

2 February 2022

KAZAKHSTAN: 130 administrative prosecutions in 2021

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

In 130 known administrative prosecutions in 2021, 113 individuals (one twice), two charities, two schools 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. Beimbet Manetov of the regime's Religious Affairs Committee insisted that individuals had to be fined if they break the law. Asked why courts punish individuals for exercising freedom of religion or belief, he responded: "I can't comment on court decisions." He said amendments his Committee has prepared to reduce these administrative punishments are now with the Justice Ministry, but refused to say why these punishments should not be abolished.

Kazakhstan's authorities are known to have brought at least 130 administrative prosecutions in 2021 to punish 124 individuals (one twice), two charities, two schools and one company for their exercise of freedom of religion or belief. Of these, 119 ended with convictions, with 113 individuals (one twice), two charities, two schools and one 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 2022, with three of four known cases already leading to fines in January (see below).

The 130 known administrative cases in 2021 are a slight reduction from 2020 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 2021. This gave the regime fewer opportunities in 2021 for raids and prosecutions of people for exercising their freedom of religion and belief.

The 130 known administrative prosecutions for exercising freedom of religion and belief in the 2021 calendar year compare with:

- 134 in 2020 (https://www.forum18.org/archive.php?article_id=2634);
- 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).

Beimbet Manetov, head of the Department of Law Enforcement Practice in the Field of Religious Activities at the regime's Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2409) insisted to Forum 18 that individuals had to be fined if they break the law. Asked why courts punish individuals for exercising freedom of religion or belief, he responded: "I can't comment on court decisions."

However, Manetov claimed that there had been a "significant fall" in the number such administrative cases compared to earlier years. "We concentrate more on warnings and explaining the law." He disputed Forum 18's figure of 129 administrative cases brought in 2021 to punish the exercise of freedom of religion or belief, but has failed to respond to a request to send full statistics (see below).

Manetov added that his Committee has completed draft amendments to Administrative Code Article 490 ("Violating the Religion Law") (https://www.forum18.org/archive.php?article_id=2753) which are now with the Justice Ministry. These would introduce a warning for a first "offence", with fines only for further "offences". They would also halve the level of the fines. Asked why Article 490 was not being completely abolished, he declined to say. "These are very good amendments and a liberalisation which all support," he claimed (see below).

Punishments in 2021 included temporary bans on unspecified activity, verbal reprimands, and fines for among other things selling Bibles, Korans, and icons 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 was also one court order to destroy print-outs of religious texts (see full list 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, 102,095 Tenge to 583,400 Tenge in the 2021 calendar year).

Many of the prosecutions were to punish meetings for worship without state permission. In October 2021, a court in the western city of Aktau fined three Muslims who had prayed the namaz with others at their place of work on 10 August 2021, the festival of al-Hijra, the Islamic New Year.

Council of Churches Baptists – who refuse to seek state permission to exercise their right to freedom of religion or belief – were similarly fined for holding worship meetings. Baptist Nikolai Novikov, whose church's Christmas service on 8 January 2021 was raided by police (https://www.forum18.org/archive.php?article_id=2685), leading to two fines, told Forum 18 on 2 February 2022 that "it has been quieter in recent months", with almost no raids.

Police Departments for the Struggle with Extremism hunt "offenders"

Police Departments for the Struggle with Extremism are recorded in five 2021 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 three individuals offering to sell icons or books online, one individual offering religious materials for sale in a shop, and one individual maintaining a prayer room without state permission.

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).

"Illegal" online sales

At least 17 individuals and 1 company are known to have been prosecuted in 2021 for offering religious books or materials for sale online. This represents a fall in the number of such cases in the previous three years: (29 in 2020 (https://www.forum18.org/archive.php?article_id=2634), 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, other informational materials of religious content and items of religious significance". 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).

The 13 December 2021 court decision in the case of Marina Gubina, who was offering one religious book for sale on Olx.kz, notes: "It was established during the court hearing that Gubina distributed religious literature through the Olx social network, that is via a place not associated with a special stationary premises for distribution of religious literature in accord with a decree of the Akimat [Administration] of Karaganda Region of 24 September 2021 No. 46/1." Karaganda Regional Court overturned the fine on 18 January 2022 because the case had been lodged after the deadline for such cases.

Several other 2021 court decisions include similar wording. "The placing of private announcements on Olx.kz are not among the places specially determined by local executive authorities" for the distribution of religious materials, the 12 April 2021 court decision in the case of Vladimir Savvichev notes.

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 2022.

Destroying books, "harassment" now ending?

Police and other officials often seize religious books and materials when they initiate administrative cases involving religious literature and items. Some court decisions note that the literature and items are to be returned once any fine is paid.

In May 2021 in Aktau, a court ordered four religious books seized from a commercial seller to be confiscated. The court decision did not say what would happen to the books.

In June 2021 a Temirtau court ordered that print-outs of Muslim texts from the internet and flash drives containing religious materials seized from an individual be destroyed. However, no known court decision in 2021 ordered published religious literature to be destroyed.

In three known cases in 2020, courts ordered seized religious books to be destroyed (https://www.forum18.org/archive.php?article_id=2634). In 2019, such court orders to destroy seized religious literature were more common. In one case in Kyzylorda, 29 Muslim books seized from a commercial seller (https://www.forum18.org/archive.php?article_id=2488) were ordered destroyed.

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 handed a Jehovah's Witness a summary fine for sharing her faith (https://www.forum18.org/archive.php?article_id=2634). The woman chose not to appeal. There were no known cases of police use of Article 449 to punish the exercise of freedom of religion or belief in 2021.

