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KAZAKHSTAN: "Anti-extremism" raid captures Koran

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

An "anti-extremism" raid on a Kokshetau shop captured a Koran and other Muslim books. The seller was fined for selling religious materials without state permission. She will have to appeal if she wants to regain the books. Icon and book sellers are often fined.

In an Anti-Extremism Police raid on a shop in Kokshetau in Kazakhstan's northern Akmola Region, officials seized an Arabic-language Koran and Muslim books in Kazakh and Russian on how to pray the namaz. The woman who had the books on sale was fined in early May, not for extremism-related activity but for selling Muslim literature without the state licence required to sell any religious literature and materials. She has to appeal if she wants the books returned, officials told Forum 18.

A case against a Baptist in the nearby town of Stepnogorsk for offering Christian literature to others without state permission was dismissed because it had been lodged too late. Another Baptist is challenging the Judge due to hear his case (see below).

In other cases in North Kazakhstan, West Kazakhstan and Kyzylorda Regions, individuals have been fined for offering or selling religious literature on the streets. In Karaganda Region two Jehovah's Witnesses were punished for "missionary activity" for talking to others about their faith with the use of literature. Two young Muslims were punished in Karaganda Region for sending Muslim texts on the Telegram messaging app. In Pavlodar a court fined a woman for offering for sale online two books about Russian Orthodox saints. In Atyrau a court fined a woman for offering for sale nine Christian icons, while the same court fined a Muslim for teaching his faith with Muslim texts (see below).

Officials often claim that those distributing or selling religious literature which has not undergone compulsory state religious censorship or in a place not approved to sell religious literature are guilty of spreading "extremism". Those who distribute non-approved Islamic texts are also often accused of distributing literature "of non-traditional Islam".

The government allows only one Muslim organisation to function, the state-backed Muslim Board, which is Hanafi Sunni. It bans all other forms of Islam, although this ban is not prescribed in any law (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Restrictions on who can sell religious literature and where has stopped online retailers from offering religious books, though confusion abounds as to what constitutes "religious literature" (see below).

Reached on 22 May, acting head of the Religious Affairs Committee Bakhytzhan Kulekeyev declined to discuss the state-imposed religious censorship – or anything else – with Forum 18.

In addition to seizing religious books, icons and other items being sold or distributed without state permission, officials often seek the banning of religious books and webpages as "extremist". State-appointed "experts" ruled that statements by German Lutheran Pastor and Nazi-era political prisoner Martin Niemöller – published 70 years ago – are "extremist". Prosecutors may lodge a banning suit to court.

Tight state censorship

All religious literature is under tight state censorship. Only books and other items approved by the Religious Affairs Committee, which is part of the Religion and Civil Society Ministry in the capital Astana, are allowed to be sold, distributed, printed or imported. In addition, only registered religious organisations (on their own premises) and book sellers with a state licence are allowed to sell or distribute religious literature (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

"Anti-extremism" legal changes which came into force in January restricted imports of religious literature for "personal use" to one copy of any one book (see F18News 5 January 2017 http://www.forum18.org/archive.php?article_id=2243).

Article 490, Part 1, Point 3 of the Administrative Code punishes: "Violating the requirements of the Religion Law for .. import,

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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).

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.

A fine of 50 MFIs represents about a month's average wage for those in work.

No religious books at online retailers

The requirement to have a state licence before a commercial book-seller can sell any religious literature means that online book retailers cannot sell religious literature. "Unfortunately we don't currently sell literature with religious themes," one Kazakhstan-based online retailer told Forum 18 from Almaty in late March. "Since the 2011 Religion Law came in, such literature can only be sold in specialised shops or through religious organisations."

However, confusion surrounds what constitutes a "religious" book. Some online retailers still sell Leo Tolstoy's "Confession", in which the Russian novelist grappled with the meaning of human existence, or his "The Thoughts of Wise Men", a collection of sayings, including from the Christian Gospels, the Talmud and "Buddhist wisdom".

Kokshetau: Selling "banned" religious literature

Anti-extremism police officer Y. Yergaliyev and Regional Religious Affairs Department Chief Specialist Galina Bessmertnaya raided a shop in a shopping centre in Kokshetau in Akmola Region on the afternoon of 7 February. The two had seen that religious literature was on sale.

