

13 January 2023

KAZAKHSTAN: Religious censorship at border

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

For the first known time since February 2020, courts in 2022 fined six individuals several weeks' average wages for trying to import religious literature. Border guards seized the books at Shymkent Airport, Turkistan Airport and at a border crossing from Uzbekistan. A Shymkent Airport border guard insisted that his service had not imposed the two literature seizures at the airport and subsequent fines. "We didn't confiscate any books, we just took them away and handed them on to the police to be examined," he said.

In 2022, six individuals are known to have been fined several weeks' wages each for trying to import religious books without state permission. Border guards at Shymkent Airport, Turkistan Airport and at the Atameken border crossing from neighbouring Uzbekistan had seized the books from the arriving travellers. These are the first known punishments for trying to import religious literature without state permission since February 2020.

In none of these six cases had an "expert" analysis found that the books were "extremist". Judges in five of the six cases ordered the seized literature to be returned to the individuals once the fine had been paid. In the sixth, the court decision made no mention of what should happen to the books (see below).

A customs official at the Auezhai-Shymkent Customs Point, which covers Shymkent Airport, insisted that his service has not confiscated religious literature from travellers. He said any such action would have been taken by border guards. "They are the first line of control before us, and they work together with the NSC [National Security Committee secret police]" (see below).

The customs official said his service scrutinises all books that passengers bring in with them. "We see on the x-ray machine if they have books and, if they do, we look at them to see if they are religious," he told Forum 18. He insisted that the task of examining arriving religious literature "is a task for all of us" (see below).

A border guard official at Shymkent Airport insisted that his service had not imposed the two religious literature seizures at the airport and subsequent fines in 2022. "We didn't confiscate any books, we just took them away and handed them on to the police to be examined," the official told Forum 18. "We're not experts on literature. We simply fulfilled our task" (see below).

The border guard official said decisions on whether to hand a case to court are taken after an "expert" analysis of the seized literature. "We have a special body that does this," he added, in a reference to the Information and Social Development Ministry's Religious Affairs Committee (see below).

The border guard official claimed that cases are brought if the literature is found to be "extremist". Forum 18 pointed out that in neither of the two known cases from Shymkent Airport in 2022 in which fines were handed down had the literature been deemed "extremist" (see below).

Religion Law Article 9, Part 3 allows for the import of religious literature by registered religious organisations only and only after it has undergone state censorship by the Religious Affairs Committee. Individuals can bring in only one copy of any religious book for personal use only (see below).

Jehovah's Witnesses complain that the regime has taken "no action" to implement a 2020 United Nations Human Rights Committee decision finding that Kazakhstan had violated the rights of their leader in the country by banning the earlier import of ten of their publications (see below).

Religious Affairs Committee Deputy Chair Anuar Khatiyev was not in the office on 13 January. The man who answered his phone referred all questions to Beimbet Manetov, the head of the Committee's Legal Department. However, his phone went unanswered each time Forum 18 called on 13 January.

The fines on the six individuals for trying to import religious literature were among 143 known administrative cases in 2022 (https://www.forum18.org/archive.php?article_id=2821) to punish the exercise of freedom of religion or belief. Courts fined

individuals and organisations also for:

- meeting for worship without state permission, hosting such meetings or maintaining places for such meetings;
- offering religious materials to others for free without state permission;
- offering religious literature, icons or other items for sale without state permission;
- offering religious items for sale online without state permission;
- posting religious materials online without state permission;
- sharing faith with others without state permission;
- Muslims for praying in mosques in ways that the state-controlled Muslim Board has banned, for example by using the word "Amen";
- teaching their faith to children without state permission.

In two cases, individuals appear to have been fined simply for owning a religious book, even though that is not against the law.

In 130 known administrative prosecutions in 2021, 113 individuals (one twice), two charities, two schools and one company were punished (https://www.forum18.org/archive.php?article_id=2715).

Religious censorship

The regime imposes tight restrictions on religious literature and other materials (https://www.forum18.org/archive.php?article_id=2753) and where they can be sold and distributed. The state dictates which book shops are allowed to sell any approved religious literature.

Religious literature is subject to compulsory pre-publication censorship and – together with icons, pictures and jewellery with religious inscriptions - can be distributed only in state-approved venues. Imports of religious literature without state permission (apart from one copy of any one item for personal use) are illegal and also subject to prosecution.

Article 9, Part 2 of the Religion Law (https://www.forum18.org/archive.php?article_id=2753) states: "Distribution of religious literature, other informational materials of religious content and objects of religious designation is allowed only in [registered] places of worship, [registered] religious educational organisations as well as in fixed premises specially designated by the local executive authorities."

