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KAZAKHSTAN: "He was told not to sell religious literature"

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

The religious affairs official in Kazakhstan's capital Astana who initiated a case against local businessman Pyotr Volkov - which led to a fine for selling religious literature without a state licence – has insisted to Forum 18 News Service that: "He was told not to sell religious literature." But Adiya Romanova denied that this is state censorship. Volkov has tried to gain a state licence, and is appealing against both the fine and the failure to process his licence application. Nine of the fourteen fines known to Forum 18 to have been imposed in 2013 on book sellers are of about two months' average salary. In May, four books confiscated from a bookseller in East Kazakhstan Region – including two with prayers to Russian Orthodox saints Serafim of Sarov and Sergius of Radonezh – were ordered destroyed when the bookseller was fined. If it was carried out, this would be the first known time that a court-ordered religious book destruction has been carried out in Kazakhstan.

The state religious affairs official in Kazakhstan's capital Astana who initiated an administrative case against local businessman Pyotr Volkov - which led to a fine for selling religious literature without a state licence – insisted to Forum 18 News Service that "we warned him several times". Adiya Romanova told Forum 18 from the capital Astana on 31 October that: "He was told not to sell religious literature." She denied that this is state censorship.

Volkov is the latest commercial bookseller known to have been fined for selling religious literature without the compulsory state licence, but there have been numerous other incidents (see below). Astana city (about 780,880 people), where Volkov lives, has eight state-licensed bookshops for religious material.

In May, four books confiscated from a bookseller in East Kazakhstan Region – including two with prayers to Russian Orthodox saints Serafim of Sarov and Sergius of Radonezh – were ordered destroyed when the bookseller was fined (see below).

Crackdown, punishments

Selling or distributing religious literature and materials without a state license is illegal under Article 5, Part 4 of the Religion Law (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617). A nationwide crackdown on bookshops committing this "offence" has been carried out, and the licensing system has been rigorously implemented by regional Akimats (administrations). For example, Kostanai Region (with about 900,300 people) has only two such licensed bookshops. All Islamic literature that is not Sunni Hanafi is banned (see F18News 21 February 2013 http://www.forum18.org/archive.php?article_id=1804).

The crackdown on commercial selling of religious literature without a state licence has been led by police and Prosecutor's Offices across Kazakhstan. On 30 October, the Prosecutor's Office in the commercial capital Almaty noted that it had issued 24 warnings to traders after inspections by its officials found religious literature on sale "in unapproved venues, including in markets, around stations and around places of worship".

Almaty city (about 1,477,500 people) has 27 state-licensed bookshops for religious material.

Amid contradictory laws and regulations, even senior state officials struggle to explain what literature with a religious theme is legal, illegal or banned (see F18News 15 November 2013 http://www.forum18.org/archive.php?article_id=1896).

Those – like Volkov and others – who break the state's tight censorship are often punished under the Code of Administrative Offences' Article 375, Part 1. This punishes, among other things, "violating the procedure for importing, publishing or distributing religious literature and materials" with fines on individuals of 50 Monthly Financial Indicators (MFIs), on people in an official capacity (which includes businesspeople) of 100 MFIs and on legal entities of 200 MFIs with halting of their activity for three months. Fines are increased under Article 375, Part 9 for repeat offences within one year (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

Nine of the 14 fines known to Forum 18 to have been imposed in 2013 on book sellers are of 100 MFIs, 173,100 Tenge (6,800 Norwegian Kroner, 830 Euros, or 1,130 US Dollars). This represents about two months' average wage. The other five were of 50

MFIs.

Astana "anti-extremism" raid, fine

Volkov is the owner of the Path to Oneself "esoteric" shop in Astana. The shop stocks Indian spices, incense and ornaments, as well as a range of literature on Feng Shui and "biospheres". Among other items it has stocked are Koran reading stands and digital Koran-reading pens.

