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KAZAKHSTAN: Religious books banned as "extremist", but Prosecutor "can't remember" why

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

On 15 February a court in Kazakhstan's capital Astana upheld the Prosecutor's suit to ban four further Christian books as "extremist", according to the decision seen by Forum 18. The books were among 47 items seized when Christian prisoner of conscience Yklas Kabduakasov was arrested. Prosecutor Temirlan Adilkhanov, who led the case in court, told Forum 18 he "can't remember" in what ways the books might have caused harm to anyone. "I knew nothing about the case until the court decision came into force on 15 March," one of the authors, Pastor Manarbek Baieke, complained to Forum 18. "They concocted all this out of thin air." He fears the ban might provide the authorities with a reason to arrest him. Religious believers have expressed concern over a list of 254 "radical" religious books, including Muslim, Ahmadi Muslim, Christian, Hare Krishna and Jehovah's Witness items. Shortandy District Administration said that Akmola Regional Religious Affairs Department gave them the list in late 2015 for publication. Asked the status of books on the list, an official of Akmola Regional Religious Affairs Department explained to Forum 18: "If it is on the list it is banned."

Four further religious books have been banned as "extremist" by a court in Kazakhstan's capital Astana on 15 February, according to the decision seen by Forum 18 News Service. Court officials told Forum 18 that the one-month period for lodging appeals against the ban has now passed and no appeals were received in that time. Local Christians told Forum 18 that nothing in the books incites violence, hostility or law-breaking. The Prosecutor who prepared and led the case in court, Temirlan Adilkhanov, told Forum 18 on 16 March that he "can't remember" in what ways the four Christian books might have caused harm to anyone.

The suit to ban the four Christian books was initiated following the August 2015 arrest of Seventh-day Adventist Yklas Kabduakasov. The books were among many the National Security Committee (KNB) secret police seized from his home on the day of his arrest. Kabduakasov was later convicted of inciting religious discord – charges he and his fellow-believers vigorously reject. He is serving a two-year prison term in a labour camp in Pavlodar (see F18News 9 March 2016 http://www.forum18.org/archive.php?article_id=2156).

Although police have been confiscating copies of the four books in recent years and fining those who own them, the books appear not to have been banned by a court before. However, officials appear to have told no-one that they had brought the suit to court to ban the books, let alone the authors or publishers. Since the ban, local officials in some areas have written to leaders of registered religious communities not to use the four books and to "hand them in" if they have them.

In other court hearings, Jehovah's Witnesses have again failed to overturn bans on the import of some of their magazines and brochures. Some articles in them were said to have violated the law. In one case, Jehovah's Witnesses failed to get the court to even consider a suit to overturn a ban on a Uighur-language brochure (see below).

The bans were imposed by the Culture and Sport Ministry's Religious Affairs Committee as part of the government-instituted compulsory prior censorship of all religious literature published or distributed in Kazakhstan or imported into the country (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Galym Shoikin, head of the Religious Affairs Committee in Astana, put the phone down on 15 March as soon as Forum 18 began asking about the religious book bans. All subsequent calls went unanswered.

As well as members of religious communities, booksellers are frequent targets for punishment for selling books about religion without the compulsory licence from the Regional Administration (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

The state-enforced religious censorship also extends to prisoners. They are only officially allowed to have religious books which have had prior approval and are stamped as approved. Even then, relatives of those imprisoned for exercising the right to freedom of religion or belief are often not allowed to hand in Korans or Bibles or other religious literature to their imprisoned relatives (see F18News 9 March 2016 http://www.forum18.org/archive.php?article_id=2156).

Are "radical" books banned or not?

Although the General Prosecutor's Office publishes on its website a list of 666 "religious" books and materials banned as "extremist", the list includes many books which are not religious (such as Adolf Hitler's "Mein Kampf") and does not include other religious books known to have been banned.

Moreover, religious believers have expressed concern to Forum 18 about a separate list of 254 religious books – including Muslim, Ahmadi Muslim, Christian, Hare Krishna and Jehovah's Witness publications – which are described as "radical". The list is available on the website of Shortandy District Administration. Officials there and at Akmola Regional Religious Affairs Department were unable to explain to Forum 18 if the listed books were banned or not, but said that the list had come from the Culture and Sport Ministry's Religious Affairs Committee in late 2015.