Religion Law Article 9, Part 3 allows for the import of religious literature by registered religious organisations only and only after it has undergone state censorship by the Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2753) (part of the Information and Social Development Ministry). Individuals can bring in only one copy of any religious book for personal use only.

Those who violate the censorship provisions face prosecution under Administrative Code Article 490, Part 1, Point 3 (https://www.forum18.org/archive.php?article_id=2753), which 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 Monthly Financial Indicators (MFIs), about one month's average wage for those in formal work, although more for those without work or on a pension.

Nurgali Kabylov, Head of the Expertise [Censorship] Department of the Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2753), refused to explain why the state imposes compulsory prior censorship on all religious literature and items in defiance of its international human rights commitments. "I can't answer by phone," he told Forum 18 in September 2021. "Send your questions in writing."

Forum 18 asked why so many people are fined for offering religious literature and items for sale. Kabylov responded: "It's not we that impose fines."

The six 2022 known fines for trying to import religious literature without state permission represent the restarting of an earlier practice. No individuals are known to have been prosecuted for this in 2021 (https://www.forum18.org/archive.php?article_id=2715), with 1 in 2020 (https://www.forum18.org/archive.php?article_id=2634), 4 in 2019 (https://www.forum18.org/archive.php?article_id=2532), 0 in 2018 (https://www.forum18.org/archive.php?article_id=2448), and 4 in 2017 (https://www.forum18.org/archive.php?article_id=2347).

Shymkent Airport religious literature seizures

On 5 July 2022, border guards at Shymkent Airport seized 222 Arabic religious books from arriving international passenger Dauran Alimov. They claimed he had not declared the books as he should have done. He said he did not know that he needed to do so.

It appears the border guards handed the case to the police, and they appear to have completed the record of an offence against him. They accused him of violating Administrative Code Article 490, Part 1, Point 3 (https://www.forum18.org/archive.php?article_id=2753), which 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 Monthly Financial Indicators (MFIs).

The case against Alimov was handed to Shymkent Inter-District Specialised Administrative Court. On 2 August 2022, Judge Nurlan Nyshanov found him guilty and fined him 50 MFIs, plus a 3-month ban on unspecified activity, according to the court decision seen by Forum 18. The Judge ordered that the books be returned to Alimov.

On 20 October, border guards at Shymkent Airport seized 222 Arabic religious books from arriving international passenger Nurali Bekturov. They claimed he had not declared the books as he should have done and that he needed a certificate from the Religious Affairs Committee that they were not "extremist" and were approved for distribution in Kazakhstan. He said he did not know that he needed to do so.

It appears the border guards handed the case to the police, and they appear to have completed the record of an offence against him. They accused him of violating Administrative Code Article 490, Part 1, Point 3.

The case against Bekturov was handed to Shymkent Inter-District Specialised Administrative Court. On 10 November 2022, Judge Guliza Mamyrova found him guilty and fined him 35 MFIs, plus a 3-month ban on unspecified activity, according to the court decision seen by Forum 18. The decision does not say what happened to his books.

Examining arriving religious literature "is a task for all of us"

A customs official at the Auezhai-Shymkent Customs Point, which covers Shymkent Airport, insisted that his service has not confiscated religious literature from travellers. "I have worked here for five years," the official – who did not give his name - told Forum 18 on 13 January. "In that time we have never seized religious literature and handed a case to court."

The customs official said any such action would have been taken by border guards. "They are the first line of control before us, and they work together with the NSC [National Security Committee secret police]."

Despite claiming never to have seized religious literature in the past five years, the customs official said his service scrutinises all books that passengers bring in with them. "We see on the x-ray machine if they have books and, if they do, we look at them to see if they are religious," he told Forum 18. "We are looking for extremist materials, and we don't understand Arabic, for example."

The customs official insisted that the task of examining arriving religious literature "is a task for all of us".

"We didn't confiscate any books, we just took them away"

A border guard official at Shymkent Airport insisted to Forum 18 that his service had not imposed the two religious literature seizures and subsequent fines in 2022. "We didn't confiscate any books, we just took them away and handed them on to the police to be examined," the official – who did not give his name - told Forum 18 on 13 January. "We're not experts on literature. We simply fulfilled our task."

The border guard official said decisions on whether to hand a case to court are taken after an "expert" analysis of the seized literature. "We have a special body that does this," he added, in a reference to the Religious Affairs Committee.

The border guard official claimed that cases are brought if the literature is found to be "extremist". Forum 18 pointed out that in neither of the two known cases in 2022 in which fines were handed down had the literature been deemed "extremist". In one case the Judge ordered that the books be returned to the individual. The border guard official simply repeated his assertion: "We just find them and hand them on."

