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KAZAKHSTAN: Religious literature fines, prison, destruction

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

Roman Dimmel served a second 3-day prison term for refusing to pay a fine for offering Christian literature. A court fined two fellow Baptists for offering literature and ordered it destroyed, which the Religious Affairs Department will do when the verdict comes into force.

Short-term Baptist prisoner of conscience Roman Dimmel spent three days in prison in Kazakhstan's Karaganda Region in early May for refusing to pay a fine handed down in 2015 for offering Christian literature and sharing his faith, Forum 18 has learned. The village where he was offering religious literature has no place where it can legally be distributed. He has already served an earlier three-day prison term and been banned from leaving Kazakhstan because of the unpaid fine.

In a separate case, two fellow Baptists have been fined in Kostanai Region for offering Christian literature on the streets. A criminal case on charges of inciting religious hatred was dropped. The Christian books, leaflets and discs seized from them have been ordered destroyed. An official of the Regional Religious Affairs Department – which would carry out the destruction – told Forum 18 they would do so if the lower court verdict is confirmed on appeal.

Marat Azilkhanov, the deputy minister in the Culture and Sport Ministry who oversees its Religious Affairs Committee, refused to discuss why individuals are punished for offering religious literature to or sharing their faith with others, and why courts order religious literature destroyed. When on 11 May Forum 18 read to him the section of the Kostanai court decision ordering the destruction of the literature confiscated from the Baptists, he failed to respond.

Azilkhanov also refused to discuss the criminal convictions of 30 Sunni Muslims since December 2014 accused of membership of the banned Tabligh Jamaat movement, 18 of whom were imprisoned. Nor would he discuss the imprisonment of Seventh-day Adventist prisoner of conscience Yklas Kabduakasov. All these cases were initiated by the National Security Committee (KNB) secret police, where Azilkhanov worked from 1992 to 2011 before he joined the then Agency of Religious Affairs (see F18News 22 April 2016 http://www.forum18.org/archive.php?article_id=2170).

"Send us an official request with your questions," Azilkhanov insisted. "I am not authorised to answer by phone." He then put the phone down.

Religious literature destruction

Courts often order seized religious literature destroyed. In November 2015, an Astana court ordered nine Christian books confiscated in searches at the time of Kabduakasov's arrest to be destroyed.

Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law condemned the court order to destroy books seized from Kabduakasov and others in the case. "It is barbarism to destroy books," he told Forum 18 in December 2015. "And it makes the authorities in Kazakhstan - who position themselves as modernising the country - look from the cultural point of view like the Taliban or ISIS."

An Astana-based court bailiff - who has witnessed the destruction of religious books - explained to Forum 18 in November 2015 that bailiffs throw books ordered destroyed – including religious books – into the rubbish bin. "They are normally disposed off at a general rubbish dump outside the city" (see F18News 8 December 2015 http://www.forum18.org/archive.php?article_id=2130).

Kazakhstan imposes tight censorship on all religious literature. The Religious Affairs Committee needs to approve in advance the publication, import and distribution of all religious literature and other materials. Several religious books – including Muslim and Christian publications – have been banned by courts as "extremist".

Fined for offering religious literature

Dimmel – a 53-year-old member of the Council of Churches Baptists – lives in the village of Saken Seifullin (formerly Zharyk) in

Shet District of Karaganda Region. On 28 October 2014, he was detained for offering Christian literature and sharing his faith in the village of Konstantinovka in Taiynsha District of North Kazakhstan Region.

Dimmel was accused of violating Article 375, Part 1 of the then Code of Administrative Offences, which punished "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". The Article has been transferred unchanged into the new Administrative Code as Article 490, Part 1. (The new Code came into force in January 2015.)

An administrative case was opened against Dimmel on 26 January 2015. On 6 February 2015, Judge Nurmakhan Ilyasov of Taiynsha District Court No. 3 found him guilty of distributing religious literature in Konstantinovka without the state authorisation required under Article 9 of the 2011 Religion Law, which says it can be distributed only in state registered places of worship or state-licensed sales points.

"In the village of Konstantinovka in Taiynsha District, such buildings, premises or organisations where, according to the Law, the distribution of religious literature can be approved have not been established," the court decision, seen by Forum 18, notes.

Judge Ilyasov fined Dimmel 50 Monthly Financial Indicators (MFIs), 92,600 Tenge. This was then equivalent to about one month's average wages for those in work. The Judge ruled that the confiscated Christian books and DVDs be handed to the Regional Religious Affairs Department.

"There wasn't a great deal left – maybe they took one copy of each text," Dimmel told Forum 18 from Saken Seifullin on 9 May. "They've not returned them. But that's OK – let them read them."

The court decision notes that Dimmel chose not to attend the hearing because of the "far distance", as he lives in Karaganda Region.

Two 3-day prison terms

Like other Council of Churches Baptists, Dimmel did not pay the fine imposed to punish him for exercising the right to freedom of religion or belief. He sent an appeal to the court to be passed on to North Kazakhstan Regional Court, insisting that his distribution of Christian literature had not been an offence but a "good deed". He also complained that the punishment had been imposed long after the original event. Dimmel received no response to his written submission and no appeal hearing appears to have taken place.

On 1 June 2015, court bailiffs initiated proceedings to have the money seized from him. On 3 August 2015, Judge Erlan Ushbayev of Shet District Court approved the bailiff's request for Dimmel to be banned from leaving Kazakhstan, a ban that remains in force as of 11 May 2016.

"I only found out about the ban in August 2015, when I tried to go to Kyrgyzstan to visit my daughter," Dimmel told Forum 18. "I didn't even know I was on the list."

