

31 March 2023

KAZAKHSTAN: 143 administrative prosecutions in 2022

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

More than a third of the 143 known administrative prosecutions in 2022 punished individuals for posting religious texts and recordings on social media accounts without state permission. In one case a journalist was initially fined – changed to a verbal warning – for posting her interview with a state-approved imam. Many individuals were punished for offering religious literature for sale without state permission, either in shops or online. Two individuals were punished for having religious books, although this is not an offence. In two cases, courts ordered religious literature destroyed.

Kazakhstan's authorities are known to have brought at least 143 administrative prosecutions in 2022 - an average of 12 per month - to punish individuals and organisations for their exercise of freedom of religion or belief. Of these, 130 ended with convictions and punishments. Almost all of the punishments included fines of between several weeks' and several months' average wages. In two cases, courts ordered religious literature to be destroyed. Administrative prosecutions have continued in 2023.

More than a third of the 2022 cases were to punish individuals for posting religious messages, texts and recordings on their social media accounts without state permission. In one case a journalist was initially fined – changed to a verbal warning – for posting her interview with a state-approved imam. The next biggest set of cases punished individuals for offering religious literature for sale without state permission, either in shops or online. For the first time in recent years, two individuals were punished for having religious books, although this is not an offence (see below).

The 143 known administrative cases in 2022 show an increase from 2021 in the number of prosecutions. However, the true number of such administrative cases is likely to be higher.

The 143 known administrative prosecutions for exercising freedom of religion and belief in the 2022 calendar year compare with:

- 130 in 2021 (https://www.forum18.org/archive.php?article_id=2715);
- 134 in 2020 (https://www.forum18.org/archive.php?article_id=2634);
- 168 in 2019 (https://www.forum18.org/archive.php?article_id=2532);
- 171 in 2018 (https://www.forum18.org/archive.php?article_id=2447);
- and 284 in 2017 (https://www.forum18.org/archive.php?article_id=2347).

The August 2022 court decision in the case of Eldar Samarkhanov in Oral (Uralsk) explains the state's purpose in punishing people for exercising freedom of religion or belief in ways the state has not given permission for.

"Administrative punishment is used for the purpose of educating the person who committed the offence," the court decision says, "in the spirit of compliance with the requirements of legislation and respect for law and order, as well as to prevent the offender from committing new offences, both themselves and others. The administrative penalty should be fair, appropriate to the nature of the offence, the circumstances of its commission, and the personality of the offender."

Forum 18 tried to find out from the regime's Human Rights Commissioner Artur Lastayev why individuals and organisations are punished for exercising freedom of religion or belief. His phone went unanswered. Press secretary Gulnara Baigeldi insisted that questions must be put in writing.

Forum 18 asked in writing on the afternoon of 30 March why people are fined for religious meetings, selling or importing religious books, posting religious materials on social media, praying in mosques with the word Amen. Forum 18 asked why courts give orders to confiscate and destroy religious books and order deportation for foreign nationals if they speak about their faith.

Forum 18 also asked how many appeals regarding such administrative punishments were there to the office of the Human Rights

Commissioner in 2022, what the Commissioner does to protect the right of individuals to freedom of religion or belief and what recommendations he gave (if any) to the government to remove provisions in the Administrative Code specifying punishment for those who exercise their right to freedom of religion or belief.

Forum 18 received no response from the Human Rights Commissioner's office by the end of the working day in Astana of 31 March. (The Global Alliance of National Human Rights Institutions gives the Human Rights Commissioner's office B status as it is not independent of the regime.)

No one was available at the regime's Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2409) in the capital Astana to explain to Forum 18 why individuals and organisations continue to be punished for exercising freedom of religion or belief.

Beimbet Manetov, head of the Religious Affairs Committee's Department of Law Enforcement Practice in the Field of Religious Activities, insisted to Forum 18 in February 2022 that individuals had to be fined if they break the law. Asked why courts punish individuals for exercising freedom of religion or belief, he responded: "I can't comment on court decisions" (see below).

Manetov added that his Committee has completed draft amendments to Administrative Code Article 490 (which punishes violations of the Religion Law) which are now with the Justice Ministry. These would introduce a warning for a first "offence", with fines only for further "offences". They would also halve the level of the fines. Asked why Article 490 was not being completely abolished, he declined to say. "These are very good amendments and a liberalisation which all support," he claimed (see below).

Punishments in 2022 included temporary bans on unspecified activity, verbal reprimands, and fines for among other things posting religious materials online, selling Bibles, Korans, and icons online, as well as teaching children to read the Koran without state permission, trying to import religious books, and saying the word Amen in mosques – and even having religious books, although this is not an offence. In two cases, courts ordered the destruction of religious texts, including a copy of the Muslim book "Gardens of the Righteousness" and a book on how to pray the namaz (see full list below).

Commercial and private sellers, as well as Muslims, Jehovah's Witnesses and Protestants, were among the targets of these prosecutions.

Fines were mostly the equivalent of between three weeks' and four months' average wages for those in formal work (35 to 200 Monthly Financial Indicators, MFIs, 107,205 Tenge to 612,600 Tenge in the 2022 calendar year).

Council of Churches Baptists – who refuse to seek state permission to exercise their right to freedom of religion or belief – noted that 2022 was the first in many years where neither courts nor police had fined them for exercising freedom of religion or belief. "There were no fines in 2022 – thank God," Baptist Nikolai Novikov told Forum 18 from Oral (Uralsk) on 30 March 2023. His church's Christmas service on 8 January 2021 was raided by police (https://www.forum18.org/archive.php?article_id=2685), leading to two fines.

Police Departments for the Struggle with Extremism hunt "offenders"

In 2022, Police Departments for the Struggle with Extremism are recorded in 22 court decisions as discovering that individuals have committed an "offence", though they may have been involved in more without this being noted in court decisions.

The regime's censorship of religious literature and objects restricts both what can be sold or offered, and where it can be sold or offered (https://www.forum18.org/archive.php?article_id=2409).

"Illegal" online sales

At least 9 individuals are known to have been prosecuted in 2021 for offering religious books or materials for sale online. This represents a fall in the number of such cases in the previous three years: (18 in 2021 (https://www.forum18.org/archive.php?article_id=2715), 29 in 2020 (https://www.forum18.org/archive.php?article_id=2634), 24 in 2019 (https://www.forum18.org/archive.php?article_id=2532), 18 in 2018 (https://www.forum18.org/archive.php?article_id=2447), 10 in 2017 (https://www.forum18.org/archive.php?article_id=2347)).

Many were punished for offering such materials for sale on the online shopping site Olx.kz.

Among the items Olx.kz lists on the help section of its website as being illegal to sell are "Religious literature, other informational materials of religious content and items of religious significance". The website appears to have added this information in late 2020, after a number of prosecutions that year (https://www.forum18.org/archive.php?article_id=2558).