The list included 162 general Muslim books, 2 by Muhammad Yusuf Kandahlawi and Muhammad Zakariya Kandahlawi (which the list linked to the banned Tabligh Jamaat Muslim missionary movement), 24 which it linked to the Ahmadi Muslim community, 14 Jehovah's Witness publications, 5 Hare Krishna publications and 25 Christian publications.

Those the state regards as followers of Tabligh Jamaat face administrative and criminal prosecution. Of 29 criminal cases since December 2014, 13 men were given prison terms as prisoners of conscience, the other 12 being given sentences of restricted freedom. Three more men are on trial in Karaganda and another is awaiting trial in Astana (see F18News 25 February 2016 http://www.forum18.org/archive.php?article_id=2153).

All the Ahmadi Muslim communities in Kazakhstan have been banned from functioning with no clear official explanation. The authorities have allowed only one Muslim organisation in the entire country – the state-controlled Muslim Board – from gaining state registration. This gives it a monopoly over Muslim activity and effectively bans any non-Hanafi Sunni Muslim communities from functioning (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

All four of the Christian books banned in Astana in February were already on the Shortandy District Administration website list, Forum 18 notes.

Saule Kusenova of Shortandy District Administration's Internal Policy Department – which oversees religious activity as part of its official tasks – said that Akmola Regional Religious Affairs Department gave them the list in late 2015 for publication. She told Forum 18 on 16 March that she was unable to explain whether items on the list were therefore banned or not.

An official of Akmola Regional Religious Affairs Department told Forum 18 the same day that such lists are produced and distributed by the Religious Affairs Committee in Astana "so that people don't use" such literature. "People shouldn't read or use them," the official – who would not give his name – insisted. "If they are on the list they are banned."

No one at the Religious Affairs Committee in Astana was prepared to explain to Forum 18 whether the publications on the Shortandy District Administration website list but not on the General Prosecutor's Office list are also banned and, if so, when and where they were banned.

Secret police-commissioned "expert" analysis

On 14 August 2015, KNB secret police and ordinary police seized Christian materials from the Astana home of Adventist Kabduakasov. Many of the materials touched on Christianity and Christians and their relationship to Islam.

KNB secret police Investigator Nurlan Belesov sent the 47 books, discs and flash drives on 24 August 2015 for a "complex judicial psychological/philological expert analysis" to the Justice Ministry's Central Institute of Judicial Expert Analysis in Astana. The 29-page analysis (seen by Forum 18) – by Sholpan Sisimbayeva of the Centre and Roza Akbarova, nominated by the KNB secret police – was completed on 7 September 2015.

Sisimbayeva and Akbarova concluded that some of the items (including the four works subsequently banned) "contain expressions of the exclusivity and superiority of Christianity over Islam". Some also "contain features of inter-ethnic and religious hatred and discord, as well as expressions of the superiority of the Christian religion and the inadequacy of the Islamic religion". The four books subsequently banned also "contain propaganda for the subversion of state security, inter-confessional and inter-ethnic accord and social/political stability".

Court bans as "extremist"

On 27 January, Astana City Prosecutor's Office brought a suit to the city's Esil District Court to ban four of Kabduakasov's Christian books as "extremist". The four books were: "Worthy Answers" by two local Protestants, Galymzhan Tanatgan and Zhomart Temir (in Kazakh and in Russian translation); "Share Your Faith with a Muslim" by the late British Brethren author and former missionary

to Algeria Charles Marsh (in Russian translation); "Called to the Great Commission" by local Protestant Kanat Oryntai uuli (in Russian); and "The History of Christianity in Central Asia and Kazakhstan" by local Protestant Manarbek Baieke (in Kazakh and in Russian translation).