The officials seized all the religious books they could find: 57 copies of 14 different publications, according to the subsequent court decision. These included an Arabic-language Koran and Muslim books in Kazakh and Russian, among them several on how to pray the namaz.

Officials sent the books to the Religion and Civil Society Ministry's Religious Affairs Committee in the capital Astana for "expert analysis". The Committee told Akmola Regional Religious Affairs Department that the books were religious.

On 31 March Bessmertnaya drew up a record of an offence against the seller of the books, Vera Yafyasova, under Administrative Code Article 490, Part 1 for selling religious materials without the compulsory state approval.

A 20 April Police statement on the case claimed that the Muslim literature Yafyasova had on sale was "banned" in Kazakhstan.

A case was sent to Kokshetau Specialised Administrative Court. The hearing was repeatedly delayed because religious affairs official Bessmertnaya failed to come to court. On 5 May, Judge Serik Tuleyev found Yafyasova guilty and fined her 10 MFIs, 79,415 Tenge, according to the decision seen by Forum 18. It said the fine had been reduced because she had admitted her guilt and expressed remorse in court and because of her "financial position". The court decision did not say whether or not the seized books were to be returned to her or not.

Bessmertnaya defended the seizure of the Muslim books. "All was done in accordance with the law," she told Forum 18 from Kokshetau on 22 May. "Yafyasova can apply to get the books back – there must be an official document before they can be returned." She then put the phone down.

The head of the Regional Religious Affairs Department, Bolat Kasenov, insisted to Forum 18 the same day that Yafyasova and others need state permission before they can sell any religious book or item. "We're not violating anyone's rights – just read the law."

Kasenov said the books are currently at the court as they constituted evidence in the case.

Stepnogorsk: Offering literature on streets

Police stopped two Baptists, Valery Zhigalov and Ruslan Sadvakasov, on 28 January as they were offering Christian literature to passers-by on the street outside the Siberia shopping centre in the town of Stepnogorsk in Akmola Region. Officers seized all their literature, 136 copies of various books, claiming that religious literature can be distributed only in state-approved locations, Baptists complained to Forum 18. "The Christian library has run continuously for 27 years," Baptists explained to Forum 18 on 14 April.

Police took the two men to the police station. They told them that they would send the books for "expert analysis".

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On 5 April, Bessmertnaya of Akmola Regional Religious Affairs Department drew up records of an offence for each of the two Baptists under Administrative Code Article 490, Part 1, Point 3. The cases were then handed to Stepnogorsk Town Court on 10 April.

Zhigalov's case was handed initially to Judge Gulmira Toleubayeva. However, he submitted a motion to have her replaced by another judge.

On 17 May, Judge Aisulu Mamilyanova dismissed the case against Sadvakasov, according to the decision seen by Forum 18. Although she found that his unapproved distribution of religious literature had been illegal, she dismissed the case became the case had been submitted to court beyond the legal two-month deadline. The Judge did not say in her decision what should happen to the confiscated books.

Bessmertnaya – who was present at Sadvakasov's hearing – would not discuss the cases with Forum 18.

Ualikhanov: Offering literature on streets

On 2 March, Ualikhanov District Court in North Kazakhstan Region punished a local Baptist, Roman Pugachev, for offering religious literature to others without state permission. Judge Serik Temirbekov found him guilty of violating Administrative Code Article 490, Part 1, Point 3 and fined him 50 MFIs, 113,450 Tenge, according to the decision seen by Forum 18. The Judge also banned him from conducting unspecified activity for three months

At lunchtime on 18 January, police had stopped him in the village of Novotroitse as he was offering religious literature to passers-by. Police drew up a record of an offence on 27 January. Pugachev told the court that he had indeed been offering Christian literature which had been provided on the basis of donations by church members.

Oral: Offering literature on streets

A Baptist from Oral (Uralsk) in West Kazakhstan Region was again punished for exercising freedom of religion or belief, this time for offering religious literature to others. On 6 February Judge Roza Sariyeva of Oral Specialised Administrative Court found Serkali Kumargaliyev of violating Administrative Code Article 490, Part 1, Point 3, according to the decision seen by Forum 18. She fined him 50 MFIs, 106,050 Tenge.