Targeting ethnic Dungan Koran teachers

Three Muslims from the ethnic Dungan minority in Kordai District of the southern Zhambyl Region who taught the Koran and Islam to local children were among the six individuals known to have been punished in 2021 for teaching their faith without state permission.

The prosecution of the three brings to 11 the number of ethnic Dungan Muslims from Kordai District punished by Kordai District Court under Administrative Code Article 490 ("Violating the Religion Law") (https://www.forum18.org/archive.php?article_id=2753), Part 3, for teaching children to read the Koran without state permission since August 2018.

Maksat Erezhepov, head of Kordai District Police, denied to Forum 18 in April 2021 (https://www.forum18.org/archive.php?article_id=2652) that there was any "ethnic factor" in the prosecutions.

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 (see below).

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.

Prosecutions continue in 2022

Prosecutions continue in 2022, with three known cases having concluded with punishment so far. A fourth (of Bolat Urazbayev in Nur-Sultan) was closed because it was not filed in time.

- On 14 January, Aktobe Specialised Administrative Court fined Kural Abdualiyev for a sermon of less than 15 minutes he gave by invitation in a mosque in the city on 26 October 2021 without state approval. (The YouTube video of the event has since been removed.) The court fined Abdualiyev 100 Monthly Financial Indicators (MFIs), about 2 months' average wages for those in formal work.

- On 26 January, Atyrau Specialised Administrative Court fined Amanzhan Sidenov for posting Muslim texts on his page on the

Vkontakte social media site. The court fined Sidenov 35 MFIs, about 3 weeks' average wages for those in formal work.

- On 28 January, Zhambyl District Court fined Nursat Galymzhan for posting Muslim texts on his page on the VKontakte social media site. The court fined Galymzhan 50 MFIs, about one month's average wages for those in formal work.

Known 2021 cases

Known administrative cases for exercising freedom of religion and belief in the 2021 calendar year totalled 130 (in comparison to 134 in 2020 (https://www.forum18.org/archive.php?article_id=2634), 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 2021 were:

- 30 (25 individuals (1 twice), 2 schools and 2 charities) for meeting for worship without state permission, hosting such meetings or maintaining places for such meetings (19 in 2020, 37 in 2019, 40 in 2018, 88 in 2017).

- 3 individuals for offering religious materials to others for free without state permission (4 in 2020, 15 in 2019, 10 in 2018, 39 in 2017).

- 18 individuals for offering religious literature, icons or other items for sale without state permission (26 in 2020, 30 in 2019, 34 in 2018, 58 in 2017).

- 18 (17 individuals and 1 company) for offering religious items for sale online without state permission (29 in 2020, 24 in 2019, 18 in 2018, 10 in 2017).

- 40 individuals for posting religious materials online without state permission (28 in 2020, 33 in 2019, 23 in 2018, 12 in 2017).

- 3 individuals for sharing faith with others without state permission (10 in 2020, 8 in 2019, 17 in 2018, 31 in 2017).

- 12 Muslims 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 (one twice) in 2020, 9 in 2019, 21 in 2018, 22 in 2017, the first year such punishments were imposed).

- 6 individuals for teaching their faith to children without state permission (7 in 2020, 4 in 2019, 3 in 2018, 2 in 2017).

A total of 128 of the 130 known 2021 cases were heard in court, while two fines (on Council of Churches Baptists) are known to have been summarily handed down by police (the total number could be higher). In 2020, police are known to have issued 3 such summary fines. In 2019, police are known to have issued 20 such summary fines.

Of the 125 administrative cases known to have been brought against individuals in 2021, 96 were against men and 29 against women. Women represented about half of individuals prosecuted to punish offering religious literature and other items for sale in shops and online.

Two 2021 administrative cases began as criminal cases

Of the 124 known administrative prosecutions against individuals in 2021, at least two began as cases under the Criminal Code. The Criminal Case Article in both cases is not specified in the administrative case court decision.

In earlier years, such initial investigations have mainly been 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).

The regime has particularly used Criminal Code Article 174 cases to jail prisoners of conscience for exercising their freedom of religion and belief (https://www.forum18.org/archive.php?article_id=2532).

The administrative cases in these two 2021 cases were launched when prosecutors decided not to pursue criminal cases.

No individuals are known to have been prosecuted in 2021 for trying to import religious literature without state permission (1 in 2020, 4 in 2019, 0 in 2018, 4 in 2017).

No individuals are known to have been prosecuted in 2021 for allowing children to be present or conducting religious rites against the wishes of one parent (0 in 2020, 1 in 2019, 1 in 2018, 9 in 2017).

No religious communities are known to have been prosecuted in 2021 for "inadequate" security or security measures for their places of worship, for example not having enough video cameras (0 in 2020, 2 in 2019, 2 in 2018, 5 in 2017).

No individuals are known to have been prosecuted in 2021 for failing to pay earlier fines to punish them for exercising the right to freedom of religion or belief without state permission (0 in 2020, 0 in 2019, 2 in 2018, 2 in 2017).

No foreign citizens are known to have been ordered deported in 2021 (0 in 2020, 0 in 2019, 1 in 2018, 2 in 2017).

Exit bans for earlier fines

When individuals fail or refuse to pay fines, their cases are handed to court bailiffs to recover the money. They can order funds to be deducted from wages, seize property in lieu, and ban individuals from leaving the country until a fine is paid. Those who refuse to pay repeated fines can remain on the exit ban list for many years.

Council of Churches Baptists refuse to seek state permission to exercise freedom of religion or belief (as is their right under international human rights commitments). They also refuse to pay fines handed down to punish them for exercising freedom of religion or belief.

