

2 February 2021

KAZAKHSTAN: 134 administrative prosecutions in 2020

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In 134 known administrative prosecutions in 2020, 114 individuals (one twice), three charities and one company were punished for worship meetings, offering religious literature and items (including online), sharing or teaching faith, posting religious material online, or praying in mosques. At least 14 fines were imposed in January 2021. Deputy Chair Anuar Khatiyev of the regime's Religious Affairs Committee refused to discuss why individuals should face prosecution and punishment for exercising their right to freedom of religion or belief.

Kazakhstan's authorities are known to have brought at least 134 administrative prosecutions in 2020 to punish 129 individuals (one twice), three charities and one company for their exercise of freedom of religion or belief. Of these, 119 ended with convictions, with 114 individuals (one twice), three charities, and one commercial company being punished. Almost all of the punishments included fines. However, the true number of such administrative cases is likely to be higher.

Administrative prosecutions have continued in 2021, with at least 14 known fines in January (see below).

The 134 known administrative cases in 2020 are a reduction from 2019 in the number of prosecutions. This may be because of the coronavirus pandemic and the consequent halting of public events (including meetings for worship) for much of 2020. This gave the regime fewer opportunities in 2020 for raids and prosecutions of people for exercising their freedom of religion and belief.

In 2019 there were a total of 168 such known prosecutions (https://www.forum18.org/archive.php?article_id=2532), in 2018 a total of 171 such known prosecutions (https://www.forum18.org/archive.php?article_id=2447), and in 2017 a total of 284 known such prosecutions (https://www.forum18.org/archive.php?article_id=2347).

Punishments in 2020 included temporary bans on unspecified activity, verbal reprimands, and fines for among other things selling Bibles, New Testaments, Korans, and religious jewellery online, as well as teaching children to read the Koran without state permission, saying the word Amen in mosques, and posting the sermons of clerics of the state-controlled Muslim Board online. There were also three court orders to destroy religious books (see full list below).

Books ordered destroyed can be either "disposed off at a general rubbish dump" or, as the Justice Ministry has stated, "burnt". Human rights defender Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law, which has with other human rights groups been banned for three months from January 2020, commented that "it is barbarism to destroy books" (see below).

Deputy Chair Anuar Khatiyev of the regime's Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2409) refused absolutely to discuss why individuals should face prosecution and punishment for exercising their right to freedom of religion or belief. "We at the Committee don't initiate such cases," he insisted to Forum 18 (see below).

Muslims, Council of Churches Baptists, Jehovah's Witnesses, a Hare Krishna devotee, and commercial and private sellers were many of the targets of these prosecutions.

Fines were mostly the equivalent of between three weeks' and four months' average wages for those in formal work (35 to 200 Monthly Financial Indicators, MFIs, 97,230 Tenge to 555,600 Tenge from 1 April 2020).

Many of the prosecutions were to punish meetings for worship without state permission. Five Muslims were fined in the western city of Zhanaozen on 24 August 2020 for praying the Id al-Adha morning prayers at a car market. Company employees were fined for allowing staff to use rooms for prayer. One Muslim in the capital Nur-Sultan was fined for leading the "unregistered form of Sufism". Council of Churches Baptists – who refuse to seek state permission to exercise their right to freedom of religion or belief – were fined for holding worship meetings.

Police Departments for the Struggle with Extremism hunt "offenders"

Police Departments for the Struggle with Extremism are recorded in eight court decisions as discovering that individuals have committed an "offence", though they may have been involved in more without this being noted in court decisions. They identified four individuals as offering religious materials for sale in shops, three individuals for posting religious materials online, and two individuals for offering to sell religious material online.

One of the sellers, Natalya Golyashova, offered religious jewellery for sale on the online shopping site Olx.kz. She then received a phone call from a man who wanted to view the items. "The men arrived, turned over the small objects in their hands, then showed their badges as officers of the Department for the Struggle with Extremism," she told the Caravan.kz news website for an 8 January 2021 article. "They said that they were taking everything for expert analysis (https://www.forum18.org/archive.php?article_id=2409)."

Golyashova insisted in her appeal that "I have not harmed anyone, I am not a distributor of such things, moreover this is the first time. I am raising on my own a disabled daughter who needs constant care. Due to the imposed fine, my daughter and I will have a very difficult time. I am not such a bad delinquent to punish my child as well." The appeal court changed the fine and ban on activity to a verbal reprimand.

Senior Lieutenant K. Atymkanov of the Police Department for the Struggle with Extremism had discovered and reported Golyashova for offering the items for sale. His colleagues told Forum 18 on 2 February that he was on leave and that only he could answer questions.

The regime's censorship of religious literature and objects restricts both what can be sold or offered, and where it can be sold or offered (https://www.forum18.org/archive.php?article_id=2409).

Forum 18 asked if Senior Lieutenant Atymkanov had been the only officer in the Department to spend time on hunting individuals offering religious materials for sale on line, and whether the Department regarded such individuals as "extremists". On hearing these questions the duty officer put the phone down.

"Illegal" online sales

At least 29 individuals are known to have been prosecuted in 2020 for offering religious books or materials for sale online, a rise on earlier years (24 in 2019 (https://www.forum18.org/archive.php?article_id=2532), 18 in 2018 (https://www.forum18.org/archive.php?article_id=2447), 10 in 2017 (https://www.forum18.org/archive.php?article_id=2347)). Most were punished for offering such materials for sale on the online shopping site Olx.kz.

Among the items Olx.kz lists on the help section of its website as being illegal to sell are "Religious literature and other informational materials of religious content". The website appears to have added this information in late 2020, after a number of prosecutions that year (https://www.forum18.org/archive.php?article_id=2558).

A 20 September 2018 decision fining Zaur Kerimov for offering icons for sale (https://www.forum18.org/archive.php?article_id=2532) noted that: "By a decree of 4 June 2014, East Kazakhstan Regional Akimat (administration) confirmed the location of the specialised, stationary premises for the distribution of religious literature and other informational materials of religious content, as well as items of religious significance, in which the Olx website is absent."

Court decisions punishing offering religious materials for sale online list the places local authorities allow to sell such religious materials. "Placements of private advertisements on Olx.kz are not included in places specially designated by local executive bodies of regions, cities of republican significance and the capital", the 30 November 2020 decision in the case of Yuliya Leshkova states. Several other court decisions include similar wording.

