

17 June 2014

KAZAKHSTAN: Teacher and bookseller fined, imam's fine overturned

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

Larisa Lange, a teacher, and commercial bookseller Gulnar Sandibayeva have each been fined one month's average wages for exercising their right to freedom of religion and expression. Lange hosts meetings of a Baptist community in her home without state permission, while Sandibayeva had sold Islamic books in her shop without the compulsory state licence for selling religious materials. Kordai District Prosecutor Zhasulan Yelamanov refused to explain to Forum 18 News Service why his officials had brought the case against Lange. Zhilioi District Prosecutor Aslanbek Zholanov defended the prosecution against Sandibayeva. Asked why Kazakhstan imposes censorship on religious literature, Zholanov told Forum 18: "It's not censorship. But religious literature can only be sold in approved places." By contrast, Almaty-based Imam Yerkebulan Nukasov had an earlier fine of two months' average wages for leading an unregistered Muslim Board mosque overturned on appeal.

A teacher who hosts meetings of a religious community in her home and a bookseller are among the latest victims of Kazakhstan's policy of punishing those who exercise their right to freedom of religion or belief without state permission. Each was fined one month's average wage. However, intervention by the state-backed Muslim Board has managed to overturn a fine on one of its imams who led prayers in a Muslim Board mosque which did not have the compulsory state permission.

Kazakhstan imposes compulsory prior censorship on all religious literature printed in, distributed in or imported into the country. Moreover, only state-registered places of worship or commercial venues licensed by the regional Akimat (administration) are allowed to sell or give away such literature. Any distribution outside these venues is an offence and subject to fines (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

In early May a court ruled that half the family car belongs to a Council of Churches Baptist who had refused to pay an earlier fine to punish him for exercising the right to freedom of religion or belief. The car can therefore be used to pay off the outstanding fine (see below).

Council of Churches Baptists have a policy of refusing to apply for state registration in any of the former Soviet countries. Dozens of their members have been fined in Kazakhstan since the beginning of 2014 for exercising their right to freedom of religion or belief without state permission. The oldest, Yegor Prokopenko, was 87 when he was fined (see F18News 13 March 2014 http://www.forum18.org/archive.php?article_id=1937).

Council of Churches Baptists have adopted a policy of "civil disobedience", refusing to pay fines for exercising their human rights. Ten of them have served prison terms of up to ten days so far in 2014 for such refusals to pay fines (see F18News 29 May 2014 http://www.forum18.org/archive.php?article_id=1963).

In other such cases, court bailiffs have seized or put restraining orders on homes, furniture, washing machines, music centres and even a calf. Many are also banned from leaving Kazakhstan.

Fine follows police raid on worship meeting

Larisa Lange, a teacher, hosts a local Council of Churches Baptist congregation in her home in the village of Kaynar in Kordai District of the southern Jambyl Region. Trouble began for her and her community on 9 March when Kordai District Police raided the community's Sunday meeting for worship in what they called "operational-preventative measures".

Kordai District Prosecutor's Office brought a case against Lange under Administrative Code Article 374-1, Part 2. This punishes "Participation in the activity of an unregistered, halted, or banned religious community or social organisation".

At an evening hearing on 20 March, Judge Kairat Belgishev of Kordai District Court found Lange guilty and fined her 50 Monthly Financial Indicators (MFIs), 92,600 Tenge (3,000 Norwegian Kroner, 375 Euros or 500 US Dollars). This represents about one month's average wages for those in work.

Lange confirmed to the court that she provides a room in her house for the church to meet regularly and that she takes part in the meetings, according to the court decision seen by Forum 18. But she insisted she had done nothing wrong.

Lange appealed against the decision, pointing out that the Judge had used a provision of the Administrative Code which violates Kazakhstan's constitutionally-guaranteed human rights. But on 17 April, Judge Gulnara Syzdykova of Jambyl Regional Court in Taraz rejected her appeal, according to the decision seen by Forum 18.

Kordai District Prosecutor Zhasulan Yelamanov refused to explain to Forum 18 on 17 June why his assistants had brought the administrative case against Lange to punish her for meeting with her friends for religious purposes. He then put the phone down.