Many court decisions punishing individuals for offering religious books or items for sale on Olx.kz or Instagram note that such a platform is "a place not associated with a special stationary premises for distribution of religious literature in accord with a decree of

the Akimat [Administration]."

Destroying books

Police and other officials often seize religious books and materials when they initiate administrative cases involving religious literature and items. Some court decisions note that the literature and items are to be returned once any fine is paid. Other court decisions do not say what would happen to the books. In many cases, courts order seized religious literature to be returned.

In two known cases in 2022, courts ordered religious literature to be destroyed. Although Judge Aizhan Primbetova at Karaganda Inter-District Specialised Administrative Court closed the case on 31 May 2022 against Ruslan Aliyev, she ordered one copy of the Muslim book "Gardens of the Righteous" by thirteenth-century scholar Imam al-Nawawi seized during a house search to be destroyed. The Religious Affairs Committee "expert" analysis said it was banned in Kazakhstan. Forum 18 was unable to reach Judge Primbetova at the court on 31 March.

Similarly, on 12 September 2022 Judge Gulmira Suieuoova of Aktau Specialised Administrative Court ordered three Islamic books – including one on how to pray the namaz - seized from commercial seller Dilora Adilova to be destroyed. She had been offering them for sale in a shop without state permission.

In three known cases in 2020, courts ordered seized religious books to be destroyed (https://www.forum18.org/archive.php?article_id=2634). In 2019, such court orders to destroy seized religious literature were more common. In one case in Kyzylorda, 29 Muslim books seized from a commercial seller (https://www.forum18.org/archive.php?article_id=2488) were ordered destroyed.

Human rights defender Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law described court-ordered book destruction to Forum 18 (https://www.forum18.org/archive.php?article_id=2442) in 2015 as "barbarism".

Targeting ethnic Dungan Koran teachers

Two Muslims from the ethnic Dungan minority in Kordai District of the southern Zhambyl Region who taught the Koran and Islam to local children were among the six individuals known to have been punished in 2022 for teaching their faith without state permission.

The prosecution of the two brings to 13 the number of ethnic Dungan Muslims from Kordai District punished by Kordai District Court under Administrative Code Article 490, Part 3, for teaching children to read the Koran without state permission since August 2018.

Maksat Erezhepov, head of Kordai District Police, denied to Forum 18 in April 2021 (https://www.forum18.org/archive.php?article_id=2652) that there was any "ethnic factor" in the prosecutions.

Punishments

Fines are the most common punishment, with fines for individuals mostly being between three weeks' and two months' average wages. For pensioners and those without formal work, such fines can be a heavy burden. Individuals who are punished for offering religious materials for sale online often tell the courts that they are desperately short of money and are trying to sell any property they no longer need. This does not stop judges from fining them.

In addition to fines, courts often ban individuals from activity for three months. Sometimes the ban is unspecific, leaving individuals unclear about what they can and cannot do. In other cases courts ban specific activities, for example distributing religious materials (which is in any case illegal without state permission). The hardest-hitting bans are on those running shops, as a three-month ban could leave owners and employees with no income.

Those who refuse or fail to pay fines can be placed on the list of debtors who are banned from leaving the country (https://www.forum18.org/archive.php?article_id=2574). Council of Churches Baptists refuse to pay fines on principle, arguing that they should not be punished for exercising their right to freedom of religion or belief. Many have spent years on the exit ban list (see below).

Intimidation

In addition to the administrative cases actually brought, police and prosecutors often use the threat of such cases to intimidate individuals who have been exercising their right to freedom of religion or belief.

Jehovah's Witnesses noted in late 2022 that 25 had been warned over alleged violation of Administrative Code Article 490 by engaging in "illegal missionary activity". "The authorities required them and seven other Witnesses to write statements explaining

why they sent letters or made phone calls as part of their evangelizing work and pressured them to discontinue the practice," Jehovah's Witnesses said.

Known 2022 cases

Known administrative cases for exercising freedom of religion and belief in the 2022 calendar year totalled 143 (in comparison to - 130 in 2021 (https://www.forum18.org/archive.php?article_id=2715), 134 in 2020 (https://www.forum18.org/archive.php?article_id=2634), 168 in 2019 (https://www.forum18.org/archive.php?article_id=2532), 171 in 2018 (https://www.forum18.org/archive.php?article_id=2447) and 284 in 2017 (https://www.forum18.org/archive.php?article_id=2347)). Those targeted in 2022 were:

- 26 (18 individuals, 4 businesses, 3 charities and 1 church) for meeting for worship without state permission, hosting such meetings or maintaining places for such meetings (30 in 2021, 19 in 2020, 37 in 2019, 40 in 2018, 88 in 2017).
- 1 individual for trying to build a place of worship without state permission (0 in 2021, 0 in 2020, 0 in 2019, 0 in 2018, 0 in 2017).
- 1 individual for offering religious materials to others for free without state permission (3 in 2021, 4 in 2020, 15 in 2019, 10 in 2018, 39 in 2017).
- 2 individuals for having religious literature (0 in 2021, 0 in 2020, 0 in 2019, 0 in 2018, 0 in 2017).
- 30 individuals for offering religious literature, icons or other items for sale without state permission (18 in 2021, 26 in 2020, 30 in 2019, 34 in 2018, 58 in 2017).
- 9 individuals for offering religious items for sale online without state permission (18 in 2021, 29 in 2020, 24 in 2019, 18 in 2018, 10 in 2017).
- 54 individuals for posting religious materials online without state permission (40 in 2021, 28 in 2020, 33 in 2019, 23 in 2018, 12 in 2017).
- 6 individuals for trying to import religious literature without state permission (0 in 2021, 1 in 2020, 4 in 2019, 0 in 2018, 4 in 2017).
- 3 individuals for sharing faith with others without state permission (3 in 2021, 10 in 2020, 8 in 2019, 17 in 2018, 31 in 2017).
- 3 Muslims for praying in mosques in ways that the state-controlled Muslim Board has banned, for example by using the word "Amen" (https://www.forum18.org/archive.php?article_id=2409) (12 in 2021, 9 (one twice) in 2020, 9 in 2019, 21 in 2018, 22 in 2017, the first year such punishments were imposed).
- 8 (6 individuals and 1 charity twice) for teaching their faith to children without state permission (6 in 2021, 7 in 2020, 4 in 2019, 3 in 2018, 2 in 2017).

All the 143 known 2022 cases were heard in court. Forum 18 is not aware of any fines summarily handed down by police (https://www.forum18.org/archive.php?article_id=2715) in 2022 (2 in 2021, 3 in 2020, 20 in 2019).

Six individuals are known to have been prosecuted in 2022 for trying to import religious literature (https://www.forum18.org/archive.php?article_id=2802) without state permission (0 in 2021, 1 in 2020, 4 in 2019, 0 in 2018, 4 in 2017).

No individuals are known to have been prosecuted in 2022 for allowing children to be present or conducting religious rites against the wishes of one parent (0 in 2021, 0 in 2020, 1 in 2019, 1 in 2018, 9 in 2017).