Forum 18 asked Olx.kz in writing on 31 January 2019 what measures it takes to try to ensure that users of its website do not suffer (https://www.forum18.org/archive.php?article_id=2532) from the regime's censorship of religious literature and objects (https://www.forum18.org/archive.php?article_id=2409), and whether customers have complained to the company over punishments for offering religious items for sale on its platform. Forum 18 had received no response by the end of the working day in Kazakhstan on 2 February 2021.

"We don't aim to fine people," Aibat Tulegenov of West Kazakhstan Region Religious Affairs Department told Inform.kz on 27 October 2020. He added that the Department had written to Olx.kz to explain the law that bans selling religious materials online.

Tulegenov insisted that officials are simply enforcing the law. "The law bans selling religious materials without permission," he told Forum 18 from Oral on 2 February 2021. "I'm a state servant and have to obey the law."

Destroying books, "harassment"

In three cases in 2020, courts ordered seized religious books to be destroyed. In 2019, such court orders to destroy seized religious

literature were more common. They were:

- 29 Muslim books seized from a commercial seller in Kyzylorda (https://www.forum18.org/archive.php?article_id=2488);
- 18 Islamic books seized from another commercial seller also in Kyzylorda;
- two Islamic books a visitor from Kyrgyzstan had in her luggage;
- four Muslim leaflets seized from a Muslim in Aktobe;
- one Kyrgyz-language Islamic book seized from a visitor from Kyrgyzstan;
- and two Christian booklets (one of them co-written by a Russian Orthodox priest) seized from a Protestant in Aktobe.

Books ordered destroyed can be either "disposed off at a general rubbish dump" or, as the Justice Ministry has stated, "burnt" (https://www.forum18.org/archive.php?article_id=2409). Human rights defender Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law commented on this that "it is barbarism to destroy books".

The Bureau for Human Rights and the Rule of Law was along with other human rights groups banned by the regime in January 2020 from operating for three months (<https://www.bureau.kz/en/news/governments-war-on-ngos-claims-more-victims/>).

In 2019, police began using Administrative Code Article 449, Part 1 ("Harassment in public places") to punish with small summary fines individuals sharing their faith. Police issued three such fines in 2019 (https://www.forum18.org/archive.php?article_id=2532), but courts overturned all three on appeal. In 2020, the second year of known such cases related to the exercise of freedom of religion or belief, police in March handed a Jehovah's Witness a summary fine for sharing her faith. The woman chose not to appeal.

Punishments

Fines are the most common punishment, with fines for individuals mostly being between three weeks' and two months' average wages. For pensioners and those without formal work, such fines can be a heavy burden. Individuals who are punished for offering religious materials for sale online often tell the courts that they are desperately short of money and are trying to sell any property they no longer need. This does not stop judges from fining them.

In addition to fines, courts often ban individuals from activity for three months. Sometimes the ban is unspecific, leaving individuals unclear about what they can and cannot do. In other cases courts ban specific activities, for example distributing religious materials (which is in any case illegal without state permission). The hardest-hitting bans are on those running shops, as a three-month ban could leave owners and employees with no income.

Those who refuse or fail to pay fines can be placed on the list of debtors who are banned from leaving the country (https://www.forum18.org/archive.php?article_id=2574). Council of Churches Baptists refuse to pay fines on principle, arguing that they should not be punished for exercising their right to freedom of religion or belief. Many have spent years on the exit ban list. Aleksei Asetov, for example, has been banned from leaving Kazakhstan since 2011 (https://www.forum18.org/archive.php?article_id=2409).

"I have been banned from leaving Kazakhstan since October 2013," Council of Churches Baptist Nikolai Novikov told Forum 18 from Oral on 29 January, less than two weeks after his most recent fine (see below). "They took one of the fines directly from my wages, but I refused to pay the others. We don't consider ourselves guilty, so we don't pay."

Intimidation

In addition to the administrative cases actually brought, police and prosecutors often use the threat of such cases to intimidate individuals who have been exercising their right to freedom of religion or belief.

Between September 2019 and October 2020, Jehovah's Witnesses note that police detained 91 individuals for sharing their faith with others. Although the police did not pursue administrative or criminal charges, 15 of these were threatened with fines and 9 received a "written explanation of the law".

Prosecutions continue in 2021

Prosecutions have continued in 2021, with 14 known cases in January.

1, 2) On 8 January police fined two Council of Churches Baptists Dmitry Isayev and Vladimir Nelepin in Oral (Uralsk) for holding a worship meeting without state permission. The meeting was raided by police.

- 3) On 5 January Boris Levchenko in Oskemen was fined by a court for offering a small metal cross for sale online.
- 4) On 6 January Askhat Kenesbayev in Ekibastuz was fined by a court for offering a copy of the Koran for sale online.
- 5) On 12 January Azat Tursynbayev was fined by a court in Karakiya for saying the word Amen during prayers in mosque.
- 6) On 14 January Sufi Muslim leader Abdulkarim Khasan was fined by a court in Nur-Sultan for alleged preaching without state permission.
- 7) Also on 14 January, Alyona Aidina in Pavlodar was fined by a court for offering a copy of the Koran for sale online.
- 8) On 18 January Council of Churches Baptist Nikolai Novikov was fined by a court in Oral for offering religious literature for free on the streets.
- 9) On 19 January Almaz Dyusenov in Atyrau was fined by a court for posting religious materials online.
- 10) Also on 19 January, Sherba Yuburov was fined by a court in Kordai for teaching Koran to children.
- 11) On 28 January Mukhammed Toleu was fined by a court in Aktobe for leading Muslim prayers without state permission.
- 12) Also on 28 January, Ali Kartbayev was fined by a court in Kyzylkoga for saying the word Amen during prayers in mosque.
- 13) Also on 28 January, Muratbek Tolegenov was fined by a court in Kyzylkoga for saying the word Amen during prayers in mosque.
- 14) Also on 28 January, Iliyas Duisen was fined by a court in Kyzylkoga for saying the word Amen during prayers in mosque.

