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KAZAKHSTAN: Ten days' imprisonment for "extremist" book

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

Vyacheslav Cherkasov and Zhasulan Alzhanov began ten-day prison terms in Kazakhstan's Akmola Region on 6 October for offering passers-by on the street a book which a religious "expert analysis" controversially claimed contains "elements inciting religious hatred and discord", Forum 18 News Service has learnt. They were each also fined about four months' average wages. Forum 18 has been unable to find out if the book "Jesus: More than a Prophet" has been banned by a court. In February an Astana court banned as "extremist" a book at least partly written by Salafi Muslim Mohammed ibn Abdul-Wahhab. Such court hearings are unannounced, making it impossible to challenge them. Nor are such bans publicised. Jehovah's Witnesses have failed in all their legal challenges against bans on importing 14 of their publications. Despite official assertions that state-imposed bans are not based on theological assessments, Kazakh and Russian language booklets were banned because they "reject the fundamental teachings of Christianity".

Two Council of Churches Baptists were each sentenced to ten days' imprisonment in Kazakhstan's Akmola Region on 6 October for offering to passers-by copies of a religious book which a religious "expert analysis" controversially claimed incited religious hatred, fellow Baptists told Forum 18 News Service. The two men – Vyacheslav Cherkasov and Zhasulan Alzhanov – were also each fined about four months' average wages for those in work for again offering religious literature to others on the street without the required state permission for distributing religious literature.

The ten-day prison terms were handed down after an official of the government's then Agency of Religious Affairs (ARA) in the capital Astana found the book "Jesus: More than a Prophet" contains "elements inciting religious hatred and discord". The book – a Russian translation of an English-language collection of essays by 15 Muslims who became Christians – was edited by Richard Wootton.

These are the second short-term prison terms for Cherkasov and Alzhanov in 2014. They were among 14 people already known to have been sentenced so far in 2014 to up to ten days' imprisonment to punish them for refusing to pay earlier fines for exercising their right to freedom of religion or belief (see F18News 8 October 2014 http://www.forum18.org/archive.php?article_id=2004).

Unpublicised court bans, "recommendatory" bans

A growing – but unknown – number of religious publications and web pages by Muslim, Protestant and Jehovah's Witness authors are being banned in court as "extremist", Forum 18 notes. Such court decisions are often not publicised and therefore impossible to challenge.

Officials have repeatedly refused to publish a list of religious items they have banned. Without knowing that a court-ordered ban on a specific work has been imposed, individuals often first learn of such bans when police or Prosecutor's Office officials tell them.

Forum 18 has been unable to find out if the book "Jesus: More than a Prophet" has been banned by a court.

In addition to court-ordered bans, the government's then ARA also refused permission to print or import numerous religious publications. (The ARA was replaced in August by the Culture and Sport Ministry's Religious Affairs Committee.)

Jehovah's Witnesses have repeatedly tried – and failed – through the courts to overturn the 14 import bans imposed on their publications. However, they note that officials have imposed no new import bans in 2014 (see below).

Although Religious Affairs officials repeatedly claim that such decisions are "recommendatory", without their approval no religious work can be published, printed or imported.

"Inciting religious hatred"?

Trouble began for Cherkasov and Alzhanov on 10 May as they were offering Christian literature on the street near the market in Shchuchinsk in Akmola Region. Several police officers came up to them and seized all 252 books they had with them, local Baptists

complained to Forum 18.

Police later sent 44 titles, including "Jesus: More than a Prophet", to the then ARA in Astana. On 13 June, Berik Manakhayev of the Justice Ministry's Central Institute for Judicial Expertise produced a 14-page "expert" analysis of the books, declaring that only one was illegal. He alleged that "Jesus: More than a Prophet" contains "elements inciting religious hatred and discord", an official of the ARA's Religious "Expert" Analysis Department – who did not give his name – confirmed to Forum 18 from Astana on 9 October.

The official refused to pass on a copy of Manakhayev's analysis and refused to discuss the state censorship of religious literature. Prosecutor's Office officials in Shchuchinsk also refused to pass on a copy or discuss the case the same day.

On 30 September, Police drew up records of an offence under two Administrative Code Articles: Article 375, Part 9 (which punishes repeat "offences" under other parts of Article 375 within one year); and Article 344, Part 4 (which punishes "production, storage, import, transport and distribution" of non-media publications containing "propaganda or agitation for a violent change to the constitutional order, violation of Kazakhstan's territorial integrity, subversion of state security, war or the incitement of social, racial, ethnic, religious, class or clan discord, the cult of brutality, violence and pornography" with fines for individuals using their official capacity of 50 to 200 Monthly Financial Indicators (MFIs) or up to 15 days' imprisonment).