Joining the Prosecutor's Office in court proceedings were the Religious Affairs Committee, the Interior Ministry, the Finance Ministry's State Income Committee and the Investment and Development Ministry's Communications, Informatisation and Information Committee. Bektyrsin Mirzabayev and Asel Kuzembayeva represented the Religious Affairs Committee in court and E. Mambetov the Interior Ministry.

On 15 February, Judge Zaur Zholamanova of Esil District Court accepted the Prosecutor's suit and banned the import, publication or distribution of the four books in Kazakhstan. "The decision is subject to immediate fulfilment," according to the court decision seen by Forum 18. The decision claims the hearing was open, but because it was not publicised in advance those unhappy at the suit did not know it was taking place and could not therefore attend.

The telephone of Judge Zholamanova went unanswered each time Forum 18 called on 15 and 16 March.

The General Prosecutor's Office added the four books to its list of banned religious materials on about 16 March.

"I knew nothing about the case"

The publishers of the four books – Litera-M in the case of "Worthy Answers" and "The History of Christianity in Central Asia and Kazakhstan", and the German Protestant mission Friedensstimme in the case of "Share Your Faith with a Muslim" – were not informed of the suit either before or after the case was heard, Friedensstimme mission told Forum 18 on 15 March. Nor were the authors who are still alive.

"I knew nothing about the case until the court decision came into force on 15 March," Pastor Baieke complained to Forum 18 on 16 March. "The court authorities did not inform me. So I have not been given the chance to appeal."

Pastor Baieke insisted that his book is not extremist "and does not even contain a hint of extremism". "They concocted all this out of thin air," he added. "They accused me in a one-sided way without the chance to respond." He fears the authorities may use the book ban as a reason to arrest him.

"Experts work in accordance with the law"?

Lyazzat Kalybekova, a colleague of Mirzabayev and Kuzembayeva at the Religious Affairs Committee in Astana, defended the process of banning religious books through the courts. "If material violates the law we prepare an expert analysis and a court takes a decision on this basis," she insisted to Forum 18 from Astana on 15 March. "Experts work in accordance with the law."

Asked why the four Christian books were banned when local Christians insist they contain nothing that incites hostility or violence in relation to other people of any faith or none, Kalybekova said she was not involved in the case.

Warning follows court ban

Following the Astana ban on the four Christian books, Internal Policy Departments of District Administrations in at least some parts of the country wrote to local leaders of registered religious organisations to inform them of the 15 February court ban on the four books, according to letters seen by Forum 18. The letter also reminded the religious leaders of two earlier court-ordered bans on Christian books.

In November 2012 an Almaty court banned the Russian translation of "Healing the Broken Family of Abraham" by American Protestant Don McCurry. In November 2014 an Akmola Region court banned the Russian translation of "Jesus: More than a Prophet", a collection of essays by 15 Muslims who became Christians, edited by Richard Wootton (see F18News 17 April 2015 http://www.forum18.org/archive.php?article_id=2056).

"In the light of the above [the ban on the six named books], we ask you - in the event of the presence of the given extremist materials – to hand them in voluntarily and not to use them in religious activity," declares a 9 March letter (seen by Forum 18) to all local religious leaders from Sultan Zharkynbekov, head of the Internal Policy Department of Ile District of Almaty Region.

Zharkynbekov was not available when Forum 18 called on 15 March. However, Department specialist Olzhas (who did not give his last name) said that he had drafted the letter for Zharkynbekov. Asked who religious leaders were supposed to hand in these "extremist" books to, Olzhas responded: "To us. Then we'll hand them on to the competent organs." Despite repeated requests he refused to identify which "competent organs" he had in mind.

Olzhas admitted that not one copy of any of these books has been handed in since the letter was sent. "All the leaders came to us and

said: we don't have these books," he told Forum 18. He declined to say what would happen to any individual or community which had any of these books.

Asked whether banning religious books on such grounds was right, Olzhas responded: "I didn't ban them, the court did."

Other warnings

Letters outlining the ban on the six named Christian publications are not the only official warnings issued to leaders of registered religious communities. Written warnings from several official agencies of Almaty Region were issued in early 2016 (and seen by Forum 18).