Known 2020 cases

Known administrative cases for exercising freedom of religion and belief in the 2020 calendar year totalled 134 (in comparison to 168 in 2019 (https://www.forum18.org/archive.php?article_id=2532), 171 in 2018 (https://www.forum18.org/archive.php?article_id=2447) and 284 in 2017 (https://www.forum18.org/archive.php?article_id=2347)). Those targeted in 2020 were:

- 19 individuals for meeting for worship without state permission, hosting such meetings or maintaining places for such meetings (37 in 2019, 40 in 2018, 88 in 2017).
- 4 individuals for offering religious materials to others for free without state permission (15 in 2019, 10 in 2018, 39 in 2017).
- 26 (25 individuals and 1 company) for offering religious literature, icons or other items for sale without state permission (30 in 2019, 34 in 2018, 58 in 2017).
- 29 individuals for offering religious items for sale online without state permission (24 in 2019, 18 in 2018, 10 in 2017).
- 28 individuals for posting religious materials online without state permission (33 in 2019, 23 in 2018, 12 in 2017).
- 1 individual for trying to import religious literature without state permission (4 in 2019, 0 in 2018, 4 in 2017).
- 10 individuals for sharing faith with others without state permission (8 in 2019, 17 in 2018, 31 in 2017).
- 9 Muslims (1 twice) for praying in mosques in ways that the state-controlled Muslim Board has banned, for example by using the word "Amen" (https://www.forum18.org/archive.php?article_id=2409) (9 in 2019, 21 in 2018, 22 in 2017, the first year such punishments were imposed).
- 7 (4 individuals and 3 charities) for teaching their faith to children without state permission (4 in 2019, 3 in 2018, 2 in 2017).

A total of 129 of the 134 known 2020 cases were heard in court, but a warning to a Jehovah's Witness couple was issued by a regional Religious Affairs Department, while three fines (on a Council of Churches Baptist, a Muslim and a Jehovah's Witness) are known to have been summarily handed down by police (the total number could be higher). In 2019, police are known to have issued 20 such summary fines.

Of the 130 administrative cases known to have been brought against individuals in 2020, 85 were against men and 45 against

women. Women represented about half of individuals prosecuted to punish offering religious literature and other items for sale in shops and online.

Three 2020 administrative cases began as criminal cases

Of the 127 known administrative prosecutions against individuals in 2020, at least three began as cases under the Criminal Code. One initial investigation was under Criminal Code Article 174 ("Incitement of social, national, clan, racial, or religious discord, insult to the national honour and dignity or religious feelings of citizens, as well as propaganda of exclusivity, superiority or inferiority of citizens on grounds of their religion, class, national, generic or racial identity, committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, clan, racial, or religious discord"). Kazakh human rights defenders and the UN Human Rights Committee have repeatedly called for this Article to be reworded or abolished (https://www.forum18.org/archive.php?article_id=2532).

Another initial investigation was under Criminal Code Article 313 ("Illegal distribution of material propagandising the cult of brutality and violence"). The Criminal Case Article in the third case is not specified in the administrative case court decision.

Such criminal cases – particularly Article 174 cases – are normally used by the regime to jail prisoners of conscience for exercising their freedom of religion and belief. There are 17 known such current prisoners of conscience (https://www.forum18.org/archive.php?article_id=2532), all Muslim men.

The administrative cases in these three cases were launched when prosecutors decided not to pursue criminal cases.

No individuals are known to have been prosecuted for allowing children to be present or conducting religious rites against the wishes of one parent (1 in 2019, 1 in 2018, 9 in 2017).

No religious communities are known to have been prosecuted for "inadequate" security or security measures for their places of worship, for example not having enough video cameras (2 in 2019, 2 in 2018, 5 in 2017).

No individuals are known to have been prosecuted for failing to pay earlier fines to punish them for exercising the right to freedom of religion or belief without state permission (0 in 2019, 2 in 2018, 2 in 2017).

No foreign citizens are known to have been ordered deported (0 in 2019, 1 in 2018, 2 in 2017).

Still "no problems in the area of freedom of conscience"?

The telephone of the Chair of the Religious Affairs Committee of the Information and Social Development Ministry (https://www.forum18.org/archive.php?article_id=2409) in the capital Nur-Sultan, Yerzhan Nukezhanov, went unanswered each time Forum 18 called on 2 February.

Reached the same day, a Committee Deputy Chair Anuar Khatiyev refused absolutely to discuss why individuals should face prosecution and punishment for exercising their right to freedom of religion or belief. "We at the Committee don't initiate such cases," he insisted to Forum 18. Given a summary of some of the cases Forum 18 has found, he responded: "I would have to find the details." After repeatedly refusing to answer any questions he put the phone down.

The telephones at the Committee department that monitors legal cases punishing the exercise of freedom of religion or belief also went unanswered on 2 February.

In January 2020, Yerzhan Omar, the department's "expert", had refused to give Forum 18 details of the full number of such administrative prosecutions in 2019, saying the information is for "official use only". He also refused to explain why individuals, communities and a company are known to have faced such prosecutions in 2019.

Omar similarly refused to explain why 25 prisoners of conscience were then serving sentences for exercising freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2529). "We have no problems in the area of freedom of conscience," Omar claimed to Forum 18.

Full list of known 2020 administrative prosecutions

The list of known 2020 administrative prosecutions below is based on court decisions and other information known to Forum 18.

- Punishing meetings, rituals held without state permission

Known administrative cases: 19

Known convictions: 18

200 MFI fines (4 months' average wages): 1 fine

100 MFI fines (2 months' average wages): 1 fine

70 MFI fines (6 weeks' average wages): 1 fine

50 MFI fines (1 month's average wage): 10 fines

35 MFI fines (3 weeks' average wages): 3 fines

Written warning (from Religious Affairs Department): 2 warnings

Three-month bans on activity: 5 bans

Muslims: 10

Protestants: 2 (both Council of Churches Baptists)

Jehovah's Witnesses: 2

Company employees: 4

Unknown faith: 1

Administrative Code Article 489, Part 9 punishes "Leadership of an unregistered, halted, or banned religious community or social organisation" with a fine of 100 MFIs.

Administrative Code Article 489, Part 10 punishes "Participation in an unregistered, halted, or banned religious community or social organisation" with a fine of 50 MFIs.

Administrative Code Article 490, Part 1, Point 1 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.

Administrative Code Article 490, Part 1, Point 3 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 MFIs.