Atameken religious literature seizures

In three other known cases in 2022, border guards at the Atameken crossing point Maktaaral District of the southern Turkestan Region on the land border with Uzbekistan seized religious books from arriving travellers. Maktaaral District Court fined all three the equivalent of several weeks' average wage. In each case the Judge ordered the seized literature to be returned to the individuals.

On 13 January 2022, border guards at the Atameken crossing point seized 40 religious books from Fakhridin Khasanov.

It appears the border guards handed the case to the police, and they appear to have completed the record of an offence against Khasanov. They accused him of violating Administrative Code Article 490, Part 1, Point 3 (https://www.forum18.org/archive.php?article_id=2753), which 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 Monthly Financial Indicators (MFIs).

The case against Khasanov was handed to Maktaaral District Court. On 17 February 2022, Judge Kunanbai Musayev found him guilty and fined him 35 MFIs, plus a 3-month ban on importing religious books, according to the court decision seen by Forum 18. The Judge ordered that the books be returned to Khasanov.

On 4 February 2022, border guards at the Atameken crossing point seized 44 religious books from Shukurillo Azadbekov. They accused him of trying to bring in the literature without an "expert" analysis from the Religious Affairs Committee.

The border guards handed the case to the Police, who gained an "expert" analysis of the books from the Regional Religious Affairs Department. On 1 March the police completed the record of an offence against Azadbekov. They accused him of violating Administrative Code Article 490, Part 1, Point 3.

The case against Azadbekov was handed to Maktaaral District Court. On 3 March 2022, Judge Marat Yrsymbetov found him guilty and fined him 35 MFIs, plus a 3-month ban on unspecified activity, according to the court decision seen by Forum 18. The Judge ordered that the books be returned to Azadbekov.

On 17 May 2022, border guards at the Atameken crossing point seized 78 religious books from Nugman Babazhanov. They accused him of trying to bring in the literature without an "expert" analysis from the Religious Affairs Committee and without being a registered religious organisation.

The border guards handed the case to the Police, who gained an "expert" analysis of the books from the Regional Religious Affairs Department. On 19 July the police completed the record of an offence against Azadbekov. They accused him of violating Administrative Code Article 490, Part 1, Point 3.

The case against Babazhanov was handed to Maktaaral District Court. He admitted his "guilt" and asked the court to hear the case in his absence. On 20 July 2022, Judge Sagi Bainiyazov found him guilty and fined him 50 MFIs, plus a 3-month ban on unspecified activity, according to the court decision seen by Forum 18. The Judge ordered that the books be returned to Babazhanov.

Telephones of the customs point and the border guards at the Atameken crossing point went unanswered each time Forum 18 called on 13 January 2023.

Turkistan Airport religious literature seizure

On the morning of 4 October 2022, customs seized 168 books by and about the late Turkish Muslim theologian Said Nursi from Olzhas Sarzhayev, who was arriving from Turkey. He insisted that the books were for personal use. Officials seized the books from him.

On 26 December 2022, Judge Nurbol Eshpanov of Turkestan Specialised Administrative Court found Sarzhayev guilty of violating Administrative Code Article 490, Part 1, Point 3. He fined him 50 MFIs, according to the court decision seen by Forum 18. He may also have handed down a three-month ban on unspecified activity. The Judge ordered that the books be returned to him once the fine has been paid. Sarzhayev lost his appeal against the decision.

"No action to implement" UN Committee decision

On 26 March 2021, the United Nations Human Rights Committee communicated to Kazakhstan and made public its findings (CCPR/C/130/D/2661/2015 (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f130%2fD%2f2661%2f2015&Lang=en), adopted on 30 October 2020) that Kazakhstan violated the rights of Jehovah's Witness Polat Bekzhan – chair of the Jehovah's Witness organisation in the country - by refusing permission for the community to import ten religious publications in 2012.

The UN Committee observed (https://www.forum18.org/archive.php?article_id=2650) that the censorship requirements set out in the Religion Law which could lead to such literature import bans "is also problematic in light of [International Covenant on Civil and Political Rights] Article 19, which guarantees 'freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers'."

The UN Committee concluded by instructing Kazakhstan to remove the restrictions on importing the ten publications, give adequate compensation to Bekzhan and his colleagues, and "review its legislation, regulations and practices" to ensure that such a violation cannot recur.

Jehovah's Witnesses complained in late 2022 that Kazakhstan had "taken no action to implement" the UN Committee decision. (END)

More reports on freedom of thought, conscience and belief in Kazakhstan (<https://www.forum18.org/archive.php?country=29>)

For background information, see Forum 18's Kazakhstan freedom of religion or belief survey (https://www.forum18.org/archive.php?article_id=2753)

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

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