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KAZAKHSTAN: "We have experts to check icons"

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

Twelve icons and three Bibles seized from a commercial bookseller in Oral (Uralsk) in West Kazakhstan Region in October 2013 have still not been returned. The bookseller is due to face an administrative court where he may be fined several weeks' average wages and the icons and Bibles might be ordered destroyed. "Everything is OK now – he has agreed not to sell religious materials," Salamat Zhumagulov, the state religious affairs official who seized the items, told Forum 18 News Service. Saktagan Sadvokasov, spokesperson for the government's Agency of Religious Affairs, also defended the seizure. "The Kazakh state must defend our citizens from harmful materials," he told Forum 18. Asked whether he has known icons which are harmful, he responded: "We have experts to check icons." A new draft procedure for acquiring the compulsory religious bookselling licence will require the owner of an applicant's rented business premises to certify that they are happy for religious items to be sold on their property.

The owner of a bookshop in Oral (Uralsk) in West Kazakhstan Region is facing an administrative case after he was discovered during "verification measures" to be selling icons and Bibles without the required state licence, Forum 18 News Service has learned. "Everything is OK now – he has agreed not to sell religious materials," Salamat Zhumagulov, the state religious affairs official who seized the items from him in October 2013, told Forum 18 from Oral. The bookseller, Aleksandr Surkov, is likely to be fined. The 12 icons and three Bibles have not been returned.

Saktagan Sadvokasov, spokesperson for the government's Agency of Religious Affairs (ARA) in the capital Astana, defended the seizure of the icons and Bibles. "These can only be sold with a licence," he told Forum 18 on 6 January.

Asked why selling religious materials requires a state licence under Kazakhstan's harsh state-imposed religious censorship system, Sadvokasov insisted: "The Kazakh state must defend our citizens from harmful materials. Religious materials need to be checked." Asked whether he has ever encountered icons which are harmful, he responded: "We have experts to check icons."

An employee of Surkov's shop confirmed that as of 3 January the confiscated Bibles and icons have not been returned. "We can't sell such things now," the employee lamented to Forum 18.

Confiscations, destructions

Selling or distributing religious literature and materials without a state licence is illegal under Article 5, Part 4 of the harsh 2011 Religion Law (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617). New procedures for issuing licences are now being prepared (see below).

Courts frequently fine commercial booksellers and individuals for distributing religious literature outside approved venues (state-registered places of worship and state-licensed shops). Forum 18 knows of 10 named commercial booksellers and traders given administrative fines in 2013 (one was fined twice) for selling religious books without a licence, with official announcements of unnamed others whom Forum 18 has been unable to identify (see F18News 11 November 2013 http://www.forum18.org/archive.php?article_id=1895).

Fines were handed down under Administrative Code Article 375, Part 1 ("Violation of the demands established in law for the conducting of religious rites, ceremonies and/or meetings; carrying out of charitable activity; the import, production, publication and/or distribution of religious literature and other materials of religious content (designation) and objects of religious significance; and building of places of worship and changing the designation of buildings into places of worship").

Fines on individuals are 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. A fine of 50 MFIs represents nearly four weeks' average wage, according to the government's Statistics Agency.

In three administrative cases in 2013 known to Forum 18, courts also ordered confiscated religious books (including Bibles) to be destroyed, although in one of the cases the destruction order was overturned after widespread public outrage (see F18News 15

The ARA has also obstructed the presentation of religious books by at least one foreign author. In February 2013, a Muslim bookshop in Astana had to cancel at the last minute the presentation of a new book by prolific author Shamil Alyautdinov, Imam of Moscow's Memorial Mosque. Religious affairs officials insisted that for the imam to speak publicly he needed an invitation from Kazakhstan's only legal Muslim religious organisation, the Muftiate, and personal registration as a "missionary" (see F18News 23 January 2014 http://www.forum18.org/archive.php?article_id=1919).

Courts have also controversially banned some religious works as "extremist" and fined those who have owned copies of them, whether or not they have distributed them (see F18News 6 January 2014 http://www.forum18.org/archive.php?article_id=1912).

Raid

Two officials of the Religious Affairs Department of West Kazakhstan Regional Akimat (administration), accompanied by two official witnesses, raided a shop in the Theatre shopping centre in Oral on 9 October 2013 as part of "verification measures of commercial venues selling books" to make sure religious books and other materials were not being sold by shops which do not have the compulsory state licence.

Zhumagulov – accompanied by his colleague Sayalbek Gizzatov – seized one Children's Bible, one illustrated Bible, one book of Bible sermons and 12 icons, according to the official record of an administrative offence seen by Forum 18. Surkov, the shop owner, admitted that he had been selling the items without a licence. He was accused of violating Administrative Code Article 375.