Administrative Code Article 490, Part 1, Point 4 punishes: "Violating the requirements of the Religion Law for .. building places of worship (facilities), or changing the usage (altering the functional designation) of buildings (facilities) into ritual buildings (facilities)". The punishment for individuals is a fine of 50 MFIs.

Administrative Code Article 490, Part 3 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 (https://www.forum18.org/archive.php?article_id=2409), 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.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1, 2) 1 January 2020, Jehovah's Witness couple, Kostanai Region Religious Affairs Department, Article 490, Part 1, Point 1, written warning

3) 24 January 2020, Aktoti Abenova, company employee, Aktobe Specialised Administrative Court, Article 490, Part 1, Point 1, allowed room in canteen to be used for Muslim worship without state permission (two instances), 200 MFI combined fine

4) 25 February 2020, Nesipkul Uteshova, unknown faith, Turkistan Specialised Administrative Court, Article 490, Part 1, Point 4, used house for worship without state permission, 50 MFI fine plus three-month ban on place of worship

- 5) 13 March 2020, Daulet Anarbayev, Muslim, Kazygurt District Court, Article 490, Part 1, Point 1, led prayer in village mosque without state or state-controlled Muslim Board permission, 35 MFI fine plus three-month ban on religious meetings
- 6) 29 March 2020, Dmitry Yantsen, Council of Churches Baptist, Temirtau Police, Article 489, Part 9, leading religious community without state permission to exist, 100 MFI fine
- 7) 31 March 2020, Ranokhon Kamolova, Muslim, Sairam District Court, Article 490, Part 1, Point 1, without state permission ran Muslim prayer room in village home, 50 MFI fine plus three-month ban on prayer room
- 8) 20 April 2020, Isak Neiman, Council of Churches Baptist, Pavlodar Specialised Administrative Court, Article 489, Part 9, leading religious community without state permission to exist, 70 MFI fine
- 9) 24 April 2020, Erbol Zhaksymbetov, company employee, Shalkar District Court, Article 490, Part 1, Point 1, allowed employees to without state permission use container as Muslim prayer room, 35 MFI fine
- 10) 13 May 2020, Zhanna Suyeuova, company employee, Aktau Specialised Administrative Court, Article 490, Part 1, Point 1, allowed room in garage to be used for meetings for worship without state permission, 35 MFI fine
- 11) 15 May 2020, Gulnar Kurmangaliyeva, company employee, Aktobe Specialised Administrative Court, Article 490, Part 1, Point 1, allowed room in shopping centre to be used for meetings for worship without state permission, 50 MFI fine plus three-month ban on prayer room
- 12) 27 May 2020, Kenzhebek Zhumabekov, Muslim, Aktobe Specialised Administrative Court, Article 490, Part 1, Point 1, accused of holding meetings and prayers without state permission, acquitted
- 13) 10 June 2020, Irisbibi Ergashov, Muslim, Sairam District Court, Article 490, Part 1, Point 1, without state permission ran Muslim prayer room in his home in a village, 50 MFI fine plus three-month ban on prayer room
- 14) 24 August 2020, Arsylyan Azhibayev, Muslim, Zhanaozen Specialised Administrative Court, Article 490, Part 1, Point 1, prayed Id al-Adha morning prayers without state permission at car market, 50 MFI fine
- 15) 24 August 2020, Aibek Kalmurat, Muslim, Zhanaozen Specialised Administrative Court, Article 490, Part 1, Point 1, prayed Id al-Adha morning prayers without state permission at car market, 50 MFI fine
- 16) 24 August 2020, Berik Tumanchayev, Muslim, Zhanaozen Specialised Administrative Court, Article 490, Part 1, Point 1, prayed Id al-Adha morning prayers without state permission at car market, 50 MFI fine
- 17) 24 August 2020, Asylanbek Ulykpanov, Muslim, Zhanaozen Specialised Administrative Court, Article 490, Part 1, Point 1, prayed Id al-Adha morning prayers at car market, 50 MFI fine
- 18) 24 August 2020, Musabek Zhumaniyazov, Muslim, Zhanaozen Specialised Administrative Court, Article 490, Part 1, Point 1, prayed Id al-Adha morning prayers without state permission at car market, 50 MFI fine
- 19) 13 October 2020, Abdulkarim Khasan, Muslim, Nur-Sultan Police, Article 489, Part 9, leading "unregistered form of Sufism" without state permission, 50 MFI fine

- Punishing offering free religious materials without state permission

Known administrative cases: 4

Known convictions: 4

50 MFI fines (1 month's average wage): 2 fines

35 MFI fines (3 weeks' average wages): 2 fines

Three-month bans on activity: 1 ban

Literature destruction orders: 1 order

Protestants: 2 (both Council of Churches Baptists)

Muslims: 1

Unknown faith: 1

Administrative Code Article 490, Part 1, Point 3 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 MFIs.

Article 490, Part 3 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.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 17 February 2020, Birzhan Arynbayev, Muslim, Kostanai Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission lending two Islamic books requested by acquaintance (Muslim Board imam confirmed the books were Islamic), 35 MFI fine

2) 2 March 2020, Nadezhda Smirnova, Council of Churches Baptist, Akkuly District Court, Article 490, Part 1, Point 3, without state permission offering Christian literature in village streets, 50 MFI fine plus three-month ban on activity plus destruction of 196 books and leaflets (three-month ban cancelled on appeal, books later sent for "expert" analysis)

3) 2 March 2020, Oleg Stepanenko, Council of Churches Baptist, Akkuly District Court, Article 490, Part 1, Point 3, without state permission offering Christian literature in village streets, 50 MFI fine plus destruction of 196 books and leaflets (books later sent for "expert" analysis)

4) 14 December 2020, Younghan Lee (South Korean), unknown faith, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering one religious booklet on the street, 35 MFI fine plus three-month ban on activity

- Punishing offering religious literature, items for sale, without state permission

Known administrative cases: 26

Known convictions: 22

Initial criminal cases: 1 case

200 MFI fines (4 months' average wages): 1 fine

140 MFI fine (3 months' average wages): 1 fine

50 MFI fines (1 month's average wage): 4 fines

35 MFI fines (3 weeks' average wages): 16 fines

Three-month bans on activity: 14 bans

Commercial traders: 24

Companies: 1

Hare Krishna devotee: 1

Administrative Code Article 490, Part 1, Point 3 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 MFIs, and for legal entities 200 MFIs.