Several Council of Churches Baptists who have refused to pay earlier fines for exercising freedom of religion or belief remain on the Justice Ministry list of those banned from leaving the country. Among those on the Justice Ministry list as of 2 February 2022 are:

- Aleksandr Yalfimov from West Kazakhstan Region, banned since 14 November 2013;
- Sergei Krasnov from Oral, banned since 5 July 2017;
- Viktor Nelepin from Oral, banned since 5 July 2017 (plus 2 bans from 24 October 2018);
- Dmitry Isayev from Oral, banned since 24 October 2018;
- Nikolai Novikov from Oral, banned (most recently) since 30 July 2019;
- Eduard Neifeld from Almaty, banned since 23 August 2019;
- Denis Yenenko from North Kazakhstan Region, banned since 20 January 2020.

"I have been continuously banned from leaving Kazakhstan since October 2013," Council of Churches Baptist Nikolai Novikov told Forum 18 from Oral on 1 February 2022. "Of course I want to be able to travel abroad – I haven't been able to visit relatives in Russia. I've received many invitations but haven't been able to go to a single wedding."

Novikov has been repeatedly fined over many years for exercising freedom of religion or belief. However, his current exit ban relates to only one of the fines, handed down in April 2019 (https://www.forum18.org/archive.php?article_id=2532), as the money for at least two other fines was ordered deducted from his wages. The court executor charged with recovering the unpaid fine is the court bailiff in Oral, Kairat Sarsekeyev.

"I went to Sarsekeyev and explained why we don't pay fines because we don't consider them right," Novikov told Forum 18. "He responded that it's all the same to him. 'You're guilty and you must pay,' he told me." Novikov added that bailiffs keep for themselves a percentage of the money they recover, possibly 20 per cent. "The more they force people to pay, the more they get personally."

Sarsekeyev did not answer his phone each time Forum 18 called on 2 February.

"I can't comment on court decisions"

Beimbet Manetov, head of the Department of Law Enforcement Practice in the Field of Religious Activities at the regime's Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2409) (part of the Information and Social Development Ministry) insisted to Forum 18 on 1 February that individuals had to be fined if they break the law. Asked why courts punish individuals for exercising freedom of religion or belief, he responded: "I can't comment on court decisions."

However, Manetov claimed that there had been a "significant fall" in the number of such administrative cases compared to earlier years. "We concentrate more on warnings and explaining the law."

Manetov disputed Forum 18's figure of 129 administrative cases brought in 2021 to punish the exercise of freedom of religion or belief. However, he said he did not have the full figures to hand but offered to provide them. Forum 18 asked him for these figures in writing in the afternoon of 1 February. It had received no response by the end of the working day in Nur-Sultan of 2 February.

Punishments to be reduced, but not abolished?

Beimbet Manetov, head of the Department of Law Enforcement Practice in the Field of Religious Activities, told Forum 18 that the Religious Affairs Committee has completed long-promised draft amendments to Administrative Code Article 490 ("Violating the Religion Law") (https://www.forum18.org/archive.php?article_id=2753). If adopted in current form, these would introduce a warning for a first "offence", with fines only for further "offences". They would also halve the level of the fines.

The Information and Social Development Ministry appears to have prepared these amendments in early 2021 (https://www.forum18.org/archive.php?article_id=2691). Forum 18 has seen an initial text from July 2021.

Manetov claimed that the draft text has been published on the government website for draft laws to allow public scrutiny. Forum 18 could find no publicly available draft text.

The Religious Affairs Committee has sent the amendments to the Justice Ministry, Manetov added. The Justice Ministry is seeking approval for them from other government entities (presumably including the Interior Ministry and the National Security Committee secret police). They will then be sent for approval by the Prime Minister before being sent to Parliament. Manetov gave no timescale for their adoption.

Asked why Administrative Code Article 490 ("Violating the Religion Law") was not being completely abolished, Manetov declined to say. "These are very good amendments and a liberalisation which all support," he claimed.

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Full list of known 2021 administrative prosecutions

The list of known 2021 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: 30

Known convictions: 27

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

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

70 MFI fines (6 weeks' average wages): 2 fines

65 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): 9 fines

Three-month bans on activity: 18 bans

Muslims: 20 (one twice)

Protestants: 2 (both Council of Churches Baptists)

Hare Krishna: 1

Charities: 2

Schools: 2

Unknown faith: 2

Administrative Code Article 490 ("Violating the Religion Law") (https://www.forum18.org/archive.php?article_id=2753), Part 9 punishes "Leadership of an unregistered, halted, or banned religious community or social organisation" with a fine of 100 MFIs.

Administrative Code Article 490 ("Violating the Religion Law") (https://www.forum18.org/archive.php?article_id=2753), 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 ("Violating the Religion Law") (https://www.forum18.org/archive.php?article_id=2753), 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 ("Violating the Religion Law") (https://www.forum18.org/archive.php?article_id=2753), 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 ("Violating the Religion Law") (https://www.forum18.org/archive.php?article_id=2753), 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 ("Violating the Religion Law") (https://www.forum18.org/archive.php?article_id=2753), 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) 8 January 2021

Dmitry Isayev, Council of Churches Baptist

Oral Police

Administrative Code Article 489, without state permission holding a meeting for worship (raided by police)

50 MFI fine

2) 8 January 2021

Vladimir Nelepin, Council of Churches Baptist

Oral Police

Administrative Code Article 489, without state permission holding a meeting for worship (raided by police)

50 MFI fine

3) 14 January 2021

Abdulkarim Khasan, Muslim

Nur-Sultan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, without state permission holding talks on religion

70 MFI fine, overturned on appeal with right to seek compensation for "illegal prosecution"

4) 28 January 2021

Mukhammed Toleu, Muslim

Aktobe Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, and Article 463, Part 1, without state permission maintaining prayer room

65 MFI fine plus 3-month ban on prayer room, though no such prayer rooms are legal

(Toleu was later fined 200 MFIs for a second "offence" – see 25 March below)

5) 25 February 2021

Otyrar, charity

Nur-Sultan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission maintaining prayer room

(Charity denied maintaining prayer room and said agreed visits from state-controlled Muslim Board (https://www.forum18.org/archive.php?article_id=2409) imams had ended.)

