialised Administrative Court, Article 490, Part 1, Point 1, praying in unapproved location, 50 MFI fine and 3-month ban

11) 10 April 2018, Abdizhalil Bakhiyev, Muslim, Maktaaral District Court No. 2, Article 490, Part 1, Point 1, prayers in unregistered mosque, 35 MFI fine and 3-month ban and confiscation of 20 Arabic books and 1 DVD

12) 17 April 2018, Bagdat Dauletyar, Muslim, Aktau Specialised Administrative Court, Article 490, Part 1, Point 1, praying in unapproved location, 50 MFI fine

13) 26 April 2018, Sarsengali Yakhshibayev, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 35 MFI fine

14) 10 May 2018, Zhanar Darmenova, Muslim, Aktobe Specialised Administrative Court, Article 490, Part 1, praying in unapproved location, dismissed because not filed within 2 months

15) 10 May 2018, Sharbanu Kairzhanova, Muslim, Aktobe Specialised Administrative Court, Article 490, Part 1, praying in unapproved location, dismissed because not filed within 2 months

16) 18 May 2018, Rauan Galimov, Muslim, Zhaksy District Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 35 MFI fine

17) 18 May 2018, Suyeu Kystaubayev, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 35 MFI fine

18) 7 June 2018, Rakhmatulla Sadikov, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unapproved location, 50 MFI fine

19) 12 June 2018, Umarbek Butayev, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 50 MFI fine

- Punishing offering free religious literature

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) 23 January 2018, Nikolai Popov, Council of Churches Baptist, Balkhash Specialised Administrative Court, Article 490, Part 3, offering religious literature, 100 MFI fine

2) 20 February 2018, Shukhrat Khakimov, Muslim, Munaili District Court, Article 490, Part 1, Point 3, offering religious literature, 35 MFI fine

- 3) 22 February 2018, Aleksandr Turusov, Council of Churches Baptist, Zyryanovsk District Court No. 2, Article 490, Part 1, Point 3, offering religious literature, 50 MFI fine (and 3-month ban added on appeal)
- 4) 20 March 2018, Erlan Kurbanov, ?Muslim, Burabai District Court, Article 490, Part 1, Point 3, offering religious literature, 35 MFI fine
- 5) 5 April 2018, Vyacheslav Poptsov, Baptist, Aktobe Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature in his registered church, acquitted
- 6) 21 May 2018, Pavel Chernov, Council of Churches Baptist, Zhakysy District Court, Article 490, Part 1, Point 3, offering religious literature, 50 MFI fine
- 7) 15 June 2018, Aleksandr Bekarev, Council of Churches Baptist, Sarkan District Court, Article 490, Part 1, Point 3, offering religious literature, 50 MFI fine and 3-month ban

- Punishing offering religious literature, items for sale

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) 17 January 2018, Kuat Makhmetov, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature for sale, 140 MFI fine and 3-month ban
- 2) 1 February 2018, Ulzhan Tsoi, commercial seller, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3 (after criminal investigation closed), offering religious literature and items for sale, 35 MFI fine and 3-month ban
- 3) 29 March 2018, Academician Sharmanov Book Shop, company, Satpayev Town Court, Article 490, Part 1, Point 3, offering religious literature for sale, 200 MFI fine and 3-month ban
- 4) 5 April 2018, Zulfiya Kudaibergenova, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature and items for sale, 35 MFI fine and 3-month ban
- 5) 14 May 2018, Sergei Tsarev, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Koran for sale, 50 MFI fine and 3-month ban
- 6) 14 May 2018, Rakhima Usipbayeva, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Koran for sale, 35 MFI fine and 3-month ban
- 7) 1 June 2018, Retail Trade, company, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering 18 icons for sale, 200 MFI fine and 3-month ban
- 8) 4 June 2018, Saltanat Keulimzhayeva, commercial seller, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature for sale, 35 MFI fine
- 9) 6 June 2018, Kuralai Terlikbayeva, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Koran for sale, 200 MFI fine and 3-month fine on selling religious literature
- 10) 11 June 2018, Zhasulan Bazarbayev, commercial seller, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature for sale, 35 MFI fine and 3-month ban
- 11) 12 June 2018, Dauren Shyntemirov, commercial seller, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature for sale, 35 MFI fine
- 12) 20 June 2018, Sergei Shutov, commercial seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering crosses and pendants for sale, 35 MFI fine
- 13) 21 June 2018, Gulsara Erzhibitova, commercial seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering 4 icons for sale, 35 MFI fine
- 14) 22 June 2018, Aliya Abdykarimova, commercial seller, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, offering an icon for sale, 35 MFI fine

