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KAZAKHSTAN: Fines for offering religious literature

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

After Transport Police found nine Muslim books in an Astana Airport gift shop, a court fined the company and ordered the shop section closed for three months. This is one of 15 cases to punish freedom of religion so far in one court in 2017.

A court in the capital Astana has fined a company running a gift shop at Astana Airport for offering nine Muslim books for sale and ordered the section of the shop closed for three months. The court has considered 14 other administrative cases so far in 2017 to punish exercise of freedom of religion or belief.

Four Baptists in the northern Akmola Region have been fined for offering Christian literature to visitors to cemeteries in two towns on the day the Russian Orthodox commemorate the dead. A state-commissioned analysis of the New Testament and other Christian books the Baptists were offering found that they do not "represent cultural and social significance for Kazakh society" (see below).

A court ruled that the second of two Baptists detained elsewhere in Akmola Region for offering religious literature on the streets should be acquitted, as the case had also not been brought within the specified two-month deadline. In a move that surprised local Baptists attending the hearing, the judge spent 30 minutes reading out appeals that had come in from Baptist churches elsewhere in Kazakhstan and eight other countries (see below).

Complete religious literature censorship

The authorities impose compulsory prior state censorship of all literature and items related to religion and beliefs, and publishing, distributing and importing them requires state permission (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

The import of religious literature for personal use was restricted even more by January 2017 alleged "anti-terrorism" legal changes. Among other things, the changes restrict individuals to importing only one copy of any publication for personal use (see F18News 5 January 2017 http://www.forum18.org/archive.php?article_id=2243).

Kazakhstan's censorship regime also imposes "expert analyses", including to help decide whether an item, text, or webpage should be banned. The process is often closed to public scrutiny and without any grounds of appeal. Among the items subject to such "expert analysis" have been Orthodox icons (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Astana: Fined for selling religious books at airport

The Gifts and Books shop at Astana's International Airport has been fined for offering nine Muslim books for sale. On 24 July, Judge Bauyrzhan Akhmetkaliyev of Astana's Specialised Inter-District Administrative Court found the company which owns the shop, Satti Astana 2011, guilty under Administrative Code Article 490, Part 1, Point 3.

This punishes "Violating the requirements of the Religion Law for .. import, manufacturing, 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 Monthly Financial Indicators (MFIs), while for organisations the fine is 200 MFIs, plus a three-month ban on activities.

A fine of 50 MFIs (currently 113,450 Tenge – 2,700 Norwegian Kroner, 280 Euros or 340 US Dollars) represents about a month's average wage for those in work.

Judge Akhmetkaliyev handed down the prescribed fine for organisations of 200 MFIs, 453,800 Tenge, according to the decision seen by Forum 18. He also banned the business literature section of the Gifts and Books shop – where the nine religious books were found – from functioning for three months. He did not say what should happen to the nine religious books. The shop's representative admitted "guilt" in court and asked that the punishment not be harsh.

A 28 March inspection of the shop by the Airport Transport Police found on sale the nine Muslim books, eight in Russian and one in Kazakh. Several of the books – including "Why Islam for Me", "On Death and Eternity" and "Women and Islam" - were by the Moscow Imam Shamil Alyautdinov. Another was by his brother, Imam Ildar Alyautdinov. An "expert analysis" found that the books were religious, but did not find that any were "extremist".

Despite this, an officer of the Airport Transport Police insisted that the shop had been punished for selling "extremist" Muslim books. "You can sell normal religious books, but these were radical books," the officer – who did not give his name – told Forum 18 from the airport on 3 August. "The Religious Affairs Committee must give its approval for the books."

However, the court decision makes clear that the company was punished not for selling unapproved religious books but for selling religious books without the compulsory state licence required before any shop is legally allowed to sell any religion-related book.

The Airport Transport Police officer added that he and his colleagues inspect any religious book being brought into Kazakhstan. "We have to check them, and give them back if they turn out to be normal," he told Forum 18.

Astana: 14 other cases in 2017

The punishment for selling religious books at the airport was one of 15 cases under Administrative Article 490 heard so far in 2017 by Astana's Specialised Inter-District Administrative Court, Botagoz Bayanova, spokesperson for Astana City Court, told Forum 18 on 2 August.

Akmola Region: Fined for book distribution after criminal case withdrawn

A court in Akmola Region fined two Council of Churches Baptists for talking about their faith and offering religious literature in a shopping centre in the town of Stepnyak. Mikhail Milkin from Shchuchinsk and Aleksandr Ventsel from the village of Astrakhanka had come to Stepnyak on 17 January.

A shop assistant had called the police, Baptists told Forum 18 on 14 July. The court decisions, seen by Forum 18, note that the individual had called Samat Bermagambetov, head of the Internal Policy Department of Enbekshilder District Akimat (Administration). He had then rushed to the shopping centre with his assistant. He also called the police to alert them that "unknown people are distributing religious literature".

Police detained Milkin and Ventsel and searched their car, seizing all the religious books they found there. Police then opened an investigation of the two Baptists under Criminal Code Article 174, Part 1 ("incitement of religious discord").

On 31 January, a "complex judicial psychological/philological and religious studies expert analysis" of the confiscated books was ordered. The analysis, completed on 18 March, said the 23 books and brochures were religious "and adhere to the Protestant teaching in Christianity". Only after receiving this analysis did prosecutors close the criminal case against Milkin and Ventsel and seek to punish them under the Administrative Code.

Cases were prepared under Administrative Code Article 490, Part 1, Point 3. Prosecutors complained that Milkin and Ventsel were distributing the religious books in a place that was not authorised for religious book distribution. Stepnyak does not have such a licensed place where religious books are allowed to be distributed, the court decisions note.