200 MFI fine plus 3-month ban on prayer room, though no such prayer rooms are legal

6) 1 March 2021

Dias Gabibullauly, Muslim

Shymkent Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission maintaining prayer room in fitness club

50 MFI fine plus 3-month ban on unspecified activity

7) 17 March 2021

Khakimzhan Valishov, Muslim

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission maintaining prayer room

35 MFI fine plus 3-month ban on unspecified activity

8) 17 March 2021

Erbolat Dzhuguniov, Muslim

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission praying and reading religious literature with Odilzhan Ermetov (see below)

50 MFI fine plus confiscation of 12 books and 10 calendars

9) 18 March 2021

Odilzhan Ermetov, Muslim

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission praying and reading religious literature with Erbolat Dzhuguniov (see above)

50 MFI fine plus 3-month ban on unspecified activity

10) 25 March 2021

Mukhammed Toleu, Muslim

Aktobe Specialised Administrative Court

Administrative Code Article 490, Part 8, for the second time (see above) maintaining prayer room

200 MFI fine

11) 26 March 2021

Osipenko School

Kyzylorda Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, holding roundtable meeting on countering religious extremism and terrorism organised by city Akimat (administration) and addressed by local imam

Acquitted

12) 6 April 2021

Nesipkul Uteshova, unknown faith

Turkistan City Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 4, without state permission turning house into place of worship

50 MFI fine plus 3-month ban on place of worship, though no place of worship without state permission to exist is legal

13) 16 April 2021

Ai-Saf private school

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission maintaining prayer room

200 MFI fine plus 3-month ban on the school's activity

14) 20 April 2021

Daniyarbek Dzhumabayev, Muslim

Shymkent Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission maintaining prayer room in cafe

50 MFI fine plus 3-month ban on prayer room, though no such prayer rooms are legal

15) 20 April 2021

Akingaly Erkebai, Muslim

Shalkar District Court

Administrative Code Article 490, Part 1, Point 1, without state permission organising and leading Friday prayers in no longer registered mosque which he owns

50 MFI fine plus 3-month ban on conducting religious rituals

16) 28 April 2021

Dzhamal Bursalov, Muslim

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission maintaining prayer room in business centre

35 MFI fine plus 3-month ban on unspecified activity

17) 14 May 2021

Aman Zhakselekov, Muslim

Nur-Sultan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission maintaining prayer room (identified by police "Struggle with Extremism Department")

35 MFI fine plus 3-month ban on unspecified activity

18) 27 May 2021

Timur Seitov, Hare Krishna

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission chanting Hare Krishna mantras on the street

50 MFI fine plus 3-month ban on unspecified activity

19) 9 June 2021

Estiyar Pirmakhanbetov, Muslim

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission maintaining prayer room in business centre

35 MFI fine plus 3-month ban on unspecified activity

20) 18 June 2021

Nurbol Omirzakov, unknown faith

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission holding religious meetings in home in June 2020

Case closed as deadline for lodging cases had passed

21) 12 August 2021

Danesh Piltan, Muslim

Taldykorgan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission conducting Muslim marriage ceremony (Piltan is not an imam of the state-controlled Muslim Board (https://www.forum18.org/archive.php?article_id=2409) and the only "offence" being prosecuted was holding a ceremony without state permission)

50 MFI fine

22) 12 August 2021

Akbope Ashimova, Muslim

Shymkent Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, holding lectures on Islam and Arabic in her home, decision says "she did not know that she had to obtain permission from the Spiritual Administration [Muftiate] to do so"

70 MFI fine

23) 16 August 2021

Birlik, charity

Atbasar Town Court

Administrative Code Article 490, Part 1, Point 1, without state permission holding prayers in charity office

200 MFI fine plus 3-month ban on unspecified activity

24) 12 October 2021

Davren Usenbayev, Muslim

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission holding prayers with others in work place on 10 August 2021, the festival of al-Hijra, the Islamic New Year

35 MFI fine plus 3-month ban on unspecified activity

25) 13 October 2021

Samat Tileibergenov, Muslim

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, without state permission holding prayers with others in work place on 10 August 2021, the festival of al-Hijra, the Islamic New Year

35 MFI fine plus 3-month ban on unspecified activity

26) 20 October 2021

Kadyrzhan Kosymbayev, Muslim

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 1, found holding prayers with colleagues at work without state permission on 10 August 2021, the festival of al-Hijra, the Islamic New Year

35 MFI fine plus 3-month ban on unspecified activity

27) 23 November 2021

Sanzhar Zhienbekov, Muslim

Shymkent Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, without state permission holding lectures on Islam and Arabic in his home

100 MFI fine

28) 23 November 2021

Shokhrukh Vakhapov, Muslim

Turkistan Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 4, without state permission adapting his home to hold Koran lessons for women

35 MFI fine

29) 6 December 2021

Erbol Balmukhanov, Muslim

Zhilioi Town Court

Administrative Code Article 490, Part 1, Point 1, without state permission holding prayers with others in car park of work place

35 MFI fine plus 3-month ban on unspecified activity

30) 24 December 2021

Gulzhan Batenova, Muslim

Nur-Sultan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, Anti-Extremism Police found her holding lectures on Islam and Arabic while not registered as a "missionary" with the Religious Affairs Department

70 MFI fine

- Punishing offering free religious materials without state permission

Known administrative cases: 3

Known convictions: 2

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

35 MFI fines (3 weeks' average wages): 1 fine

Three-month bans on activity: 1 ban

Protestants: 1 (Council of Churches Baptist)

Unknown faith: 2

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.