On 16 May, police conducting an "anti-extremism" operation raided Volkov's shop, according to court documents seen by Forum 18. They seized 48 books – including works on Daoism, Confucianism and mysticism - which the city's Religious Affairs Department later decided were religious. An administrative case was opened against him under Administrative Code Article 375, Part 1, as he did not have the necessary licence to sell religious materials.

Romanova of the city Religious Affairs Department, who represented the Department in court, put the blame on Volkov. She insisted he had been warned several times for continuing to sell religious books without a licence.

On 23 September, Judge Baurzhan Akhmetkaliyev of Astana's Inter-District Specialised Administrative Court found Volkov guilty and fined him 50 MFIs, according to the verdict seen by Forum 18. On 16 October a panel of judges under Karkygash Baimenova at Astana City Court rejected Volkov's appeal against the fine, according to the verdict seen by Forum 18.

Attempt to gain state licence

Volkov had told the court of his fruitless attempt to gain a licence to sell religious literature over the previous 18 months, ever since such licences were introduced under the 2011 Religion Law.

On 27 February 2012, Volkov wrote to the city's Religious Affairs Department. Gaining no reply, he wrote in April 2013 to the city's Business and Industry Department, which passed on his request to the city's Internal Policy Department. Despite repeated verbal and written applications to all three departments, he failed to gain a positive response.

Responses from the government's national Agency of Religious Affairs (ARA) and the city Religious Affairs Department merely pointed out to Volkov how applications for religious bookshop licenses are supposed to be handled. They also referred to the transfer of responsibility for issuing such licences from the local Akimat to the Internal Policy Department and then, in June 2013, to local Religious Affairs Departments.

Volkov insisted in court that the Astana Religious Affairs Department had been at fault and called for the case to be halted.

Two appeals

Volkov has not paid the fine as he is appealing further to the General Prosecutor's Office. He has also written a letter of complaint to President Nursultan Nazarbayev.

In a separate move, Volkov is also challenging through the courts the repeated failure of the various state agencies to process his application for a religious book-selling licence. On 12 October, Judge Zhanna Li at Astana's Inter-District Specialised Economic Court accepted Volkov's suit, according to case documents seen by Forum 18. On 21 October, the Court noted that the defendants had not prepared themselves for the case to be heard and extended the preparation time for a further month to allow a "full and objective consideration" of the case.

What is religious literature?

Volkov also sought clarification from the ARA as to what literature constitutes "religious literature" and is therefore subject to state censorship.

Marat Azilkanov, a then Deputy Chair of the ARA (named on 4 November the new ARA head), responded on 11 September to Volkov's request. The response, seen by Forum 18, defines "religious literature" as "printed and electronic publications containing religious content designated for the satisfaction of religious and other socially significant needs of the population deriving from religious postulates". Azilkanov added: "To this category belongs production of a theological, theological/canonical, ritual/mystic and social/theological orientation."

But senior officials still struggle to explain what literature with a religious theme is legal, illegal or banned (see F18News 15 November 2013 http://www.forum18.org/archive.php?article_id=1896).

Justifying book-selling ban

Galym Shoikin, a Deputy Chair of the ARA, denied to Forum 18 it had been difficult for Volkov or anyone else to get a religious book-selling licence. "Whoever applies gets it," he claimed to Forum 18 from Astana on 31 October. Told of Volkov's difficulties, he noted that the procedure had changed several times. But he insisted Volkov should pay the fine and appeal for assistance to the ARA in gaining a licence.

Romanova of Astana's Religious Affairs Department defended the prosecution of Volkov which she had initiated. "We have a decree from the Akim [administration chief] listing shops authorised to sell religious materials and his is not on the list," she told Forum 18. She refused to explain why his application to get a licence had not been processed.

Romanova also refused to tell Forum 18 what the books were that had been confiscated from Volkov. But she stressed that the books she received from the police have been returned to him. She denied all suggestions that the ban on his and other shops without a state licence represented censorship.