No religious communities are known to have been prosecuted in 2022 for "inadequate" security or security measures for their places of worship, for example not having enough video cameras (0 in 2021, 0 in 2020, 2 in 2019, 2 in 2018, 5 in 2017).

No individuals are known to have been prosecuted in 2022 for failing to pay earlier fines to punish them for exercising the right to freedom of religion or belief without state permission (0 in 2021, 0 in 2020, 0 in 2019, 2 in 2018, 2 in 2017).

For the first time since 2018, two foreign citizens are known to have been ordered deported in 2022 (0 in 2021, 0 in 2020, 0 in 2019, 1 in 2018, 2 in 2017).

Earlier punishment overturned

On 6 January 2022, Kostanai Regional Court overturned the punishment handed down in April 2017 (https://www.forum18.org/archive.php?article_id=2348) on Jehovah's Witness Eduard Malykhin on charges of "missionary activity". He had earlier taken his case to the Supreme Court, which had overturned a 2017 regional court decision.

Exit bans for earlier fines

When individuals fail or refuse to pay fines, their cases are handed to court bailiffs to recover the money. They can order funds to be deducted from wages, seize property in lieu, and ban individuals from leaving the country until a fine is paid. Those who refuse to pay repeated fines can remain on the exit ban list for many years.

Council of Churches Baptists refuse to seek state permission to exercise freedom of religion or belief (as is their right under international human rights commitments). They also refuse to pay fines handed down to punish them for exercising freedom of religion or belief.

Several Council of Churches Baptists who have refused to pay earlier fines for exercising freedom of religion or belief have remained for years on the Justice Ministry list of those banned from leaving the country.

Nikolai Novikov from Oral told Forum 18 on 31 March 2023 that he is among three or four Council of Churches Baptists still banned from travelling abroad (https://www.forum18.org/archive.php?article_id=2715) because of unpaid fines. Novikov has been repeatedly fined over many years for exercising freedom of religion or belief. He said his last deduction from his wages to pay the fine is due in April, and he will then be allowed to travel abroad for the first time since 2010.

"I can't comment on court decisions"

Forum 18 tried to find out from the regime's Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2409) (part of the Information and Social Development Ministry in the capital Astana) why individuals and organisations continue to be punished for exercising freedom of religion or belief.

The telephone of Religious Affairs Committee Chair Yerzhan Nukezhanov went unanswered each time Forum 18 called on 30 and 31 March. The man who answered the phone of Deputy Chair Anuar Khatiyev said he was on study leave until the summer and declined to comment himself. Meyirzhan Nurmukhanbetov, head of the Islamic Organisations Department, refused to comment, saying "I don't work on administrative cases." He referred all questions to Beimbet Manetov, head of the Department of Law Enforcement Practice in the Field of Religious Activities. However, his phone went unanswered on 30 and 31 March.

Asked about the 2021 fines, Manetov insisted to Forum 18 on 1 February 2022 (https://www.forum18.org/archive.php?article_id=2715) that individuals had to be fined if they break the law. Asked why courts punish individuals for exercising freedom of religion or belief, he responded: "I can't comment on court decisions."

Punishments to be reduced, but not abolished?

Beimbet Manetov, head of the Department of Law Enforcement Practice in the Field of Religious Activities, told Forum 18 in February 2022 (https://www.forum18.org/archive.php?article_id=2715) that the Religious Affairs Committee had completed long-promised draft amendments to Administrative Code Article 490 (which punishes "Violating the Religion Law"). If adopted in current form, these would introduce a warning for a first "offence", with fines only for further "offences". They would also halve the level of the fines.

The Information and Social Development Ministry appears to have prepared these amendments in early 2021 (https://www.forum18.org/archive.php?article_id=2691). Forum 18 has seen an initial text from July 2021.

Manetov told Forum 18 on 19 August 2022 that the amendments to Administrative Code Article 490 to reduce fines and introduce the alternative of warnings were with the Presidential Administration for approval. He expected them to go to Parliament "fairly soon".

Asked him why Article 490 cannot simply be abolished, Manetov responded: "It's complicated - the Religion Law sets out all the provisions and the Administrative Code has to be in accordance with that, so the Article cannot simply be abolished."

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Full list of known 2022 administrative prosecutions

The list of known 2022 administrative prosecutions below is based on court decisions and other information known to Forum 18.

- Punishing meetings, rituals held without state permission

Known administrative cases: 26

Known convictions: 20

500 MFI fines: 1 fine

200 MFI fines (4 months' average wages): 1 fine

140 MFI fines (3 months' average wages): 4 fines

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

70 MFI fines (6 weeks' average wages): 3 fines

50 MFI fines (1 month's average wages): 3 fines

35 MFI fines (3 weeks' average wages): 5 fines

Three-month bans on activity: 10 bans

Ban on prayer room: 1 ban

Deportation: 2 deportations

Acquitted/case closed: 6

Muslims: 15 (one twice)

Protestants: 1

Charities: 3

Businesses: 4

Protestant Church: 1

Unknown faith: 1

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

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

Administrative Code 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.

Administrative Code 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.

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

Administrative Code 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 (https://www.forum18.org/archive.php?article_id=2409), 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.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 14 January 2022

Kural Abdualiyev, Muslim

Aktobe Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, spoke at festival in mosque without Muslim Board or state permission (video posted on YouTube)

100 MFI fine

2) 25 March 2022

Abai Hotel

Nur-Sultan (Astana) Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, operating a prayer room without state permission

Acquitted (case should have been brought against hotel owner)

3) 27 April 2022

Otyrar Charitable Fund

Nur-Sultan (Astana) Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 8, accused of maintaining prayer room and holding religious events for resident children without state permission, higher proposed punishment as fined in February 2021

(https://www.forum18.org/archive.php?article_id=2715) for maintaining prayer room without state permission

Acquitted

4) 29 April 2022

Birlik Charity

Atbasar District Court

Administrative Code Article 490, Part 8, held religious events for resident children without state permission, higher punishment as fined in August 2021 (https://www.forum18.org/archive.php?article_id=2715) for holding prayers without state permission

500 MFI fine

5) 12 May 2022

Akingali Erkebai, Muslim

Shalkar District Court

Administrative Code Article 490, Part 1, Point 1, held Tarawih prayers with more than 10 people one night during Ramadan in "deregistered and closed" mosque he owned without state permission

50 MFI fine plus 3-month ban on holding religious ceremonies

6) 3 June 2022

Abrorjon Abduazimov, Muslim

Shymkent Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, police found Uzbek citizen speaking on Islam at restaurant without state permission

100 MFI fine plus deportation from Kazakhstan

7) 3 June 2022

Meruert Moldasheva, unknown faith

Kentau City Court

Administrative Code Article 490, Part 3, held classes on her faith in flat without state permission or registration as a missionary

70 MFI fine

8) 9 June 2022

Emamnazar Khaknazarov, Muslim

Karasai Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, Muslim Board-approved Imam operated prayer room at market without state permission