Administrative Code Article 490, Part 3 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 (https://www.forum18.org/archive.php?article_id=2409), 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.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

- 1) 28 January 2020, Raimzhan Koshkarov, commercial trader, Turkistan Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature for sale in shop, 50 MFI fine plus three-month ban on activity
- 2) 19 February 2020, Sadulla Yuldashev, commercial trader, Zhanaozen Administrative Court, Article 490, Part 1, Point 3, offering religious literature for sale in shop, 35 MFI fine plus three-month ban on distributing religious materials
- 3) 18 March 2020, Moldir Umiraliyeva, commercial trader, Taraz City Court, Article 490, Part 1, Point 3, offering five Korans for sale in shop, 50 MFI fine (reduced to 35 MFI fine on appeal)
- 4) 19 March 2020, Nagashbek Durmanov, commercial trader, Shieli District Court, Article 490, Part 1, Point 3, offering books on the Koran for sale in shop, 35 MFI fine
- 5) 13 May 2020, Shukhrat Seitbakiyev, commercial trader, Panfilov District Court, Article 490, Part 1, Point 3, offering 56 religious books for sale in shop, 50 MFI fine plus three-month ban on activity
- 6) 15 May 2020, Erzhan Nurmanov, commercial trader, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, Police Department for the Struggle with Extremism found him offering three books on Islam, a prayer mat and prayer beads for sale in shop, acquitted because case brought too late
- 7) 19 May 2020, Karlygash Kuanysh, commercial trader, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, Police Department for the Struggle with Extremism found him offering prayer mats, skull caps and other items for sale in shop, acquitted because case brought too late
- 8) 25 May 2020, Aruzhan Omirbai, commercial trader, Kyzylorda Specialised Administrative Court, Article 490, Part 8 (had been fined in 2019 (https://www.forum18.org/archive.php?article_id=2488)), Police found her offering religious items for sale in kiosk near mosque, acquitted because case brought too late
- 9) 8 June 2020, Aigerim Musabayeva, commercial trader, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious items for sale in shop, 35 MFI fine plus three-month ban on activity
- 10) 17 June 2020, Akzharkyn Kambarova, commercial trader, Karasai Specialised Administrative Court, Article 490, Part 1, Point 3 (after criminal investigation closed), offering one Koran for sale in shop, 35 MFI fine plus three-month ban on activity
- 11) 16 July 2020, Empire of Gifts, company, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Arabic-language Koran for sale in hotel shop after Police Department for the Struggle with Extremism received a tipoff ("expert" analysis found the Koran to be a religious book), 140 MFI fine plus three-month ban on hotel shop
- 12) 21 July 2020, Arystanbab Sabyrbayev, commercial trader, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature and items for sale in shop, acquitted
- 13) 10 September 2020, Nurbek Allambergenov, commercial trader, Taraz Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Arabic-language Koran for sale at perfume kiosk in market, 35 MFI fine
- 14) 25 September 2020, Zhalel Battalov, commercial trader, Balkhash Specialised Administrative Court, Article 490, Part 1, Point 3, offering for sale at shop one Koran and one "Fortress of a Muslim" (Religious Affairs Committee "expert" analysis found them not extremist), 200 MFI fine plus three-month ban on activity
- 15) 12 October 2020, Nikolai Zimin, Hare Krishna devotee, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, selling two Hare Krishna books at Hare Krishna community office, 50 MFI fine plus three-month ban on activity plus police officer to decide what to do with two seized books (decision reissued on appeal only with 50 MFI fine)
- 16) 12 October 2020, Tolkyin Bitabarova, commercial trader, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale, 35 MFI fine
- 17) 20 October 2020, Aidar Baigelov, commercial trader, Taraz Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale (he claimed the books in the back room of the shop were for personal use), 50 MFI fine plus three-month ban on activity
- 18) 28 October 2020, Erbol Isabekov, commercial trader, Balkhash Specialised Administrative Court, Article 490, Part 1, Point 3,

offering religious books for sale in shop, 35 MFI fine plus three-month ban on activity

19) 2 November 2020, Dilyara Daukenova, commercial trader, Oral Specialised Administrative Court, Article 490, Part 1, Point 3, offering for sale in shop eight religious books ordered from Russia, 35 MFI fine

20) 11 November 2020, Ukish Shaikenova, commercial trader, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, offering 26 religious books for sale in shop, 35 MFI fine plus three-month ban on distributing religious materials

21) 12 November 2020, Islam Abdygalyev, commercial trader, Aktau Specialised Administrative Court, Article 490, Part 1, Point 3, offering for sale in shop one Russian-language book "Koran: Translation of meanings and commentary" by Elmira Kuliyeva, 35 MFI fine

22) 17 November 2020, Madina Karashayeva, commercial trader, Zhanaozen Specialised Administrative Court, Article 490, Part 1, Point 3, offering for sale in shop five religious books, 35 MFI fine plus three-month ban on distributing religious materials

23) 26 November 2020, Bayan Mendikulova, commercial trader, Zhanaozen Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious books and materials for sale in shop, 35 MFI fine

24) 15 December 2020, Abdullo Mukhiddinov, commercial trader, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, offering two religious books for sale in shop, 35 MFI fine plus three-month ban on activity

25) 24 December 2020, Faryza Rysbayeva, commercial trader, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, Police Department for the Struggle with Extremism found through a WhatsApp announcement that she was offering Islamic book for sale in shop, 35 MFI fine plus three-month ban on activity

26) 24 December 2020, Meruert Ergeshbayeva, commercial trader, Zhanaozen Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Koran for sale in shop, 35 MFI fine plus three-month ban on activity

- Punishing offering religious literature, items for sale online

Known administrative cases: 29

Known convictions: 28

50 MFI fines (1 month's average wage): 4 fines

35 MFI fines (3 weeks' average wages): 21 fines

Verbal reprimands: 3 reprimands

Three-month bans on activity: 9 bans

Private sellers: 29

Administrative Code Article 490, Part 1, Point 3 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 MFIs.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 6 February 2020, Yelena Yaragina, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering for sale online one Children's Bible ("expert" analysis found it to be religious), 35 MFI fine

2) 27 February 2020, Vyacheslav Safronov, seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering for sale online three New Testaments and one Orthodox prayer book ("expert" analysis found them to be religious), 35 MFI fine