Kumargaliyev did not attend the hearing, but in a statement denied that he had been on the streets of the town near the university on the afternoon of 7 December 2016 when police claim he was distributing religious literature without state permission.

A student told the court that an "unknown man" had given him a Christian leaflet which his sister had then handed to the police. At the police station the student identified Kumargaliyev from photos of a number of men officers showed him. On 30 December 2016, police then drew up a record of an offence against Kumargaliyev.

In his statement Kumargaliyev freely declared that he often does offer Christian literature to others in public places, insisting that "praising God is the breath of his life", according to the court decision.

However, Baptists insisted to Forum 18 on 11 March that Kumargaliyev made no written statement and had not been informed about the court hearing. They say he learnt of it only on 23 February, when the written court decision reached him.

On 31 January Terekti District Court sentenced Kumargaliyev to three days' imprisonment under Administrative Code Article 669, according to the decision seen by Forum 18. He was punished for refusing to pay fines handed down in 2013 and 2014 for exercising freedom of religion or belief.

On 5 February Kumargaliyev was again fined – this time by the police - for participating in an unregistered meeting for worship. Six fellow-Baptists were fined with him (see F18News 25 April 2017 http://www.forum18.org/archive.php?article_id=2275).

Kyzylorda: Selling literature on streets

Kyzylorda Regional Anti-Extremism Police detained a 49-year-old local resident selling religious literature on the streets of Kyzylorda in a location not approved by the local authorities. Police claimed in a 28 April statement that the individual was of a "destructive religious movement", which they did not identify.

A record of an offence was prepared and sent to Kyzylorda Specialised Administrative Court. The book-seller was fined 50 MFIs, according to the police statement. Neither the Court nor the Regional Religious Affairs Department would identify the individual.

Police pointed out that the city of Kyzylorda has only three designated bookshops where religious literature and other items can legally be sold.

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Satpayev: Talking to others about faith, offering newspaper

Two Jehovah's Witnesses were punished in Satpayev in Karaganda Region for talking to a woman about their faith on 12 February without personal state registration as "missionaries" and distributing religious literature (a book and a magazine) which had not undergone the compulsory state religious censorship. The woman had called the police.

On 17 February, police drew up a record of an offence against Karlygash Zholomanova and Fariza Iskakova under Administrative Code Article 490, Part 3. The cases were then handed to Satpayev Town Court.

On 27 February, Judge Zhaksybek Skakov found Zholomanova guilty and fined her 100 MFIs, 226,900 Tenge, according to the decision seen by Forum 18. He ordered that the book and magazine be held in the case files.

On 9 March, Judge Kanat Shaikamalov found Iskakova guilty and similarly fined her 100 MFIs, 226,900 Tenge, according to the decision seen by Forum 18. He ordered that a DVD confiscated from her be held in the case files but that a book confiscated from her be returned once the decision entered into force.

Judge Nadezhda Kuznetsova of Karaganda Regional Court rejected Zholomanova's appeal on 28 March and Iskakova's appeal on 6 April, according to the decisions seen by Forum 18.

The same Judge Skakov had fined a local Pentecostal, Natalya Konopleva, on 2 November 2016. She had offered ten copies of a Christian newspaper "From the Source" (published by her congregation, Agape) on 1 October 2016 in the shop where she worked. The Judge found her guilty of violating Administrative Code Article 490, Part 1 and fined her 50 MFIs, 106,050 Tenge. He also ordered that the eight remaining copies of the newspaper be held in the case file, according to the decision seen by Forum 18.

Judge Yerlan Yermekov of Karaganda Regional Court rejected Konopleva's appeal against her fine on 5 December 2016, according to the decision seen by Forum 18.

Karaganda: Online Muslim materials

Two young Muslims in Karaganda, Eldar Zhakayev and Nurlan Dukenbayev, were fined for posting Muslim materials on the Telegram messaging app. On 12 April, Serik Tlekbayev, head of the department of the Regional Religious Affairs Department that liaises with the police, drew up records of an offence against the two for distributing such materials without state permission. He also accused them of distributing materials which had not undergone the state censorship and which were not related to "traditional Islam".