In two separate hearings for each man on 6 October, Judge Damir Shamuratov of Burabai District Administrative Court found Cherkasov and Alzhanov guilty under both Articles, according to court records. He fined each 200 MFIs under Article 375, Part 9. He sentenced each to ten days' imprisonment under Article 344, Part 4. The literature was ordered confiscated and handed to the Regional Religious Affairs Department.

This is the sixth time Cherkasov has faced administrative trial, and the fourth for Alzhanov, local Baptists complained to Forum 18. They call for an end to "persecution of our brothers for trying to serve God in the way the Holy Scriptures teach". Both men were given two-day prison terms in January for refusing to pay earlier fines to punish them for exercising their right to freedom of religion or belief (see F18News 28 January 2014 http://www.forum18.org/archive.php?article_id=1921).

Earlier "extremist" literature prosecution

Following October 2012 raids on a Baptist church and the Bible League in Astana, Bible League's head Igor Voronenko and Baptist pastor Gennadi Vrublevsky were accused of distributing "extremist" literature under Administrative Code Article 344, Part 4. In December 2013, Astana's Specialised Inter-District Administrative Court found them guilty and fined each 50 MFIs. The two men chose not to appeal against the judgments and reluctantly paid the fines (see F18News 6 January 2014 http://www.forum18.org/archive.php?article_id=1912).

Voronenko was accused of having in his computer two "extremist" Russian-language works: "Conversation with Muslims about Christ 1, 2, 4, 5, 6, 7, and 8", and "How to Talk to Muslims about the Gospels". Prosecutors insisted that a March 2013 "expert analysis" had found that these works "contain signs of ethnic and religious hatred and enmity and statements on the superiority of the Christian religion and the inferiority of the Islamic religion".

Voronenko told the court he did not know that these texts had been banned and that having them in his computer was illegal. The court ordered that in addition to his fine, his computer should be reformatted to remove all material on it before it is returned to him.

Pastor Vrublevsky was accused of possessing five "extremist" books, four in Russian and one in Kazakh: "Healing the Broken Family of Abraham" by American Protestant Don McCurry and "Israel and the Kingdom of Islam" by the late German Protestant Ernst Schrupp, as well as "The Call for the Great Commission", "Islam and Occultism" and "Questions which Demand an Answer".

The court decision said a September 2013 "expert analysis" (replicating the comments in the March 2013 analysis) had found that the books "contain signs of ethnic and religious hatred and enmity and statements on the superiority of the Christian religion and the inferiority of the Islamic religion".

Already banned

The publication, import and distribution in Kazakhstan of the Russian translation of "Healing the Broken Family of Abraham" were banned on 22 November 2012 by Almaty's Almaty District Court No. 2. It found that the book contains "elements of incitement to religious hatred and discord" (see F18News 9 October 2013 http://www.forum18.org/archive.php?article_id=1885).

Possession of this book and another Christian book "New Life for Muslims" allowed prosecutors to bring two counts of "extremism" under Criminal Code Article 164, Part 2 against Astana-based retired Presbyterian pastor Bakhytzhn Kashkumbayev. Although these charges were withdrawn at his first criminal case, prosecutors appear still to be investigating them (see F18News 9 July 2014 http://www.forum18.org/archive.php?article_id=1976).

On 25 February, Judge Maiya Galiyeva of Astana's Saryarka District Court found a book at least partly written by Salafi Muslim

Mohammed ibn Abdul-Wahhab "extremist", according to the decision seen by Forum 18. The book - a Russian translation of the work "Explanation of the Three Fundamental Principles of Islam" – is 543 pages and was published in Cairo in 2008. Mohammed ibn Abdul-Wahhab helped found a precursor to the present-day kingdom of Saudi Arabia.

The suit was lodged after 54 copies of the book arrived at the Kazakh post office on 5 August 2013 for Astana resident Aidos Akhmetov. A 12 October 2013 "judicial/psychological/philological expert analysis" by the Justice Ministry's Central Institute of Judicial Expertise claimed that the book incited "religious hatred and discord", particularly against Jews and Christians.

The suit had been brought by Akmolat Transport Prosecutor's Office and the case also involved the National Security Committee secret police, the Interior Ministry, the Justice Ministry, the Transport Ministry and the then ARA (see F18News 6 January 2014 http://www.forum18.org/archive.php?article_id=1912).

