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KAZAKHSTAN: Fined for worship, funeral prayer rooms

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

Bolat Isabayev was fined for leading a home worship meeting on the most sacred day annually for Jehovah's Witnesses. A court fined two ethnic Azeri imams in Zhambyl Region for maintaining funeral prayer rooms without state approval. Police fined or tried to fine up to 20 members of Karaganda's Revival Protestant Church after raiding a birthday party.

On 2 July, Aktobe Regional Court rejected Bolat Isabayev's appeal against a fine of three weeks' average wages for leading a meeting for worship in a home on the Jehovah's Witnesses' most sacred commemoration of the year, the Memorial of Jesus Christ's death. Police tried to raid the 19 April meeting in Kandyagash, allegedly after complaints from neighbours, but the home owner refused to let them in. Police filmed through the window.

After police discovered two funeral prayer rooms in Merke District in the southern Zhambyl Region on 4 March, two imams of the local Azeri community were fined in mid-May for maintaining the prayer rooms without state registration. One of them had tried to gain state registration – and therefore the official right to exist – but the application had been returned (see below).

The state has allowed only one Muslim community in the entire country to register: the state-controlled Muslim Board. All mosques must be subject to it to be allowed to exist. Independent mosques and mosques catering mainly to one ethnic group are banned. (http://www.forum18.org/archive.php?article_id=2409)

Police have repeatedly fined or tried to fine up to about 20 members of Revival Protestant Church in the central city of Karaganda after their mass raid on a birthday party in November 2018. The Church has fewer than 50 adult members, so is therefore too small to be able to apply for state registration and therefore does not officially have the right to exist. The police officer who issued most of the summary fines refused to explain why they had been punished for meeting in a home (see below).

In February 2019, police raided a Hare Krishna gathering in the Caspian port city of Atyrau. In February and March, police in the southern city of Taraz raided three local Council of Churches Baptist congregations, fining a number of church members. (http://www.forum18.org/archive.php?article_id=2464)

The punishments are among at least 108 administrative cases brought against individuals and communities between January and June 2019 (http://www.forum18.org/archive.php?article_id=2494) to punish them for exercising freedom of religion or belief.

Kazakhstan imposes tight restrictions on all meetings for worship. State permission is needed for a community to be allowed to meet and the location of any meeting also needs state permission. Religious literature is subject to compulsory pre-publication censorship and can be distributed only in state-approved venues. Sharing faith with others without state permission is also banned. (http://www.forum18.org/archive.php?article_id=2409)

Kandyagash: Punished for Jehovah's Witness meeting

On the evening of 19 April, 13 guests gathered in a home in the Dostyk district of Kandyagash in the western Aktobe Region to commemorate the Memorial of Jesus Christ's death, the Jehovah's Witnesses' most sacred commemoration of the year. Guests watched a video, prayed, sang hymns and then shared bread and wine.

Police arrived outside the ground floor flat and filmed the meeting through the window, Jehovah's Witnesses told Forum 18. They then tried to force their way in, but the owner refused to let them enter. After the meeting officers tried to detain attendees as they left. They took one young woman - not a Jehovah's Witness - and her two children to the police station for interrogation.

"During the conducting of this meeting, no one made a loud noise and the peace of the neighbours was not disturbed," the subsequent court decision cites Bolat Isabayev as telling the court.

Lieutenant Colonel Amangali Dzhumakulov of Mugalzhar District Police told the court that police had received "operational information" that evening that a meeting was underway in the home.

Three neighbours told the court hearing that they objected to a meeting for worship taking place in a nearby home. It remains unclear if they had called the police or whether the police had found out about the meeting through their own surveillance.

On 7 May, two police officers came to one woman who had attended the Memorial meeting to question her about it. She refused to sign any statement.

Based on information from the police, Arsen Khasen of the Regional Religious Affairs Department drew up a record of an offence against Isabayev – deemed to be the organiser of the meeting – on 21 May. He was charged with violating Administrative Code Article 490, Part 1, Point 1. This punishes "violation of procedures established in law for conducting rites, ceremonies and meetings". Punishment for individuals is a fine of 50 MFIs, and for organisations a fine of 200 MFIs and a three-month ban on activity.