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)18 January 2021

Nikolai Novikov, Council of Churches Baptist

Oral Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, offering religious literature for free on the streets

35 MFI fine, acquitted on appeal, seized literature ordered returned

2) 22 July 2021

Ivan Krylov, unknown faith

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, police found handing out leaflets on streets of Almaty

50 MFI fine plus 3-month ban on unspecified activity

3) 23 November 2021

Yuliya Pak, unknown faith

Kapshagai Town Court

Administrative Code Article 490, Part 1, Point 3, police found offering religious booklets in park

35 MFI fine

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

Known administrative cases: 18

Known convictions: 18

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

35 MFI fines (3 weeks' average wages): 17 fines

Three-month bans on activity: 14 bans

Confiscation of literature: 1 case

Commercial traders: 16

Private seller: 1

Muslim: 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) 2 February 2021

Kumiya Dadanova, commercial seller

Turkistan Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious books for sale in shop

35 MFI fine plus 3-month ban on unspecified activity

2) 17 March 2021

Maksat Dzhamiyev, commercial seller

Zhanaozen Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious book for sale in shop

35 MFI fine plus 3-month ban on unspecified activity

3) 26 March 2021

Darya Porokhnya, commercial seller

Pavlodar Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering one copy of the Koran for sale in shop

(State "expert" analysis deemed it to be religious "with instructions on making the Muslim pilgrimage")

35 MFI fine

4) 22 April 2021

Kopbolsyn Kosybayev, commercial seller

Zhambyl District Court

Administrative Code Article 490, Part 3, without state permission offering Islamic books for sale in kiosk near mausoleum

35 MFI fine plus 3-month ban on unspecified activity

5) 22 April 2021

Nurlan Zhadrayev, commercial seller

Zhambyl District Court

Administrative Code Article 490, Part 3, without state permission offering 20 Islamic books for sale in kiosk near mausoleum

35 MFI fine plus 3-month ban on distributing religious materials

6) 26 April 2021

Zhumagul Turtayeva, commercial seller

Zhambyl District Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering Islamic books for sale in kiosk near mausoleum

35 MFI fine plus 3-month ban on unspecified activity

7) 26 May 2021

Temirlan Mursalim, commercial seller

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering Islamic books for sale on street on the evening of the end of Ramadan

35 MFI fine plus confiscation of 4 books seized from him

8) 27 May 2021

Ardakhgul Murzat, commercial seller

Temirtau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious books for sale in shopping centre kiosk

35 MFI fine

9) 31 May 2021

Baurzhan Shindauletov, commercial seller

Taldykorgan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious books for sale in shop

35 MFI fine plus 3-month ban on unspecified activity

10) 15 June 2021

Al-Mukhammed Makhmut, commercial seller

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious book for sale in shop

35 MFI fine plus 3-month ban on unspecified activity

11) 21 June 2021

Asiya Zhumasheva, commercial seller

Taraz Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious items including books and Koran stands for sale in shop

50 MFI fine (reduced on appeal to 35 MFI fine, but 3-month ban on selling religious materials added at appeal)

12) 13 July 2021

Dastan Tulebayev, commercial seller

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering Islamic books and materials for sale in shop called "Muslim Shop"

140 MFI fine (reduced to 35 MFI fine on appeal) plus 3-month ban on selling religious literature

13) 29 July 2021

Nurlan Kazhemanov, commercial seller

Taldykorgan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering Islamic books for sale in kiosk near mosque (said had verbal permission from imam) and on Instagram

35 MFI fine plus 3-month ban on unspecified activity

14) 24 August 2021

Rysgul Agiyan, commercial seller

Taldykorgan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering Muslim books for sale in shop

35 MFI fine plus 3-month ban on unspecified activity

15) 25 August 2021

Aidana Ismagulova, commercial seller

Taldykorgan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious books for sale in shop (identified by the police "Struggle with Extremism Department")

35 MFI fine plus 3-month ban on unspecified activity

16) 15 September 2021

Rustam Turakhanov, private seller

Nur-Sultan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious books for sale from car

35 MFI fine

17) 9 December 2021

Nauryzbai Amanbayev, Muslim

Shalkar Town Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering Muslim books for sale in mosque and on street

50 MFI fine plus 3-month ban on distributing religious literature

18) 30 December 2021

Akmaral Erzhanova, commercial seller

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering e-books on praying the namaz for sale in shop

35 MFI fine plus 3-month ban on unspecified activity

- Punishing offering religious literature, items for sale online

Known administrative cases: 18

Known convictions: 17

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

50 MFI fines (1 month's average wage): 3 fines

35 MFI fines (3 weeks' average wages): 11 fines

Verbal reprimands: 2 reprimands

Three-month bans on activity: 8 bans

Private sellers: 17

Company: 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) 5 January 2021

Boris Levchenko, seller

Oskemen Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering one metal cross for sale online