Bookseller fined

On 27 May – a day before her 47th birthday – commercial bookseller Gulnar Sandibayeva was fined for selling religious books in the town of Kulsary without the compulsory state permission, according to the court decision seen by Forum 18.

On 25 February, Zhiloi District Prosecutor's Office in the western Atyrau Region had found her selling Islamic books during their inspection for "extremist" religious books. Prosecutors then asked the District imam Arman Isayev whether the books Sandibayeva was selling were "extremist". He confirmed that they were not and had been approved for sale in Kazakhstan.

Prosecutors then brought a case against Sandibayeva under Administrative Code Article 375, Part 1. This punishes "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".

On 27 May, Judge Gulzhiyan Mutiyeva of Zhiloi District Court fined Sandibayeva 50 MFIs, 92,600 Tenge.

The court decision reveals nothing about what is to happen to the religious books seized from Sandibayeva. Judge Mutiyeva told Forum 18 from the court on 17 June that the books are still at the court. "She can ask for them if she wants them back," the Judge insisted. However, she refused absolutely to discuss why she had fined Sandibayeva for exercising her rights to freedom of religion and freedom of speech.

"It's not censorship"?

Zhiloi District Prosecutor Aslanbek Zholanov vigorously defended the prosecution against Sandibayeva. "We have the Religion Law and on the basis of this the Akim [administration chief] adopts a decree on where religious literature can be sold," he told Forum 18 from Kulsary on 17 June. "She was selling books where it is not allowed. Only religious books can't be sold just anywhere. Books on football for example can be sold anywhere."

Asked why the state imposes such censorship on religious literature, Zholanov responded: "It's not censorship. But religious literature can only be sold in approved places." He pointed to tensions over terrorist activity in western Kazakhstan which he linked to religion. "That's why we do it."

Zholanov dismissed suggestions that such censorship contradicts the rights to freedom of religion and freedom of expression enshrined in Kazakhstan's Constitution and international human rights obligations. "We committed no violations in Sandibayeva's case."

Half a car

Roman Pugachev is the latest known Council of Churches Baptist to face the possible enforced sale of his property for his refusal to pay earlier fines. On 4 May, Judge Kanat Abubakir of Ualikhan District Court in North Kazakhstan Region ruled that the Volkswagen Multivan family car owned by his wife Yekaterina constitutes jointly-owned property, according to the court decision seen by Forum 18. Thus half the value of the car is deemed to be Pugachev's. The decision notes that "of its nature, dividing the car .. is impossible".

The court decision – made at the request of court bailiff Tynybek Temirzhanov – effectively allows the car to be sold and the half share deemed to be Pugachev's to be taken to pay the unpaid fines, Pugachev pointed out. "They now want to take it, sell it and divide the value," he lamented to Forum 18 on 17 June. "The car is already automatically under a restraining order." He said the family still have the car. "No measures have yet been undertaken."

Pugachev said he and his wife use the car to transport themselves and their nine children, and also to visit church services in other locations.

Forum 18 was unable to reach bailiff Temirzhanov on 17 June to find out why he initiated the moves to facilitate the seizure of Pugachev's family car. A colleague, who would not give her name, insisted that courts take decisions on fines and "we are just here to implement court decisions". Told that Pugachev had been fined for exercising his right to freedom of religion or belief, she responded: "It is not our business why an individual has been fined."

Court bailiffs have already placed restraining orders on household items, Pugachev noted, including their kitchen equipment. "Bailiffs told us it's theirs now. We have to keep it and look after it for them now. We can use it but can't sell it."

Pugachev was twice fined in 2013. In January 2013 Ualikhan District Court fined him 100 MFIs, 173,100 Tenge, under Article 374-1, Part 1. This punishes "Leading, participating in, or financing an unregistered, halted, or banned religious community or social organisation". In July 2013, the same court fined him 5 MFIs, this time under Administrative Code Article 524 for refusing to pay the earlier fine (see F18News 11 November 2013 http://www.forum18.org/archive.php?article_id=1895).