The press secretary of Astana City Police Sofiya Kylyshbekova took down Forum 18's questions on 4 November as to why a police "anti-extremism" operation targeted a shop selling religious books and why no record of confiscation of the 48 books was issued. However, she failed to respond to these questions by the end of the working day in Astana.

Fined for three books

On 20 September, three days before Volkov was fined in Astana, Oralbek Belgibai was fined 100 MFIs under Article 375, Part 1 by Kokshetau Specialised Administrative Court. He was punished for having three Islamic books on display in the window of his Islamic goods shop Rakhat.

On 22 October, Akmola Regional Court rejected Belgibai's appeal, according to the verdict seen by Forum 18.

Fine and book destruction

On 4 April, Prosecutor's Office officials in Katon-Karagai District of East Kazakhstan Region raided a market stall owned by Saule Serikpayeva, according to court documents seen by Forum 18. They confiscated all four of the religious publications she had on sale. All were Russian Orthodox texts: "Prayers to Serafim of Sarov" (61 pages), "Prayers to Sergius of Radonezh" (49 pages), "Prayers for the Conception of a Child" (60 pages) and the "Pocket library of 365 Prayers for Each Day".

East Kazakhstan Region (about 1,393,900 people) has 78 state-licensed bookshops for religious material.

Serikpayeva's case was brought to Katon-Karagai District Court on 8 May under Administrative Code Article 375, Part 1. She told the court that she was not aware that religious literature could be sold only at a designated location, and regretted her action. Despite this, Judge Aitzhamal Moldagozhina fined her 100 MFIs or about two months' average salary. Moldagozhina also ordered the four small prayer books to be destroyed, according to the verdict seen by Forum 18.

If it was carried out, this would be the first known time that a court-ordered religious book destruction has been carried out in Kazakhstan.

In March, an outcry ensued across Kazakhstan after a court ordered the destruction of 121 Bibles and other Christian literature confiscated from a Baptist, Vyacheslav Cherkasov. Asked how such destructions would be carried out, a Justice Ministry official told Forum 18 that "most likely the books would be burnt" (see F18News 14 March 2013 http://www.forum18.org/archive.php?article_id=1813). Although Cherkasov's fine was upheld on appeal, the destruction of the books was cancelled by the Regional Court (see F18News 10 April 2013 http://www.forum18.org/archive.php?article_id=1822).

Shchuchinsk fines

Two women in Shchuchinsk in the northern Akmola Region were given large fines in May after police found six Christian religious books at their shop at the town market.

Akmola Region (about 733,000 people) has six state-licensed bookshops for religious material.

Trouble began for Natalya Arkhipova on 22 January. Police raided the School Student shop she owns at Shchuchinsk's Central Market and discovered six Christian books on sale. They confiscated the books in the presence of two women they had brought as official witnesses. Police noted that Arkhipova's shop was not among the two shops in Shchuchinsk (population about 44,000) approved to sell religious literature in the 26 September 2012 decree by Akmola Region's Akim (head of administration).

On 25 January, police ruled that no criminal offence had been committed. Galina Bessmertnaya of the Regional Akimat's Religious Affairs Department then drew up a record of an offence under Administrative Code Article 375, Part 1 for "illegally" distributing religious literature.

Both Arkhipova and the sales assistant in the shop at the time of the raid, Tatyana Pyankova, were found guilty by Judge Damir Shamuratov at Burabai District Court in separate hearings on 2 May. Bessmertnaya of the Religious Affairs Department told the court in both hearings that on 4 February her office had conducted an "expert analysis" of the six books and found that "they were of religious content and were not banned in the Republic of Kazakhstan".

Both Arkhipova and Pyankova told their hearings that they did not know they were not allowed to sell religious books. Despite this, Arkhipova was fined 100 MFIs or about two months' average salary, while Pyankova was fined 50 MFIs, according to the verdicts seen by Forum 18. The court ruled that "as the books are not banned for sale in Kazakhstan", they should be returned to Arkhipova as the owner.