3) 11 March 2020, Natalya Nurzhanova, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering for sale online two Bibles ("expert" analysis found them to be religious), 35 MFI fine

4) 11 March 2020, Anastasiya Litvinova, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering for sale online one Bible ("expert" analysis found it to be religious), 50 MFI fine plus three-month ban on

activity

- 5) 19 March 2020, Svetlana Medvedeva, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering for sale online one Bible ("expert" analysis found it to be religious), 35 MFI fine
- 6) 20 March 2020, Altynai Kulmukhanbetova, seller, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering one Koran for sale online, 35 MFI fine plus three-month ban on activity
- 7) 17 April 2020, Aisara Bekeshova, seller, Zhiloi District Court, Article 490, Part 1, Point 3, without state permission offering two religious books for sale online, acquitted
- 8) 16 July 2020, Marat Islambekov, seller, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering for sale online one Islamic book ("He and she" by Moscow imam Shamil Alyautdinov) after Police Department for the Struggle with Extremism received a tipoff and "expert" analysis found the book to be religious, 35 MFI fine
- 9) 7 August 2020, Kuralai Balgazina, seller, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering one Islamic book for sale online, 35 MFI fine plus three-month ban on activity
- 10) 7 August 2020, Ultugan Zharmakhan, seller, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering for sale online one Islamic book ("expert" analysis found it to be religious), 35 MFI fine plus three-month ban on activity
- 11) 11 August 2020, Karlygash Svanbayeva, seller, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering one book on the life of the Muslim Prophet Mohammed for sale online, acquitted, but given verbal reprimand
- 12) 12 August 2020, Aida Boribayeva, seller, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering two Islamic books (Hadith collections) for sale online, 35 MFI fine
- 13) 17 August 2020, Dmitry Bogachev, seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering for sale online one silver cross which Religious Affairs Committee "expert analysis" deemed to be a religious object, 35 MFI fine
- 14) 19 August 2020, Azamat Bersembayev, seller, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering for sale online one copy of "Holy Koran: Meanings" by Moscow imam Shamil Alyautdinov (though withdrew book from sale after site administrator told him religious literature is banned from sale), freed from punishment for "insignificant offence", case closed with verbal reprimand
- 15) 17 September 2020, Vadim Balashov, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering Gospels and Orthodox prayerbook for sale online, 35 MFI fine plus three-month ban on distributing religious literature or materials
- 16) 23 September 2020, Bauyrzhan Kisykov, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering two copies of "Verses from the Holy Koran" for sale online, 35 MFI fine plus three-month ban on activity
- 17) 30 September 2020, Mikhail Kurilo, seller, Taiynsha District Court, Article 490, Part 1, Point 3, without state permission offering for sale online one copy of "The Volga Songbook" (German-language Lutheran collection of prayers and hymns), 50 MFI fine plus three-month ban on distributing religious literature
- 18) 3 November 2020, Nurbol Esensariyev, seller, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering Gospels and Orthodox prayerbook for sale online, 35 MFI fine
- 19) 6 November 2020, Madi Krykbayev, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, without state permission offering for sale online one Koran ("expert" analysis found the Koran to be religious), 35 MFI fine
- 20) 10 November 2020, Yelena Abaga, seller, Oral Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering Bible and New Testament for sale online, 35 MFI fine
- 21) 19 November 2020, Arman Tukeshov, seller, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering Bible and New Testament for sale online, 35 MFI fine plus three-month ban on activity
- 22) 24 November 2020, Nurdaulet Omirbak, seller, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering two Russian-language Korans for sale online, 35 MFI fine

23) 30 November 2020, Yuliya Leshkova, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering two Bibles for sale online, 50 MFI fine plus three-month ban on activity

24) 30 November 2020, Larisa Savkina, seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering for sale online one New Testament ("expert" analysis found it to be religious), 35 MFI fine

25) 2 December 2020, Kanslu Kenzhigaliyeva, seller, Ekibastuz Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering for sale online Russian-language book on the Koran, 35 MFI fine

26) 3 December 2020, Valentina Volkova, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering for sale online two Muslim books ("expert" analysis found them to be religious), 50 MFI fine

27) 14 December 2020, Natalya Golyashova, seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, police Department for the Struggle with Extremism found her without state permission offering one ring with Arabic inscription and two small crosses for sale online ("expert" analysis found ring non-religious, and crosses religious but not illegal for use and distribution in Kazakhstan), 35 MFI fine plus three-month ban on activity, fine and ban cancelled on appeal and replaced with verbal reprimand

28) 25 December 2020, Sayat Kumarbekov, seller, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering one Koran for sale online, 35 MFI fine

29) 28 December 2020, Abai Demeuov, seller, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission offering four-volume Koran for sale online, 35 MFI fine

- Punishing posting religious materials online without state permission

Known administrative cases: 28

Known convictions: 27

Initial criminal cases (Article 174): 1 case

100 MFI fines (2 months' average wages): 1 fine

70 MFI fines (6 weeks' average wages): 4 fines

50 MFI fines (1 month's average wage): 9 fines

35 MFI fines (3 weeks' average wages): 13 fines

Three-month bans on activity: 14 bans

Muslims: 23

Unknown faith: 3

Hare Krishna devotee: 1

Seller: 1

Administrative Code Article 490, Part 1, Point 3 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 MFIs.

Administrative Code Article 490, Part 3 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.