35 MFI fine plus 3-month ban on activity (possibly as imam)

9) 17 June 2022

Birzhan Arynbayev, Muslim

Kostanai Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, held night prayers during Ramadan in charity offices without state permission

50 MFI fine

10) 17 June 2022

Birzhan Arynbayev, Muslim (second case)

Kostanai Specialised Administrative Court

Administrative Code Article 490, Part 3, Police claim he preached at night prayers during Ramadan in charity offices without state permission

Acquitted

11) 29 June 2022

Ernar Chalgymbayev, Muslim

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, Religious Affairs Committee (alerted by Instagram post the previous day) found he spoke to more than 50 people about fasting on first day of Ramadan in restaurant not being an official of the state-controlled Muslim Board and therefore without state permission

70 MFI fine, changed on appeal to Administrative Code Article 490, Part 1, with 35 MFI fine and 3-month ban on unspecified activity

12) 4 July 2022

Aman Zhakselekov, Muslim

Nur-Sultan (Astana) Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, Religious Affairs Department found he had maintained prayer room without state permission (after he had been fined for this in May 2021 (https://www.forum18.org/archive.php?article_id=2715), he said the room was turned into a rest room, and only he prayed there as, at the age of 66, it was difficult for him to get to the mosque)

35 MFI plus 3-month ban on unspecified activity

13) 21 July 2022

Gulnur Seitova, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, Religious Affairs Department found she had organised an event "Spiritual Meeting with Teacher Malika" in banqueting hall without state permission (video posted on Instagram)

35 MFI plus 3-month ban on unspecified activity

14) 2 August 2022

Zhaksylyk Erkin, Muslim

Almaty Specialised Administrative Court

Administrative Code Article 490, Part 3, police found he spoke on Islam at dinner table on charity premises during Ramadan without state permission (video posted on Instagram)

Acquitted

15) 3 August 2022

Alatau Plaza Company

Aktobe Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, operating a prayer room in shopping mall without state permission

140 MFI fine plus ban on the prayer room

16) 16 August 2022

Maratuly Sabitov, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, Religious Affairs Department found that at motivational training for young people in restaurant held one session on "Islam and personal development" without state permission, session recorded on video

35 MFI plus 3-month ban on unspecified activity

17) 17 August 2022

Malika Ergeshova, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 3, spoke on Islam at meeting in banqueting hall without state permission

70 MFI fine

18) 26 August 2022

Akarys Adilzhan, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 3, spoke on Islam at meeting in banqueting hall without state permission

70 MFI fine

19) 22 September 2022

Nurai Invest Group, commercial company

Aktobe Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 4, operating prayer yurt (tent) at entertainment park at request of visitors without state permission

200 MFI fine plus 3-month ban on activity

20) 5 October 2022

Paris Luis Domingues, Protestant

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, at complaint of individual, police found US citizen speaking about his faith at Almaty Qarim Qatinas organisation without state permission

Acquitted

21) 17 October 2022

Adeliya Zhumabek, Muslim

Astana Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, Anti-Extremism Police found she had operated prayer room in hostel since the beginning of 2022 without state permission

140 MFI fine plus 3-month ban on activity

22) 20 October 2022

Agape Pentecostal Church

Balkhash Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, held meeting in basement of shop not registered as church premises without state permission

140 MFI fine plus 3-month ban on activity

23) 28 October 2022

Adilgalei Mustafiyev, Muslim

Oral Specialised Administrative Court

Administrative Code Article 490, Part 3, police found Russian citizen speaking on Islam to children in mosque (posted on YouTube) without state permission (religious "expert" analysis had not found material that was not allowed for distribution in Kazakhstan)

100 MFI fine plus deportation from Kazakhstan

24) 31 October 2022

Farkhat Rakhat, Muslim

Arkalyk City Court

Administrative Code Article 490, Part 1, Point 1, police accused him of leading prayers and giving religious education to children in premises of Arkalyk Charity without state permission

50 MFI fine

25) 6 December 2022

Araili-2020 Company

Astana Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, operating a prayer room in shopping mall without state permission

140 MFI fine plus 3-month ban on prayer room

26) 12 December 2022

Akmola Charity

Astana Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, Police followed up reports of "people with short hair and beards entering and exiting" charity premises who might be "extremists", found teachers and up to 30 pupils attending prayers without state permission

Case closed

- Punishing building place of worship without state permission

Known administrative cases: 1

Known convictions: 1

50 MFI fines (1 month's average wages): 1 fine

Three-month bans on activity: 1 ban

Muslim: 1

Administrative Code Article 490, Part 4 punishes: "Religious organisations carrying out activity not in their statute". The punishment is a fine of 300 MFIs and a 3-month ban on activity.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 16 August 2022

Nazipa Baiserikova, Muslim

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 4, began building place of worship next to car park on main road without state permission

50 MFI fine plus 3-month ban on unspecified activity

- Punishing offering free religious materials without state permission

Known administrative cases: 1

Known convictions: 1

35 MFI fines (3 weeks' average wages): 1 fine

Unknown faith: 1

Administrative Code 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.

Administrative Code 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.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 27 December 2022

Ainur Ikhambayeva, unknown faith

Astana Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, sent extracts by mobile phone from religious book to another individual

35 MFI fine

- Punishing having religious literature

Known administrative cases: 2

Known convictions: 1

35 MFI fines (3 weeks' average wages): 1 fine

Case closed: 1 case

Destruction of literature: 1 case

Muslim: 2

Administrative Code 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, and for legal entities 200 MFIs.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 23 May 2022

Shinar Khodzhasheva, Muslim

Stepnogorsk Town Court

Administrative Code Article 490, Part 1, Point 3, Police found three Korans in home

35 MFI fine

2) 31 May 2022

Ruslan Aliyev, Muslim

Karaganda Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, one copy of Muslim book "Gardens of the Righteous" by thirteenth-century scholar Imam al-Nawawi seized during house search, Religious Affairs Committee "expert" analysis said it was banned in Kazakhstan

Case closed because not filed within the deadline, book ordered destroyed

- Punishing offering religious literature, items for sale, without state permission

Known administrative cases: 30

Known convictions: 29

140 MFI fines (3 months' average wages): 3 fines

50 MFI fines (1 month's average wages): 6 fines

35 MFI fines (3 weeks' average wages): 20 fines

3-month bans on activity: 20 bans (+ 1 possible ban)

1-month bans on activity: 2 bans

Confiscation of literature/materials: 2 cases

Destruction of literature: 1 case

Acquittal/case closed: 1 case

Commercial traders: 30

Administrative Code 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, and for legal entities 200 MFIs.