Both Arkhipova and Pyankova appealed against the fines. However, in separate hearings on 28 May, Akmola Regional Court rejected their appeals, according to the verdicts seen by Forum 18.

"Not authorised"

Bessmertnaya of the Religious Affairs Department confirmed from the regional capital Kokshetau on 30 October that the six books Arkhipova and Pyankova had on sale were Christian. She stressed that the books had been returned to Arkhipova after the trial.

However, Bessmertnaya refused to discuss why individuals cannot sell religious books, why police had raided the shop, and why she had brought an administrative case to punish Arkhipova and Pyankova. "I'm not authorised to give any commentary," she told Forum 18 and put the phone down.

Similarly, Saginysh Amirbekov, the Burabai District Prosecutor's Office assistant who took part in the hearings, declined to discuss with Forum 18 on 30 October why the two should have been prosecuted. He too stressed that the books had been returned. He noted that these were two of four such cases of "illegal" sale of religious literature in Burabai District. He declined to give details of the other two cases.

Prosecutor fails to gain increased fine

In early 2013, individual businessperson Galina Kelsh was prosecuted for selling religious books on her stall in the market in the village of Auliekol in Kostanai Region between November 2011 and January 2013. Appearing at the District Court on 28 February accused under Administrative Code Article 375, Part 1, she said she did not know it was illegal to sell religious books without a state licence. "She pleaded not to be punished harshly," the verdict – seen by Forum 18 - notes. Judge Asel Akhmetova fined her 50 MFIs, about one month's average salary.

However, the Prosecutor's Office appealed against the level of the fine, insisting that as a "responsible person" she should be given a larger fine. However, on 8 April, Kostanai Regional Court accepted Kelsh's argument that she is not a "responsible person" of a religious organisation, merely an individual trader. The Court left the fine unchanged, according to the verdict seen by Forum 18.

Other fines

Mariya Dukeeva was fined 50 MFIs under Article 375, Part 1 in absentia on 29 March by Oskemen Specialised Administrative Court. The verdict, seen by Forum 18, does not identify the religious literature found in her Oskemen shop on 28 February.

On 25 April, Natalya Gavlik was similarly fined 50 MFIs under Article 375, Part 1. She was fined by Shakhtinsk Specialised Administrative Court in Karaganda Region after police found two books (one of them a Children's Bible) in her Shakhtinsk shop on 22 January, according to the verdict seen by Forum 18.

Among numerous other cases of punishments for commercial selling of religious books, six individuals in Petropavl, the capital of North Kazakhstan Region, were punished in the first half of 2013. The Regional Prosecutor's Office, which did not give names, said on 24 May that they had continued to sell religious literature despite "legal explanatory work".

North Kazakhstan Region (about 579,400 people) has four state-licensed bookshops for religious material.

All six were found guilty in separate hearings at Petropavl's Specialised Administrative Court of violating Administrative Code Article 375, Part 1. Each was fined 100 MFIs. The Court ordered their commercial activity halted for three months, the Prosecutor's Office noted.

One of those punished was Anna Nedogarko, fined on 13 May, according to the verdict seen by Forum 18.

Both the Court and Petropavl Prosecutor's Office refused to identify the other five punished book-sellers to Forum 18 on 4 November.

One Koran "an insignificant offence"

One bookseller - Margarita Zalevskaya who runs a bookshop in Priozersk in Karaganda Region - narrowly avoided punishment under Article 375, Part 1. Police found one copy of the Koran on sale when they raided her shop on 24 January, according to the verdict seen by Forum 18.

However, the Judge cancelled the case at her trial on 19 June. She ruled that although offering one copy of the Koran for sale was against the law, it was "an insignificant offence". The Judge instead gave Zalevskaya a "verbal reprimand". (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=1352.

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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