Nearly banned

However, not all attempts to ban religious publications succeed, Forum 18 notes. Astana's Prosecutor tried to ban as "extremist" a Kazakh translation of the Turkish book "The Religion of Islam" by Osman Karabiyik. Two "expert analyses" it ordered – of 11 July 2011 and 20 March 2012 – found "signs of extremism" in this and another work. A 21 December 2012 "expert analysis", by contrast, failed to find any "extremism".

On 25 December 2012, Astana's Saryarka District Court rejected the Prosecutor's suit. The Prosecutor appealed against the decision. At a 13 June 2013 hearing at Astana Appeal Court, the original rejection of the suit was upheld. At both hearings, ARA "specialists" insisted that the books did not contain incitement to hatred on grounds of religion, social origin or ethnicity (see F18News 6 January 2014).

Magazines and booklet banned

In line with state requirements, Jehovah's Witnesses submitted to the then ARA a copy of the Kazakh and Russian translations of their booklet "Examining the Scriptures Daily – 2014", which Jehovah's Witnesses use each day through the year. They asked for the necessary approval to import copies.

On 24 December 2013, Lyudmila Stefoglo of the then ARA's International Centre of Cultures and Religions in Astana produced her seven-page "expert" analysis of the Russian-language booklet, seen by Forum 18. The analysis declares that Jehovah's Witnesses "are non-traditional for Kazakhstan and bear no historical, social or cultural significance for Kazakh society". Despite official assertions that state-imposed bans are not based on theological assessments, Stefoglu asserts in justification of her negative assessment that the brochures "reject the fundamental teachings of Christianity".

On 31 December 2013, in a letter also seen by Forum 18, the ARA refused permission to import the booklet, citing many of the objections raised by Stefoglo.

Jehovah's Witnesses tried to challenge this import denial through the courts, as they had (in vain) over earlier import denials. However, on 3 June, in a decision seen by Forum 18, Judge Zhanna Li of Astana's Inter-District Specialised Economic Court rejected their suit. During the hearing, Jehovah's Witnesses had pointed out that Article 20, Part 1 of Kazakhstan's Constitution specifically bans censorship.

On 30 July, in a hearing presided over by Judge Gulmira Kazhenova, Astana City Court rejected the Jehovah's Witness appeal against the Economic Court decision.

Other Jehovah's Witness suits against the then ARA over import denials have similarly ended in failure. On 4 September a panel of three judges at Kazakhstan's Supreme Court in Astana finally rejected another Jehovah's Witness suit which had initially been rejected by Astana's Inter-District Specialised Economic Court in July 2013.

In that suit, Jehovah's Witnesses had tried to overturn a ban on various issues of the magazine "Watchtower" in Kazakh and Russian, as well as "Examining the Scriptures Daily – 2013". All had been banned following an "expert" analysis by Asel Kuzembayeva of the ARA's Religious "Expert" Analysis Department, to which Jehovah's Witnesses had objected.

However, the 4 September 2014 Supreme Court decision – seen by Forum 18 - defends Kuzembayeva's work. "This expert prepares reasoned, objective and complete expert conclusions on questions presented by the authorised body [the then ARA], so doubts do not arise about her competence."

Not religious censorship?

In a 31 January joint urgent appeal to the Kazakh government, mainly related to restrictions on Jehovah's Witnesses, five United Nations (UN) Special Rapporteurs and one Independent Expert called for "banning of their religious publications to be discontinued"

(see F18News 8 October 2014 http://www.forum18.org/archive.php?article_id=2004).

In the second of its two responses to the UN, dated 7 April, the Kazakh government insisted that the "main purpose of regulating the import and dissemination of religious literature is not to restrict the dissemination of the religious literature of certain religious movements but rather to prohibit the dissemination of literature with appeals to extremism and ideas that may harm interfaith relations, public safety and civil rights and freedoms".

The government response claimed that the "expert" analyses "do not constitute religious censorship. A religious/legal expert appraisal is not a religious (theological) assessment, as it is aimed at assessing literature only insofar as it is in keeping with the national laws."

The response notes that the only religious literature that is not subject to prior government censorship is religious literature imported in small quantities for personal use.

The government response defended the negative assessments given to 14 Jehovah's Witness works. "The independent experts came up with such findings after making objective assessments of the presence in the literature of texts that infringe on legally protected rights, freedoms and interests," it claimed. "In particular, some materials use wording that is offensive to the feelings of believers, namely Christians. The authors of a magazine call the doctrine of the Trinity false and use phrases such as 'false doctrine' and 'doctrine that dishonours God'." (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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