Administrative Code 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 (https://www.forum18.org/archive.php?article_id=2409), 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.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 15 March 2022

Rustam Kazmagambetov, commercial seller

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found him offering 12 Islamic books for sale in shop without state permission

35 MFI fine plus 3-month ban on trading plus confiscation of books

2) 18 April 2022

Aigerim Maratkyzy, commercial seller

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, police found her offering one religious book for sale in shop without state permission

35 MFI fine plus 3-month ban on trading

3) 27 May 2022

Abdulla Togan, commercial seller

Kyzylorda Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police claim to have found him offering 39 Islamic books for sale in shop without state permission

Acquitted (shop was not open and Togan was not the owner)

4) 8 July 2022

Ukish Shaikenova, commercial seller

Nur-Sultan (Astana) Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Religious Affairs Department found her offering religious books for sale in shop without state permission (the court decision notes her similar fine in November 2020 (https://www.forum18.org/archive.php?article_id=2634))

35 MFI fine plus 3-month ban on trading

5) 11 July 2022

Dina Baizhanova, commercial seller

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, offering the Koran and other religious books in gift boxes for sale in shop without state permission

35 MFI fine plus 3-month ban on trading

6) 3 August 2022

Asem Isayeva, commercial seller

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious books for sale in shop

50 MFI fine possibly with 3-month ban on trading

7) 3 August 2022

Kenzhekul Atabayeva, commercial seller

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious books for sale in shop

35 MFI fine plus 3-month ban on trading

8) 3 August 2022

Aknur Karibayeva, commercial seller

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious books and items for sale in shop

50 MFI fine plus confiscation of books

9) 8 August 2022

Nesibeli Minsharipova, commercial seller

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police found her without state permission offering religious books for sale in shop

50 MFI fine plus 1-month ban on trading

10) 8 August 2022

Nazira Urakova, commercial seller

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police found her without state permission offering religious books for sale in shop

50 MFI fine plus 1-month ban on trading

11) 10 August 2022

Zhuldiz Dzhunisbayeva, commercial seller

Ayrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious books for sale in shop and online on Instagram

35 MFI fine plus 3-month ban on trading

12) 12 August 2022

Dilmurat Rakhimov, commercial seller

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, police found him offering religious books for sale in shop without state permission

35 MFI fine plus 3-month ban on trading

13) 25 August 2022

Markhamat Rozmetova, commercial seller

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, police found her offering religious books and items for sale in shop without state permission

35 MFI fine plus 3-month ban on trading

14) 7 September 2022

Zarina Amangeldiyeva, commercial seller

Akzhaik District Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering 12 religious books for sale in shop and on Instagram

35 MFI fine

15) 12 September 2022

Dilora Adilova, commercial seller

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering three religious books for sale in shop

35 MFI fine plus 3-month ban on unspecified activity plus destruction of books

16) 14 September 2022

Talgat Davletov, commercial seller

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found him offering one Koran for sale in shop without state permission

35 MFI fine plus 3-month ban on unspecified activity

17) 14 September 2022

Nurzhan Reimov, commercial seller

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found him offering 6 Korans and box of prayer beads for sale in shop without state permission

35 MFI fine plus 3-month ban on trading plus confiscation of books and beads

18) 15 September 2022

Munara Tlepova, commercial seller

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, offering 6 Islamic books for sale in shop without state permission

35 MFI fine plus 3-month ban on trading

19) 26 September 2022

Raziya Zhumanbetova, commercial seller

Mugalzhar District Court

Administrative Code Article 490, Part 1, Point 3, offered 47 Islamic books for sale at clothing shop without state permission

35 MFI fine plus 3-month ban on trading

20) 27 September 2022

Nurzhan Rustemova, commercial seller

Oskemen Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found her offering 15 Islamic books for sale at bus station without state permission

35 MFI fine

21) 8 November 2022

Ziyamat Ergashev, commercial seller

Shymkent Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found him without state permission offering religious books and items for sale in shop

35 MFI fine

22) 9 November 2022

Anarbek Bekenbayev, commercial seller

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found him without state permission offering religious books and items for sale in shop

35 MFI fine plus 3-month ban on trading activity

23) 14 November 2022

Ayazhan Mazhidova, commercial seller

Kentau City Court

Administrative Code Article 490, Part 1, Point 3, offering religious books and items for sale in shop without state permission

140 MFI fine plus 3-month ban on trading activity

24) 14 November 2022

Munira Shamuratovna, commercial seller

Kentau City Court

Administrative Code Article 490, Part 1, Point 3, offering 19 Islamic books, including the Koran, for sale in shop without state permission

140 MFI fine plus 3-month ban on trading activity

25) 13 December 2022

Daurenbek Zhalei, commercial seller

Temirtau Specialised Administrative Court

Administrative Code Article 490, Part 1, offered religious books for sale in bus station kiosk without state permission

35 MFI fine

26) 26 December 2022

Zukhriddin Abdimazhitov, commercial seller

Sairam District Court

Administrative Code Article 490, Part 1, Point 3, Police and religious affairs officials found him without state permission offering 9 Islamic books for sale in shop

50 MFI fine plus 3-month ban on trading activity

27) 26 December 2022

Unsunay Rozimetova, commercial seller

Sairam District Court

Administrative Code Article 490, Part 1, Point 3, Police found her without state permission offering 10 Islamic books for sale in shop

140 MFI fine plus 3-month ban on trading activity

28) 27 December 2022

Zhanyl Ibrayeva, commercial seller

Kyzylorda Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found her without state permission selling a religious book in shop (purchaser confirmed buying the book)

35 MFI fine plus 3-month ban on trading activity

29) 28 December 2022

Utkirzhon Karimov, commercial seller

Sairam District Court

Administrative Code Article 490, Part 1, Point 3, Police and religious affairs officials found him without state permission offering 25 Islamic books and items for sale in shop

50 MFI fine plus 3-month ban on trading activity

30) 30 December 2022

Arslanbek Kayumov, commercial seller

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police and religious affairs officials found him without state permission offering religious books for sale in grocery shop

35 MFI fine

- Punishing offering religious literature, items for sale online

Known administrative cases: 9

Known convictions: 9

50 MFI fines (1 month's average wages): 1 fine

35 MFI fines (3 weeks' average wages): 8 fines

3-month bans on activity: 3 bans

Confiscation of literature: 1 case

Private sellers: 9

Administrative Code 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.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 17 February 2022

Marina Prokopova, seller

Oskemen Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found her offering "My Book of Bible Stories", "New Testament and Psalter" and "Jesus Our Destiny" (which she had inherited from her deceased grandmother) for sale online without state permission which Religious Affairs Committee said were Christian and were not banned from distribution in the country

35 MFI fine plus 3-month ban on unspecified activity

2) 18 April 2022

Tatyana Ashikhmina, seller

Oskemen Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found her offering one copy of "Bible Stories" for sale online without state permission which Religious Affairs Committee said was Christian

35 MFI fine plus 3-month ban on unspecified activity

3) 1 July 2022

Muratbek Bakbauov, seller

Semei Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found her offering the Koran and three other books for sale online without state permission which Religious Affairs Committee said were "non-traditional" Muslim

35 MFI fine

4) 18 August 2022

Valery Kunitsyn, seller

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police found him offering for sale on Instagram without state permission two icons and two rosaries ("expert" analysis had found them to be religious)