- Punishing offering religious literature, items for sale online

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) 27 March 2018, Natalya Pivovarova, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, offering 3 Bibles for sale online, 50 MFI fine
- 2) 24 April 2018, Anastasiya Krivoruchenko, commercial seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, offering one icon for sale online, 35 MFI fine and 3-month ban
- 3) 24 April 2018, Natalya Orekhova, seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, offering one children's Bible for sale online, 35 MFI fine
- 4) 5 June 2018, Ayzhan Ayazbayeva, commercial seller, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, offering dolls dressed in hijabs online, 35 MFI fine
- 5) 13 June 2018, Pavel Larionov, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering 3 icons for sale online, 35 MFI fine
- 6) 20 June 2018, Akmaral Sydykova, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering 1 Koran for sale online, 35 MFI fine

- Punishing posting religious materials online

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) 16 January 2018, Ersai Saylaubayev, Muslim, Karaganda Specialised Administrative Court, Article 490, Part 3, posting religious materials online, 70 MFI fine
- 2) 21 February 2018, Ruslan Avezbayev, Muslim, Zyryanov District Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174, Part 2 investigation), posting religious materials online, 35 MFI fine
- 3) 1 March 2018, Lors Kusiyev, Muslim, Bulandy District Court, Article 490, Part 1, Point 3 (initial Criminal Code investigation), posting religious materials online, 50 MFI fine
- 4) 11 April 2018, Kazbek Bekeyev, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine and 3-month ban on distributing religious literature
- 5) 15 May 2018, Chingiz Kapsalyamov, Muslim, Karaganda Specialised Administrative Court, Article 490, Part 3, posting religious materials online, 70 MFI fine
- 6) 22 May 2018, Tolegen Adamov, Muslim, Ekibastuz Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 7) 23 May 2018, Bakuzhan Kozhakhmetuli, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine, and 3-month ban and seizure of disc
- 8) 5 June 2018, Zhandos Kaliyev, Muslim, Karaganda Specialised Administrative Court, Article 490, Part 3, posting religious materials online, case closed (sent for possible consideration under Criminal Code)
- 9) 14 June 2018, Erken Akanov, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174, Part 1 investigation), posting religious materials online, 50 MFI fine, and 3-month ban

10) 14 June 2018, Erlan Aubakirov, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174, Part 1 investigation), posting religious materials online, 50 MFI fine, and 3-month ban

11) 28 June 2018, Anar Faradzhev, Muslim, Zhezkazgan City Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine

- Punishing sharing faith

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) 17 January 2018, Viktor Shtrek, JW, Aiyrtau District Court, Article 490, Part 3, sharing faith, 100 MFI fine

2) 7 February 2018, Maksim Ivakhnik, JW, Sarykol District Court, Article 490, Part 3, sharing faith, 70 MFI fine

3) 8 February 2018, Estai Asainov, JW, Sarykol District Court, Article 490, Part 3, sharing faith, 70 MFI fine

4) 8 February 2018, Timur Koshkunbayev, JW, Sarykol District Court, Article 490, Part 3, sharing faith, 70 MFI fine

5) 27 February 2018, Yerpolat Duisengaliyev, Council of Churches Baptist, Karasai Specialised Administrative Court, Article 490, Part 3, shared faith at home meeting, 70 MFI fine (acquitted on appeal)