On 6 June, Judge Arytan Zhamiyev of Mugalzhar District Court found Isabayev guilty of violating Article 490, Part 1, Point 1 by holding an unapproved meeting for worship, according to the decision seen by Forum 18. He fined him 35 Monthly Financial Indicators (MFIs), 88,375 Tenge, about three weeks' average wages for those in formal work.

Isabayev appealed against the decision. However, on 2 July, Judge Zhanna Alisheva of Aktobe Regional Court rejected his appeal, according to the decision seen by Forum 18.

Khasen of the Regional Religious Affairs Department insisted that Isabayev had broken the law. "Neighbours identified him as the leader of the meeting and police passed on the information to us, so we drew up the record of an offence against him," he told Forum 18 from Aktobe on 11 July. "The law bans unregistered worship and we have to observe the law."

Officers at Mugalzhar District Police referred Forum 18 to the head. However, his phone went unanswered each time Forum 18 called on 11 July.

Merke: Punished for unregistered funeral prayer rooms

On 4 March, as they were conducting a "Law and Order Operation", police in the small town of Merke in the southern Zhambyl Region discovered a house with rooms for holding Muslim prayers and funeral rituals was located. Police soon established that the site had not been registered as a place of worship.

Police identified the home owner, Sarvaz Dzhamalov, as violating the ban on sharing faith with others without state permission. Police also accused him of using religious literature as part of sharing faith without state permission.

A record of an offence was drawn up against Dzhamalov under Administrative Code Article 490, Part 3. This 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.

As Dzhamalov, an ethnic Azeri, subsequently told the court, he established the funeral prayer rooms in the yard of his home in 1998. He built two rooms for prayer, one for men and one for women, and made available religious literature.

On 14 May, Judge Rakhat Razakov of Merke District Court found Dzhamalov guilty of violating Article 490, Part 3, according to the decision seen by Forum 18. He fined him 70 MFIs (about six weeks' average wage for those in formal work). Erbol Baitakov of Merke District Police's Group to Counter Extremism and Organised Crime supported the prosecution in court.

Also on 4 March, as part of the same police "Law and Order Operation", Officer Baitakov discovered a similar funeral prayer room in the village of Zhambyl, also in Merke District.

Officer Baitakov identified Fakhradin Ismailov, an ethnic Azeri who lived next door, as the Imam and warned him that he needed to get state registration. Baitakov accused him of conducting "illegal" missionary activity. A record of an offence was drawn up against Ismailov under Administrative Code Article 490, Part 3.

As Ismailov subsequently told the court, the Azeri community had bought the premises in August 2017 to establish a location to hold funeral rites.

Marat Rakishev, responsible for religious affairs at Merke District Administration, told the court that Ismailov had lodged a registration application, which he had sent on to the Regional Religious Affairs Department. However, it had returned the application. Ismailov had resubmitted the documents and they were now being considered.

On 16 May 2019, Judge Erkin Kenbayev of Merke District Court found that no evidence had been produced proving that Ismailov had shared his faith with those who were not already Muslims. He therefore changed the accusation to Administrative Code Article 490, Part 1, Point 1. This punishes "violation of procedures established in law for conducting rites, ceremonies and meetings". Punishment for individuals is a fine of 50 MFIs, and for organisations a fine of 200 MFIs and a three-month ban on activity.

Judge Kenbayev then found Ismailov guilty of violating Article 490, Part 1, Point 1, according to the decision seen by Forum 18. He fined him 50 MFIs (about one month's average wage for those in formal work).

Baitakov of Merke District Police's Group to Counter Extremism and Organised Crime again supported the prosecution in court.

Neither Dzhamalov nor Ismailov appealed against their punishments.

Officer Baitakov's phone went unanswered each time Forum 18 called on 11 July. Forum 18 was similarly unable to reach Rakishev at Merke District Administration.

Karaganda: Repeated fines, court hearings follow police raid

Police have repeatedly fined or tried to fine up to about 20 members of Revival Church in the central city of Karaganda. The Church has fewer than 50 adult members, so is therefore too small to be able to apply for state registration and therefore does not officially have the right to exist.

Trouble began for church members in the afternoon and early evening of 11 November 2018, when they were enjoying a meal in the home of Svetlana Demina to mark her husband's birthday. Those present prayed before starting to eat.