35 MFI fine plus 3-month ban on unspecified activity

2) 6 January 2021

Askhat Kenesbayev, seller

Ekibastuz Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering one Koran inherited from mother for sale online (State "expert" analysis (https://www.forum18.org/archive.php?article_id=2409) found the Koran was religious and belonged to the Muslim faith)

35 MFI fine

3) 14 January 2021

Alyona Aidina, seller

Pavlodar Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering one Koran for sale online

35 MFI fine

4) 12 February 2021

Vladimir Kolominsky, seller

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering one Koran for sale online

35 MFI fine

5) 6 April 2021

Kuatbek Suraganov, seller

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering book and electronic tutor on how to pray the namaz for sale online

35 MFI fine plus 3-month ban on distributing religious materials

6) 12 April 2021

Vladimir Savvichev, seller

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering 9 "The Bible for the Very Young" vinyl records for sale online

50 MFI fine plus 3-month ban on unspecified activity

7) 4 May 2021

Veronika Bezborodova, seller

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering two Bible books for sale online (State "expert" analysis (https://www.forum18.org/archive.php?article_id=2409) found that the Bible books were religious)

50 MFI fine (reduced to 35 MFI fine on appeal) plus 3-month ban on unspecified activity

8) 20 May 2021

Sabira Bakitova, seller

Nur-Sultan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering one book on Orthodox icons for sale online

Verbal reprimand

9) 20 May 2021

Anna Yakushonok, seller

Nur-Sultan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering one book "An Orthodox church" for sale online

Verbal reprimand

10) 7 June 2021

Aleksandr Novikov, seller

Oskemen Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering one icon of the Mother of God inherited from grandmother for sale online (discovered by the police "Struggle with Extremism Department")

35 MFI fine

11) 24 June 2021

Anar Kuanyshova, seller

Aktobe Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering two Muslim books (one of them an e-book) for sale online

50 MFI fine plus 3-month ban on unspecified activity

12) 25 June 2021

Olga Belokrys, seller

Oskemen Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering one icon of the Mother of God for sale online (discovered by the police "Struggle with Extremism Department")

35 MFI fine

13) 13 July 2021

Sergei Ogonkov, seller

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering one Children's Bible for sale online (State "expert" analysis (https://www.forum18.org/archive.php?article_id=2409) found its distribution in Kazakhstan was not banned)

35 MFI fine

14) 2 September 2021

Edige Kunzharikov, seller

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering one Arabic-language book on the Koran for sale online

35 MFI fine plus 3-month ban on unspecified activity

15) 6 October 2021

Yelena Tertychnaya, seller

Balkhash Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering one antiquarian copy of the Koran for sale online (State "expert" analysis (https://www.forum18.org/archive.php?article_id=2409) found it "did not contain signs of extremism or terrorism and did not contradict Kazakhstan's laws")

35 MFI fine

16) 13 October 2021

Altyn Parak, company

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering religious books for sale online

200 MFI fine plus 3-month ban on selling religious literature

17) 13 December 2021

Yuliya Yefremova, seller

Ekibastuz Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, without state permission offering books on "non-traditional Islam" for sale online on Instagram account (police seized books from her home)

35 MFI fine plus 3-month ban on unspecified activity

18) 13 December 2021

Marina Gubina, seller

Balkhash Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, police "Struggle with Extremism Department" found her without state permission offering for sale online on Olx.kz one copy of the Russian translation of the book "Sons and Daughters of God" by Ellen White, a founder of the Seventh-day Adventist Church ("expert analysis" found it not to contain "signs of extremism or terrorism")

35 MFI fine, overturned on appeal

- Punishing posting religious materials online without state permission

Known administrative cases: 40

Known convictions: 37

Initial criminal cases: 2 cases

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): 9 fines

35 MFI fines (3 weeks' average wages): 24 fines

14 MFI fines (1 week's average wages): 2 fines

Three-month bans on activity: 19 bans

Acquitted/case closed: 3 cases

Muslims: 30

Jehovah's Witness: 1

Unknown faith: 9

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) 19 January 2021

Almaz Dyusenov, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posting "non-traditional" Islamic materials in Kazakh and Arabic on his Instagram account, which had 5 followers

35 MFI fine plus 3-month ban on unspecified activity

2) 16 February 2021

Gulmira Aituganova, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted quotes from the Koran on her VKontakte page ("expert analysis" found the verses were not "extremist" and not banned from use and distribution)

35 MFI fine plus 3-month ban on unspecified activity

3) 16 February 2021

Medet Dosanov, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted Islamic video and audio materials on his VKontakte page ("expert analysis" found the material was not "extremist" and not banned from use and distribution)

35 MFI fine plus 3-month ban on unspecified activity

4) 22 February 2021

Shamil Dzhakhparov, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted "non-traditional" Islamic videos on his Instagram account ("expert analysis" found the material was not "extremist" and not banned from use and distribution)

35 MFI fine plus 3-month ban on unspecified activity

5) 26 February 2021

Asylbek Kanatov, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted verses from the Koran on his VKontakte page

35 MFI fine plus 3-month ban on unspecified activity

6) 4 March 2021

Bolat Ensepov, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted religious material on his Instagram account

35 MFI fine plus 3-month ban on unspecified activity

7) 18 March 2021

Nariman Nurgali, unknown faith

Satpayev Town Court

Administrative Code Article 490, Part 3, posted religious material on his VKontakte page (court decision said in one place some items had been declared "extremist", but in rest of verdict said they had "not been recommended for distribution in Kazakhstan")

100 MFI fine

8) 29 March 2021

Nazary Sadovin, Muslim

Temirtau Specialised Administrative Court

Administrative Code Article 490, Part 3, posted religious material on his VKontakte page