35 MFI fine

5) 24 August 2022

Kazbekuly Khamidullin, seller

Oral Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found him offering five Muslim books for sale online without state permission

35 MFI fine plus confiscation of books

6) 8 September 2022

Aleksandr Lashchevsky, seller

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, offering Kazan Mother of God icon for sale on Instagram without state permission (deleted announcement when told it was illegal)

50 MFI fine

7) 10 October 2022

Ali Zheksengaliyev, seller

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found him offering religious books for sale on Instagram without state permission

35 MFI fine plus 3-month ban on trading activity

8) 13 December 2022

Izabella Kuvyrchenkova, seller

Temirtau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, offering religious books for sale online without state permission ("expert" analysis found them to be religious, with no elements of terrorism or extremism)

35 MFI fine

9) 20 December 2022

Anastasiya Khval, seller

Temirtau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, offering for sale online without state permission Psalter in Old Church Slavonic published in 1839 ("expert" analysis found it to be religious)

35 MFI fine

- Punishing posting religious materials online without state permission

Known administrative cases: 54

Known convictions: 51

Initial criminal cases: 1 case

70 MFI fines (6 weeks' average wages): 6 fines

50 MFI fines (1 month's average wages): 15 fines

35 MFI fines (3 weeks' average wages): 27 fines

14 MFI fines (1 week's average wages): 1 fine

Verbal warnings: 2 warnings

3-month bans on activity: 20 bans

Acquitted/case closed: 3 cases

Muslims: 43

Unknown faith: 10

Journalist: 1

Administrative Code 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.

Administrative Code 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.

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

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 26 January 2022

Amanzhan Sidenov, Muslim

Ayrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police and Regional Religious Affairs Department found he had posted suras from the Koran on his VKontakte page without state permission

35 MFI fine plus 3-month ban on unspecified activity

2) 31 January 2022

Bolat Urazbayev, unknown faith

Nur-Sultan (Astana) Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police found he had posted religious audio and video recordings on his VKontakte page without state permission

Case closed as deadline for lodging cases had passed

3) 28 January 2022

Nursat Galymzhan, Muslim

Zhambyl District Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police found he had posted religious materials on VKontakte without state permission

50 MFI fine

4) 10 March 2022

Daniyar Serikbai, Muslim

Kyzylkoga District Court

Administrative Code Article 490, Part 1, Point 3, posted suras from the Koran and videos on Islam on Instagram without state permission

35 MFI fine plus 3-month ban on unspecified activity

5) 14 March 2022

Ibrakhim Abaidulla, Muslim

Oral Specialised Administrative Court

Administrative Code Article 490, Part 3, posting talks on Islam online without state permission

70 MFI fine

6) 15 March 2022

Rita Valiulina, unknown faith

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Regional Religious Affairs Department found she had posted 3 audio recordings and 113 photographs on her VKontakte page without state permission ("expert" analysis found nothing in the material that made them illegal)

35 MFI fine plus 3-month ban on unspecified activity

7) 28 March 2022

Yerkebulan Nurlanov, unknown faith

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posting religious materials on Instagram without state permission

Verbal warning plus 3-month ban on unspecified activity

8) 7 April 2022

Asylkhan Beigenzheyev, Muslim

Nur-Sultan (Astana) Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, Anti-Extremism Police Department found he had held class on Islam online for about 25 people and then posted on YouTube without state permission

70 MFI fine

9) 8 April 2022

Agybai Daniyarov, Muslim

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police Department found he had posted materials on his private VKontakte page without state permission. Court ruled that his VKontakte page was not a registered place of worship, registered religious educational establishment, or place authorised by the local administration for the distribution of religious materials

50 MFI fine

10) 11 April 2022

Sergan Beisekeyev, Muslim

Esil District Court

Administrative Code Article 490, Part 1, Part 3, the 19-year-old posted religious images on VKontakte without state permission

35 MFI fine

11) 13 April 2022

Nagashybai Omarov, Muslim

Kyzylzhar District Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police found he had posted religious videos on his VKontakte page six years earlier without state permission

50 MFI fine

12) 18 April 2022

Eldar Miramgaliyev, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, police found he had posted online audio and video recordings of the Koran without state permission

35 MFI fine plus 3-month ban on unspecified activity

13) 18 April 2022

Rafkhat Zulkharnai, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, police found he had posted audio recordings of the Koran and other religious materials on his VKontakte page without state permission

35 MFI fine plus 3-month ban on unspecified activity

14) 19 April 2022

Zhanat Dyusenayev, unknown faith

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police Department found he had posted religious materials on his VKontakte page before 2019 without state permission

35 MFI fine

15) 25 April 2022

Bakhytzhan Aryntayev, Muslim

Magzhan Zhumabayev District Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police Department found he had posted materials on Tik-Tok and

Instagram that "expert" analysis said were Muslim

50 MFI fine

16) 27 April 2022

Abylai Koshkin, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted suras from the Koran on his social media account without state permission

35 MFI fine plus 3-month ban unspecified activity

17) 28 April 2022

Rustem Berdikulov, Muslim

Zhilioi District Court

Administrative Code Article 490, Part 1, Point 3, posted Muslim materials on VKontakte page

35 MFI fine plus 3-month ban in unspecified activity

18) 17 May 2022

Ildar Aubakirov, unknown faith

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police Department found he had posted religious audio and video files on his VKontakte page without state permission. Court ruled that his VKontakte page was not a registered place of worship, registered religious educational establishment, or place authorised by the local administration for the distribution of religious materials

50 MFI fine

19) 1 June 2022

Asker Kozhikov, Muslim

Zhambyl District Court

Administrative Code Article 490, Part 1, Point 3, posted 98 audio files and other religious materials on his VKontakte account without state permission

50 MFI fine

20) 7 June 2022

Abat Nurumbetov, Muslim

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted video and audio recordings of sermons on his VKontakte page without state permission

50 MFI fine plus 3-month ban on unspecified activity

21) 17 June 2022

Seril Auelbekov, Muslim

Astana Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, Anti-Extremism Police Department found he had held class on Islam online for about 25 people and then posted on YouTube without state permission

70 MFI fine

22) 20 June 2022

Nasimzhon Sharipov, unknown faith

Balkhash Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police anti-migrant operation found Tajik citizen had posted video in Tajik and Uzbek on Instagram without state permission ("expert" analysis found no extremism or terrorism)

35 MFI fine

23) 23 June 2022

Karazhan Kulbayev, Muslim

Kurmangazy District Court

Administrative Code Article 490, Part 1, Point 3, Police found that, in 2018, he had posted on his VKontakte page without state permission audio sermons by Dilmurat Makhmatov (jailed for 8 years in 2019 (https://www.forum18.org/archive.php?article_id=2497)) which courts declared "extremist" later in 2018

35 MFI fine

24) 1 July 2022

Zhanat Negmetov, Muslim

Gabit Musrepov District Court

Administrative Code Article 490, Part 1, Point 3, police found he had posted religious texts and images on WhatsApp Messenger during Ramadan without state permission (religious "expert" analysis found they contained no extremism)