In separate hearings on 27 June, Judge Gulmira Anarbekova of Enbekshilder District Court found Milkin and Ventsel guilty. She fined each of them 50 MFIs, 113,450 Tenge, according to the decisions seen by Forum 18.

The Judge did not say what should happen to the confiscated books. Baptists complained to Forum 18 that the books had not been returned.

Milkin appealed against his punishment, Baptists told Forum 18. In his appeal, he pointed to guarantees in Article 22 of Kazakhstan's Constitution that "everyone has the right to freedom of conscience" and Article 20 that "Everyone has the right freely to receive or distribute information by any means not banned in law".

Milkin noted that in following these Constitutional guarantees, "I shared my convictions with anyone who wanted to listen to me. For this I chose the simplest and most accessible means: relating directly with people."

However, on 24 July, Judge Kayirkeldi Musetov of Akmola Regional Court rejected Milkin's appeal, according to the decision seen by Forum 18.

"I was just carrying out my job," Bermagambetov at the Internal Policy Department insisted to Forum 18 on 2 August. "It's our job to monitor the religious situation." He said the Religion Law bans selling religious literature without approval, but stressed that the Court had decided on the case.

Akmola Region: Same town, new punishments

Three other Council of Churches Baptists from the church in the nearby town of Makinsk, Yury Safronov, Vitaly Yashchenko and Dmitry Isayev, visited Stepnyak on 25 April, the day the Orthodox commemorate the dead and many people visit cemeteries. There they spoke to people about their faith at the cemetery for two hours and offered Christian books, Baptists told Forum 18 on 1 August.

Police soon arrived. They detained the three men and confiscated all the literature they still had (nine books, 17 booklets and 33 magazines). On 16 May Akmola Regional Religious Affairs Department sent the books to the Religious Affairs Committee in Astana for an "expert analysis", which confirmed that they were religious. Cases were prepared against all three under Administrative Code Article 490, Part 1, Point 3.

At hearings at Enbekshilder District Court on 25 and 26 July, the same Judge Anarbekova fined each of them 50 MFIs, 113,450 Tenge, according to the decisions seen by Forum 18. She also ruled that the confiscated literature should be returned to Isayev.

In Isayev's case in court, Galina Bessmertnaya of the Regional Religious Affairs Department justified the restrictions on sharing information by referring to Article 19 of the International Covenant on Civil and Political Rights. This guarantees the right to freedom of expression and notes that exercise of this right "carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals."

The court decision does not explain on which of these grounds Bessmertnaya considered it justifiable to restrict the Baptists' right to offer literature to others.

Safronov, Yashchenko and Isayev "did not admit to any wrongdoing and intend to appeal against the court decisions", local Baptists told Forum 18.

Akmola Region: Fined for offering literature

On 25 April, the day the Orthodox commemorate the dead and many people visit cemeteries, Viktor Leven and several other church members in the Akmola Region town of Esil visited the local cemetery as they have done in recent years. There they sang hymns and offered the New Testament and other Christian literature and discs, Baptists told Forum 18 on 1 August.

Officers of Esil District Criminal Police detained Leven and another church member Andrei Blok and took them to the police station. The two were forced to write statements. Police took one copy of each book and disc to send for "expert analysis" and then released them.

The "expert analysis" was conducted by Galina Novikova and Marlen Muslimov of the Scientific Research and Analytical Centre on Religious Questions of the Religious Affairs Committee under the Religion and Civil Society Ministry.

Novikova and Muslimov found that the books were religious and "of Protestant orientation". "The religious orientation, determined from its content, is not traditional for the Republic of Kazakhstan," the "experts" wrote, "and does not represent cultural and social significance for Kazakh society." They found that the books and discs did not contain "extremism".

A case was prepared against Blok under Administrative Code Article 490, Part 1, Point 3. On 25 July, Judge Kazbek Abishev of Esil District Court fined him 50 MFIs, 113,450 Tenge, according to the decision seen by Forum 18. The Judge ordered the seized literature to be returned to Blok.

Akmola Region: Second literature distribution case dismissed

A court has dismissed the case against the second of two Council of Churches Baptists from the Akmola Region town of Stepnogorsk to punish them for offering Christian literature on the streets of the town. On 29 May, Judge Gulmira Toleubayeva of Stepnogorsk Town Court ruled that Valery Zhigalov was guilty under Administrative Code Article 490, Part 1, according to the decision seen by Forum 18.

However, Judge Toleubayeva said that Zhigalov's "offence" had taken place on 28 January, while the record against him was prepared only on 5 April. This was more than the two-month period allowed in the Administrative Code to bring such cases. She dismissed the case and ordered that the literature seized from him should be returned.

Although the court decision made no mention of it, church members noted that at the start of the hearing Judge Toleubayeva spent 30 minutes reading out appeals in Zhigalov's support from Baptist churches elsewhere in Kazakhstan, as well as in Uzbekistan, Russia, Belarus, Ukraine, Moldova, Germany, the United States and Canada. "This was unexpected for those church members

gathered in the court-room," Baptists told Forum 18 on 13 June.

Police stopped Zhigalov and fellow church member Ruslan Sadvakasov in Stepnogorsk on 28 January. They took them to the police station and confiscated their books. On 17 May, Stepnogorsk Town Court similarly dismissed the case against Sadvakasov as it had been brought beyond the legal deadline (see F18News 22 May 2017 http://www.forum18.org/archive.php?article_id=2281). (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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