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KAZAKHSTAN: Court bailiffs burn book seized at border, owner fined

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

On 12 July, border guards seized "Selected Hadiths" by Muhammad Yusuf Kandhlawi from Russian-based Kyrgyz citizen Sardor Abdullayev. The same day a court fined him 6 weeks' average wages for the book containing "social, national, clan, racial, or religious discord" and ordered it confiscated "with subsequent destruction". Asked what had happened to Abdullayev's book, Raikhan Nurzhalpova, head of North Kazakhstan Regional Justice Department's Implementation of Court Decisions Department, responded: "It was burnt." Under the strict religious censorship system, travellers can import only one copy of any religious book.

In the night of 12 July, Kazakh border guards at the Zhana-Zhol crossing point from Russia into North Kazakhstan Region searched the luggage of Russian-based Kyrgyz citizen Sardor Abdullayev. They found one copy of a book "Selected Hadiths" by Muhammad Yusuf Kandhlawi, a previous leader of the Tabligh Jamaat Muslim missionary movement. They seized the book, and brought a case to court.

Within 24 hours, Judge Inna Zubkova of Mamlut District Court found Abdullayev guilty, fined him 6 weeks' average wages for the book containing "social, national, clan, racial, or religious discord" and ordered the book confiscated "with subsequent destruction" (see below).

Asked by Forum 18 what had happened to Abdullayev's book, Raikhan Nurzhalpova, head of North Kazakhstan Regional Justice Department's Implementation of Court Decisions Department, responded: "It was burnt." She added that court bailiffs carried out the court decision. Asked whether bailiffs would have qualms about burning religious literature, she responded: "Carrying out court decisions is their work." She then claimed not to hear Forum 18 well and put the phone down (see below).

On 15 May, Martuk District Court in Aktobe Region found another Kyrgyz citizen guilty of having the same book when he crossed the border from Russia. It fined him 2 months' average wages and ordered the book confiscated. "If banned, confiscated books are ordered sent for subsequent destruction," a court official told Forum 18 (see below).

Human rights defender Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law has described court-ordered book destruction to Forum 18 as "barbarism" (see below).

The regime imposes tight restrictions on religious literature and other materials and where they can be sold and distributed. Imports of religious literature without state permission (apart from one copy of any one item for personal use) are illegal and subject to prosecution (see below).

Officials search travellers arriving in Kazakhstan at airports, railway stations and by car at border crossing points for religious literature. On 13 October, border guards seized Christian books from two groups of Baptists arriving from Russia and sent them for an "expert analysis". An individual having more than one copy of any one religious publication is likely to have the literature confiscated, with the possibility of a subsequent administrative case (see below).

Nurali Kabylov, head of the Religious "Expert Analysis" Department of the Religious Affairs Committee in Astana, would not discuss the censorship of religious literature with Forum 18. He said he did not know if the Christian books confiscated from two groups of Baptists on the border with Russia on 13 October are with his Department. "Why are you asking us?" he told Forum 18 (see below).

Regime warnings against bringing religious literature into the country appear regularly on social media sites. They often explain that only registered religious organisations are allowed to import religious literature and only after it has undergone state censorship by the Religious Affairs Committee (see below).

As well as fining individuals for trying to bring religious literature into the country without state permission, officials continue to punish individuals for sharing faith with others (https://www.forum18.org/archive.php?article_id=2940) and for posting religious

materials online or offering religious literature to others (https://www.forum18.org/archive.php?article_id=2941).

Kazakhstan's Constitutional Court in Astana is due to hear a challenge to the constitutionality of the ban on and punishments for sharing faith. Zhangazy Biimbetov, a Jehovah's Witness from the eastern city of Oskemen, brought the challenge after a court fined him for this in 2013 and again in July 2023. The Constitutional Court accepted the case on 4 October 2024 (https://www.forum18.org/archive.php?article_id=2940). The Court is due to hear the case on 19 November.

Religious censorship includes import restrictions

The regime imposes tight restrictions on religious literature (https://www.forum18.org/archive.php?article_id=2753) and other materials 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 3 of the 2011 Religion Law (https://www.forum18.org/archive.php?article_id=2753) 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 Culture and Information 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.

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On 11 July, the regime's Religious Studies Centre in Astana warned on its Facebook and Instagram pages that importing religious literature without permission is illegal. "Did you know that after a pilgrimage you can import religious literature into our country only in one copy?" the official notes in the 50-second video. The haj pilgrimage to Mecca had taken place in June.