35 MFI fine

25) 4 July 2022

Kunshat Sergazina, Muslim

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police found she had posted Islamic audio and video recordings on her Odnoklassniki page without state permission

50 MFI fine

26) 19 July 2022

Timur Tuleshov, unknown faith

Kulsary City Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police and Regional Religious Affairs Department found that he had posted religious materials on his Instagram page without state permission

35 MFI fine plus 3-month ban on distributing religious materials

27) 25 July 2022

Torezhan Kisma, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found that, two years earlier, he had posted suras from the Koran and nasheeds (Islamic songs) on his Instagram page without state permission

35 MFI fine plus 3-month ban on unspecified activity

28) 29 July 2022

Timur Tazhimbetov, Muslim

Baikonur City Court

Administrative Code Article 490, Part 1, Point 3, Police found that he had posted Islamic materials on Baikonur Bulletin Board without state permission

35 MFI fine

29) 8 August 2022

Alfred Khamitov, Muslim

Ekibastuz Town Court

Administrative Code Article 490, Part 3, posted religious material on his VKontakte page without state permission

70 MFI fine, changed on appeal to Administrative Code Article 490, Part 1, Part 3, with 50 MFI fine

30) 11 August 2022

Duysen Tursai, Muslim

Almaty Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, City Religious Affairs Department found he had posted video on Instagram of religious meeting in charity office (of which he was director) without state permission

Acquitted

31) 15 August 2022

Izimkhan Esetov, Muslim

Oral Specialised Administrative Court

Administrative Code Article 490, Part 3, posted talks on Islam on Telegram without state permission

70 MFI fine

32) 19 August 2022

Eldar Samarkhanov, Muslim

Oral Specialised Administrative Court

Administrative Code Article 490, Part 3, Police found he had posted talks on Islam on TikTok without state permission

70 MFI fine

33) 24 August 2022

Akhmetzhan Koptileuov, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found he had posted suras from the Koran and on his Instagram page

35 MFI fine plus 3-month ban on unspecified activity

34) 24 August 2022

Inadzh Abdullayev, Muslim

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police Department found he had posted photos and videos with quotations from the Koran and information on the life of the Muslim prophet Muhammad on his Instagram page without state permission (religious "expert" analysis had not found material that was not allowed for distribution in Kazakhstan)

50 MFI fine plus 3-month ban on unspecified activity

35) 13 September 2022

Bakytbai Omarov, Muslim

Shymkent Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted audio recordings on his VKontakte page without state permission

50 MFI fine

36) 16 September 2022

Erik Sauranbayev, Muslim

Shymkent Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted audio recordings on his VKontakte page without state permission

50 MFI fine

37) 19 September 2022

Beibit Uteshov, Muslim

Isatai District Court

Administrative Code Article 490, Part 1, Point 3, posted religious materials on his VKontakte page without state permission

35 MFI fine

38) 4 October 2022

Zhumaziya Zholmukanova, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Regional Religious Affairs Department and police found she had posted a religious video "This is how you should pray to Allah" and other materials on her Facebook page without state permission

35 MFI fine plus 3-month ban on unspecified activity

39) 26 October 2022

Zhasulan Okasov, Muslim

Kurmangazy District Court

Administrative Code Article 490, Part 1, Point 3, Regional Religious Affairs Department found he had posted recordings of Koranic verses and a biography of the Muslim prophet Muhammad on his VKontakte page without state permission

35 MFI fine

40) 28 October 2022

Murlybek Rakhmatullayev, Muslim

Kyzylzhar District Court

Administrative Code Article 490, Part 1, Point 3, posted religious videos on his VKontakte page five years earlier without state permission

35 MFI fine

41) 2 November 2022

Maral Arystanbek, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 453, Part 2 (changed in court from Article 490, Part 3), Anti-Extremism Police Department found he had posted Islamic recordings and videos on Telegram without state permission (initial criminal case closed)

14 MFI fine

42) 3 November 2022

Maksim Nurgali, Muslim

Oral Specialised Administrative Court

Administrative Code Article 490, Part 3, police found he posted his talks on Islam on YouTube without state permission

70 MFI fine

43) 4 November 2022

Rufiya Mustafina, journalist

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police found she had posted to her Facebook page interview with imam of Kyzylzhar Regional Central Mosque Khamzat Adilbekov on Kurban Bairam (Id al-Adha) commissioned by city administration's Internal Policy Department without state permission (religious "expert" analysis had not found material that was not allowed for distribution in Kazakhstan) (interview re-posted by several city administration officials)

50 MFI fine, decision changed on appeal to verbal warning

44) 7 November 2022

Aldabergen Karasayev, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted verses from Koran and hadiths on Instagram page without state permission

35 MFI fine plus 3-month ban on unspecified activity

45) 7 November 2022

Asylzhan Magadanov, Muslim

Kurmangazy District Court

Administrative Code Article 490, Part 1, Point 3, police and Regional Religious Affairs Department found he had posted Muslim audio recordings on Instagram page without state permission ("expert" analysis found the recordings contained nothing preventing their use and distribution in the country)

35 MFI fine

46) 16 November 2022

Tilekshi Murzasheva, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted suras from the Koran on VKontakte in 2018 without state permission

35 MFI fine plus 3-month ban on unspecified activity

47) 30 November 2022

Abylay Tolesh, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted video of talk on Islam and charity on Instagram page without state permission

35 MFI fine plus 3-month ban on unspecified activity

48) 6 December 2022

Ulugbek Umirshikov, Muslim

Shymkent Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, City Internal Policy and Religious Affairs Department found he had posted Islamic materials on Instagram without state permission

50 MFI fine plus 3-month ban on unspecified activity

49) 9 December 2022

Rustam Saltykov, unknown faith

Kostanai Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Regional Religious Affairs Department found he had posted 27 audio recordings and 3 video recordings on his VKontakte page without state permission

50 MFI fine

50) 20 December 2022

Satimzhan Azatov, Muslim

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, KNB secret police found he had posted photos and videos with quotations from the Koran and information on the life of the Muslim prophet Muhammad on his Telegram page without state permission

50 MFI fine plus 3-month ban on unspecified activity

51) 21 December 2022

Nurmukhan Kuketayev, unknown faith

Syrym District Court

Administrative Code Article 490, Part 1, Point 3, police found he had posted religious material on Telegram and WhatsApp chats without state permission, "expert" analysis found texts were not banned from distribution

Acquitted

52) 21 December 2022

Nurzhigit Oishybayev, Muslim

Syrym District Court

Administrative Code Article 490, Part 1, Point 3, posted suras from the Koran and hadiths on Telegram without state permission, "expert" analysis found texts were not recommended for distribution

35 MFI fine

53) 27 December 2022

Galimzhan Kusain, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted extracts from the Koran and Muslim prayers on Instagram without state permission, as confirmed by "expert" analysis