Police suddenly burst in, claiming a call had come in that a "sect" was meeting there. Officers forced those present – including those with children and those with disabilities – into vehicles to take them to the police station. There officers questioned them for three hours, putting them under psychological pressure to admit they belonged to an organised community, according to subsequent court documents seen by Forum 18.

Officers also seized five Christian books, a notebook, and two boxes, one marked "Prayer Needs" and one marked "Donations".

That same day, officers summarily fined one of those present, Bakyt Sattarova.

(http://www.forum18.org/archive.php?article_id=2448) Officers said she had violated Administrative Code Article 489, Part 10. This punishes "Participation in an unregistered, halted, or banned religious community or social organisation" with a fine of 50 MFIs (about one month's average wage for those in formal work).

On 15 November 2018, officers summarily fined another of those present, Svetlana Demina.

(http://www.forum18.org/archive.php?article_id=2448) Officers said she had violated Administrative Code Article 489, Part 9. This punishes "Leadership of an unregistered, halted, or banned religious community or social organisation" with a fine of 100 MFIs (about two months' average wage for those in formal work).

On 21 November 2018, a "religious studies expert analysis" of the seized books was ordered. This found nothing in them against the Constitution or preventing their distribution. However, on two books it proposed seeing a further psychological/philological "expert" analysis.

Both women appealed against the summary fines. On 27 November 2018 Judge Ernar Tokpanov of Karaganda Specialised Administrative Court upheld Demina's appeal, according to the decision seen by Forum 18. She had argued that when drawing up the record of an offence against her, police had violated procedures by going ahead with the fine without the presence of a lawyer as Demina had requested. Her fine was therefore annulled and the case sent back to the police.

However, on 28 November 2018 Judge Kaiyrzhan Alashuly of Karaganda Specialised Administrative Court rejected Sattarova's appeal, according to the decision seen by Forum 18.

On 5 January 2019, Askhat Aubakirov, deputy head of South West Karaganda Police, summarily fined at least seven more of those present at the birthday meal. Those he fined included Bakyt Sattarova (again), Olga Shartner, Aleksandr Shartner, Nadezhda Bogovenko, Sergei Bogovenko, Aleksei Bykov, and Larisa Chachanidze. Aubakirov fined each 50 MFIs (three weeks' average wages for those in work) under Administrative Code Article 489, Part 10.

All seven appealed against their fines to Karaganda Specialised Administrative Court. But in separate hearings in late February, various Judges rejected four of their appeals, according to the decisions seen by Forum 18. However, the court overturned the fines on Olga Shartner, Nadezhda Bogovenko and Larisa Chachanidze. Sattarova lodged a further appeal to Karaganda Regional Court which, on 26 March, reduced her fine by 30 per cent.

By now the case against Demina was in the hands of the Regional Religious Affairs Department. A Chief Specialist, Zhanar Shaldibayeva, drew up a new record of an offence against Demina on 1 March, this time under Administrative Code Article 490, Part 3. On 28 March Shaldibayeva handed the case to court.

Demina tried to challenge the legality of the record of an offence, but Karaganda Specialised Administrative Court rejected this on 28 March and the Regional Court upheld this on 23 April.

On 24 April, Karaganda Specialised Administrative Court ruled that although Demina was guilty of violating Article 490, Part 3, Shaldibayeva (who was present in court) could give no legal reason why the deadline for submitting the case had not been met. The Judge dismissed the case.

Police officer Aubakirov told Forum 18 on 11 July that he had prepared records of an offence against about 20 people in connection with the November 2018 gathering at Demina's home. However, he refused absolutely to say why they had been fined and why police were involved in a meeting in a home.

Asked why she had brought the case against Demina, Shaldibayeva of the Regional Religious Affairs Department told Forum 18 on 11 July that she was "not authorised to speak" and put the phone down. (END)

Full reports on freedom of thought, conscience and belief in Kazakhstan
(<http://www.forum18.org/archive.php?query=&religion=all&country=29>)

For more background, see Forum 18's Kazakhstan religious freedom survey (http://www.forum18.org/archive.php?article_id=2409)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
(http://www.forum18.org/archive.php?article_id=1351)

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