On 23 November 2015, Judge Ushbayev of Shet District Court found Dimmel guilty of violating Administrative Code Article 669, according to the decision seen by Forum 18. This punishes "failure to fulfil a court decision". The designated fine for individuals under this Article is 10 MFIs.

Judge Ushbayev sentenced him to three days' administrative arrest, which he served in the police detention centre. He did not appeal against the punishment. "I had already served the sentence, so didn't see much point," Dimmel told Forum 18.

On 3 May 2016, a record of a further offence was drawn up against Dimmel under Administrative Code Article 669.

That same afternoon he was brought before Judge Dulat Burabayev of Shet District Court. Because this was the second time Dimmel had been brought to court, a term of imprisonment was deemed appropriate rather than a fine. Prosecutor E. Iskakov demanded five days' imprisonment.

The Judge found Dimmel guilty and sentenced him to three days' administrative arrest, deemed to run from 12 noon on 3 May, according to the court decision seen by Forum 18.

Dimmel told Forum 18 that conditions at the police detention centre were "so to speak excellent". He was in a cell for four, had clean bed linen and good food. He was able to keep his Bible with him as well as magazines, and pray openly.

Dimmel said he would appeal against the latest punishment, even though he has already completed the prison term. He lamented that the original February 2015 remains against him and has not been annulled.

Detained for offering literature

On 10 September 2015, police detained Council of Churches Baptists from Akmola Region for offering Christian literature to passers-by at the market in Arkalyk in neighbouring Kostanai Region.

Officers took Gennadi Zhirov and Yuri Bekker to the police station. Officers questioned them and seized all their Christian literature and discs (apart from their personal Bibles). Sapargali Abdiyev of Kostanai Region Religious Affairs Department drew up records of an "offence". After five hours the two were freed, Baptists told Forum 18 on 13 April. Officers refused to give them a copy of the records, or a copy of the list of confiscated books and discs.

The subsequent court record claims the police received an anonymous phone call to say that "suspicious individuals were distributing religious literature" near the market.

The following day, Zhirov and Bekker, together with fellow church members David Leven and Robert Leven, continued to offer Christian literature to passers-by. At lunchtime, police stopped their car and seized all the Christian literature in it after another alleged anonymous phone call. Abdiyev of the Religious Affairs Department drew up another record of an "offence" against Bekker, with similar records against David Leven and Robert Leven.

All were accused of violating Administrative Code Article 490, Part 1, Point 3. This punishes: "Violating the requirements of the Religion Law for .. import, production, publication and/or distribution of religious literature and other religious materials, and items for religious use". The punishment for individuals is a fine of 50 MFIs.

On 13 September 2015, the Police Investigator commissioned "a judicial psychological/philological expert analysis of the confiscated literature", which cost 26,394 Tenge, according to court documents.

As is often the case, Police also considered bringing charges under Criminal Code Article 174, Part 1, which punishes "incitement of social, national, clan, racial, or religious hatred or antagonism". (This Criminal Code Article was used to punish Seventh-day Adventist Kabduakasov and two of the Sunni Muslim prisoners of conscience.) However, on 10 November 2015 the criminal case was closed.

Fines, literature destruction

In separate hearings on 24 March 2016, Judge Bekzat Karbenova of Arkalyk City Court found both Zhirov and Bekker guilty of violating Administrative Code Article 490, Part 1, Point 3, according to the court decisions seen by Forum 18. She fined each 35 MFIs, 74,235 Tenge. She also ordered that each pay half the cost of the September 2015 "expert" analysis. In addition, she ordered that the confiscated Christian literature being held by the Regional Religious Affairs Department be destroyed.

Neither Zhirov nor Bekker chose to travel to the hearings and the decisions were sent to them afterwards.

Also on 24 March, Judge Karbenova ruled that David Leven had not been involved in the literature distribution as reported to the police. She acquitted him, according to the decision seen by Forum 18.

However, on 11 April Judge Aida Baiturova at the same Court accepted a new case under the same charges against David Leven. On 28 April she dismissed the case against him as unproven. She insisted in her decision, seen by Forum 18, that an anonymous phone call is not proof that an individual has committed an offence.

Appeals by Zhirov and Bekker are due to be heard in separate hearings at Kostanai Regional Court on the morning of 13 May, according to court records.

Bekker and David Leven were among four local Baptists brought to court in April 2014 for "illegal" religious literature distribution. However, they were acquitted as the Judge ruled that the prosecution had been brought too late (see F18News 17 June 2014 http://www.forum18.org/archive.php?article_id=1970).

"If they say to destroy them we will destroy them"

Bekker and Zhirov's "several dozen" books, booklets and discs have not yet been destroyed, Abdiyev of the Religious Affairs Department told Forum 18 from Kostanai on 11 May. He said the court decisions have not yet come into force because of their appeals. "If they say to destroy them we will destroy them," he added. "We will form a commission to destroy them, including all of our staff." He declined to explain whether the books would be burnt, thrown in the rubbish or destroyed in any other way.

Asked what would happen if any staff member refused to participate in religious literature destruction on grounds of conscience, Abdiyev responded: "We don't go against anyone's conscience. These are only materials of an informational nature. It's not the Bible or the Koran. That would be a different situation."

When Forum 18 told him that courts have ordered scriptures to be destroyed, Abdiyev did not respond. But he insisted this was the first court-ordered religious literature destruction in Kostanai Region which has involved his Department. "Maybe there'll be others," he added.

Asked by Forum 18 whether distribution of literature on other themes without state permission incurs punishment and literature destruction, Abdiyev agreed that literature on football or Marxism would not incur punishment. He sounded less sure about literature on philosophy. "It depends on the content," he told Forum 18. "The only thing is that the books should not be about religion." (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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