35 MFI fine plus 3-month ban on unspecified activity

54) 30 December 2022

Kurasbek Tulebayev, unknown faith

Isitai District Court

Administrative Code Article 490, Part 1, Point 3, posted religious materials on his Facebook page without state permission

35 MFI fine

- Punishing trying to import religious literature without state permission

Known administrative cases: 6

Known convictions: 6

50 MFI fines (1 month's average wages): 3 fines

35 MFI fines (3 weeks' average wages): 3 fines

3-month bans on activity: 5 bans (+ 1 possible ban)

Muslim: 2

Unknown faith: 4

Administrative Code 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.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 17 February 2022

Fakhriddin Khasanov, unknown faith

Maktaaral District Court

Administrative Code Article 490, Part 1, Point 3, customs on land border with Uzbekistan found 40 religious books in luggage (https://www.forum18.org/archive.php?article_id=2802)

35 MFI fine plus 3-month ban on importing books

2) 3 March 2022

Shukurillo Azadbekov, unknown faith

Maktaaral District Court

Administrative Code Article 490, Part 1, Point 3, customs on land border with Uzbekistan found 44 religious books in luggage (https://www.forum18.org/archive.php?article_id=2802)

35 MFI fine plus 3-month ban on unspecified activity

3) 20 July 2022

Nugman Babazhanov, unknown faith

Maktaaral District Court

Administrative Code Article 490, Part 1, Point 3, customs on land border with Uzbekistan found 78 religious books in luggage (https://www.forum18.org/archive.php?article_id=2802)

50 MFI fine plus 3-month ban on unspecified activity

4) 2 August 2022

Dauran Alimov, Muslim

Shymkent Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, customs at Shymkent airport found 222 Arabic-language Muslim books in luggage (https://www.forum18.org/archive.php?article_id=2802)

50 MFI fine plus 3-month ban on unspecified activity

5) 10 November 2022

Nurali Bekturov, unknown faith

Shymkent Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, customs at Shymkent airport found religious books in luggage (https://www.forum18.org/archive.php?article_id=2802)

35 MFI fine plus 3-month ban on unspecified activity

6) 26 December 2022

Olzhas Sarzhayev, Muslim

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, customs at Turkestan airport found 168 religious books from Turkey by or about the theologian Said Nursi in luggage (https://www.forum18.org/archive.php?article_id=2802)

50 MFI fine plus possibly 3-month ban on unspecified activity

- Punishing sharing faith without state permission

Known administrative cases: 3

Known convictions: 3

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

35 MFI fines (3 weeks' average wages): 1 fine

3-month bans on activity: 2 bans

Protestant: 1

Jehovah's Witness: 1

Unknown faith: 1

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

Administrative Code 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.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 4 May 2022

Tatyana Karakuts, unknown faith

Kostanai Specialised Administrative Court

Administrative Code Article 490, Part 3, Anti-Extremism Police Department found on social media from other passengers videos of pensioner talking about her faith without state permission standing in the aisle of a bus, identified her and brought case. Court dismissed her pleas that "violation" was insignificant

70 MFI fine

2) 7 July 2022

Dina Aldiyeva, Protestant

Nur-Sultan (Astana) Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, police found she had put up announcements of religious meetings on notice boards

35 MFI fine plus 3-month ban on unspecified activity

3) 15 September 2022

Tamara Belyakova, Jehovah's Witness

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, shared her faith without state permission in letter to woman not known to her who had reported this to police

70 MFI fine plus 3-month ban on unspecified activity

- Punishing violating mosques' internal rules

Known administrative cases: 3

Known convictions: 3

200 MFI fines (4 months' average wages): 1 fine

140 MFI fines (3 months' average wages): 2 fines

Muslims: 3

Administrative Code 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 regime regards saying the word "Amen" in mosques (used as a prayer by Sunni Hanbali Muslims) (https://www.forum18.org/archive.php?article_id=2409) as one instance of this "offence". The punishment for individuals is 50 MFIs, and for legal entities 200 MFIs.

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

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 23 May 2022

Makhmud Zhusupbekov, Muslim

Kyzylorda Specialised Administrative Court

Administrative Code Article 490, Part 8, saying the word Amen during prayers in mosque (increased punishment as already fined in June 2021 (https://www.forum18.org/archive.php?article_id=2715) for same "offence")

140 MFI fine

2) 15 July 2022

Smagul Tulekov, Muslim

Almaty Specialised Administrative Court

Administrative Code Article 490, Part 8, saying the word Amen during prayers in mosque (increased punishment as already fined in October 2021 (https://www.forum18.org/archive.php?article_id=2715) for same "offence")

200 MFI fine

3) 26 July 2022

Aziz Ainabekov, Muslim

Taraz Specialised Administrative Court

Administrative Code Article 490, Part 8, saying the word Amen during prayers in mosque (increased punishment as already fined in

July 2021 (https://www.forum18.org/archive.php?article_id=2715) for same "offence")

140 MFI fine

- Punishing religious teaching of children without state permission

Known administrative cases: 8

Known convictions: 6

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

70 MFI fines (6 weeks' average wages): 3 fines

Confiscation of literature: 1 case

Muslim: 5

Unknown faith: 1

Charity: 1 (twice)

Administrative Code 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.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 17 February 2022

Akmola Charity

Nur-Sultan (Astana) Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, Religious Affairs Department and Police found charity operating a room for lessons on the Koran without state permission

Case closed (Religious Affairs official reprimanded for "gross violation of the law")

2) 1 April 2022

Ramazan Khusei, Muslim

Kordai District Court

Administrative Code Article 490, Part 3, Police found him teaching Koran to children without state permission

100 MFI fine

3) 11 April 2022 (second case)

Akmola Charity

Nur-Sultan (Astana) Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, Anti-Extremism Police Department found charity operating a room for lessons on the Koran without state permission

Case closed

4) 3 May 2022

Abdukholik Saimudinov, Muslim

Almaty Specialised Administrative Court

Administrative Code Article 490, Part 3, found giving lessons on the Koran in mosque with district imam's approval and with mosque imam's verbal approval without state permission for teaching or for literature used

70 MFI fine

5) 30 May 2022

Odilbek Mavlanov, Muslim

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 3, police found him giving lessons on the Koran at offices of Aktau Charitable Fund without state permission

70 MFI fine plus 20 books confiscated

6) 8 June 2022

Kanat Idrisov, unknown faith

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 3, Police found him teaching religion to young children without state permission

70 MFI fine

7) 4 August 2022

Summaya Chiakhunova, Muslim

Kordai District Court

Administrative Code Article 490, Part 3, Police found 19-year-old teaching Koran to 15 girls in her home with permission of parents but without state permission

100 MFI fine

8) 28 September 2022

Aibek Abilda, Muslim

Turkestan Specialised Administrative Court

Administrative Code Article 490, Part 3, with permission of parents but without state permission teaching Koran to children once or twice a month

100 MFI fine

(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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