On 5 May, Judge Almagul Aikenova of Karaganda Inter-District Specialised Administrative Court found Zhakayev guilty of violating Administrative Code Article 490, Part 1, Point 3. She fined him 50 MFIs, 113,450 Tenge, according to the decision seen by Forum 18. The decision does not identify the material he distributed, but states that it belonged to "non-traditional Islam".

On 12 May the same Judge at the same Court found Dukenbayev guilty under Administrative Code Article 490, Part 3. She fined him 70 MFIs, 158,830 Tenge, according to court records.

A 16 May statement from the Internal Policy Department of Karaganda Regional Akimat (administration) accused the two men, "who profess non-traditional Islam", of "distributing extremist ideology" and conducting "illegal missionary activity".

The telephone of Tlekbayev of the Regional Religious Affairs Department went unanswered or was switched off each time Forum 18 called on 22 May. His colleague Kaisar Akbarov told Forum 18 he was unable to explain by phone what constitutes "traditional Islam" or what law bans Islamic material which the state does not consider to be in line with "traditional Islam".

Pavlodar: Fined for offering Orthodox books online

On 24 January, Judge Malik Maisakanov of Pavlodar Specialised Administrative Court found local bookseller Alyona Dubrovskaya guilty of violating Administrative Code Article 490, Part 1, Point 3, according to the decision seen by Forum 18. He fined her 50 MFIs, but ordered the fine to be reduced by 35 per cent to 79,415 Tenge. He also banned her from conducting unspecified activity (presumably selling books) for three months.

In late 2016, local police found that Dubrovskaya was offering for sale two books on Russian Orthodox saints, one on St Serafim of Sarov and the other on St Sergei of Radonezh. She had apparently posted a sales announcement on the online shopping site olx.kz. Police then told the Regional Religious Affairs Department. On 17 November 2016, after checking the report, the Religious Affairs Department prepared a record of an offence and handed the case to court.

Dubrovskaya told the court that she did not know that offering religious literature for sale without state permission was an offence.

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"In repenting of what she had done, she asked the court not to punish her harshly," the court decision notes.

A religious studies "expert analysis" confirmed that the two books on the Orthodox saints "do not contradict the Constitution and laws of Kazakhstan", the court decision adds. The Judge ordered that the two books be returned to Dubrovskaya.

Atyrau: Icons, Arabic-language materials

On 1 February Judge Zhanat Khabarov of Atyrau's Specialised Administrative Court found Svetlana Tashieva guilty of violating Administrative Code Article 490, Part 1, Point 3 for selling icons without state permission. He fined her 79,415 Tenge, according to the decision seen by Forum 18. She was also banned from commercial activity for three months. The Judge ordered that the icons be returned to her.

Meiram Kikimbayev, Chief Specialist of the Regional Religious Affairs Department, discovered Tashieva offering nine Christian icons for sale without state permission at her kiosk in an Atyrau shopping centre on 15 November 2016. He drew up a record of an offence against her on 23 January 2017.

Icons were seized from a bookseller in Oral in October 2013 and he was fined for selling them and religious literature without a state licence. An official of the government's then Agency for Religious Affairs in Astana told Forum 18: "We have experts to check icons" (see F18News 8 January 2014 http://www.forum18.org/archive.php?article_id=1913).

Meanwhile, on 23 February at the same court, Judge Saniya Kenzhaliyeva punished Shirazidin Temirkululy under Administrative Code Article 490, Part 3 for teaching Islam to children at a charitable centre in Atyrau on 27 December 2016. She fined him 100 MFIs, 226,900 Tenge. She also ordered that Arabic language Muslim books seized from him be returned, according to the decision seen by Forum 18.

On 13 March, the Regional Court announced that Atyrau's Specialised Administrative Court fined an individual identified only as "T." 79,415 Tenge under Administrative Code Article 490, Part 1, Point 3 for selling Arabic-language Muslim materials in digital format at a stall in the city's Dina market. The Court also banned the individual from commercial activity for three months. Forum 18 has been unable to establish the identity of the individual punished.

"People must have state permission to sell icons and religious materials, including DVDs, in kiosks," Kikimbayev of the Regional Religious Affairs Department told Forum 18 from Atyrau on 24 March. (END)

Reports on freedom of thought, conscience and belief in Kazakhstan can be found at http://www.forum18.org/Archive.php?query=&religion=all&country=29.

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1939.

For a personal commentary from 2005 on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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