Many prosecutions for trying to import religious literature

Many individuals have been prosecuted in recent years for trying to import religious literature without state permission. Seven prosecutions are known to have reached court in 2023 (https://www.forum18.org/archive.php?article_id=2901) (6 of them ending in fines), with 6 in 2022 (https://www.forum18.org/archive.php?article_id=2821), 1 in 2020 (https://www.forum18.org/archive.php?article_id=2634), 4 in 2019 (https://www.forum18.org/archive.php?article_id=2532), and 4 in 2017 (https://www.forum18.org/archive.php?article_id=2347). No individuals are known to have been prosecuted for this in 2018 (https://www.forum18.org/archive.php?article_id=2448) or in 2021 (https://www.forum18.org/archive.php?article_id=2715).

Nurali Kabylov, head of the Religious "Expert Analysis" Department of the Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2753) in Astana, would not discuss the censorship of religious literature with Forum 18 on 14 November. He had refused in September 2021 (https://www.forum18.org/archive.php?article_id=2683) to explain why the state imposes compulsory prior censorship on all religious literature and items in defiance of its international human rights commitments.

No one else was available at the regime's Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2753) to explain to Forum 18 why individuals continue to be punished for trying to import religious literature. Its chair, Yerzhan Nukezhanov, did not answer his phone between 6 and 14 November 2024. Nor too did Deputy Chair Anuar Khatiyev.

A colleague of Beimbet Manetov, head of the Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2753)'s Department of Law Enforcement Practice in the Field of Religious Activities, told Forum 18 on 6 November that he was in a meeting. He did not answer his phone on subsequent calls. He had insisted to Forum 18 in February 2022 that individuals had to be fined if they break the law

(https://www.forum18.org/archive.php?article_id=2715). Asked why courts punish individuals for exercising freedom of religion or belief, he responded: "I can't comment on court decisions."

Fine, destruction order for religious book seized on border

In the night of 12 July, Kazakh border guards at the Zhana-Zhol crossing point from Russia into North Kazakhstan Region searched the luggage of Russian-based Kyrgyz citizen Sardor Abdullayev. They found one copy of a book "Selected Hadiths" in Kyrgyz by Muhammad Yusuf Kandhlawi, a previous leader of the Tabligh Jamaat Muslim missionary movement.

A court in the capital had declared the book "extremist" in April 2020. Courts had earlier banned other books by Tabligh Jamaat leaders (https://www.forum18.org/archive.php?article_id=2488). An Astana court had declared Tabligh Jamaat "extremist" (https://www.forum18.org/archive.php?article_id=2753) in February 2013. Courts have convicted at least 75 Tabligh Jamaat adherents on criminal charges since 2015 (https://www.forum18.org/archive.php?article_id=2772).

Police drew up a record of an offence against the then 30-year-old Abdullayev on 12 July under Administrative Code Article 453 ("Production, storage, import, transfer and distribution of literature containing .. social, national, clan, racial, or religious discord"), Part 4.

Later that day, Judge Inna Zubkova of Mamlut District Court found him guilty and fined him 70 MFIs (6 weeks' average wages). She ordered the book confiscated "with subsequent destruction", according to the decision seen by Forum 18.

Abdullayev told the court that his mother had given him the book and that he had not known that it was banned in Kazakhstan. He did not appeal against the court decision.

Judge Zubkova's secretary refused to put Forum 18 through to her. "You can't talk to her," the secretary told Forum 18 on 12 November. "She set out her views in her decision. She won't explain further." The secretary also refused to say who would destroy the book confiscated from Abdullayev.

"It was burnt"

Dinara Tulengutova, press secretary of North Kazakhstan Regional Court, told Forum 18 on 13 November that destroying books following court decisions is the responsibility of the Regional Justice Department. She referred Forum 18 to Raikhan Nurzhalspova, head of North Kazakhstan Regional Justice Department's Implementation of Court Decisions Department.

Asked by Forum 18 on 15 November what had happened to Abdullayev's book, Nurzhalspova responded: "It was burnt." She added that court bailiffs carried out the court decision. Asked whether bailiffs would have qualms about burning religious literature, she responded: "Carrying out court decisions is their work." She then claimed not to hear Forum 18 well and put the phone down.

Destroying religious literature

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 seized books. In many cases, courts order seized religious literature to be returned.

In one case in 2023 (https://www.forum18.org/archive.php?article_id=2901), a religious picture being offered for sale online was ordered destroyed. Unlike in previous years, courts in 2023 are not known to have ordered religious literature to be destroyed. In two known cases in 2022 (https://www.forum18.org/archive.php?article_id=2821) and three known cases in 2020 (https://www.forum18.org/archive.php?article_id=2558), courts ordered religious literature to be 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 in 2015 (https://www.forum18.org/archive.php?article_id=2442) as "barbarism".