On 5 March, the head of Almaty Regional Religious Affairs Department Tanyrbergen Kasymberkebayev wrote to all religious leaders warning them to abide by the Religion Law and not to violate Administrative Code Article 490 (which punishes violations of the Religion Law, such as by talking about your faith to others in public and distribution of religious literature in an unapproved location or which has not undergone the state censorship).

Chief Specialist Mukhtar Tundebayev, who drafted the letter on behalf of Kasymberkebayev, said the letter was necessary "because violations of the Religion Law occur". "Some people who violate the law then claim they don't know about it or what it says," he insisted to Forum 18 from Taldykorgan on 15 March.

Responding to concerns Forum 18 has heard from religious leaders that such letters characterise religious believers as suspicious and potential law-breakers, Tundebayev dismissed such concerns. "We're simply reminding people of the law. We only write such letters maybe once a year."

Tundebayev told Forum 18 that he was not aware of the February court ban on four Christian books.

Court challenges to Religious Affairs Committee literature bans fail – as usual

Jehovah's Witnesses have repeatedly tried to challenge through the courts Religious Affairs Committee bans on books, brochures or specific issues of their magazines. However, courts repeatedly refuse to hear such challenges, often on procedural grounds.

On 25 August 2015, the Religious Affairs Committee in Astana rejected a Jehovah's Witness request to be allowed to import the brochure "Good News From God!" in Uyghur, a language spoken by hundreds of thousands of people in Kazakhstan.

On 15 January 2016, Astana's Specialised Interdistrict Economic Court rejected the Jehovah's Witness suit against the Religious Affairs Committee, which had complained that the rejection of the import had been unjustified and violated the right to freedom of religion or belief. On 10 March, Judge Sayran Alimbayeva of Astana City Court rejected the Jehovah's Witnesses' challenge to that refusal to hear the suit, according to the decision seen by Forum 18.

On 22 August 2015, the Religious Affairs Committee in Astana rejected Jehovah's Witness requests to be allowed to import Russian translations of the books "What Does the Bible Really Teach?" and "Keep Yourselves in God's Love". On 22 September 2015, the Religious Affairs Committee rejected requests to import the 15 November 2015 issue of "Watchtower" magazine in Kazakh and Russian, and the November 2015 issue of the magazine "Awake!" in Russian.

"Experts" appointed by the Religious Affairs Committee had given negative assessments of these works because of "the failure of certain assertions in the imported literature to accord with the norms of Kazakhstan's laws on the health of the nation, as well as the norms of morals and morality accepted in society, in particular the expression in the brochures of the idea of the superiority of the religious teaching of Jehovah's Witnesses to the detriment of other religions". The "experts" claimed this could cause division in families and society and upset people's feelings.

On 29 February, Judge Asiya Doshchanova of Astana's Specialised Interdistrict Economic Court rejected the Jehovah's Witness suit against the Religious Affairs Committee, according to the decision seen by Forum 18.

Jehovah's Witnesses complained in court that the import bans had violated their Constitutional rights to use the religious literature in their communities. However, the Religious Affairs Committee – represented in court by Kalybekova, as well as by Ainur Chigirova and A. Turtbayev of its Legal Department – denied that the bans violated Jehovah's Witness communities' Constitutional rights. The Judge agreed with the Religious Affairs Committee officials and dismissed the suit.

During the court hearing, the Religious Affairs Committee officials took the opportunity to warn Jehovah's Witnesses not to discuss their faith or offer their literature "in locations not approved by law".

Kalybekova insisted to Forum 18 that the "expert" analyses and the court had not declared the banned Jehovah's Witness literature "extremist". Asked how the literature could harm anyone, she was unable to say. Asked if it had incited murder, she responded:

"No." But she absolutely refused to discuss its content further, referring Forum 18 to the "expert" analyses. Asked for copies of them, she referred Forum 18 to Jehovah's Witnesses themselves. "We shared the decision and reasons for it with them."

Chigirova of the Legal Department said that she had no responsibility for the legality of the bans on the import of the literature. "I merely defended the interests of the Religious Affairs Committee in court," she told Forum 18 on 15 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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