70 MFI fine (Prosecutor's Office appeal that Sadovin's actions had been mischaracterised as "missionary activity" rejected as appeal filed too late)

9) 19 April 2021

Kuanish Manabayev, Muslim

Shymkent Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted religious audio and video recordings on his VKontakte page

50 MFI fine (though court's miscalculation put it at 46.6 MFIs), plus 3-month ban on unspecified activity

10) 27 April 2021

Arken Mamaraziyev, Muslim

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, police found him posting audio recordings on his VKontakte page

50 MFI fine plus 3-month ban on unspecified activity

11) 28 April 2021

Murat Adilbekov, unknown faith

Shymkent Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted audio and video recordings and photos on VKontakte page

50 MFI fine plus 3-month ban on unspecified activity

12) 29 April 2021

Almasbek Alibekov, unknown faith

Shymkent Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted 128 audio-recordings on VKontakte page

50 MFI fine plus 3-month ban on unspecified activity

13) 25 May 2021

Darzhan Kudaibergenov, unknown faith

Balkhash Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted audio-recording on VKontakte page

35 MFI fine

14) 31 May 2021

Anara Musalimova, unknown faith

Pavlodar Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted audio-recordings on VKontakte page for personal use

Case closed, as not filed within the deadline

15) 10 June 2021

Nurlan Abdikarimov, Muslim

Temirtau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3 (after criminal investigation closed), distributed Muslim texts online

35 MFI fine plus destruction of print-outs of texts and flash drives

16) 22 June 2021

Kuandyk Karasayev, Muslim

Kyzylkoga District Court

Administrative Code Article 490, Part 1, Point 3, police found that he had posted religious texts on his Instagram account

35 MFI fine plus 3-month ban on unspecified activity

17) 13 July 2021

Zhadira Tazhiyeva, Muslim

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, shared one Islamic lecture on her VKontakte page

35 MFI fine

18) 27 July 2021

Erlan Nurtoreyev, Muslim

Beineu District Court

Administrative Code Article 490, Part 1, Point 3, shared on his VKontakte page one Islamic lecture which officials said a court had banned

35 MFI fine plus 3-month ban on unspecified activity

19) 2 August 2021

Beibitbek Khairzhanov, Muslim

Beineu District Court

Administrative Code Article 490, Part 1, shared on his VKontakte page one Islamic lecture (which a court had banned as "extremist" in 2018, though Khairzhanov was punished solely for distributing unapproved religious material)

50 MFI fine plus 3-month ban on unspecified activity

20) 12 August 2021

Batyrbek Turlan, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted Islamic recordings on his VKontakte page

35 MFI fine plus 3-month ban on unspecified activity

21) 23 August 2021

Asel Kzylova, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 453, Part 2, Anti-Extremism Police found her posting audio and video-recordings and photos of Muslim preacher Daryn Mubarov on her VKontakte page

14 MFI fine

22) 25 August 2021

Erken Akanov, Muslim

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police found him distributing religious texts downloaded from YouTube to friends on WhatsApp

35 MFI fine (with copy of decision to be sent to police)

23) 31 August 2021

Omirbek Baidibek, Muslim

Nur-Sultan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted religious materials on VKontakte page

35 MFI fine plus 3-month ban on unspecified activity

24) 31 August 2021

Ivan Kolyshkin, Muslim

Saran City Court

Administrative Code Article 490, Part 1, Point 3, posted religious video on his Instagram account

50 MFI fine

25) 6 September 2021

Nadir Akhverdiyev, Muslim

Karaganda Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, distributed recordings which "differ from the tendency of Islam followed in Kazakhstan" downloaded from YouTube to friends on Instagram

35 MFI fine

26) 28 September 2021

Timur Bokayev, unknown faith

Aktau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted religious texts online 7 years earlier

35 MFI fine plus 3-month ban on unspecified activity

27) 5 November 2021

Kairat Bisengazyev, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted Muslim texts online

35 MFI fine plus 3-month ban on unspecified activity

28) 10 November 2021

Samarkhan Zhakhin, Muslim

Ayrtau District Court

Administrative Code Article 490, Part 1, Point 3, posted video recordings on Instagram account

50 MFI fine

29) 11 November 2021

Kuandyk Mandibayev, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted audio and video recordings online

35 MFI fine plus 3-month ban on unspecified activity

30) 6 December 2021

Ordabai Kansultan, Muslim

Aktobe Specialised Administrative Court

Administrative Code Article 490, Part 3, Police found videos on Instagram showing him conducting religious rituals (he said he did not himself post them online)

Case closed, as not filed within the deadline

31) 7 December 2021

Dulat Ayazhanov, unknown faith

Petropavl Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Anti-Extremism Police found religious texts on his VKontakte page

35 MFI fine

32) 9 December 2021

Ramil Sedayev, Muslim

Kostanai Specialised Administrative Court

Administrative Code Article 490, Part 1, posted audio lectures on his VKontakte page "five years earlier for his personal use"

14 MFI fine

33) 9 December 2021

Farida Tulesheva, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted Islamic texts on her VKontakte page

35 MFI fine

34) 10 December 2021

Amanbek Khamitov, Muslim

Atyrau Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, posted verses from the Koran and texts on prayer online

35 MFI fine

35) 21 December 2021

Svetlana Idenova, Jehovah's Witness

Oral Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, Police found her sharing QR code linking to texts on the Jehovah's Witness website on WhatsApp (Religious Affairs Committee said on 14 June 2019 that a QR code does not constitute "religious material")