"If banned, confiscated books are ordered sent for subsequent destruction"

Border guards stopped a Kyrgyz citizen arriving by car in Aktobe Region at the Zhaisan crossing point from Russia. They discovered he also had a copy of the book "Selected Hadiths" by Muhammad Yusuf Kandhlawi, which a court had banned in 2020 (see above).

Officials prepared a case against him under Administrative Code Article 453 ("Production, storage, import, transfer and distribution of literature containing .. social, national, clan, racial, or religious discord"), Part 4.

On 15 May, Judge Salamat Nogayev of Martuk District Court found the individual guilty. He fined him 100 MFIs (2 months' average wages) and ordered the book confiscated. "If banned, confiscated books are ordered sent for subsequent destruction," a court

official told Forum 18 on 15 November. "This is carried out by the police, who had the book in their possession."

The individual told the court that he had bought the book in the Kyrgyz capital Bishkek, "did not know that it was recognised as extremist in Kazakhstan, and fully admitted his guilt", the court noted.

Where is religious literature border guards confiscated in October?

On 13 October, Kazakh border guards at two separate border crossing points from Russia seized religious literature from Council of Churches Baptists entering the country. Border guards held several Baptists from Eastern Siberia as they tried to cross with Gospels in Kazakh.

The same day, at the Urlitobe crossing point on the road from the Russian city of Omsk to the Kazakh city of Pavlodar, Kazakh border guards stopped a group of about eight Baptists from Omsk Region and elsewhere in Russia. They seized from them several hundred Christian books, including more than 200 New Testaments in Kazakh. Border guards called in a Religious Affairs Department "expert" to study the books. Border guards detained the Baptists for up to about 10 hours while waiting for the "expert" to arrive.

"In neither incident have officials returned the books," a Baptist told Forum 18 on 14 November. "Police said the books had to be examined, even though they have already been through the state's 'expert analysis' and they showed documents about this." The Baptist said church members do not know where the books are.

Serik Kulzhibayev of Pavlodar Regional Religious Affairs Department said he had no knowledge of the two literature seizures. "Expert analysis is done in Astana at the Religious Affairs Committee, not here," he told Forum 18 from Pavlodar on 14 November. He rejected suggestions that such seizures of religious literature people wished to bring in represents censorship. "This is not censorship, this is expert analysis."

Nurali Kabylov, head of the Religious "Expert Analysis" Department of the Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2753) in Astana said he did not know if the Christian books confiscated from the Baptists on the border with Russia on 13 October are with his Department. "Why are you asking us?" he told Forum 18 on 14 November.

Earlier 2024 religious literature seizures on border

Judge Berik Kaipov, head of Saryagash District Specialised Administrative Court in the southern Turkistan Region bordering Uzbekistan, noted that between January and March, 19 administrative cases to punish individuals for trying to import religious literature without state permission had reached his court. This compared with five in 2023, he added. The court is known to have fined two people (https://www.forum18.org/archive.php?article_id=2901) in December 2023.

"To consider such cases, an expert analysis from the Religious Affairs Department of Turkistan Region is required," Kaipov told YuK Inform news website for a 29 March 2024 article. "Violators, among whom about 30 percent are women, usually admit their guilt. They say that they are carrying religious literature to relatives, neighbours and acquaintances. They regularly pay the fines assigned to them. They are mainly residents of Sairam District."

Police at Turkistan Airport seized a total of 99 religious books from five residents of the southern Turkistan Region who had arrived on a flight from Istanbul. A court then fined each of the men (https://www.forum18.org/archive.php?article_id=2900) 50 MFIs (1 month's average wages) under Administrative Code Article 490, Part 1 for trying to bring in religious literature which had not undergone state censorship, the Interior Ministry's Polisia.kz website noted on 31 January.

Azet Serikbayev, the spokesperson for the courts in Turkistan Region, told Forum 18 in March (https://www.forum18.org/archive.php?article_id=2900) that "I can't provide information on cases to third parties who have no relationship to the case".

Police at Turksib station in the southern Zhambyl Region inspected the train travelling from the Kyrgyz capital Bishkek to the Russian city of Samara where it crosses into Kazakhstan. They seized religious literature from a Kyrgyz passenger. A local court then fined the 19-year-old woman (https://www.forum18.org/archive.php?article_id=2900) 70 MFIs (6 weeks' average wages) under Administrative Code Article 490, Part 1 for trying to bring in religious literature which had not undergone state censorship, the Interior Ministry's Polisia.kz website noted on 20 February. (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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