Administrative Code Article 490, Part 8 punishes repeat violations of the Religion Law within one year, with fines on individuals of 200 MFIs.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

- 1) 6 January 2020, Dametkan Kultayeva, Muslim, Aktobe Specialised Administrative Court, Article 490, Part 3, without state permission posting her sermons on her YouTube page, 100 MFI fine
- 2) 4 March 2020, Sergei Snitsarenko, Muslim, Kostanai Specialised Administrative Court, Article 490, Part 1, Point 3 (began as a case under Criminal Code Article 174, Part 1), without state permission posting sermons and texts on a Telegram channel with 10 members, 50 MFI fine
- 3) 13 April 2020, Yevgeni Yafarov, unknown faith, Mamlyut District Court, Article 490, Part 1, Point 3, without state permission posting religious material on his VKontakte page, 50 MFI fine plus three-month ban on distributing religious materials
- 4) 16 April 2020, Asan Chuyunchalin, Muslim, Kordai District Court, Article 490, Part 1, Point 3, without state permission posting sermons by Muslim Board preacher Ersin Amire and others on his VKontakte page, 35 MFI fine plus three-month ban on activity
- 5) 19 May 2020, Kairat Zhumanov (Russian citizen), Muslim, Kostanai Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission posting religious materials on WhatsApp groups (began as a case under Criminal Code Article 313), 35 MFI fine
- 6) 27 May 2020, Sairan Abdulgaliyev, Muslim, Karkarali District Court, Article 490, Part 1, Point 3, without state permission posting religious material on his VKontakte page, 35 MFI fine
- 7) 28 May 2020, Nurlan Tasbulatov, Muslim, Nur-Sultan Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission posting sermons on his VKontakte page, 35 MFI fine
- 8) 4 June 2020, Ergali Kopeyev, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, police Department for the Struggle with Extremism found him answering without state permission questions on religion on his wide-ranging YouTube video channel, 50 MFI fine plus three-month ban on distributing religious materials (later allowed to pay in instalments because of low income)
- 9) 10 June 2020, Nurzhan Zhalgasbayev, unknown faith, Shymkent Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission posting religious recordings on his VKontakte page, 50 MFI fine plus three-month ban on activity
- 10) 13 July 2020, Kanat Murzhakupov, Muslim, Kostanai Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission sharing religious material on WhatsApp, 35 MFI fine
- 11) 12 August 2020, Aibope Zhumabek, seller, Saran City Court, Article 490, Part 3, NSC secret police found her without state permission posting images of "Muslim clothing" on her Instagram account, 70 MFI fine
- 12) 21 August 2020, Berik Beisenov, Muslim, Tolebi District Court, Article 490, Part 1, Point 3, posting religious material without state permission on his VKontakte page, 50 MFI fine plus three-month ban on activity
- 13) 2 September 2020, Zhanbolat Kuashov, Muslim, Tolebi District Court, Article 490, Part 1, Point 3, without state permission posting sermons by Muslim preachers on his VKontakte page, 50 MFI fine plus three-month ban on activity
- 14) 1 October 2020, Siyarban Makhanbetov, Muslim, Sairam District Court, Article 490, Part 3, without state permission posting sermons by Muslim preacher on his VKontakte page, 70 MFI fine
- 15) 13 October 2020, Sultan Almabayev, Muslim, Kentau City Court, Article 490, Part 1, Point 3, without state permission posting sermons by Muslim preachers on his VKontakte page, 50 MFI fine
- 16) 15 October 2020, Nurlan Sarmalayev, Muslim, Makat District Court, Article 490, Part 1, Point 3, without state permission posting sermons by clerics of the state-controlled Muslim Board on his VKontakte page, 35 MFI fine plus three-month ban on activity
- 17) 16 October 2020, Ruslan Tsibin, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission posting sermons on his VKontakte page, 35 MFI fine plus three-month ban on distributing religious materials
- 18) 26 October 2020, Ayan Abayev, Muslim, Makat District Court, Article 490, Part 1, Point 3, without state permission posting sermons by clerics of the state-controlled Muslim Board on his VKontakte page, 35 MFI fine plus three-month ban on activity
- 19) 26 October 2020, Batyrbek Kusainov, Muslim, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission posting religious materials on his VKontakte page, 35 MFI fine plus three-month ban on activity

20) 10 November 2020, Arman Dauletov, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, posting Islamic sermons on his VKontakte page, 35 MFI fine plus three-month ban on activity

21) 11 November 2020, Maksat Cheldybayev, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, police Department for the Struggle with Extremism found him without state permission posting Arabic-language Islamic messages to his WhatsApp Status, 35 MFI fine plus three-month ban on distributing religious materials, fine cancelled on appeal because case lodged too late

22) 12 November 2020, Batyrhan Murzatov, Muslim, Satpayev City Court, Article 490, Part 3, without state permission posting religious materials on his VKontakte page, 70 MFI fine

23) 17 November 2020, Abilai Tolesh, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission posting religious materials on his Instagram account, 35 MFI fine plus three-month ban on activity

24) 17 November 2020, Ablaihan Kunanbayev, unknown faith, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission posting religious materials on Telegram channel, 35 MFI fine

25) 2 December 2020, Zhasulan Esnazarov, Muslim, Satpayev City Court, Article 490, Part 3, without state permission posting religious material on his Instagram account, 70 MFI fine

26) 9 December 2020, Amangeldi Osipov, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, police Department for the Struggle with Extremism found him without state permission posting Islamic recordings on his VKontakte page, 50 MFI fine

27) 11 December 2020, Laura Zakarina, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission posting Koranic verses and other religious material on her Facebook account, 50 MFI fine plus three-month ban on activity

28) 20 December 2020, Murzakhon Erkanov, Hare Krishna, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, without state permission posting Hare Krishna materials on his VKontakte page, 35 MFI fine plus three-month ban on activity (appeal court sent case for further "expert" analysis)

- Punishing trying to import religious literature without state permission

Known administrative cases: 1

Known convictions: 1

50 MFI fines (1 month's average wage): 1 fine

Literature destruction orders: 1 order

Muslims: 1

Administrative Code Article 490, Part 1, Point 3 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 MFIs.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 6 February 2020, Bakhtiyar Saitkomolov (Kyrgyz citizen), Muslim, Zhambyl District Court, Article 490, Part 1, Point 3, had one Kyrgyz-language Muslim book in car when crossed border from Kyrgyzstan, 50 MFI fine plus destruction of book

- Punishing sharing faith without state permission

Known administrative cases: 10

Known convictions: 2

100 MFI fines (2 months' average wages): 1 fine

3.5 MFI fines (2 days' average wages): 1 fine

Jehovah's Witnesses: 10

Administrative Code Article 449, Part 1 punishes: "Harassment in public places". The punishment is a warning or a fine of 5 MFIs.