Acquitted

36) 22 December 2021

Khusan Niyozov, unknown faith

Zhilioi Town Court

Administrative Code Article 490, Part 1, Point 3, police found him posting religious videos on his Instagram account

35 MFI fine plus 3-month ban on distributing religious materials

37) 22 December 2021

Sungat Zhunusov, Muslim

Karaganda Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, police found he had posted materials by Muslim preacher Kuanysh Bashpayev (banned by a court as "extremist" in 2017) on his Odnoklassniki page in or before January 2020

35 MFI fine

38) 23 December 2021

Samat Zhailaubayev, Muslim

Administrative Code Article 490, Part 1, Point 3, posted a photo and videos from the state-controlled Muslim Board on his VKontakte page

35 MFI fine

39) 28 December 2021

Beksultan Urazbayev, Muslim

Mamlyut District Court

Administrative Code Article 490, Part 1, Point 3 (initial criminal case closed), police found him posting images and videos on his Instagram account and audio recordings and images on his VKontakte page

50 MFI fine

40) 29 December 2021

Samat Kulchikov, unknown faith

Munaily Town Court

Administrative Code Article 490, Part 1, Point 3, posted religious materials on VKontakte page

50 MFI fine

- Punishing sharing faith without state permission

Known administrative cases: 3

Known convictions: 0

Acquittals: 3

Jehovah's Witnesses: 3

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) 3 June 2021

Olesya Vorobyeva, Jehovah's Witness

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 1, Point 3, sending religious messages to villagers by post

Acquitted

2) 28 June 2021

Saltanat Raimbayeva, Jehovah's Witness

Nur-Sultan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, sending religious messages to villagers by post

Acquitted

3) 29 June 2021

Rakhatbai Ermanov, Jehovah's Witness

Nur-Sultan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, sending religious messages to villagers by post

Acquitted

- Punishing violating mosques' internal rules

Known administrative cases: 12

Known convictions: 12

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

35 MFI fines (3 weeks' average wages): 10 fines

Muslims: 12

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) 12 January 2021

Azat Tursynbayev, Muslim

Karakiya District Court

Administrative Code Article 490, Part 2, saying the word Amen during prayers in mosque

50 MFI fine

2) 28 January 2021

Ali Kartbayev, Muslim

Kyzylkoga District Court

Administrative Code Article 490, Part 2, saying the word Amen during prayers in mosque

35 MFI fine

3) 28 January 2021

Muratbek Tolegenov, Muslim

Kyzylkoga District Court

Administrative Code Article 490, Part 2, saying the word Amen during prayers in mosque

35 MFI fine

4) 28 January 2021

Iliyas Duisen, Muslim

Kyzylkoga District Court

Administrative Code Article 490, Part 2, saying the word Amen during prayers in mosque

35 MFI fine

5) 4 February 2021

Nurbolat Suyegenov, Muslim

Inder District Court

Administrative Code Article 490, Part 2, saying the word Amen during prayers in mosque

35 MFI fine

6) 1 June 2021

Makhmud Zhusupbekov, Muslim

Kyzylorda Specialised Administrative Court

Administrative Code Article 490, Part 2, saying the word Amen during prayers in mosque

35 MFI fine

7) 16 July 2021

Aziz Ainabekov, Muslim

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 2, saying the word Amen during prayers in mosque

35 MFI fine

8) 19 July 2021

Almas Saparov, Muslim

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 2, saying the word Amen during prayers in mosque

35 MFI fine

9) 17 September 2021

Farkhat Zhazybayev, Muslim

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 2, saying the word Amen during prayers in mosque

35 MFI fine

10) 18 October 2021

Smagul Tulekov, Muslim

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 2, saying the word Amen during prayers in mosque

50 MFI fine

11) 22 October 2021

Akhmet Kaliyev, Muslim

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 2, saying the word Amen during prayers in mosque

35 MFI fine

12) 3 November 2021

Tattibek Sattarov, Muslim

Almaty Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 2, saying the word Amen during prayers in mosque

35 MFI fine

- Punishing religious teaching of children without state permission

Known administrative cases: 6

Known convictions: 6

100 MFI fines (2 months' average wages): 3 fines

70 MFI fines (6 weeks' average wages): 2 fines

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

Muslims: 5

Unknown faith: 1

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) 19 January 2021

Sherba Yuburov, Muslim

Kordai District Court

Administrative Code Article 490, Part 3, without state permission teaching Koran to children

100 MFI fine

2) 15 March 2021

Kharsan Yasyrov, Muslim

Kordai District Court

Administrative Code Article 490, Part 3, without state permission teaching Koran to children

100 MFI fine

3) 29 March 2021

Nursultan Aldiyarov, Muslim

Arkalyk Town Court

Administrative Code Article 490, Part 3, without state permission teaching Koran, prayers and Arabic to children

50 MFI fine

4) 12 July 2021

Kelir Nusyrov, Muslim

Kordai District Court

Administrative Code Article 490, Part 3, prosecutors and police found him without state permission teaching the Koran to children

100 MFI fine

5) 2 September 2021

Razhabai Kazakhov, unknown faith

Astrakhan District Court

Administrative Code Article 490, Part 3, police found him without state permission teaching religion to children

70 MFI fine

6) 14 September 2021

Baidaulet Baatar, Muslim

Nur-Sultan Inter-District Specialised Administrative Court

Administrative Code Article 490, Part 3, without state permission teaching Islam, Koran and prayers to children at charity offices

70 MFI fine

(END)

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

For background information, see Forum 18's Kazakhstan religious freedom survey (https://www.forum18.org/archive.php?article_id=2753)

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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