Exit ban

Pugachev is among more than 25 Council of Churches Baptists known to be on the Justice Ministry's list of debtors unable to leave Kazakhstan (see F18News 13 March 2014 http://www.forum18.org/archive.php?article_id=1937).

"I only found out I was on the ban list in early 2013 when I tried to cross the border to take part in a church meeting in neighbouring Kyrgyzstan," Pugachev told Forum 18. "They should inform you in writing, but I only got the notification about two months after that."

Although Pugachev and his wife have relatives in Israel and Ukraine, he is unable to go to visit them. "My wife doesn't want to go without me," he told Forum 18.

Imam's fine overturned

Imam Yerkebulan Nukasov, named by the Muslim Board to the Zhana Hayat mosque in Almaty's Turksib District in June 2013, was punished because the mosque does not have state registration. On 18 February 2014, an officer of Turksib District police drew up a record of an offence against the 32-year-old imam under Administrative Code Article 374-1, Part 1. Photos illustrating the "offence" were attached.

On 26 February, Judge Rauza Musakodzhayeva of Almaty Inter-District Specialised Administrative Court fined Nukasov 100 MFIs, 185,200 Tenge (see F18News 13 March 2014 http://www.forum18.org/archive.php?article_id=1937).

Nukasov pointed out to the court that the spouse of the owner of the house where the mosque was located had died and for the following six months the law did not allow any change of ownership or usage, according to the court decision seen by Forum 18. For that reason the mosque had no registration and functioned as a namazkhana where only prayers were recited and no sermons given. Despite this, an official of the Prosecutor's Office insisted Nukasov had committed an offence and Judge Musakodzhayeva agreed.

However, Nukasov appealed against the decision to Almaty City Court. The 8 April appeal hearing – presided over by Judge Roza Ainakulova – was also attended by an officer of the Police's Department for the Struggle with Extremism, as well as S. Dauletiyar representing the Muslim Board. Despite the resistance of the Prosecutor's Office official, Judge Ainakulova granted the appeal and cancelled the fine.

The court decision – seen by Forum 18 – notes that police questioning of witnesses in February had established that mosque attendees are Hanafi Sunni Muslims and that the preamble to the 2011 Religion Law "recognises the historical role of Islam of the Hanafi school and Orthodox Christianity in the development of the culture and spiritual life of the nation". Moreover, Nurlan Zhaparkula, head of Almaty Akimat's Religious Affairs Department, had written to the court to say the Muslim Board had told it that Nukasov had been named imam of the mosque.

Four cases thrown out

Police, prosecutors and Religious Affairs Department officials often bring cases that fail to end in prosecution, either because paperwork is not correctly filled in, procedures are not followed or the cases are filed too late. However, individuals have pointed out to Forum 18 the time, expense and energy these cases absorb, even when they do not end in punishment, as well as the stress they cause to individuals (see F18News 13 March 2014 http://www.forum18.org/archive.php?article_id=1937).

Cases against four Council of Churches Baptists in the northern Akmola Region for "illegally" distributing religious literature were thrown out on 22 April because they were filed too late, according to the court decisions seen by Forum 18.

On 12 September 2013, Yury Bekker, Svetlana Tsuba, Andrei Leven and David Leven were among a group of Baptists distributing

Christian literature in the village of Kyzylsai in Zhakysy District without state permission. Zhakysy Police investigated the case and compiled a 73-page dossier. On 15 September, Zhakysy Police ruled that no criminal offence had taken place, at least until an "expert analysis" of the literature had taken place.

On 6 January 2014 Zhakysy Police again determined that no criminal offence had taken place. On 20 March the chief specialist of Akmola Region Akimat's Religious Affairs Department drew up a record of an administrative offence against the Baptists under Article 375, Part 1. The case was then presented to court.

However, at separate hearings on 22 April, Judge Arai Zhakupov of Zhakysy District Court ruled that the 6 January 2014 Police determination had been drawn up illegally, as the 15 September 2013 determination was still in force. Therefore the three-month deadline for bringing administrative cases had expired on 15 December 2013. The Judge threw out each of the four cases. (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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