Administrative Code Article 490, Part 3 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.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

1) 5 March 2020, female Jehovah's Witness, Al-Farabi District Police, Shymkent, Article 449, Part 1, sharing faith without state permission, 2.5 MFI fine

2) 8 April 2020, Mausym Karamanova, Jehovah's Witness, Zhiloi District Court, Article 490, Part 3, sharing faith without state permission, acquitted

3) 9 April 2020, Aigerim Tileuzhanova, Jehovah's Witness, Zhiloi District Court, Article 490, Part 3, sharing faith without state permission, acquitted

4) 27 April 2020, Zhusipkozha Rakhimov, Jehovah's Witness, Zhezkazgan City Court, Article 490, Part 1, Point 3, sharing faith without state permission, acquitted

5) 27 April 2020, Zhenis Sunakbai, Jehovah's Witness, Zhezkazgan City Court, Article 490, Part 1, Point 3, sharing faith without state permission, acquitted

6) 11 June 2020, Zhanat Yusupova, Jehovah's Witness, Nur-Sultan Specialised Administrative Court, Article 490, Part 3, sharing faith, 70 MFI fine, case overturned on appeal

7) 16 June 2020, Gulnara Sugurbayeva, Jehovah's Witness, Nur-Sultan Specialised Administrative Court, Article 490, Part 3, sharing faith without state permission, 70 MFI fine, case overturned on appeal

8) 17 June 2020, Sveta Ishmukhanova, Jehovah's Witness, Nur-Sultan Specialised Administrative Court, Article 490, Part 3, sharing faith without state permission, 70 MFI fine, case overturned on appeal

9) 18 June 2020, Munira Shanazarova, Jehovah's Witness, Nur-Sultan Specialised Administrative Court, Article 490, Part 3, sharing faith without state permission, acquitted because case submitted too late

10) 21 October 2020, Sergei Tkachenko, Jehovah's Witness, Aktobe Specialised Administrative Court, Article 490, Part 3, sharing faith without state permission, 100 MFI fine

- Punishing violating mosques' internal rules

Known administrative cases: 10

Known convictions: 10

50 MFI fines (1 month's average wage): 4 fines

35 MFI fines (3 weeks' average wages): 6 fines

Muslims: 9 (1 twice)

Administrative Code Article 490, Part 2 punishes: "Impeding lawful religious activity as well as violation of the civil rights of physical persons on grounds of their religious views or insulting their feelings or profanation of items, buildings and places revered by followers of any religion, unless there are signs of criminally punishable actions". The regime regards saying the word "Amen" in mosques (used as a prayer by Sunni Hanbali Muslims) (https://www.forum18.org/archive.php?article_id=2409) as one instance of this "offence". The punishment for individuals is 50 MFIs, and for legal entities 200 MFIs.

Administrative Code Article 490, Part 8 punishes repeat violations of the Religion Law within one year, with fines on individuals of 200 MFIs.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

- 1) 30 January 2020, Shokan Alishev, Muslim, Almaty Specialised Administrative Court, Article 490, Part 2, saying Amen in mosque, 50 MFI fine
- 2) 30 January 2020, Adilet Isayev, Muslim, Almaty Specialised Administrative Court, Article 490, Part 2, saying Amen in mosque, 50 MFI fine
- 3) 3 February 2020, Madi Nurlanuly, Muslim, Almaty Specialised Administrative Court, Article 490, Part 2, saying Amen in mosque, 50 MFI fine
- 4) 6 February 2020, Nurzhan Toiganbayev, Muslim, Almaty Specialised Administrative Court, Article 490, Part 2, saying Amen in mosque, 50 MFI fine
- 5) 3 March 2020, Muratbek Dosanov, Muslim, Mugalzhар District Court, Article 490, Part 2, saying Amen in mosque, 35 MFI fine
- 6) 3 March 2020, Bekbolat Dosanov (younger brother of Muratbek), Muslim, Mugalzhар District Court, Article 490, Part 2, saying Amen in mosque, 35 MFI fine
- 7) 3 March 2020, Maksat Isatayev, Muslim, Mugalzhар District Court, Article 490, Part 2, saying Amen in mosque, 35 MFI fine
- 8) 3 March 2020, Samat Muratov, Muslim, Mugalzhар District Court, Article 490, Part 2, saying Amen in mosque, 35 MFI fine
- 9) 30 March 2020, Nurbol Suyundikov, Muslim, Shalkar District Court, Article 490, Part 2, saying Amen in mosque, 35 MFI fine
- 10) 10 December 2020, Maksat Isatayev, Muslim, Mugalzhар District Court No. 2, Article 490, Part 2, saying Amen in mosque, 35 MFI fine

- Punishing religious teaching of children without state permission

Known administrative cases: 7

Known convictions: 7

200 MFI fines (4 months' average wages): 3 fines

100 MFI fines (2 months' average wages): 4 fines

Three-month bans on activity: 3 bans

Muslims: 4

Charities: 3

Administrative Code Article 490, Part 3 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.

The list below gives the date of initial decision by lower court or police, name of defendant, affiliation, court or police issuing decision, Administrative Code article, reason for prosecution, and outcome.

- 1) 27 August 2020, Abdumalik Chiakhunov, Muslim, Kordai District Court, Article 490, Part 3, teaching children to read Koran without state permission, 100 MFI fine
- 2) 13 October 2020, Nikhar Usyrov, Muslim, Kordai District Court, Article 490, Part 3, teaching children to read Koran without state permission, 100 MFI fine
- 3) 22 October 2020, Shisyr Ur, Muslim, Kordai District Court, Article 490, Part 3, teaching children to read Koran without state permission, 100 MFI fine

4) 4 November 2020, Almagul Ana, charity, Shymkent Specialised Administrative Court, Article 490, Part 1, Point 1, teaching children to read Koran, 200 MFI fine plus three-month ban on activity

5) 4 November 2020, Kamar, charity, Shymkent Specialised Administrative Court, Article 490, Part 1, Point 1, teaching children to read Koran without state permission, 200 MFI fine plus three-month ban on activity

6) 4 November 2020, Tassai, charity, Shymkent Specialised Administrative Court, Article 490, Part 1, Point 1, teaching children to read Koran without state permission, 200 MFI fine plus three-month ban on activity

7) 5 November 2020, Sherbane Geisyrov, Muslim, Kordai District Court, Article 490, Part 3, teaching children to read Koran without state permission, 100 MFI fine

(END)

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

For more background, see Forum 18's Kazakhstan religious freedom survey (https://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
(https://www.forum18.org/archive.php?article_id=1351)

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