However, on 20 November 2013, Judge Roza Sariyeva of Oral's Specialised Administrative Court sent back the case for further investigation because Religious Affairs Department officials had not specified which Part of Article 375 Surkov should be prosecuted under, according to the decision seen by Forum 18. "The given Article consists of nine Parts," it notes.

Religious affairs official Zhumagulov says the documents are now being corrected and the case will be sent back to court. "It will be up to the court to decide if he is guilty," he told Forum 18 from Oral on 6 January. He rejected suggestions that he had confiscated the icons and Bibles. "It wasn't confiscation – only a court can confiscate items." He insisted they are merely being held as "case materials". He said the court will decide what will happen to them. He refused to discuss whether or not the court will order them to be destroyed.

Zhumagulov vigorously defended the seizure of the books and icons. "I am merely fulfilling the Religion Law," he told Forum 18. Asked how a ban on commercial selling of religious materials can be in line with Kazakhstan's international human rights obligations, Zhumagulov repeated that he was carrying out the law.

Who are official witnesses?

The two named individuals recorded as being the two required official witnesses for the October 2013 raid were a man and a woman, both in their twenties and living at separate addresses in the city. Zhumagulov refused to tell Forum 18 how they were chosen.

Forum 18 reached both of the witnesses on 8 January, but neither would say how they had been chosen. One simply put the phone down. The other laughed before putting the phone down.

Bookshop licence rejection challenge fails

Meanwhile, Astana-based shop owner Pyotr Volkov has failed in his legal challenge to have the refusal of a state licence to sell religious materials declared unlawful. He took various state agencies involved in the rejection – the Agency of Religious Affairs, Astana City's Religious Affairs Department and other city Akimat branches – to court.

However, on 5 December 2013 Judge Zhanna Li of Astana's Inter-District Specialised Economic Court rejected his suit, according to the decision seen by Forum 18. The court ruled that as no official standard for issuing such licences had been laid down at the time Volkov lodged his suit, no complaints against the procedure could be made.

On 25 December 2013, Volkov's appeal against this latest ruling reached Astana City Court. "The court told us they are waiting for documents from government agencies," Volkov told Forum 18 from Astana on 8 January 2014. "They say the hearing will be not before 18 January."

Volkov added that he had received several letters from the City Prosecutor's Office and Kazakhstan's General Prosecutor's Office asserting that all official actions had been in accordance with the law.

"Anti-extremism" raid

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. He has been trying to gain a religious bookshop licence since February 2012, in vain.

In May 2013, police conducting an "anti-extremism" operation raided Volkov's shop. They seized 48 books – including works on Daoism, Confucianism and mysticism - which the city's Religious Affairs Department later decided were religious. In September 2013 he was fined 50 MFIs under Administrative Code Article 375, Part 1, as he did not have the necessary licence to sell religious materials. He lost his appeal against the fine the following month (see F18News 4 November 2013 http://www.forum18.org/archive.php?article_id=1892).

"They keep saying 'tomorrow'"

An official of Astana's Religious Affairs Department, who did not give her name, told Forum 18 on 6 January that Adiya Romanova – the official who represented the Department at court hearings – was on leave. But the official insisted that neither Volkov nor any other book sellers can be given such licences until the new procedure has been approved. Asked why Volkov should be banned from selling religious materials and fined if he does so, the official repeatedly pointed to the 2011 Religion Law. "We have spoken to Volkov about this." She then put the phone down.

Volkov's son Viktor, who works in the shop, said officials are now saying they will issue a bookshop licence by the end of January. "Officials keep saying 'tomorrow', 'tomorrow'," he told Forum 18.

Meanwhile, the Volkovs have had to remove about half the books they had on sale in their shop. "Officials lump together both religious and non-religious books, such as books on mysticism," Viktor Volkov lamented. "We have had to remove all such books."

No approved standard

The state agency authorised to issue the compulsory religious book-selling licences has repeatedly been changed since the 2011 Religion Law introduced such licences.

The ARA is now responsible for preparing an official standard – a publicly-announced procedure – for issuing licences. On 1 October 2013 the ARA published a draft standard on its website, with a consultation time of one month. Article 11 specifies the documents needed to be presented to apply for the free licences, including a completed application form.

Article 11, Part 3 requires applicants to present documents proving that they own the business premises where they would like to sell religious books and items or, if they rent business premises, their rental agreement and the original of a document signed by the owner of the premises that they approve the distribution of religious books and items on their property.

ARA officials told Forum 18 that the standard is still being completed and needs to be approved by the Government before it can take effect. (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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