6) 28 February 2018, Eldar Kenzhetayev, Muslim, Karaganda Specialised Administrative Court, Article 490, Part 3, sharing faith, 70 MFI fine (investigated in Karaganda Tabligh Jamaat criminal case - see F18News 22 May 2018 http://www.forum18.org/archive.php?article_id=2379)

7) 12 March 2018, Maksat Ergeshov, JW, Kentau District Court, Article 490, Part 3, sharing faith, acquitted

8) 13 March 2018, Dilobarkhon Sultanova, New Life Pentecostal, Shymkent Specialised Administrative Court, Article 490, Part 3, helping download online Bible, acquitted (see F18News 15 March 2018 http://www.forum18.org/archive.php?article_id=2360)

9) 29 March 2018, Akilbek Kasen, Muslim, Karaganda Specialised Administrative Court, Article 490, Part 3, sharing faith, 70 MFI fine (investigated in Karaganda Tabligh Jamaat criminal case)

10) 29 March 2018, Valeriya Gerdt, JW, Karaganda Specialised Administrative Court, Article 490, Part 3, sharing faith, acquitted

11) 2 April 2018, Taskali Naurzgaliev, Muslim, Karaganda Specialised Administrative Court, Article 490, Part 3, sharing faith, 100 MFI fine (jailed in Karaganda Tabligh Jamaat criminal case)

12) 16 April 2018, Beket Saryev, JW, Maktaaral District Court, Article 490, Part 3, sharing faith, acquitted

13) 24 April 2018, Zhasulan Karabayev, Muslim, Abai District Court, Article 490, Part 3, sharing faith, 100 MFI fine (reduced to 70 MFI fine on appeal) (investigated in Karaganda Tabligh Jamaat criminal case)

14) 6 June 2018, Fariza Dairabina, JW, Zhezkazgan City Court, Article 490, Part 3, sharing faith, acquitted

15) 6 June 2018, Arailym Turebekova, JW, Zhezkazgan City Court, Article 490, Part 3, sharing faith, acquitted

- Punishing violating mosques' internal rules

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 Monthly Financial Indicators (MFIs), and for legal entities 200 MFIs.

1) 10 January 2018, Yerbolat Gazimov, Muslim, Zhiloi District Court, Article 490, Part 2, Amen in mosque, 50 MFI fine

2) 14 February 2018, Asauturlan Talpakov, Muslim, Zhiloi District Court, Article 490, Part 2, Amen in mosque, 35 MFI fine

3) 12 April 2018, Nurlan Turebekov, Muslim, Zhiloi District Court, Article 490, Part 2, Amen in mosque, 50 MFI fine

- Punishing religious teaching

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) 20 February 2018, Dastan Abdrakhmanov, Muslim, Karkarali District Court, teaching religion to school-age children, Article 490, Part 1, Point 1, 35 MFI fine (see F18News 11 April 2018 http://www.forum18.org/archive.php?article_id=2368)

- Punishing involvement of children

Article 490, Part 7 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 and deportation from the country.

1) 7 February 2018, Vyacheslav Poptsov, Baptist, Aktobe Specialised Administrative Court, Article 490, Part 7, children present at church event, 50 MFI fine

- Punishing inadequate security measures

Article 462, Part 3 punishes "Non-fulfilment or inadequate fulfilment of legal orders" with a fine for organisations of 100 MFIs and a possible ban on all or some activity.

1) 22 February 2018, New Life Church, Pentecostal, Shymkent Specialised Administrative Court, Article 462, Part 3, having three not five fire detectors in a storage building, 100 MFI fine and 1-month ban (punishment cancelled on appeal and verbal warning issued) (see F18News 15 March 2018 http://www.forum18.org/archive.php?article_id=2360)

2) 15 March 2018, Harvest Church, Pentecostal, Kostanai Specialised Administrative Court, Article 462, Part 3, technical fault on state-required video surveillance system did not store recordings for required 30-day minimum, 70 MFI fine

(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=2409.

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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